

Minutes

Licensing Committee

Monday, 6 July 2026



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Paul Fellows (Chairman)
Councillor Robert Leadenham (Vice-Chairman)
Councillor Harrish Bisnauthsing
Councillor Helen Crawford
Councillor Rhea Rayside
Councillor Susan Sandall
Councillor Elvis Stooke

Officers

Christian Polzin (Environmental Health Manager- Commercial)
Elizabeth Reeve (Licensing Officer)
Carrie Polzin (Licensing Support Officer)
Mark Brooke (Legal Advisor, LSL)
Amy Pryde (Democratic Officer)

1. Apologies for absence

Apologies for absence was received from Councillors Patsy Ellis, Jane Kingman, Philip Knowles and Pam Bosworth.

2. Disclosure of interests

None disclosed.

3. Minutes of the meeting held on 19 May 2026

Minutes from the meeting held on 19 May 2026 were proposed, seconded and agreed.

4. Exclusion of the Press and Public

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

Decision

The Committee notes the previous decision notice dated 07 October 2025, which incorrectly stated the Authority's policy guideline as requiring a minimum period of seven years from the date of conviction. For clarity, the correct policy Appendix D of the Convictions Policy - 3. requires a period of seven years from the date of sentence completion, which in this instance will not be reached until March 2027.

Notwithstanding this administrative clarification, the overarching statutory requirement dictates that an applicant must satisfy the Committee that they are a 'fit and proper person'. The Authority's policy timeline serves as a minimum expected baseline, not a guarantee of approval once elapsed. The Committee determined that no mitigating circumstances have been provided to justify a departure from the correct policy.

The Committee therefore determined that the Applicant did not currently meet the policy requirement and his application is refused. The Committee would remind the Applicant that in accordance with policy, there is a minimum time period since completion of a sentence before an Applicant will be considered for a licence which in this case will not be until March 2027.

The Applicant was present at the meeting.

The Licensing Officer presented exempt report ENV 938 which concerned whether a driver was a fit and proper person to be granted a Dual Hackney Carriage and Private Hire Drivers Licence with South Kesteven District Council (SKDC), having previously been refused a Dual Hackney Carriage and Private Hire Driver Badge by SKDC and having failed to meet the South Kesteven District Council (SKDC) Hackney Carriage and Private Hire Driver Policy regarding convictions.

On 29th February 2024, the Licensing Team received an application for a Dual Hackney Carriage and Private Hire Driver's Licence from the driver.

On the application there were three declared convictions for driving offences; Using a vehicle whilst uninsured (IN10), driving whilst above the drug limit (DG10) and a further conviction with no explanation that accrued 6 DVLA penalty points. Following a telephone conversation, the driver chose to withdraw his application, and a full refund was issued.

The driver reapplied on for a Dual Hackney Carriage and Private Hire drivers badge on 7th May 2025. The application also showed the 3 convictions.

It was noted that his DVLA driving licence carried an endorsement of 6 penalty points for the offence code MS90 – Failure to give information as to identity of driver, dated 22nd June 2022. The driver outlined the circumstances relating to how

this offence occurred. This endorsement was due to be removed from his DVLA check on 22nd June 2026.

Upon receipt of the drivers DBS certificate, it was confirmed that he had two convictions recorded. One conviction was for using a vehicle without insurance (Driving licence endorsed, £100 fine and victim surcharge imposed), and the other was for driving a motor vehicle while over the limit for a controlled drug (Disqualified from driving for 12 months and £100 fine imposed). Both convictions occurred on 15th March 2019.

On 30th September 2025 the driver was refused a Dual Hackney and Private Hire drivers badge by South Kesteven District Councils Licensing Committee and it was confirmed to the driver that convictions for drug driving or major traffic offences require a period of seven years to have elapsed before an applicant can be granted a licence, without referral to the Licensing Committee. The policy states that seven years is to have elapsed since the completion of a sentence, not conviction.

Based on the advice previously given to the driver, following a period of 7 years since conviction, the driver re-applied for a Dual Hackney Carriage and Private Hire driver badge on 9th May 2026.

The Committee heard from the driver who advised that he had based his application on the fact that 7 years has passed from the date of conviction. He stated he acted in good faith after the hearing when reapplying for the licence and if he knew he had to wait 7 years from the date of the completion of the sentence he would have simply waited.

The driver stated he had taken the time to reflect on his previous mistakes and had learnt from his errors. He also clarified he had not taken any further drugs tests but would take them if necessary. A character reference was provided for the Committee to consider.

He clarified the previous offence for driving above the drug limit (DG10) was due to the use of CBD products taken for pain mitigation as a professional athlete, but in future would liaise with his GP about any pain relief.

The Licensing Officer then gave her closing statement reminding Members that each application had to be determined on its own merits. The Licensing Officer referred to the report where the relevant sections from the Council's Hackney Carriage and Private Hire Licensing Policy were reproduced in respect of a Dual Hackney Carriage and Private Hire badge and having failed to meet the South Kesteven District Council (SKDC) Hackney Carriage and Private Hire Driver Policy regarding convictions. When determining the matter before them, the Committee must give full regard to all relevant policies including the Council's Hackney Carriage and Private Hire Licensing Policy and the Department of Transport Standards and relevant guidance.

