

Borough Council of  
**King's Lynn &  
West Norfolk**



# **Licensing and Appeals Board**

## **Agenda**

**Wednesday, 2nd May, 2018**  
at 4.00 pm

in the

**Council Chamber  
Town Hall  
Saturday Market Place  
King's Lynn**





**King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX**  
**Telephone: 01553 616200**  
**Fax: 01553 691663**

Tuesday, 24 April 2018

Dear Member

**Licensing and Appeals Board**

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Wednesday, 2nd May, 2018 at 4.00 pm** in the **Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ** to discuss the business shown below.

Yours sincerely

Chief Executive

**AGENDA**

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Minutes from the Previous Meetings (Pages 5 - 38)**

To approve the Minutes from the following meetings as a correct record.

7<sup>th</sup> March 2017

22<sup>nd</sup> March 2017

13<sup>th</sup> April 2017

17<sup>th</sup> May 2017, 10.00am

17<sup>th</sup> May 2017, 11.30am

17<sup>th</sup> May 2017, 1.30pm

24<sup>th</sup> May 2017, 12.00pm

24<sup>th</sup> May 2017, 1.30pm

8<sup>th</sup> November 2017

21<sup>st</sup> November 2017

25<sup>th</sup> January 2018

1<sup>st</sup> March 2018  
4<sup>th</sup> April 2018  
24<sup>th</sup> April 2018 (to follow)

A separate document providing details of the Hearings has been sent to Members.

**3. Items of Urgent Business**

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

**4. Declarations of Interest**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

**5. Members Present Under Standing Order 34**

**6. Chairmans Correspondence**

**7. Draft Licensing Protocol (Pages 39 - 44)**

To comment on the draft protocol.

**8. Any Other Business**

**9. Date of the next meeting**

A Full meeting of the Licensing Committee will immediately follow this meeting.

To:

**Licensing and Appeals Board:** A Bubb, C J Crofts, Mrs S Fraser, M Hopkins (Vice-Chairman), C Manning, T Parish, C Sampson, Miss S Sandell, M Taylor, T Tilbrook, D Tyler (Chairman), D Whitby, A White, Mrs M Wilkinson and Mrs S Young

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on Tuesday, 7th March, 2017 at 4.00 pm in the Committee Suite, King's Court, Chapel Street, King's Lynn**

**PRESENT:** Councillors L Bambridge, A Bubb, C J Crofts, T Parish, C Sampson, Mrs S Squire, Councillor Tim Tilbrook, D Tyler, D Whitby and A White.

**1        APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Buck, Hopkins and Sandell.

**2        MINUTES FROM PREVIOUS HEARINGS FOR SIGNATURE**

**RESOLVED:** The minutes from the following meetings were agreed as a correct record and signed by the Chairman:

10<sup>th</sup> September 2015  
 22<sup>nd</sup> October 2015  
 10<sup>th</sup> November 2015, 10.00am  
 10<sup>th</sup> November 2015, 11.15am  
 9<sup>th</sup> February 2016  
 18<sup>th</sup> April 2016  
 29<sup>th</sup> July 2016  
 11<sup>th</sup> November 2016  
 13<sup>th</sup> December 2016, 10.00am  
 13<sup>th</sup> December 2016, 12.00pm  
 20<sup>th</sup> December 2016  
 8<sup>th</sup> February 2017  
 15<sup>th</sup> February 2017.

**3        DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4        ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

**5        MEMBERS PRESENT UNDER STANDING ORDER 34**

None.

6 **CHAIRMAN'S CORRESPONDENCE**

The Chairman informed the Board that he had received correspondence from a member of the public and had passed it onto the relevant officers.

7 **LICENSING MANAGERS REPORT**

The Board were referred to the schedule of Hearings which had been circulated to Members in advance of the Meeting. The Board was advised that an informal training session for Members would take place after the meeting.

8 **ANY OTHER BUSINESS**

There was none.

9 **DATE OF THE NEXT MEETING**

To be scheduled as required.

**The meeting closed at 4.05 pm**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on Wednesday, 22nd March, 2017 at 10.00 am in the Committee Suite, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX**

**PRESENT:** Councillor D Tyler (Chairman), C Sampson and D Whitby.

**OFFICERS:**

John Gilbraith – Licensing Manager

Cara Jordan – Legal Advisor

Rebecca Parker – Democratic Services Officer

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4 **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

5 **REVIEW OF COMBINED DRIVERS LICENCE**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to review a Combined Drivers Licence and Private Hire Operators Licence. He introduced the Panel Members, Officers and Legal Advisor.

The Licence Holder's representative and the Licence Holder introduced themselves. They confirmed that they would be calling one witness. The witness introduced themselves and remained in the Hearing whilst the procedure was outlined.

The Licensing Manager informed those present that he would be calling two witnesses. The witnesses introduced themselves and remained in the Hearing whilst the procedure was outlined.

6 **PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

The three witnesses left the Hearing.

7 **REPORT OF THE LICENSING MANAGER**

At the request of the Chairman, the Licensing Manager presented his report. He explained that the matter before the Panel was to review a Combined Drivers Licence and Private hire Operators Licence. He explained that the Hearing had originally been scheduled to take place on 8<sup>th</sup> March 2017, but the Licence Holder's representative had requested an adjournment, which had been granted.

The Licensing Manager called two witnesses. The witnesses responded to questions from the Licensing Manager, the Licence Holder's representative and Members of the Panel.

The witnesses left the Hearing.

The Licensing Manager outlined historical matters on the Licence Holder's record.

The Licensing Manager responded to questions from the Licence Holder's representative. There were no questions from the Panel.

