

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 17th February 2017 and was allocated licence number PV0039. The vehicle was first registered with the DVLA on the 15th 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