

Minutes

Licensing Committee
Friday, 4 April 2025



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Pam Bosworth (Chairman)
Councillor Elvis Stooke (Vice-Chairman)
Councillor Harrish Bisnauthsing
Councillor Helen Crawford
Councillor Patsy Ellis
Councillor Paul Fellows
Councillor Jane Kingman
Councillor Philip Knowles
Councillor Robert Leadenham

Officers

Licensing Officers, Chris Clarke, Elizabeth Reeve
Licensing Manager, Heather Green
Legal Advisor, Mark Brooke (Lincolnshire Legal Services)
Democratic Officer, Lucy Bonshor

52. Apologies for absence

Apologies for absence were received from Councillor Nikki Manterfield.

53. Disclosure of interests

None disclosed.

54. Minutes of the meeting held on 7 March 2025

The minutes from the meeting held on 7 March 2025 were proposed, seconded and **AGREED**.

55. Exclusion of the Press and Public

It was proposed, seconded and **AGREED** to exclude the press and public in accordance with Section 100(A) of the Local Government Act 1972 (as amended)

during consideration of the following item of business because of the likelihood that otherwise exempt information, as described in paragraph 1 and 2 of the Act (as amended) would be disclosed to them.

56. Local Government (Miscellaneous Provisions) Act 1976

Decision

The Committee decided that the driver did not meet the requirements of the Council's Hackney Carriage and Private Hire Policy and they were not a fit and proper person to hold a licence pursuant to Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 and the Committee revoked the Hackney Carriage Drivers Licence.

It was confirmed that the driver was not in attendance.

The Licensing Officer presented exempt report ENV897 which concerned whether a Hackney Carriage Driver remained a fit and proper person to hold a Hackney Carriage Drivers Licence with South Kesteven District Council having failed to meet the requirements of the Hackney Carriage and Private Hire Licensing Policy regarding submitting a DVLA check code on an annual basis and subscribing to the DBS update service to allow six monthly checks to be on the DBS. The driver had held a licence since November 2022 and had complied with the necessary checks until June 2024. The driver had been contacted in November 2024 and was advised that the DBS certificate was no longer registered, no response was received.

The driver was contacted again in February 2025 to say that the DVLA check was overdue and that the DBS certificate was still outstanding. The driver was notified that if no response was received their licence would be brought before the Committee. No response was received.

A question was asked whether any contact had been made with the driver. The Licensing Officer stated that the driver had indicated that they were no longer driving and they had been advised to hand their badge in or attend the meeting but no further contact had been made.

The Licensing Officer then gave their closing statement. Each application was to be determined on its own merits. Committee should have regard to the report, any representation made and all relevant policies including the Council's Hackney Carriage and Private Hire Licensing Policy and the Department of Transport Standards and relevant guidance. An enhanced DBS is required by all new applications and a check was made by Licensing Officers every six months for existing drivers. Following the implementation of the Policy all existing drivers were required to subscribe to the DBS Update Service and maintain the subscription throughout the currency of their licence.

At first application and each renewal, the applicant confirms that they have read and understood the Hackney Carriage and Private Hire Policy, Byelaws and Hackney and Private Hire "Code of Good Conduct".

(10:12 the Licensing Officers left the meeting)

The Committee considered the issue before them having regard to the content of the report and all relevant policies and guidance. It was proposed that the driver was not a fit and proper person to hold a Hackney Carriage licence and their licence should be revoked. A comment was made about the enforcement of handing the badge back in and it was confirmed that any decision made was appealable to the Magistrates Court within 21 days of written notification of the decision. The proposal to revoke the licence was seconded and on being put to the vote agreed.

(10:18 the Licensing Officers returned to the meeting)

The Legal Advisor read out the Committee's decision. The Committee had considered the report before them. The Committee had determined that the driver had failed to provide confirmation that they had subscribed to the DBS update service to enable six monthly checks to be made and had also failed to provide a DVLA share code in accordance with the requirement of South Kesteven District Council's Hackney Carriage and Private Hire Policy. The Committee decided that the applicant did not meet the requirements of the policy and they were not a fit and proper person to hold a licence pursuant to Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 to hold a Hackney Carriage licence. The Committee, therefore, decided that the driver's Hackney Carriage Drivers Licence should be revoked.

There was a right of appeal to the Magistrates Court within 21 days of receipt of written notice of this decision.