8 **LICENCE HOLDER'S CASE**

The Licence Holder's representative presented his case. The Licence Holder provided detail of the complaint and historic matters.

The Licence Holder's representative called his witness. The witness responded to questions from the Licence Holder's representative, the Licensing Manager and Members of the Panel.

The witness left the Hearing.

The Licence Holder's representative and the Licence Holder responded to questions from the Licensing Manager and Members of the Panel.

9 **SUMMING UP - LICENSING MANAGER**

The Licensing Manager summed up his case. He reminded the Panel that they needed to consider the Licence Holder's continued suitability to hold a Combined Drivers Licence and Private Hire Operators Licence. He reminded the Panel that full reasons for their decision must be given as there was a right of appeal to the Magistrates Court.

10 **SUMMING UP - LICENCE HOLDER**

The Licence Holder summed up his case.

11 **LEGAL ADVICE**

The Legal Advisor reminded the Panel that they needed to consider if the Licence Holder continued to be fit and proper to operate and drive a taxi. She explained that they needed to consider the written and verbal submissions provided at the Hearing and that the Panel's main consideration should be the protection of the public.

12 **DECISION**

The Decision of the Panel was read out.

**The meeting closed at 12.16 pm**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK****LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on Thursday, 13th April, 2017 at 10.00 am in the Committee Suite, King's Court, Chapel Street, King's Lynn**

**PRESENT:** Councillor D Tyler (Chairman)  
M Hopkins and C Sampson.

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4 **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

5 **APPLICATION FOR A COMBINED DRIVERS LICENCE**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to consider an application for a Combined Drivers Licence. He introduced the Panel Members, Officers and Legal Advisor.

The Applicant, who was accompanied by his wife introduced himself.

6 **PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

7 **REPORT OF THE LICENSING MANAGER**

At the request of the Chairman, the Licensing Manager presented his report. He explained that the report was for Members to consider and determine whether the applicant was a fit and proper person to hold a combined drivers licence. The Licensing Manager provided the Panel with information about the Applicant.

There were no questions to the Licensing Manager.

8 **APPLICANT'S CASE**

The Applicant presented his case and responded to questions from the Licensing Manager, the Panel and the Legal Advisor.

9 **SUMMING UP - LICENSING MANAGER**

The Licensing Manager summed up his case. He referred to his report and the representations put forward at the Hearing. He reminded those present that under Section 51(1)(a) and 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 that the Borough Council should not grant a licence to drive a hackney carriage or private hire vehicle unless they were satisfied that the applicant was a fit and proper person to hold such a licence.

He explained that the overriding reason for hackney carriage and private hire licensing was public safety and the Borough Council achieved this by setting standards for drivers, vehicles and operators. In relation to drivers, the Panel was made aware that any matter could be taken into consideration when determining fit and proper.

He requested that the Panel consider the report, including submissions put forward by the Applicant at the Hearing and dispose of the matter by either granting or refusing the licence.

10 **SUMMING UP - APPLICANT**

The Applicant summed up his case.

11 **LEGAL ADVICE**

The Legal Adviser provided advice to the Panel.

12 **DECISION**

The decision of the Panel was read out.

**The meeting closed at 12.11 pm**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on  
Wednesday, 17th May, 2017 at 10.00 am in the Committee Suite, King's  
Court, Chapel Street, King's Lynn, Norfolk**

**PRESENT:** Councillors C J Crofts, T Tilbrook and A White

**OFFICERS:**

Cara Jordan – Legal Advisor

Marie Malt – Senior Licensing Enforcement Officer

**1        APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2        ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

**3        DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4        EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

**5        REVIEW OF COMBINED DRIVERS LICENCE**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to review a Combined Drivers Licence. He introduced the Panel Members, Officers and Legal Advisor.

The Licence Holder introduced himself.

**6        PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE  
HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

7 **REPORT OF THE SENIOR LICENSING ENFORCEMENT OFFICER**

At the request of the Chairman, the Senior Licensing Enforcement Officer presented her report. She explained that the report was for Members to review a Combined Drivers Licence as a result of the Licence Holder accruing points on their DVLA Licence and breaching conditions for failing to notify the Council within the required timeframe. The Senior Licensing Enforcement Officer provided the Panel with information about the review.

The Senior Licensing Enforcement Officer responded to questions from the Panel.

8 **LICENCE HOLDERS CASE**

The Licence Holder presented his case and responded to questions from the Senior Licensing Enforcement Officer and the Panel.

9 **SUMMING UP - SENIOR LICENSING ENFORCEMENT OFFICER**

The Senior Licensing Enforcement Officer summed up her case. She referred to her report and the representations put forward at the Hearing. She requested that the Panel consider the report, including submissions put forward by the Licence Holder and dispose of the matter by using one of the methods as set out in the report.

10 **SUMMING UP - LICENCE HOLDER**

The Licence Holder summed up his case.

11 **LEGAL ADVICE**

The Legal Advisor provided advice to the Panel.

12 **DECISION**

The Decision of the Panel was read out.

**The meeting closed at 10.40 am**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on Wednesday, 17th May, 2017 at 11.30 am in the Committee Suite, King's Court, Chapel Street, King's Lynn, Norfolk**

**PRESENT:** Councillors C J Crofts, T Tilbrook and A White

**OFFICERS:**

Cara Jordan – Legal Advisor

Marie Malt – Senior Licensing Enforcement Officer

**1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2 ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

**5 APPLICATION FOR A COMBINED DRIVERS LICENCE**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to consider an application for a Combined Drivers Licence. He introduced the Panel Members, Officers and Legal Advisor.

