

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



# **Licensing and Appeals Board Panel Hearing**

## **Agenda**

**Wednesday, 16th January, 2019  
at 1.30 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**

Thursday 20<sup>th</sup> December 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, 16th January, 2019 at 1.30 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. 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.

**3. 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.

4. **Application to depart from Licensing Conditions and Procedures in respect of a roof storage box**

- a) **Procedure for Determining Hackney Carriage/Private Hire Licence applications and Disciplinary Hearings** (Pages 5 - 6)
- b) **Report of the Licensing Officer** (Pages 7 - 9)

To:

**Licensing and Appeals Board:** Councillors D Tyler (Chairman), M Hopkins and A Bubb

**Officers:**

Jake Currier, Solicitor

Marie Malt, Senior Licensing Officer

## **Procedure for Determining Hackney Carriage/Private Hire/Special Event Licences Applications and Disciplinary Hearings**

### **Introductions**

- 1 The Chairman of the Panel should introduce him/herself.
- 2 The Chairman should introduce the Members of the Panel.
- 3 The Chairman should introduce the Legal Advisor to the Panel and explain his/her impartial role.
- 4 The Chairman should introduce the Council's Representative and explain their role.
- 5 The Chairman should introduce the Democratic Services Officer and explain her role.
- 6 The Chairman should invite the applicant or the person subject of consideration to introduce themselves and any representative they may have.

### **The Procedure**

- 7 Those present to be made aware that all questions and comments should be directed through the Chairman.
- 8 The Chairman should invite the Legal Advisor to outline the procedure.

### **The Application/Person Subject of Consideration**

- 9 The Chairman will invite the Council's Representative to present his/her report, outlining the case and the background, having regard to existing policy and conditions.
- 10 The Council's representatives may call witnesses to support the Council's case.

### **Questions**

- 11 The Chairman should only allow questions when he/she is satisfied that the substance of the case has been presented by the Council's Representative.
- 12 First from the applicant/person under consideration, then Members of the Panel.
- 13 Multiple questions should be avoided.
- 14 Questions must be relevant to the matter in hand.

### **The Applicant's Case/Person Subject of Consideration**

- 15 The Chairman then invites the Applicant/person under consideration or their representative to present their case. They can make statements and can call witnesses (the applicant/person subject of consideration may be a witness if represented).
- 16 Any witness called must be open to questioning, firstly by the Council's Representative and then Members of the Panel.
- 17 Multiple questions should be avoided.
- 18 Questions must be relevant to the matter in hand.

### **Summing Up**

- 19 The Chairman then invites the Council's Representative to sum up his/her case. He/she may comment on what has been said but no new evidence should be introduced.
- 20 The Chairman then invites the Applicant/person under consideration or their representative to sum up their case. They may comment on what has been said but no new evidence should be introduced.

### **Reaching a Decision**

- 21 The Chairman will invite the Legal Advisor to address the Panel on any outstanding matters.
- 22 The Chairman will then thank all those who have spoken and invite the Panel to retire to consider the case, accompanied by the Legal Advisor and Democratic Services Officer. The Chairman will explain that the Legal Advisor and Democratic Services Officer will take no part in the decision making.
- 23 The Panel will then debate the case presented to them at the hearing and will seek to reach a decision and reasons for their decision.
- 24 Once a decision has been made, the Panel (and relevant officer/Legal Advisor) will return back in to the room and the Legal Advisor will announce in public any legal advice he/she has given in private.
- 25 The Chairman will read out the decision and the reasons for the decision (unless the Panel is unable to reach a determination at the conclusion of the hearing).
- 26 The Chairman will explain that notification of the outcome of the decision and reasons for the decision will be made in writing.
- 27 If the Panel are unable to reach a decision, the Chairman will explain that all parties will be notified as soon as possible (but within 5 working days) of the decision and the reasons for such.

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

### **Report to Panel of Licensing & Appeals Board**

Date of Hearing: **16<sup>th</sup> January 2019**

Prepared by: **Marie Malt, Senior Licensing Officer**

### **Application to depart from Licensing Conditions and Procedures in respect of a Roof Storage Box – Mr Paul MITCHELL**

#### **Introduction**

1. Mr Paul Mitchell has licensed an Audi A6 SE TDI ULTRA Estate as a hackney carriage vehicle. This was granted on the 27<sup>th</sup> November 2018 and was allocated licence number HV0003. The vehicle was first registered with the DVLA on the 1<sup>st</sup> September 2015 and carries the vehicle registration number FN65 OSM.

Mr Mitchell runs a company called Airport Link Taxis and wishes to place a roof top storage/luggage box on the vehicle, contrary to the Licensing Conditions & Procedures.

#### **Roof Top Box**

2. Mr Mitchell is requesting that his licensed hackney carriage vehicle be exempt the requirement of Conditions 3.28 and 4.25 on the basis that the vehicle cannot hold enough luggage in the boot space.

