

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