The Applicant introduced himself and was accompanied by a Member of the trade who indicated he was acting as a reference.

**6 PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

7 **REPORT OF THE SENIOR LICENSING ENFORCEMENT OFFICER**

At the request of the Chairman, the Senior Licensing Enforcement Officer presented her report. She explained that the report was for Members to consider an application for a Combined Drivers Licence following matters disclosed on the Disclosure and Barring Service disclosure. The Panel were provided with detail of the disclosures.

8 **APPLICANTS CASE**

The Applicant presented his case and provided detail of the disclosures. The Applicant and the Member of the trade responded to questions from the Senior Licensing Enforcement Officer, the Panel and the Legal Advisor.

9 **SUMMING UP - SENIOR LICENSING ENFORCEMENT OFFICER**

The Senior Licensing Enforcement Officer summed up her case. She referred to her report and the representations put forward at the Hearing. She requested that the Panel consider the report, including submissions put forward by the Applicant and dispose of the matter by either granting or refusing the application.

10 **SUMMING UP - APPLICANT**

The Applicant summed up his case.

11 **LEGAL ADVICE**

The Legal Advisor provided advice to the Panel.

12 **DECISION**

The Decision of the Panel was read out.

**The meeting closed at 12.50 pm**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on Wednesday, 17th May, 2017 at 1.30 pm in the Committee Suite, King's Court, Chapel Street, King's Lynn, Norfolk**

**PRESENT:** Councillors C J Crofts, Councillor T Tilbrook and A White

**OFFICERS:**

Alexa Baker – Legal Advisor

Marie Malt – Senior Licensing Enforcement Officer

**1 APOLOGIES FOR ABSENCE**

The Licence Holder had, prior to the Hearing, notified the Borough Council that they were unable to attend the Hearing today. The Panel decided to consider the review in his absence.

**2 ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

**5 REVIEW OF COMBINED DRIVERS LICENCE**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to consider a review of a Combined Drivers Licence. He introduced the Panel Members, Officers and Legal Advisor.

The Panel noted that the Licence Holder was not present at the Hearing.

6        **PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE  
HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

7        **REPORT OF THE SENIOR LICENSING ENFORCEMENT OFFICER**

At the request of the Chairman, the Senior Licensing Enforcement Officer presented her report. She explained that the report was for Members to review a Combined Drivers Licence as a result of him accruing points on his DVLA driving licence and for breaching licensing conditions. The Panel were also informed that the Licensed Driver had been brought before the Panel on one previous occasion.

The Senior Licensing Enforcement Officer responded to questions from the Panel.

8        **LICENCE HOLDERS CASE**

The Licence Holder was not present at the Hearing.

9        **SUMMING UP - SENIOR LICENSING ENFORCEMENT OFFICER**

The Senior Licensing Enforcement Officer summed up her case. She referred to her report and requested that the Panel consider the report, including submissions put forward at the Hearing and dispose of the matter by using one of the methods as set out in the report.

10       **SUMMING UP - LICENCE HOLDER**

The Licence Holder was not present at the Hearing.

11       **DECISION**

The Decision of the Panel was read out and it was confirmed that a copy of the decision would be emailed to the Licence Holder after the Hearing.

**The meeting closed at 1.45 pm**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on  
Wednesday, 24th May, 2017 at 12.00 pm in the Card Room, Town Hall,  
Saturday Market Place, King's Lynn**

**PRESENT:** Councillors C J Crofts, T Parish and C Sampson

**OFFICERS:**

|                |   |                             |
|----------------|---|-----------------------------|
| John Gilbraith | - | Licensing Manager           |
| Noel Doran     | - | Legal Advisor               |
| Kathy Wagg     | - | Democratic Services Officer |

**1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2 ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 DEPARTURE FROM LICENSING CONDITIONS AND PROCEDURES  
IN RESPECT OF PRIVATE HIRE SIGNAGE**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to consider an application to depart from Licensing Conditions and Procedures in respect of Private Hire Signage. He introduced the Panel Members, Officers and Legal Advisor.

The Licence Holder introduced himself.

**5 PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE  
HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

**6 REPORT OF THE LICENSING MANAGER**

The Panel adjourned at 12.06 pm to inspect the vehicle and reconvened at 12.14 pm.

At the request of the Chairman, the Licensing Manager presented his report.

The Licensing Manager explained that Mr Steven O'Donnell had licensed a Tesla Model S electric car as a private hire vehicle. This was granted on the 17<sup>th</sup> February 2017 and was allocated licence number PV0039. The vehicle was first registered with the DVLA on the 15<sup>th</sup> February 2017 and carried the vehicle registration number J12 RMO.

Mr O'Donnell was applying for the vehicle to be exempt from the requirement of Condition 5.2 on the basis that his vehicle would be primarily be used for executive, weddings, airports and Park House Holiday transfers. The Licensing Manger outlined Conditions 5.2 and 5.3 of the Borough Council's Hackney Carriage and Private Hire Licensing Procedures and Conditions as detailed within the report.

The requirement for private hire signage was approved by Full Council on 22 January 2009.

There were no questions to the Licensing Manager from the Licence Holder.

There were no questions from the Panel.

## 7 **THE LICENCE HOLDER'S CASE**

The Chairman invited the Licence Holder to present his case.

The Licence Holder explained that consideration had been given to both options of special events licence or private hire and decided to go down the route of private hire but the vehicle would primarily be used for executive, weddings, airports and Park House Holiday transfers. He decided to choose private hire as the vehicle would not have been able to be used for any other work if it was plated as special events.

The Licence Holder answered questions from the Licensing Manager and Members of the Panel.

