

Minutes

Alcohol, Entertainment & Late Night Refreshment Licensing Committee

Tuesday, 28 October 2025



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Paul Fellows (Chairman)
Councillor Robert Leadenham (Vice-Chairman)
Councillor Pam Bosworth
Councillor Helen Crawford
Councillor Jane Kingman
Councillor Philip Knowles
Councillor Rhea Rayside
Councillor Susan Sandall
Councillor Elvis Stooke

Officers

Licensing Officer, Chris Clarke
Licensing Manager, Heather Green
Kim Robertson, Legal Advisor LSL
Mark Brooke, LSL (Observer)
Lucy Bonshor, Democratic Officer

27. Apologies for absence

Apologies for absence were received from Councillor Harrish Bisnauthsing and Councillor Patsy Ellis.

28. Disclosures of interests

None disclosed.

29. Minutes of the meeting held on 2 September 2025

Minutes of the meeting held on 2 September 2025 were proposed, seconded and agreed.

30. Minutes of the Sub-Committee meeting held on 17 September 2025

Minutes of the Sub-Committee meeting held on 17 September were proposed seconded and agreed.

31. Exclusion of Press and Public

It was proposed, seconded and agreed to exclude the press and public under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, on the grounds that exclusion outweighs the public interest in the Hearing taking place in public. For the purpose of paragraph (2) a party and any person assisting or representing a party may be treated as a member of the public.

32. Licensing Act 2003: Determination of a personal licence following conviction of a relevant offence

Decision

The Committee considered the conviction and the failure to notify the Council as required under the Licensing Act 2003 and agreed that the Personal Licence should be revoked.

The Chairman introduced those present and confirmed that the Personal Licence holder was not in attendance.

The Licensing Officer presented the report which concerned whether a Personal Licence should be suspended or revoked as the Council had become aware that the holder of a personal licence had been convicted of a relevant offence.

The Personal Licence holder had held a personal licence issued by South Kesteven District Council since March 2022, a copy of the personal licence was attached to the report at Appendix 1.

In July 2025 the Licensing Team had received notification and a Certificate of Conviction from Lincolnshire Magistrates Court advising that the Personal Licence holder had been convicted in court of driving whilst above the permitted limit for a controlled drug. The offence had taken place in February 2025.

Driving a motor vehicle whilst under the influence of a controlled drug above the specified limit is contrary to section 5A(1)(a) and (2) of the Road Traffic Act 1988 and Schedule 2 of the Road Traffic Offenders Act 1988.

The Personal Licence holder had pleaded guilty to the offence and was disqualified from driving for 12 months, ordered to pay a fine, court costs and surcharge.

Under Section 132 (2) of the Licensing Act 2003 a personal licence holder must:

- (a) Notify the relevant licensing authority as soon as reasonably practicable after the conviction, give the relevant licensing authority a notice containing the details of the nature and date of the conviction, and any sentence imposed on him in respect of it; and
- (b) As soon as reasonably practicable after the determination of any appeal against the conviction or sentence, or of any reference under section 36 of the Criminal Justice Act 1988 (c.33) in respect of the case, give the relevant licensing authority a notice containing details of the determination.

The Personal Licence holder failed to inform South Kesteven District Council of their conviction.

If the relevant authority is considering whether to suspend or revoke the licence, the authority must give notice to the licence holder a notice under Section 132A (4), this was issued to the licence holder in August 2025 and a copy was appended to the report at Appendix 3. It was noted that the letter contained an error in respect of the relevant offence which refers to alcohol rather than a specified controlled drug and should be schedule 14 para 14 (b), however, either way the Personal Licence holder was required to inform the Council.

The licence holder could make representations to the Licensing Authority within the period of 28 days beginning with the day the notice was issued. No representations were received.

The Licensing Officer then answered Members questions in respect of the Personal Licence holder and contact with them to which the Personal Licence holder had not responded. A question was asked in respect of the letter that had been sent to the Personal Licence holder; however, it was confirmed that it was still a relevant offence.

The Licensing Officer then made their closing statement. The Policing and Crime Act 2017 gives Licensing Authorities a discretionary power to revoke or suspend a personal licence if a personal licence holder is convicted of a relevant offence under the Licensing Act 2017.

Under Section 132a of the Licensing Act 2003 the steps a relevant authority may take are:

- Determine that no further action is required, or
- Issue a warning letter
- Suspend the personal licence for a period not exceeding six months
- Revoke the personal licence.

In determining the matter, the Licensing Authority must take into account:

- Any representations made by the licence holder
- Any decision of a court under section 129 or 130 or which the licensing authority is aware, and
- Any other information which the authority considers relevant

The procedure to follow where an authority proposes not to revoke the licence, is set out in the legal and governance section of the report.

(10:10 Licensing Officers left the meeting)

Members discussed the licence before them having regard to all the relevant legislation and guidance. It was noted that the Personal Licence holder had not attended the meeting to give any mitigation. Members noted that it was a serious offence and it was commented that this may not be the only time that the licence holder had been working whilst under the influence which could endanger people's lives. A comment was made in relation to the Personal Licence holders workplace and it was noted that this could be raised with the Licensing Officer outside the meeting. Further discussion followed in respect of the relevant offence following which it was proposed, seconded and unanimously agreed to revoke the Personal Licence.

(10:20 Licensing Officers return to the meeting)

The Legal Advisor read out the Committee's decision. Members had read all the paperwork before them and the Licensing Officer's report. It was noted that the Personal Licence holder had not attended the meeting.

The Committee noted that the Licensing Team received a notification and certificate of conviction from Lincoln Magistrate's Court on 17th July 2025 advising that the personal licence holder had been convicted in court of driving whilst above the permitted limit for a controlled drug. The offence took place on 26th February 2025 and is a relevant offence under the Licensing Act 2003. The Committee noted that personal licence holders are required under the Licensing Act 2003 to notify the council of any relevant conviction and that the personal licence holder had not provided any notification.

The Committee considered all options available to them. Having considered the conviction and the failure to notify the Council the Committee decided it was appropriate in the circumstances to revoke the personal licence.

There was a right of appeal to the Magistrates' Court within 21 days of the licence decision being received.

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

None.

34. Close of meeting

The meeting closed at 10:24am.