

Borough Council of King's Lynn & West Norfolk

Report to Panel of Licensing & Appeals Board

Date of Hearing: **28th June 2018**

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

Application to depart from Licensing Conditions and Procedures in respect of Private Hire Signage – Mr Ian CARSON

Introduction

1. Mr Ian Carson has licensed an Audi A7 as a private hire vehicle. This was granted on the 31st January 2018 and was allocated licence number PV0164. The vehicle was first registered with the DVLA on the 30th January 2018 and carries the vehicle registration number K1 SKY.

Mr Carson is trading as QJS Executive Travel and holds Private Hire Operator Licence number PO0011, which expires on 16th October 2022. QJS Executive Travel currently operates 1 licensed private hire vehicle, which frequently also carries out work under the control of another licensed private hire operator, King's Abbey.

Private Hire Signage

2. Mr Carson is requesting that his licensed private hire vehicle be exempt the requirement of Condition 5.2 on the basis that the vehicle is primarily being used as an executive vehicle.

Conditions 5.2 and 5.3 of the Borough Council's Hackney Carriage and Private Hire Licensing Procedures & Conditions state:

5.2 *A sign must be displayed in a prominent position on each front side door of the vehicle displaying either:*

5.2.1 *Borough Council logo with the wording 'Pre-Booked Only insurance invalid unless booked with an operator', or*

5.2.2 *Borough Council logo and specifying the operator name, telephone number for bookings, with the wording 'Pre-Booked Only'*

5.3 *The sign must be in either of the prescribed formats (see example 'A' and 'B' below) and must be affixed to the vehicle by a Borough Council authorised sign maker. Removable signs e.g. magnetic will not be permitted. The signage is only obtainable via the licensing team and must be fitted within 14 days of the date the signage is ready and available with the signage company. Examples of permitted private hire signage:*

Example A



Example B



3. A copy of Mr Carson's email of the 25th May 2018 requesting the exemption is attached to this report as Appendix 1.

Background

4. The requirement for private hire signage was introduced as a licensing condition in 2009 and the following is an extract from the Borough Council's Cabinet Report dated the 2nd December 2008:

Private Hire Vehicle Signage. There is currently no requirement for private hire vehicles to advertise their operator name or that they may be pre-booked only. It is proposed to introduce a requirement that all private hire vehicles have prescribed signage on each side of the vehicle, including the operator name, the wording 'pre-booked only' and the operator telephone number. This would identify the vehicle as private hire, help to avoid confusion with a taxi and also provide useful information for members of the public wishing to make a booking.

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

Determination

5. Section 48(1) of The Local Government (Miscellaneous Provisions) Act 1976 prescribes that a private hire vehicle must be of suitable type, size and design; in a suitable mechanical condition; safe; comfortable and adequately insured. In addition, Section 48 (2) provides that:

'A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this

subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.'

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

7. There is no statutory right of appeal to Magistrates' Court against the decision of the Council in this matter. Should Mr Carson 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
8th June 2018

Appendix

1. Email Mr Carson 25th May 2018

Background Papers

1. Local Government (Miscellaneous Provisions) Act 1976.
2. Hackney Carriage and Private Hire Licensing Procedures & Conditions (January 2017).

Marie Malt

From: Ian Carson
Sent: 25 May 2018
To: Marie Malt
Subject: Formal request

To whom it may concern , I would like to make a formal request to go before a panel to be exempt from having door stickers on my vehicle on this day dated 25/05/18 .

I will be using the following points for my request

1. I am a sole trader not a company therefore the only driver for any complaints would be about me
2. My vehicle cost £60500.00 (1200.00 per month)so meets all executive criteria and then some
3. My minimum fare is £30.00 my average fare is £150.00 (my work only not king's cars)
4. my dress attire is always smart a image I am most proud off
- 5 . My reputation as a 22 year professional driver continually licensed with king's Lynn council with not one complaint ever .

Why the request,

Like all small business I take work from other sources and I work part-time in the company of king's cars but my private work is All executive topped up by king's cars ie private hire but please see below

1. King's cars customers are fully protected at all times via data dispatch systems so they have my name and reg no for any complaints /protection therefore in the modern age door stickers not actually required because the are actually better protected than the door stickers offer
2. King's cars used autocab dispatch software which to my knowledge is not used by any other mainstream minicab office in king's lynn

Please note I am happy to display my rear plate and window sticker for added protection to the the end user .

On a lighter note my car whilst being used in the office is very distinctive the customers love it and all ask what the hell I am doing using such a expensive car with my point being I would be easy to single out if any complaints was to come up so again protecting all members of the public

I don't do school runs .

Kindest regards
Ian carson

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