## 8 **SUMMING UP - THE LICENSING MANAGER**

The Licensing Manager summed up his case.

He explained that the conditions imposed were matters of policy from which the Panel could deviate but that any reason for deviation needed to be robust so as to avoid setting a precedent.

He requested that the Panel considered the report, including any submissions put forward by the Licence Holder and dispose of the matter by either allowing the request or rejecting the request.

## 9 **SUMMING UP - THE LICENCE HOLDER**

The Licence Holder summed up his case. He explained that the application was for just this vehicle and he complied with all other conditions.

He stated that he would give consideration to changing to a special event licence once it became viable.

## 10 **OUTSTANDING MATTERS**

The Legal Advisor informed the Panel that there were no outstanding matters to address.

## 11 **REACHING A DECISION**

The Panel retired to consider its decision in private, accompanied by the Democratic Services Officer and the Legal Advisor on specific points of law.

## 12 **DECISION**

The Panel has considered the evidence in the report and the oral evidence today put forward at the Hearing. In particular, the Panel notes that the licensed vehicle is the first all-electric vehicle licensed in West Norfolk and is being promoted as a luxury executive vehicle that does not damage the environment.

Balanced against that, the Panel is conscious of the public safety reasons for imposing the signage requirement on private hire vehicles.

The Panel does not believe that conditions imposed as matter of policy should restrict the use and development of innovative technology for 'special event' and other use at the higher end of the private hire market. The Panel is also supportive of the specific contribution the licensed vehicle makes to the reduction of pollution in the Borough.

Taking into account the exceptional nature of the licensed vehicle, the over-estimation of private hire submitted in the application and the stated intention of the applicant to convert to a special event licence as and when such use becomes viable and sustainable, the Panel GRANTS the applicant's request for an exemption from the Council's conditions in relation to private hire signage in relation to licence number PV0039 and vehicle registration number J12 RMO.

**The meeting closed at 1.10 pm**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on  
Wednesday, 24th May, 2017 at 1.30 pm in the Card Room, Town Hall,  
Saturday Market Place, King's Lynn**

**PRESENT:** Councillors C J Crofts, T Parish and C Sampson

**OFFICERS:**

John Gilbraith - Licensing Manager  
Marie Malt - Senior Licensing Enforcement Officer  
Noel Doran - Legal Advisor  
Kathy Wagg - Democratic Services Officer

**1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2 ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

**5 REVIEW OF COMBINED DRIVERS LICENCE**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to review a Combined Drivers Licence. He introduced the Panel Members, Officers and Legal Advisor.

The Licence Holder's Representative introduced himself and the Licence Holder.

**6 PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE**

## **HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

### 7 **REPORT OF THE LICENSING MANAGER**

At the request of the Chairman, the Licensing Manager presented his report. He explained that the report was for members of the licensing panel to review a combined driver's licence following complaints from members of the trade and other breaches of conditions, as outlined in the report.

The Licensing Manager responded to questions from all parties.

### 8 **LICENCE HOLDERS CASE**

The Licence Holder's representative presented the Licence Holders case. The Licence Holder and his representative responded to questions from the Licensing Manager and the Panel.

### 9 **SUMMING UP - THE LICENSING MANAGER**

The Licensing Manager summed up his case. He referred to his report and the representations put forward at the Hearing. He requested that the Panel considered the report, including the submissions put forward by the Licence Holder and dispose of the matter by using one of the methods set out in the report.

### 10 **SUMMING UP - THE LICENCE HOLDER**

The Licence Holder's representative summed up their case.

### 11 **OUTSTANDING MATTERS**

The Legal Advisor informed the Panel that there were no outstanding matters to address.

### 12 **DECISION**

The Decision of the Panel was read out.

**The meeting closed at 3.20 pm**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on  
Wednesday, 8th November, 2017 at 10.00 am in the Council Chamber, Town  
Hall, Saturday Market Place, King's Lynn**

**PRESENT:** Councillor D Tyler (Chairman)  
Councillors M Hopkins and C Manning

**OFFICERS:**

Alexa Baker – Legal Advisor  
Marie Malt – Senior Licensing Enforcement Officer  
Rebecca Parker – Democratic Services Officer

**1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2 ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

**5 REVIEW OF COMBINED DRIVERS LICENCE**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to review a Combined Drivers Licence. He introduced the Panel Members, Officers and Legal Advisor.

The Licence Holder and the Witnesses introduced themselves.

The Witnesses left the Hearing.

6        **PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE  
HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

7        **REPORT OF THE SENIOR LICENSING ENFORCEMENT OFFICER**

At the request of the Chairman, the Senior Licensing Enforcement Officer presented her report. She explained that the report was for Members of the Panel to review a combined drivers as a result of the Licence Holder being dismissed from employment with a Private Hire Operator due to numerous complaints.

The Senior Licensing Enforcement Officer called two witnesses to the Hearing who responded to questions from all parties.

The witnesses left the Hearing and the Senior Licensing Enforcement Officer continued with her report. The Senior Licensing Enforcement Officer responded to questions from all parties.

8        **LICENCE HOLDERS CASE**

The Licence Holder presented his case and responded to questions from all parties.

9        **SUMMING UP - SENIOR LICENSING ENFORCEMENT OFFICER**

The Senior Licensing Enforcement Officer summed up her case. She referred to her report and the representations put forward at the Hearing. She requested that the Panel considered the report, including the submissions put forward by the Licence Holder and dispose of the matter by using one of the methods set out in the report.

10       **SUMMING UP - LICENCE HOLDER**

The Licence Holder summed up his case.

11       **OUTSTANDING MATTERS**

The Legal Advisor informed the Panel that there were no outstanding matters.