57. Local Government (Miscellaneous Provisions) Act 1976

Decision

The Committee determined that the driver did not meet the requirements of the Council's Hackney Carriage and Private Hire Policy and they were not a fit and proper person to hold a licence pursuant to Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 and the Committee revoked the Hackney Carriage Drivers Licence.

It was confirmed that the driver was not in attendance.

The Licensing Officer presented exempt report ENV898 which concerned whether a driver remained a fit and proper person to hold a Hackney Carriage Drivers licence having failed to meet the requirements of the Council's Hackney

Carriage and Private Hire Licensing Policy regarding the submission of a DVLA check code on an annual basis.

The driver had held a licence since April 2005 and there had been no issues up until October 2024. In October 2024 the driver was contacted and advised that his DVLA check was overdue. No response was received from the driver.

In November 2024 the driver was issued with four South Kesteven District Council penalty points for failure to provide a DVLA check code. No further communication had been received from the driver even though a reminder in respect of the April 2025 check was sent in March 2025.

A question was asked about the check that was carried out in April 2024 and the Licensing Officer confirmed that this had not been completed. A question was asked about whether there had been any communication with the driver since April 2024. The Licensing Officer stated that they had been seen smoking in their vehicle in January 2025 but the Council had received no response to their email correspondence regarding this.

The Licensing Officer then gave their closing statement. Each application was to be determined on its own merits. Committee should have regard to the report, any representation made and all relevant policies including the Council's Hackney Carriage and Private Hire Licensing Policy and the Department of Transport Standards and relevant guidance.

All driving licences are checked annually with the DVLA. Drivers are required to provide the necessary "check code" to the Licensing Team. It was for the Committee to determine whether the driver remained a fit and proper person to hold a Hackney Carriage driving licence with South Kesteven District Council.

(10:24 the Licensing Officers left the meeting)

Members discussed the driver before them having regard to the report, the Council's Hackney Carriage and Private Hire Licensing Policy and the Department of Transport Standards and relevant guidance. A comment was made about how licences were retrieved if a licence was revoked and it was suggested that the Licensing Officers were asked this when they returned to the meeting, although it was stated that if the decision was appealed to the Magistrates Court the driver did have 21 days from written notification. A further comment was made in respect of the type of correspondence with drivers but it was felt that if they ran a business then corresponding by email should be expected.

One of the Licensing Committee Members (Cabinet Member for Governance and Licensing) reminded the Committee that as part of the budget setting process 2025/26 an extra Licensing Support Officer had been agreed.

Members noted that there were strict conditions in respect of holding a Hackney Carriage drivers licence which the driver had to adhere too and the responsibility was on the driver. It was proposed, seconded and agreed that the driver was not a fit and proper person to hold a Hackney Carriage drivers licence and that the licence should be revoked.

(10:34 Licensing Officers return to the meeting)

The Legal Advisor asked the Licensing Officer for clarification in respect of a revoked licence and how this was retrieved. It was stated that the information was contained within the revocation letter about handing the badge in at the offices, if necessary, Officers would visit and retrieve the badge.

The Legal Advisor then read out the Committee's decision. The Committee had considered the report and the relevant guidance and policies and determined that the driver had failed to provide a DVLA share code in accordance with the requirement of the South Kesteven District Council's Hackney Carriage and Private Hire Licensing Policy.

The Committee decided that the driver did not meet the requirements of the policy and they were not a fit and proper person to hold a licence pursuant to Section 59 Local Government (Miscellaneous Provisions) Act 1976 in relation to Hackney Carriage drivers. The Committee, therefore decided that the hackney Carriage driver's licence should be revoked.

There was a right of appeal of the decision to the Magistrates' Court within 21 days of receipt of the written notice.

58. Local Government (Miscellaneous Provisions) Act 1976

Decision

The Committee determined that the driver did not meet the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy and they were not a fit and proper person to hold a licence pursuant to Section 51 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 and the Committee revoked the Dual Hackney Carriage/Private Hire Drivers Licence.

The driver was not in attendance.

The Licensing Officer presented exempt report ENV901 which concerned whether a driver remained a fit and proper person to hold a Dual Hackney Carriage and Private Hire Drivers Licence with South Kesteven District Council having failed to meet the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy.

The driver had held a Dual (Hackney Carriage/Private Hire) drivers licence with South Kesteven District Council since June 2023 and had complied with the policy requirements previously. The DBS check was carried out at first application and again in November 2023. The check for August 2024 showed that the certificate was not registered on the DBS update service. The driver was contacted advising them that the DBS certificate was no longer registered and a new DBS application was required to be completed. No response was received. In March 2025 the driver was again contacted regarding his DBS and again no response was received.