(10:20 the Licensing Officers and applicant left the meeting)

Members discussed the application before them and took into consideration the misinterpretation of the 7 years. The driver had thought the seven years was from the date of conviction rather than sentence completion. However, the Licensing Officer had liaised with the driver to ensure he was aware of the 7 years elapsing in March 2027.

(10:45 the Licensing Officers and applicant returned to the meeting)

The Legal Advisor read out the Committee's decision.

The Committee had considered the report provided by the Licensing Officer and verbal representation from the applicant, who was present at the meeting.

The Committee therefore determined that the Applicant's application for a Dual Hackney Carriage and Private Hire Drivers Licence should be refused and that the Applicant should not expect to be considered for a licence until the seven years from the date of completed sentence had elapsed, which was March 2027.

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

6. Local Government (Miscellaneous Provisions) Act 1976

Decision

In determining whether an applicant is a fit and proper person, the Council has applied its adopted Hackney Carriage and Private Hire Licensing Policy.

The Council's policy states that an application for a licence will not normally be considered until a period of at least 7 years has elapsed since the date of the completion of a sentence.

In accordance with the Council's policy, the applicant will not meet this requirement until October 2026.

As the applicant does not currently meet the 7-year policy requirement, the Committee cannot be satisfied that he is a fit and proper person to hold a licence.

The Committee does not consider there to be any mitigating circumstances at this time to depart from policy, therefore the application is refused.

The Applicant was present at the meeting.

The Licensing Officer presented exempt report ENV 940 which concerned whether a driver was a fit and proper person to be granted a Dual Hackney Carriage and Private Hire Drivers Licence with South Kesteven District Council (SKDC), having

failed to meet the South Kesteven District Council (SKDC) Hackney Carriage and Private Hire Driver Policy regarding convictions.

On 30th March 2026, the Licensing Team received an application for a Dual Hackney and Private Hire Driver's Licence from the applicant.

On the application form, there was a declared driving disqualification (DR10) from 2016 which resulted in a 3-year driving ban. No other convictions or driving offences were declared or shown on the DVLA check.

Upon receipt of the applicant's DBS certificate on 16th June 2026, it was confirmed that he had two convictions recorded for four offences, in 2016 and 2017.

The first conviction was on 12th October 2016 for offences on 24th September 2016 under the Road Traffic Act 1988 S.5(1)(A), namely driving a motor vehicle with excess alcohol (Disqualified from driving for 36 months and fine of £300 with costs and victim surcharge imposed). The second offence was under the Public Order Act 1986 S.5(1)(A)+S.5(6), namely use threatening/abusive words/behaviour likely to cause harassment/alarm or distress (Fine £100).

The applicant provided an outline regarding the circumstances that led to the first conviction resulting in the driving ban, which was provided to the Committee for consideration.

The second conviction was on 16th June 2017 for offences on 20th May 2017 under the Road Traffic Act 1988 S.143(2), namely using a vehicle while uninsured (Driving licence endorsed, costs and absolute discharge imposed). The second offence was under the Road Traffic Act 1988 S.103(1)(B), namely driving whilst disqualified (Absolute discharge and disqualified from driving for a discretionary 1 month).

The applicant had provided further clarification regarding the second conviction.

Clarification was sought around drug testing for this applicant.

The Licensing Officer confirmed a form had been completed by the applicant's GP around any history of drugs and alcohol and these boxes had been ticked as 'no'. There was no requirement for an applicant to undertake an independent additional test within the Council's policy.

The Committee heard from the driver who clarified that the drink driving instance was on his birthday when he was 18. He deeply regrets his previous action and he currently has a clean driving licence.

The Licensing Officer then gave her closing statement reminding Members that each application had to be determined on its own merits. The Licensing Officer referred to the report where the relevant sections from the Council's Hackney Carriage and Private Hire Licensing Policy were reproduced in respect of a Dual

Hackney Carriage and Private Hire badge and having failed to meet the South Kesteven District Council (SKDC) Hackney Carriage and Private Hire Driver Policy regarding convictions. When determining the matter before them, the Committee must give full regard to all relevant policies including the Council's Hackney Carriage and Private Hire Licensing Policy and the Department of Transport Standards and relevant guidance.

(11:12 the Licensing Officers and applicant left the meeting)

Members discussed the application before them having regard to all relevant policies, guidance and representations made. Members noted that there were no exceptional circumstances for the Committee to deviate from the Council's policy in relation to the convictions which the applicant had. It was noted that the policy stated that seven years needed to have elapsed following certain convictions and the completion of the sentence and it was therefore, proposed, seconded and agreed to refuse to grant a Dual Hackney Carriage and Private Drivers licence.

(11:20 the Licensing Officers and applicant returned to the meeting)

The Legal Advisor read out the Committee's decision.

The Committee had considered the report provided by the Licensing Officer and verbal representation from the applicant, who was present at the meeting.

The Committee therefore determined that the Applicant's application for a Dual Hackney Carriage and Private Hire Drivers Licence should be refused and that the Applicant should not expect to be considered for a licence until the seven years from the date of completed sentence had elapsed, which was October 2026.

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

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

None.

8. Close of meeting

The meeting closed at 11:22am.