12       **DECISION**

The Decision of the Panel was read out.

**The meeting closed at 11.18 am**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on Tuesday, 21st November, 2017 at 12.06pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn**

**PRESENT:** Councillor D Tyler (Chairman), M Hopkins and Mrs S Young

**OFFICERS:**

Jo Furner – Legal Advisor

John Gilbraith – Licensing Manager

Marie Malt – Senior Licensing Enforcement Officer

Rebecca Parker – Democratic Services Officer

Ajay Patel – Trainee Solicitor

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4 **TO CONSIDER A REQUEST TO REMOVE SIGNAGE FROM VEHICLES**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to consider an application to depart from Licensing Conditions and Procedures in respect of Private hire Signage. He introduced the Panel Members, Officers and Legal Advisor.

The Applicant introduced himself.

5 **PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

## 6 **REPORT OF THE LICENSING MANAGER**

At the request of the Chairman, the Licensing Manager presented his report. He provided details of the request received and explained that the exemption to display signage had been requested on the basis that the Private Hire Operator did not deal with the general public and only carried out contract work. The Licensing Manager referred to the Licensing conditions which related to the display of signage and the two styles of signs which could be displayed on the side of a Private Hire Vehicle.

The Licensing Manager explained that the condition to require signage on a Private Hire Vehicle was introduced by the Borough Council in 2008 and explained that the reason for the requirement was that the oval badge offered a further level of security to members of the public when being presented with a service provider and this instilled confidence in the licensing regime. The Licensing Manager explained that there was an alternative badge with which the applicant could apply to his vehicle which removed the contact number for the service provider.

There were no questions to the Licensing Manager.

## 7 **APPLICANT'S CASE**

The Applicant presented his case he explained that he had adhered to the conditions and had always had the correct signage on his vehicles since the condition had been introduced. The Applicant requested that his company should be allowed to deviate from the policy on the grounds that he felt that the livery misled members of the public as to the availability of his vehicles. He explained that this could cause friction between his company and members of the public as they would expect to be able to hire the vehicle.

The Applicant explained that his company did not deal with the general public; they just carried out contract work and had no intention in the near future to take on Private Hire work.

The Applicant circulated photos of his vehicles to the Panel. It was confirmed that the Applicant had permission for the advertising which appeared on his vehicle.

The Applicant responded to questions from all parties. The Licensing Manager referred to the option of the signage which did not include the company name or telephone number. The Applicant explained that this signage would still be misleading as it stated 'pre-booked only' and his vehicles were not available to be pre-booked as they only carried out contract work.

The Licensing Manager asked the applicant how the people who he picked up for contract work would recognise the vehicle if it did not display the Private Hire signage. The Applicant explained that his drivers would go in and collect the customer and take them to the vehicle. All of his drivers wore uniforms and identification. The Applicant stated that if his request was granted and if he decided in the future to go back to Private Hire work that he would reinstate the signage.

At the request of the Licensing Manager, the Applicant provided detail of his vehicles and how they were registered.

## 8 **SUMMING UP - LICENSING MANAGER**

The Licensing Manager summed up his case. He requested that the Panel consider his report and the submissions put forward at the Hearing and dispose of the matter by either allowing or rejecting the request. The Licensing Manager reminded the Panel that the requirement for signage had been introduced by the Council in 2008 to ensure identification of Private Hire Vehicles for the safety of the public.

The Panel was informed that one other vehicle had been granted an exemption to remove signage and detail of this was included at page 11 of his report.

The Licensing Manager explained that there was no statutory right of appeal to the Magistrates' Court against the decision of the Council in this matter. Should the applicant wish to challenge the Council's Decision this may only be achieved by way of judicial review.

## 9 **SUMMING UP - APPLICANT**

The Applicant stated that he had nothing more to add to his case.

## 10 **OUTSTANDING MATTERS**

The Legal Advisor stated that there were no outstanding matters.

## 11 **DECISION**

The Decision of the Panel was read out as follows.

The Panel has considered the evidence in the report and the oral evidence today put forward at the Hearing.

The Panel considered the application and the submissions of the reporting officer. They considered the request from the applicant and felt that there was a balancing exercise to be had between the effects the wearing of the oval on his vehicles has as well as the frustrations

felt by the general public when approaching his company only to be left frustrated, against the need to ensure the safety of the general public.

The Panel unanimously accepted that they can foresee and sympathise with the frustrations the applicant had as well as those by individuals hoping to use his service. However, the need to ensure that licensing conditions are enforced is vitally important as they go hand in hand with the protection of the public. The oval badge offers security and confidence to the public to enter a vehicle which has met the rigorous standards the licensing procedure sets out. They accept that the applicant's drivers wear badges and uniform that they may be identified however the use of the oval badge lends the further layer of security that the public is entitled to expect.

The Panel further noted that, without passing any comment on the applicant, that if they were to grant the applicant his request, there would be nothing to stop him, or any other applicant to whom the dispensation was given, from the very next day collecting a member of the public outside of his contracted services which could lead to exploitation and the endangerment of the public. Again, it must be re-stated that this is not a comment on the present applicant who has presented his case in good faith.

The Panel may have reached a different decision had there not been an alternate remedy available to the applicant. The use of the alternate oval which does not contain the applicants' phone number and business name would appear to provide the more appropriate remedy to the applicant's issues whilst allowing him to continue to comply with licensing conditions as they are, thereby ensuring public safety.

For those reasons, the application is refused.