A question was asked in relation to the timeframe to which the Licensing Officer responded.

Each application was to be determined on its own merits. Committee should have regard to the report, any representation made and all relevant policies including the Council's Hackney Carriage and Private Hire Licensing Policy and the Department of Transport Standards and relevant guidance.

An enhanced DBS is required with all new applications and a check made by the Licensing Officers every six months for existing drivers. Following the implementation of the policy, all existing drivers are required to subscribe to the DBS Update Service and maintain the subscription throughout the currency of their licence.

Due to the drivers failure to provide the necessary DBS certificate as required by the Council's Hackney Carriage and Private Hire Licensing Policy, it was for the Committee to determine whether the driver remained a fit and proper person to hold a Dual, Hackney Carriage/Private Hire driving licence with South Kesteven District Council.

(10:40 the Licensing Officers left the meeting)

Members discussed the driver before them having regard to the report, the Council's Hackney Carriage and Private Hire Licensing Policy and the Department of Transport Standards and relevant guidance.

Members noted that the driver had failed to comply with the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy in respect of the subscribing to the DBS certificate checks and it was proposed, seconded and agreed that the driver was not a fit and proper person to hold a Dual Hackney Carriage/Private Hire drivers licence and that the licence should be revoked.

(10:43 the Licensing Officers returned to the meeting)

The Legal Advisor read out the Committees decision. The Committee had determined that the driver had failed to provide confirmation that they had subscribed to the DBS update service to enable six monthly checks to be made in accordance with the requirement of the Council's Hackney Carriage and

Private Hire Licensing Policy. The Committee had therefore decided that the driver does not meet the requirements of the policy and they were not a fit and proper person to hold a licence pursuant to Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Committee had determined that the driver's Dual Hackney Carriage and Private Drivers Licence should be revoked.

There was a right of appeal of the decision to the Magistrates' Court within 21 days of receipt of written notice.

59. Pulse and Cocktails, A1 Southbound, Stoke Rochford, Grantham, NG33 5EW

Decision

That the Licensing Committee approve the renewal of the application for a Sex Shop Licence as applied for in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Police and Crime Act 2009).

The Licensing Committee requested that Officers visit the premises within 6 months from the date of the decision to ensure compliance with policy.

The Licensing Officer presented report ENV902 which concerned a renewal application for a Sex Establishment Licences for Pulse and Cocktails on the A1 Southbound, Stoke Rochford.

The Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to permit the Licensing Authority to license Sex Shops. The Licensing Officer read out to the Committee the meaning of a Sex Shop and that each application had be determined on its own merits. Applications may only be refused on certain defined mandatory or discretionary grounds and this were contained within the report and read out by the Licensing Officer.

The applicant had run a Sex Shop at the premises since April 2009 and there had been no complaints about the premises during this time. The renewal application was received in January 2025 and no objections were received during the 28 day consultation period from either the Police or any member of the public. The renewal application did not vary the licence in any way from that previously applied for. The opening days and times for the premise remained the same:

Monday-Sunday 09:00 to 22:00hrs (including Bank Holidays)

When determining the application, the Committee should have regard to:

- The authority's sex establishment procedures

- The Human Rights Act 1998
- SKDC's regulations prescribing standard conditions
- Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

The options open to the Committee were:

- To renew the application as applied for
- To renew the application with modifications and/or additional conditions
- Refuse the renewal. If, having considered the renewal application the Committee decides to refuse it, they must provide the applicant with the reasons for the decision in writing.

Questions were asked of the Licensing Officer in respect of visits to the premises to which they responded.

(10:53 the Licensing Officers left the meeting)

Members discussed the renewal application before them having regard to the report and all relevant guidance and procedures. Members noted that Officers had not visited the premises and felt that this needed to be addressed within the next six months. It was also noted that no complaints had been received from either the Police or members of the public in relation to the premises and it was therefore, proposed, seconded and agreed to grant the licence as applied for with a note that the Licensing Officers visited the premises within the next six months.

(10:58 the Licensing Officers returned to the meeting)

The Legal Advisor read out the Committee's decision. The Committee considered the application before them and all the information set out in the report and decided to approve the renewal of the application as applied for in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

The Licensing Committee requested that Officers visit the premises within the next six months from the date of the decision to ensure compliance with policy.

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

None.

61. Close of meeting

The meeting closed at 11:05am.