

Licensing Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Tuesday, 2 September 2025 at 11.30 am
Council Chamber - South Kesteven House, St. Peter's Hill,
Grantham. NG31 6PZ

Committee Councillor Paul Fellows (Chairman)

Members: Councillor Robert Leadenhams (Vice-Chairman)

Councillor Harrish Bisnauthsing, Councillor Pam Bosworth, Councillor Helen Crawford, Councillor Patsy Ellis, Councillor Jane Kingman, Councillor Philip Knowles, Councillor Rhea Rayside, Councillor Susan Sandall and Councillor Elvis Stooke

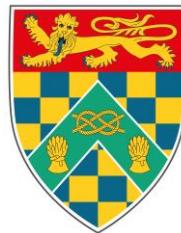
Agenda

1. **Apologies for absence**
2. **Disclosure of interests**
Members are asked to disclose any interests in matters for consideration at the meeting.
3. **Minutes of the meeting held on 8 July 2025** (Pages 3 - 9)
4. **Exclusion of the Press and Public**
It is anticipated that, in accordance with Section 100A(4) of the Local Government Act 1972 (as amended) the press and public may be excluded from the meeting during consideration of the following item of business because of the likelihood that otherwise exempt information, as described in paragraphs 1 and 2 of the Act (as amended) would be disclosed to them.
5. **Local Government Miscellaneous Provisions Act 1976** (Pages 11 - 41)
Report ENV912 from the Licensing Officer.
6. **Suspension of the Street Trading Policy 2022** (Pages 43 - 46)
To update the Licensing Committee on a decision to suspend the Street Trading Policy.
7. **Any other business which the Chairman, by reason of special circumstances, decides is urgent.**

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Minutes

Licensing Committee
Tuesday, 8 July 2025



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Robert Leadenhams (Vice-Chairman)
Councillor Pam Bosworth
Councillor Helen Crawford
Councillor Jane Kingman
Councillor Philip Knowles
Councillor Rhea Ryside
Councillor Susan Sandall

Officers

Licensing Officers, Elizabeth Reeve, Chris Clarke
Head of Public Protection, Ayeisha Kirkham
Legal Advisor (LSL), Kim Robertson
Democratic Officer, Lucy Bonshor

7. Apologies for absence

Apologies for absence were received from Councillor Harrish Bisnauthsing, Councillor Patsy Ellis, Councillor Paul Fellows and Councillor Elvis Stooke.

8. Disclosure of interests

None disclosed.

9. Minutes of the meeting held on 17 June 2025

Minutes of the meeting held on 17 June 2025 were proposed, seconded and agreed.

10. Exclusion of Press and Public

It was proposed, seconded and agreed to exclude the press and public in accordance with Section 100A(4) of the Local Government Act 1972 during

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

11. 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 Licensing Policy and that they were not a fit and proper person to hold a licence.

The Committee therefore decided to revoked the driver's Dual Hackney Carriage and Private Hire Drivers Licence.

It was confirmed that the driver was not in attendance at the meeting.

The Licensing Officer presented exempt report ENV909 which concerned whether a driver remained a fit and proper person to hold a Dual Hackney Carriage and Private Hire Driver Licence with South Kesteven District Council having failed to meet the requirements of the Hackney Carriage and Private Hire Licensing Policy by maintaining the DBS subscription or registering for a new DBS certificate.

The driver had held a Dual Hackney Carriage and Private Hire Drivers licence with South Kesteven District Council since January 2017. There was a history of non-compliance and late submission of documents being sent to the authority and these were highlighted within the report and included:

- Four SKDC penalty points issued in February 2018 for Offence 8 – failure to produce relevant documents within timescale. Following the Points notification document being sent the certificates were provided.
- In March 2022 the driver had been chased to provided his overdue DVLA check code which had been due in January 2022. Following the chasing of the driver, the check code was provided.
- In March 2023 voicemail chasers had been made by Officers in respect of refresher training for “Safeguarding Everyone in Lincolnshire” and “Tackling Exploitation and Modern Slavery” certificates which form part of renewal documents. A medical certificate was also outstanding. The driver was informed that penalty point would be issued if the certificates were not sent within seven days. The certificates were provided within the time period. The medical appointment was not available until April 2023. Again following the appointment date Officers had to chase the driver for the medical certificate which was handed in May 2023.
- In April 2024 the six monthly online DBS subscription check failed. The driver was advised that a new DBS form was required to maintain the subscription. The driver advised that Lincolnshire County Council had already processed a new DBS and they would re-subscribe using this. A

new certificate was seen and checked in May 2024 with subsequent checks carried out in July and December 2024.