**The meeting closed at 1.18 pm**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK****LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on Thursday, 25th January, 2018 at 11.00 am in the Council Chamber, Town Hall**

**PRESENT:**

Councillor D Tyler, Borough Councillor  
Geoff Hall, Executive Director, Environment and Planning

**OFFICERS:**

Emma Duncan, Legal Adviser  
Marie Malt, Senior Licensing Officer  
Rebecca Parker, Democratic Services Officer

1 **PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor stated that the purpose of the Hearing was to consider the continued suitability of the Licence Holder to hold a combined drivers licence. She introduced the Panel Members, Officers and Legal Advisor

The Legal Advisor outlined the procedure which would be followed at the Hearing.

2 **REPORT OF THE SENIOR LICENSING ENFORCEMENT OFFICER**

At the request of the Chairman, the Senior Licensing Officer presented her report. The Licensing Officer called a witness to the hearing who responded to questions from all parties and then left the Hearing.

The Senior Licensing Officer responded to questions from all parties.

3 **LICENCE HOLDER'S CASE**

The Licence Holder presented his case and responded to questions from all parties.

4 **SUMMING UP - SENIOR LICENSING OFFICER**

The Senior Licensing Officer summed up.

5 **SUMMING UP - LICENCE HOLDER**

The Licence Holder summed up his case.

**6      OUTSTANDING MATTERS**

The Legal Advisor requested that the Panel consider the evidence in the report, the oral evidence and the evidence put forward at the Hearing and dispose of the matter using the options as set out in the Senior Licensing Officer's report.

**7      DECISION**

The Panel retired in private to consider their decision.

All parties returned to the room and the decision was read out. A signed copy of the decision was provided to the Licence Holder.

**The meeting closed at 12.19 pm**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on  
Thursday, 1st March, 2018 at 10.00 am in the Council Chamber, Town Hall,  
Saturday Market Place, King's Lynn**

**PRESENT:** Councillor D Tyler (Chairman)  
Councillors M Hopkins and C Sampson

**OFFICERS:**

Brian Isted – Licensing Enforcement Officer  
Rebecca Parker – Democratic Services Officer  
Ajay Patel – Legal Advisor

**1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2 ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

**5 REVIEW OF COMBINED DRIVERS LICENCE**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to review a Combined Drivers Licence. He introduced the Panel Members, Officers and Legal Advisor.

The Licence Holder and the witnesses introduced themselves.

The witnesses left the Hearing.

**6 PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE**

## **HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

### **7 REPORT OF THE LICENSING ENFORCEMENT OFFICER**

At the request of the Chairman, the Licensing Enforcement Officer presented his report. He explained that the report was for Members of the Panel to review a combined driver's licence as a result of a complaint being received.

The Licensing Enforcement Officer called two witnesses to the Hearing who responded to questions.

The witnesses left the Hearing and the Licensing Enforcement Officer continued his report. The Licensing Enforcement Officer responded to questions from all parties.

### **8 LICENCE HOLDERS CASE**

The Licence Holder presented his case by way of a written statement. The Hearing was adjourned for a short period to allow the Panel to read the statement.

On reconvening the Licence Holder responded to questions from all parties.

### **9 SUMMING UP - LICENSING ENFORCEMENT OFFICER**

The Licensing Enforcement Officer summed up his case. He referred to the report and the representations put forward at the Hearing. He requested that the Panel considered the report, including the submissions put forward by the Licence Holder and dispose of the matter by using one of the methods set out in the report.

### **10 SUMMING UP - LICENCE HOLDER**

The Licence Holder summed up his case.

### **11 OUTSTANDING MATTERS**

The Legal Advisor informed the Panel that there were no outstanding matters.

### **12 DECISION**

The Decision of the Panel was read out.

**The meeting closed at 11.37 am**

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**LICENSING AND APPEALS BOARD**

**Minutes from the Meeting of the Licensing and Appeals Board held on Wednesday, 4th April, 2018 at 10.00 am in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn**

**PRESENT:** Councillors D Tyler (Chairman), M Hopkins and A White.

**OFFICERS:**

Brian Isted – Licensing Enforcement Officer

Rebecca Parker – Democratic Services Officer

Ajay Patel – Legal Advisor

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4 **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Act.

5 **REVIEW OF COMBINED DRIVERS LICENCE**

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to review a Combined Drivers licence. He introduced the Panel Members, Officers and Legal Advisor.

The Licence Holder and his representative introduced themselves.

6 **PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS**

The Legal Advisor outlined the procedure which would be followed at the Hearing.

7 **REPORT OF THE LICENSING ENFORCEMENT OFFICER**

At the request of the Chairman, the Licensing Enforcement Officer presented his report. He explained that the report was for Members of the Panel to review a Combined Drivers Licence as a result of the Licence Holder accruing nine DVLA Penalty Points.

There were no questions to the Licensing Enforcement Officer.

8 **LICENCE HOLDERS CASE**

The Licence Holder and his representative presented the case and responded to questions from all parties.

9 **SUMMING UP - LICENSING ENFORCEMENT OFFICER**

The Licensing Enforcement Officer summed up his case. He referred to the report and the representations put forward at the hearing. He requested that the Panel consider the report, including the submissions put forward by the Licence Holder and his representative and dispose of the matter by using one of the methods set out in the report.

10 **SUMMING UP - LICENCE HOLDER**

The Licence Holder and his representative summed up his case.

11 **OUTSTANDING MATTERS**

The Legal Advisory informed the Panel that there were no outstanding matters.

12 **DECISION**

The Decision of the Panel was read out.

