

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

Minutes from the Meeting of the Licensing and Appeals Board held on Friday, 13th January, 2023 at 11.30 am in the Kempe Room - Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillors D Tyler (Chair), D Whitby and A Holmes

OFFICERS:

Craig Pease – Licensing Officer
Chido Mushonga – Legal Advisor

OBSERVING:

James Arrandale – Principal Lawyer
Councillor P Kunes – Portfolio Holder for Environment and Climate Change.

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 APPLICATION TO DEPART FROM LICENSING CONDITIONS AND PROCEDURES IN RESPECT OF ADVERTISING ON LICENSED VEHICLES

The Chair welcomed everyone to the Hearing and stated that the purpose of the Hearing was to consider an application to depart from the Licensing Conditions and Procedures in respect of advertising on Licensed Vehicles. He introduced the Panel Members, Officers and Legal Advisor. The Applicant Mr Anthony Bailey 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 OFFICER

At the request of the Chair, the Licensing Officer presented the report as included in the Agenda. He requested that the Panel consider the application, including any submissions put forward by Mr Bailey, and dispose of the matter using one of the options as set out in the report.

The Panel was informed that there was no statutory right of appeal to the Magistrates Court against the decision of the Council in this matter.

There were no questions.

7 **APPLICANT'S CASE**

At the request of the Chair Mr Bailey presented his case and informed the Panel that his vehicles currently had advertising on the side and he would like to extend this to the rear window. He provided an example of the stickers that would be used and referred to them as contravision/honeycomb and that they were considered safe by the DVSA.

8 **SUMMING UP - LICENSING OFFICER**

The Licensing Officer had nothing further to add.

9 **SUMMING UP - APPLICANT**

The Applicant had nothing further to add.

10 **LEGAL ADVICE**

The Legal Advisor outlined the advice that she would be providing to the Panel whilst they retired to consider their decision.

11 **DETERMINATION**

The Chair advised that the Panel would retire to consider their decision in private, accompanied by the Legal Advisor and Democratic Services Officer.

All parties were then called back into the room and the Chair read out the Panel's decision as follows:

The Panel had regard to the Borough Council's Licensing Conditions and Procedures approved on 25 April 2022 which prohibited advertising on the rear windows of licensed vehicles. In particular, they

considered the case of *R (Singh) v Cardiff City Council* which stresses the importance of policies and how they assist decision makers.

However, they considered the fact that honeycomb wrap technology has been considered safe for advertisements by the DVSA and the fact that the driver and passengers would retain a clear view from the rear of the vehicle.

The Panel also thought prohibiting advertising on windows as part of their policy allowed them to continuously review new technologies and make exceptions upon the consideration of the facts and safety on a case by case basis therefore continuously ensuring the safety of the public.

The Panel therefore does not depart from such policy lightly.

Great weight was also placed on the fact that similar wraps had been approved before a Panel in 2015 and that this type of wrap is frequently used on the rear windows of Public services vehicles across the country.

The Panel therefore GRANT the application permitting advertising on the rear windows of all or some of the vehicles licensed by Mr Bailey subject to the following condition:

1. Upon installation of the honey comb wrap advertisement on the first licensed vehicle, the applicant must invite a Senior Licensing Enforcement Officer to conduct one inspection of the licenced vehicle and approve it respect of the wrap's visibility.

For all avoidance of doubt, this does not include the side or front window.

The meeting closed at 12.40 pm