- In February 2025 the driver was chased for their overdue manual DVLA check code which was due in January 2025. The check code was eventually provided at the end of February 2025.
- In June the six monthly online DBS check was attempted to be carried out, however a failure message was displayed which indicated that the subscription had not been maintained. The driver was emailed the same day detailing that a new DBS form would be posted to them and the completed form should be taken to Customer Services no later than 13 June 2025. Documents were posted to the drivers home address. No response had been received to these documents. Chaser emails and telephone calls were made on 25 June 2025 confirming that the drivers badge would be referred to the Licensing Committee unless the driver contacted the authority.

One Member asked if any contact had been made by the driver since the report had been written. The Licensing Officer confirmed that no contact of any kind had been received from the driver.

The Licensing Officer gave their closing statement and reminded Members that each applications should be determined on its own merits. Members were referred to the Hackney Carriage and Private Hire Licensing Policy in respect of the Disclosure and Barring Service at 3.94 and also the Application Procedures as outlined at Appendix C 2.5 and 4.1.5 of the Hackney Carriage and Private Hire Licensing Policy together with Appendix J in relation to the Penalty Point Scheme.

The Committee must have regard to all the relevant policies including the Council's Hackney Carriage and Private Hire Licensing Policy and the Department of Transport Standards and relevant guidance.

(12:44 the Licensing Officers and the Head of Public Protection left the meeting)

Members discussed the driver before them having regard to all the relevant policies and guidance. It was noted that the driver had a history of non-compliance with submitting paperwork on time as required by the Council's Hackney Carriage and Private Hire Licensing Policy and that they had failed to attend the meeting to offer any mitigation. Members felt that the driver was not a fit and proper person to hold a Dual Drivers licence. On being put to the vote it was unanimously agreed to revoke the driver's Dual Hackney Carriage and Private Hire driver's licence.

(12:46 the Licensing Officers and Head of Public Protection returned to the meeting)

The Legal Advisor read out the Committee's decision.

The Committee had considered the report provided by the Licensing Officer.

The Committee had determined that the driver had not maintained their subscription 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. Furthermore they had a history of non-compliance, late submission of documents and South Kesteven District Council penalty points being issued against his licence. The Committee decided 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.

The Committee therefore decided that the Driver's Dual Hackney Carriage and Private Hire Drivers Licence should be revoked.

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

12. Local Government (Miscellaneous Provisions) Act 1976

Decision

The Committee determined that the driver had not complied with South Kesteven District Council's Hackney Carriage and Private Hire Licensing Policy and had therefore decided that the driver was not a fit and proper person to hold a licence and that their licence should be revoked.

It was confirmed that no confirmation had been received from the driver in respect of their attendance at Committee.

The Licensing Officer presented exempt report ENV910 which concerned whether a Hackney Carriage Driver remained a fit and proper person to hold a licence having failed to meet the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy by failing to provide the annual DVLA check code and maintaining their DBS subscription or registering for a new DBS certificate.

The Licensing Officer stated that the driver had held a Hackney Carriage Drivers licence with South Kesteven District Council since May 2012. In April 2021 the Taxi Policy introduced the requirement for drivers to register their DBS certificates for the DBS Update Service enabling Licensing Officers to undertake six monthly checks. This requirement replaced the old requirement for a DBS check every three years.

The driver had a new DBS certificate issued in August 2021 as part of their renewal application. The certificate issued was a manual certificate which although was different to an automated certificate the application had the exact same checking process.

A manual DBS certificate prevented a driver from signing up to the Update Service. If a manual certificate is used after an Update Service subscription had been paid for a refund would be issued.

An applicant would at the next six monthly check need to reapply and pay for a new DBS certificate, initially there was no policy to refund payments so South Kesteven District Council had agreed to cover the costs in this instance. The driver again received a manual DBS certificate in July 2022 which meant they could not join the Update Service.