**The meeting closed at 11.30 am**

**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

**MEMBERS CODE OF GOOD PRACTICE FOR LICENSING**

**1. INTRODUCTION**

- 1.1 This Code has been prepared and adopted for the guidance of Councillors in their dealings with licensing matters.
- 1.2 The aim of this code is to ensure that, in the licensing process, there will be no grounds for suggesting that a licensing decision has been biased or otherwise not well founded. This document supplements the Members Code of Conduct.
- 1.3 This Code applies to all members of the Licensing Committee and Licensing and Appeals Board, substitutes and officers.
- 1.4 The process of arriving at decisions on licensing matters must be open and transparent and the involvement of both Officers and Members must be clearly understood. The main principles which Members should have clear regard for are: -
  - Your overriding duty as a Councillor is to all residents of the Borough Council area and in relation to licensing issues to help ensure that the council's licensing policies and statutory objectives are achieved.
  - Your role as a member of the licensing authority is to make decisions openly, impartially, with sound judgement, and for justifiable reasons.
  - Whilst you may be strongly influenced by the views of others and of your party in particular it is your responsibility alone to decide what view to take on any question which councillors have to decide.
  - When acting in your capacity as a Councillor you must have regard to the Council's adopted Code of Conduct.
- 1.5 If you have any doubts regarding whether this code of conduct for members or officers applies to their particular circumstances then you should take advice at the earliest possible opportunity from the Monitoring Officer or from a member of her staff. Any such advice should be sought well before any licensing meeting takes place.

**2. RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT**

- 2.1 The Members' Code of Conduct sets out the standards of behaviour expected of Councillors and the requirements in relation to the declaration of interests in the Members Register of Interests and at meetings. Not only should impropriety be avoided but also any appearance or ground for suspicion of improper conduct. When considering any licensing matter you should have primary regard for the Code, and particularly the requirement to properly declare all interests.
- 2.2 If you do not follow and apply the code then you may put the Council at risk of proceedings challenging the legality of the decision made and yourself at risk of sanction if there has been a failure to comply with the adopted Members' Code of Conduct.

**3. DECLARATION OF INTERESTS UNDER THE MEMBERS' CODE OF CONDUCT**

When considering licensing matters Members may find that they need to;

- declare interests in accordance with the requirements of the adopted Code of Conduct

or

- indicate whether or not they may have come to a fixed view on an application prior to the meeting (i.e. pre-determination)

- 3.1 The existence and nature of any interest should be disclosed in accordance with this Code at any Licensing Committee or Licensing and Appeals Board and any informal meetings or discussions with officers and any other Members.
- 3.2 Members should preferably disclose their interest at the commencement of the meeting and not at the beginning of the discussion on that particular matter. Members receive papers for a licensing hearing prior to the hearing. Where Members read the papers and realise that they have an interest, Members should, where possible, contact Democratic Services so that a replacement Member can be found.
- 3.3 Members should notify the Monitoring Officer in writing of an interest and ensure that such notification should be no later than submission of that application and ensure that a proper record of the interest is noted at any meeting.
- 3.4 Where you have a Disclosable Pecuniary Interest (Your pecuniary interests (or those of your spouse/partner), are business interests; for example their employment, trade, profession, contracts, or any company with which you are associated and wider financial interests that you have for example trust funds, investments, and assets including land and property):

**Do not** participate or give the appearance of trying to participate in the making of any decision by the Licensing Authority.

**Do not** get involved with the processing of the application and direct any queries to the relevant officer.

**Do not** seek or accept preferential treatment or place yourself in such a position so as members of the public would think you are receiving preferential treatment because of your position as a Councillor. You may need to identify another local member who is prepared to represent local interests

**Do** note that there is a requirement to leave the room whilst the item is being discussed.

#### **4. PRINCIPLES FOR A FAIR HEARING**

The following general principles apply to the conduct of hearings by the Licensing Committee and Licensing and Appeals Board:

- (a) All parties have a right to a fair hearing
- (b) Each application shall be treated on its own merits
- (c) Decisions shall be lawful, proportionate, non-discriminatory, open and transparent
- (d) Decisions shall be made on the basis of the following considerations:
  - i. The merits of the application
  - ii. The promotion of the licensing objectives
  - iii. The relevant policies adopted by the Council
  - iv. Guidance issued from the Home Office or other Government bodies
  - v. The Human Rights Act

#### **5. PRE-DETERMINATION**

The allowance made for Councillors to be predisposed to a particular view is a practical recognition of:

- (a) The role played by party politics in local government and
- (b) The need for Councillors to inform constituents of at least an initial view on a matter as part of their public role
- (c) The structure of local government which ultimately requires the same Councillors to make decisions.

Section 25 of the Localism Act 2011 introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, where the decision maker(s) had or appeared to have a closed mind (to any extent) when making the decision.

Councillors can listen to views expressed by applicants, objectors and licence holders, but should try to ensure that they are acting in an even handed manner.

## **6. CONTACT WITH APPLICANTS, OBJECTORS AND LICENCE HOLDERS**

**Do** refer those who approach you for licensing, procedural or technical advice to officers.

**Do not** agree to any formal meeting with applicants, objectors and license holders or any other parties involved in the licensing process. Where you feel that a formal meeting would be useful in clarifying the issues, such presentation or discussion should be part of a structured arrangement organised by officers. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action and the record of the meeting is disclosed when the application is considered by the Committee.

## **7. LOBBYING OF MEMBERS**

Lobbying is a normal and perfectly proper part of the political process: those who may be affected by a licensing decision may seek to influence it through an approach to their elected ward Member or a Licensing Committee/Sub-Committee member. However, lobbying can, unless all parties concerned exercise care and common sense, lead to the impartiality and integrity of the Member being called into question.