Conditions 3.28 and 4.25 of the Borough Council's Hackney Carriage and Private Hire Licensing Procedures & Conditions state:

#### ***'Roof / Boot Racks & Bullbars***

*3.28 No roof, boot racks or bullbars may be fitted to licensed vehicles during the currency of the licence.'*

#### ***Roof Signs***

All Hackney Carriage vehicles must be fitted with a roof-mounted sign, white in colour and securely fitted on the roof of the vehicle.

*'4.25 All wording shall be black in colour and the word 'TAXI' must be readable from a distance of 20 metres.'*

3. A copy of Mr Mitchell's letter of the 5<sup>th</sup> December 2018 requesting the exemption is attached to this report as Appendix 1.

#### **Background**

4. Condition 3.28 (no roof or boot racks) was introduced as a requirement and approved by Full Council initially on 22<sup>nd</sup> January 2009. This condition changed, adding in no bull bars and was approved by Full Council on 28<sup>th</sup> January 2016,

and remains in place in the current conditions, approved by Full Council on 19<sup>th</sup> January 2017.

### **Legislation**

5. Section 47(1) of The Local Government (Miscellaneous Provisions) Act 1976 provides that a Council may attach such conditions as the Council may consider reasonably necessary. In addition, Section 47 (2) provides that:

*‘Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.’*

6. Whilst there is no mention of roof top boxes in either The Town Police Clauses Act 1847 (hackney carriage legislation) or the Local Government (Miscellaneous Provisions Act) 1976, there is provision contained with London taxi legislation.

Part VI of The London Cab Order 1934 states that:

*‘(3) No luggage shall be carried on the roof of a motor cab unless the cab is fitted for that purpose and is licensed to carry luggage on the roof.’*

### **Determination**

7. The panel are requested to consider this report, including any submissions put forward by Mr Mitchell and dispose of the matter by either allowing the request or rejecting the request.

8. There is no statutory right of appeal to the Magistrates’ Court against the decision of the Council in this matter. Should Mr Mitchell wish to challenge the Council’s decision this may only be achieved by way of judicial review.

### **Marie Malt**

Senior Licensing Enforcement Officer  
Environmental Health - Licensing  
17<sup>th</sup> December 2018

### **Appendix**

1. Letter from Mr Mitchell dated 5<sup>th</sup> December 2018.

### **Background Papers**

1. Local Government (Miscellaneous Provisions) Act 1976.
2. Hackney Carriage and Private Hire Licensing Procedures & Conditions (January 2017).
3. The London Cab Order 1934

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Appendix 1 to  
Report dated 16th Jan 2019  
Mr P Mitchell

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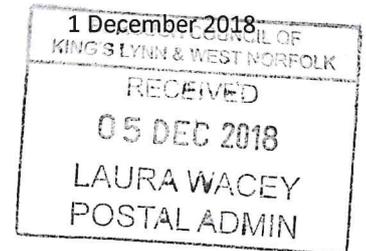


Paul Mitchell, 12 Cholmondeley Way, West Winch, Kings Lynn, Norfolk, PE33 0SY

Phone 07850 850089 / 01553 844555 e-mail [go.airportlink@gmail.com](mailto:go.airportlink@gmail.com) [www.airportlinktaxis.com](http://www.airportlinktaxis.com)

Top quality, friendly reliable service for any distance or destination, for up to 8 passengers

Mrs M Malt  
Licencing Officer  
Borough Council of Kings Lynn & West Norfolk  
Kings Court  
Chapel Street  
Kings Lynn  
Norfolk  
PE30 1EX



Dear Mrs Malt

Request for Top box for Audi A6 HV0012

My business, Airportlink Taxis, was established over 30 years ago, and I have prided myself on offering a high quality service specialising in transfers to and from airports etc. This includes high quality vehicles. I upgraded a VW Passat estate with a Audi A6 estate. Unfortunately the A6 does not have the same volume of luggage space as the Passat.

Therefore we are requesting permission for a roof top box for specialist airport / sea port journeys when the luggage space would not be sufficient for the passengers being transported.

A trailer is unsuitable because there is a speed restriction on motorways, which means that you are unable to overtake lorries or other slow moving vehicles. Many customers have driveways that are only one way in, so it would mean reversing the trailer in or out; reversing a trailer is very much an acquired skill. Trailers are also difficult to park in car parks at the airport. Over the years many customers have used us as we don't need to use trailers; balanced against they don't want to be just 2 passengers in an 8 seater minibus.

We have customers who take a collapsible wheelchair or mobility scooters, which would mean they would have to pay for a larger vehicle for their transport if there were only 2 or 3 of them.

The top box would only be used when transporting customers to and from airports / seaports, which other than Norwich, are always out of area. A top box allows the luggage to be safe and protected from the weather, as well as meaning you can park and reverse easily. It also gives the customer a nicer ride to that when towing a trailer.

The taxi light would not be removed when the top box is used. The top box would be removed before and after any airport / seaport transfers, and would never be used at any other time.

Could you please consider my request for this vehicle.

Yours faithfully



Paul Mitchell  
Airportlink Taxis

*Copy of email letter*

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