The driver was requested to provide a new DBS certificate in November 2023. The Council confirmed with the DBS service that refunds of the fee paid for those still receiving manual certificates and unable to join the Update Service were still being carried out.

No response or completed form was received from the driver by January 2024. The driver was contacted and a string of emails followed which were appended to the report where the driver was in dispute with the DBS service regarding fees paid. It was explained to the driver that his dispute was with the DBS service and that the Council could not intervene.

A completed DBS was brought in as part of the drivers May 2024 renewal application.

The DBS application was submitted to the DBS. The driver was contacted in July 2024 to chase remaining supporting documents including a new DBS certificate. Further emails followed with the driver disputing that the DBS certificate had been sent to him by the DBS Service. Although it was no longer a manual certificate the cut off point for subscribing to the Update Service had passed.

The driver was advised that unless they could resolve their dispute with the DBS a new DBS certificate would be required in six months. The driver was contacted in March 2025 and given a deadline to make an appointment with Customer Services to bring in a new DBS application. No response was received. A final email was sent with a further deadline stating that they would be referred to the Licensing Committee if information was not received. No response by email or telephone was received. A further email and call to the driver was made in June stating that they would be referred to Committee.

At the time of writing the report it was noted that the DVLA check code for 2025 was also outstanding. A reminder letter was sent to the drivers home address in April 2025 to date this has not been sent into the Licensing Section.

The Licensing Officer then listed further enforcement, non-compliance and late submission of documentation in relation to the driver that had taken place and was listed within the report.

Clarification was sought about the notes on the drivers record and also in relation to the DBS service to which the Licensing Officer replied.

The Licensing Officer gave their closing statement referring to the requirements as outlined within the Council's licensing policy in respect of the Disclosure and Barring Service, and outlined in the report and what was expected of both new and existing drivers again as outlined within the report.

Members were reminded that each application should be determined on its own merits having regard to the Council's Hackney Carriage and Private Hire Licensing Policy and the Department of Transport Standards and relevant guidance.

(1:05 the Licensing Officers and the Head of Public Protection left the meeting)

Members discussed the driver before them having regard to the report and all relevant policies and guidance. Members acknowledged that the driver appeared to have had on going issues with the DBS subscription service but had not supplied any evidence to support this and had not attended the meeting to give any mitigation. The Hackney Carriage and Private Hire Licensing Policy was clear in relation to procedures in respect of supplying DBS check codes and subscribing to the service. It was proposed, seconded and agreed that the driver was not a fit and proper person to hold a Dual Drivers licence and that their licence be revoked.

(1:11pm the Licensing Officers and the Head of Public Protection returned to the meeting)

The Legal Advisor read out the Committee's decision.

The Committee considered the report provided by the Licensing Officer and all relevant policies and guidance.

The Committee noted that the driver had a history of issues with submitting an updated DBS certificate. The Committee noted that the driver had problems with the DBS service, but this did not negate their obligations under the South Kesteven District Council's Hackney Carriage and Private Hire Licensing Policy. The Committee noted that the driver currently had not submitted an updated DBS certificate despite requests and reminders from the Licensing Department.

The Committee noted that the driver had a history of other enforcement, non-compliance, late submission of documents and South Kesteven District Council penalty points being issued against them. The Committee also noted that the driver had not provided any documentary evidence to substantiate their position regarding the subscription service. The Committee determined that the driver had not complied with South Kesteven District Council's Hackney Carriage and Private Hire Licensing Policy and had therefore decided that the driver was not a fit and proper person to hold a licence and that their licence should be revoked.

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

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

None.

14. Close of meeting

The meeting closed at 1:14pm.

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Agenda Item 5

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Licensing Committee

Tuesday 2 September 2025

Report of Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Suspension of the Street Trading Policy 2022

Report Author

Karen Whitfield, Assistant Director – Leisure, Culture and Place

Karen.whitfield@southkesteven.gov.uk

Purpose of Report

To update the Licensing Committee on a decision to suspend the Street Trading Policy

Recommendations

The Committee is recommended to:

1. Note the decision to suspend the Council's Street Trading Policy and the work being undertaken to refresh the Policy.
2. Agree to receive a draft revised Street Trading Policy for information within six months.

Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Connecting communities
Enabling economic opportunities
Effective council

Which wards are impacted? All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 Within the Council's fees and charges structure for financial year 2025/26 the cost for obtaining a street trading permit ranges from £11.25 to £26.00 per day for a static trader and £347 annually for a mobile trader.
- 1.2 Due to difficulties around the enforcement of the current Street Trading Policy and the application process, the take up in the current financial year has been low and the income received amounts to £707.25. Therefore, the impact of suspending the Street Trading Policy for a six-month period to facilitate an improved process will have a minimal impact on the Council's finances. Subsequently, if the renewed policy leads to increased take up this could recover the lost income for the suspended period.

Completed by: David Scott – Assistant Director of Finance and Deputy s151 Officer.

Legal and Governance

- 1.3 The decision to suspend the Council's Street Trading Policy has been undertaken by the Chief Executive using emergency powers. Within the Council's Constitution the Chief Executive is authorised to take any and all actions considered appropriate in an emergency to protect and/or further the best interests of the Council, the District of South Kesteven and/or the public subject to:
 - a) Consultation with the Leader of the Council or in his absence the Deputy Leader and any appropriate Cabinet Member
 - b) A report of the action taken and the reasons behind it being presented to the next meeting of the Cabinet, Council or relevant Committee
 - c) Informing the Opposition Group Leader of the action that has been taken

Completed by: James Welbourn, Democratic Services Manager

2. Background to the Report

- 2.1. Street trading is controlled in accordance with the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This schedule was adopted by South Kesteven District Council on 1 September 2006.
- 2.2. Accordingly, all streets within South Kesteven have been designated as Consent Streets. Therefore, anyone wishing to trade on a street, highway or private land to which the public have access without payment, must hold a Street Trading Permit.

3. Key Considerations

- 3.1. The Council's current Street Trading Policy (the Policy) was adopted by Cabinet on 21 June 2022. This replaced the previous policy and included the provision of an enhanced application process. Currently to support an application the below criteria and evidence must be satisfied:
 - Proof of right to work in the UK
 - One passport photograph
 - A photograph of the trading unit, stall or vehicle
 - A location plan or map identifying the position of the trading site
 - Written permission from the landowner if the site is privately owned
 - Evidence of insurance of at least £5 million
 - An MOT certificate if a vehicle is to be used
 - If the business involves the sale and preparation of food the vehicle must have been inspected and received a food hygiene rating
 - A current valid gas safety certificate for the vehicle or stall if applicable
 - A basic Disclosure and Barring Service Certificate (DBS) for the stall operator and each employee
- 3.2. The current application process for a street trading permit is six weeks from the date of application.
- 3.3. Since the Policy was introduced take up has been low and it has proved difficult to enforce. The size and rural nature of the district means there is a reliance on event organisers and traders to make an application for a permit, as enforcement action would require a significant level of resources.
- 3.4. The Council has also received feedback that the street trading application process is overly complicated when compared to the process used in other districts. Currently the Policy applies to all trading whether this is by a commercial retailer or to charitable events. Particularly in the case of charity events, where there may be multiple stalls, it is difficult and expensive to satisfy the application criteria and obtain a permit.

3.5. The Policy is not being consistently applied. Therefore, a decision was made by the Chief Executive to suspend the existing Policy for a period of six months from 25 July 2025. This will allow a review is undertaken with a view to presenting a refreshed draft Street Trading Policy for consideration by Members of the Licensing Committee.

4. Other Options Considered

4.1 Due to the issues outlined within this report the 'do nothing' option was discounted.

5. Reasons for the Recommendations

5.1. The Council's Constitution provides that when the Chief Executive makes a decision using emergency powers that a report of the action taken and the reasons behind it are presented to the next meeting of the relevant Committee.

5.2. Members of the Licensing Committee are requested to consider a further report within a period of six months to receive information on the proposed refreshed Street Trading Policy.

6. Consultation

6.1. The Leader of the Council, the Cabinet Member for Governance and Licensing and the Leader of the Opposition were all consulted before the decision was made and were in agreement with the action taken.

7. Background Papers

7.1. [Street Trading Policy](#)