Licensing Members should not attend private meetings with applicants or groups of objectors on their own. Such meetings, if considered helpful in order to clarify issues, should be arranged by or attended by relevant licensing officers so that those present at the meeting can be advised from the outset that the discussions will not bind the Council as licensing authority to any particular course of action and to ensure the meeting is properly recorded on the application file and disclosed when the matter is reported. The same principle applies to formal presentations which are sometimes requested by applicants particularly on major applications. Such presentations are a form of lobbying and whilst Licensing Members at such events may quite properly ask questions and seek clarification about the proposals, they should not express views or indicate how they are likely to vote when the matter comes before the Sub-committee.

**Do** remember that your overriding duty is to the whole community and not just the people in your own particular ward

**Do** explain to those lobbying or attempting to lobby you that whilst you can listen to what is being said it prejudices your impartiality and may affect your ability to participate in the Committee's decision making to express an intention to vote one way or another.

**Do not** accept any gifts or hospitality from any person or group involved in or affected by a proposal. Whilst a degree of hospitality may be unavoidable, members must ensure that such hospitality is of a minimum and its acceptance is declared as soon as is possible.

**Do** copy or pass on any lobbying correspondence you receive to the Executive Director at the earliest opportunity.

**Do** inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) that may require an investigation.

**Do** note that you will not have pre-determined a matter or breached this Code if:

- You have listened or have received views from residents or other interested parties;
  - You have made comments to residents, interested parties, other Members or appropriate officers, provided the comments have not amounted to a pre-determination of the issue and you have made it clear that you are keeping an open mind;
  - You have sought information through appropriate channels;
- or
- You are being a vehicle for the expression of opinion or speaking at the meeting as a Ward/Local Member, provided that you explain your actions at the beginning of the meeting or item and make it clear that, having expressed the opinion or ward/local view.

## **8. LOBBYING BY MEMBERS**

It is recognised that Members who represent a ward affected by a particular application are in a difficult position particularly if it is a controversial application around which a lot of lobbying takes place. There is a balance to be struck between the duties to be an active ward representative and the overriding duty as a Councillor to the whole community. In these circumstances;

Being a ward Member does not in itself constitute an interest in an application or create a risk of apparent bias. Providing the ward Member does not have a disclosable pecuniary interest or prejudicial interest in applications or providing there is nothing to indicate any risk of bias or predetermination, a ward Member's local knowledge may in fact give an additional insight to an application and its implications on the licensing objectives. Ward members may use their local knowledge to ask relevant questions and clarify facts.

## **9. SITE VISITS BY MEMBERS**

Sites inspections are occasionally helpful in reaching a decision on issues where site circumstances are clearly fundamental to that decision as outlined below. Any site visit should be with the Sub-Committee/Panel and include officers, applicant, applicant's representative, objectors, and any other person present at the hearing.

**Do** ensure that you treat the site visit only as an opportunity of seeking information and to observe the site.

**Do** ask the officers questions and seek clarification from them on matters, which are relevant to the site inspection, but this is not the time for a debate.

**Do not** hear representations from any other party at the site visit.

**Do not** express opinions or views to anyone at a site visit.

**Do not** enter a site other than on an official site visit, even if it is in response to an invitation, as this may give the impression of bias.

**Do** stay with the rest of the Members officers and other parties during a site visit –it ensures that all members and persons effected by a decision see, hear and are able to comment on the site visit.

## **10. CONDUCT AT HEARINGS**

10.1 Members of the Licensing Committee and Licensing and Appeals Board should not communicate directly with the applicant, licence holder, interested party or responsible authority either immediately prior to the hearing, during the hearing or after the hearing, other than publicly through the Chairman.

10.2 Officers at the Hearing should refrain from engaging with the other parties at the Hearing, other than to offer procedural or housekeeping advice.

10.3 Questioning of those present is to clarify arguments and views and care should be taken not to express a view at this stage of the hearing, nor to intimidate speakers.

10.4 Any material considered at the hearing, that does not comprise any material supplied by the Licensing Authority must be tabled through the Chairman and the nature of any such material must be clear to all present at the hearing and available for inspection.

10.5 All questions, comments and requests during the hearing must be directed through the Chairman.

## **11 MEMBERS RELATIONSHIP WITH OFFICERS**

**Do** recognise and respect that officers in the processing and determining of licensing matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct. You should therefore appreciate that officer' views, opinions and recommendations will be based on their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions and decisions of a committee or its members.

**Do** consider the Council's protocol for member/officer relationships, which governs the working relationship you have with officers. This is a relationship based on mutual trust and courtesy, and all meetings should be guided by this principle.

## **12. DECISION MAKING BY MEMBERS**

**Do** come to a meeting with an open mind on a matter and do demonstrate that you are open-minded.

**Do** make decisions in accordance with the Council's Licensing Policy and Statutory Objectives and guidance.

**Do** come to your decision only after due and proper consideration of all of the information reasonably required upon which to base a decision. If you feel that there is insufficient time to consider new information or there is insufficient information before you then you should request that further information and, if necessary, defer the application.

**Do** not ~~vote~~ or take part in a discussion at a meeting or make a decision unless you have been present for the entire meeting or for the whole of the matter in question. If a member needs to leave a meeting for a short period, such as for a comfort break, that member should seek an adjournment.

**Do** ensure that the reasons you give for a decision are your reasons. You cannot ask an officer to give the reasons for you. An officer may assist in the drafting of your reasons.

**Do** not engage in social media or electronic communications, passing or receiving notes during the meeting.

### **13. SANCTIONS**

A failure to adhere to the Code gives rise to potential consequences to individual Members. Any allegation of a serious breach of this Code should be made in writing to the Monitoring Officer.