

Minutes

Licensing Committee

Friday, 17 September 2021, 10:00

Council Chamber, South Kesteven House,
St Peter's Hill, Grantham. NG31 6PZ



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Mrs Pam Bosworth (Chairman)
Councillor Dean Ward (Vice-Chairman)
Councillor Robert Broughton
Councillor George Chivers
Councillor Helen Crawford
Councillor Philip Knowles
Councillor Nikki Manterfield

Officers

Chris Clarke (Licensing Officer)
Elizabeth Reeve (Licensing Officer)
Mandy Braithwaite (Legal Advisor)
Sarah Downs (Democratic Services Officer)
Amy Pryde (Democratic Services Officer)

5. Register of attendance and apologies for absence

Apologies for absence were received from Councillors Harrish Bisnauthsing, Mrs Rosemary Kaberry-Brown, Jane Kingman and Lee Steptoe.

All other members of the Committee were present, as expected.

6. Disclosure of interests

There were none.

7. Minutes of meeting held on 13 August 2021

The minutes of the meeting held on 13 August 2021 were **AGREED** as a correct record of the decisions taken.

8. EXCLUSION OF THE PRESS AND PUBLIC

It was proposed, seconded and **AGREED** that the press and public be excluded from the meeting:

DECISION:

The press and public were excluded from the meeting during consideration of the following items of business because of the likelihood that information that was exempt under paragraph 1 and 2 of the Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed to them.

9. Local Government (Miscellaneous Provisions) Act 1976 - ENV 788

To determine whether a driver remains a fit and proper person to be a licensed dual hackney carriage and private hire driver with South Kesteven District Council.

RECOMMENDATION:

It is recommended that the Committee consider the report and appendices attached to the report and any further information the driver may provide at the hearing and determine whether:

- a) the previously issued Dual Hackney Carriage and Private Hire Drivers licence be revoked, in line with legislation, as the continued right to work within the UK could not be ascertained.**

The Licensing Officer presented report ENV 788 relating to whether the driver remained a fit and proper person to be a licensed Dual Hackney Carriage and Private Hire driver.

It was reported that several attempts to contact the driver were made by letter and email since 23 March 2021. Although the Licensing Team received a screenshot of the driver's settlement status, a share code had not been provided for the Authority to check. Further contact with the driver failed to provide the share code and on 11 August 2021, an email was sent to confirm that without a share code confirming settlement status, the driver would not be able to continue driving a Hackney Carriage or Private Hire vehicle.

The Chairman invited Members of the Committee to ask any questions following presentation of the report.

The following questions were raised:

- How the driver's licence would be retrieved if the Members decided to revoke it.

It was confirmed that the Licensing Team would write to the driver and request that the licence to be returned to the Licensing Authority. A visit would be undertaken if no response was received in a timely manner.

- An explanation of what the required 'share code' was.

As part of an individual's settlement status within the UK, the Licensing Authority had to check that they had the right to work in the UK. The share code provided the ability for officers to check all the required documentation.

- Was it possible to check if the driver had continued to drive with the licence issued and whether the driver understood what was required.

Officers advised that it was possible the driver may be driving on a freelance basis. The driver was aware of the requirements, as a copy of settlement status had been provided but the driver failed to supply the Licensing Team with the right to work share code which had been requested. The share code provided the ability to check that the document was authentic, through official channels.

The Licensing Officer gave a closing statement and Members were asked to consider the report and appendices before them.

(At 10.12am the Licensing Officers left the meeting)

The Committee considered the report and appendices before them and all relevant legislation, guidance and policies.

As no confirmation was given that the driver was still resident in the UK or had the required proof of settlement status, it was unanimously agreed that the driver was not a fit and proper person to be licensed as a dual hackney carriage and private hire driver and the licence be revoked.

(At 10.16 the Licensing Officers returned to the meeting)

The Legal Executive read out the Committee's decision.

DECISION:

Having taken into consideration the report, legislation, Department of Transport Standards and Councillors handbook the Committee consider that the driver is not a fit and proper person to be licensed as a dual hackney carriage and private hire driver as the continued right to work within the UK cannot be ascertained and the Licence be revoked.

The applicant had 21 days to appeal the decision.

10. Local Government (Miscellaneous Provisions) Act 1976 - ENV 789

To determine whether a driver remains a fit and proper person to be a licensed dual hackney carriage and private hire driver with South Kesteven District Council.

RECOMMENDATION:

It is recommended that the Committee consider the report and appendices attached to the report and any further information the driver may provide at the hearing and determine whether:

- a) the previously issued Dual Hackney Carriage and Private Hire Drivers licence be revoked, in line with legislation, as the continued right to work within the UK could not be ascertained.**

The Licensing Officer presented report ENV 789 relating to whether the driver remained a fit and proper person to be licensed as a Dual Hackney Carriage and Private Hire driver.

It was reported that several attempts to contact the driver were made by letter and email since 23 March 2021. This was to advise the driver of the implementation of the new SKDC Hackney Carriage and Private Hire Licensing Policy as of 1 April 2021. The new Policy included a requirement to provide a 'share code' to enable the Licensing Authority to view, through official channels, documents relating to an individual's right to work in the UK. The code had not been provided; therefore, Officers were unable to confirm the driver's status. Further contact with the applicant on 29 June confirmed that the driver no longer wished to drive a Hackney Carriage or Private Hire vehicle and would surrender the licence upon return from Poland in July 2021. As of 25 August 2021, at the time of the report being written, the Authority had not received a share code or the licence, from the driver.

The Chairman invited Members of the Committee to ask any questions following presentation of the report. There were no questions.

The Licensing Officer gave a closing statement and Members were asked to consider the report and appendices before them.

(At 10.22am the Licensing Officers left the meeting)

The Committee considered the report and appendices before them and all relevant legislation, guidance and policies.

The driver had confirmed the licence was no longer required but had failed to surrender the licence. As no confirmation was given that the driver was still resident in the UK or had the required proof of settlement status, it was unanimously agreed that the applicant was not a fit and proper person to be licensed as a dual hackney carriage and private hire driver and the driver's licence be revoked.

(At 10.25 the Licensing Officers returned to the meeting)

The Legal Executive read out the Committee's decision to revoke the applicant's licence.

DECISION:

Having taken into consideration the report, legislation, Department of Transport Standards and Councillors handbook the Committee consider that the driver is not a fit and proper person to be licensed as a dual hackney carriage and private hire driver as the continued right to work within the UK cannot be ascertained and the licence be revoked.

The applicant had 21 days to appeal the decision.

11. Any other business which the Chairman, by reason of special circumstances, decides is urgent.

There were none.

12. Close of meeting

The Chairman closed the meeting at 10:26.