

Minutes

Licensing Committee
Friday, 7 March 2025



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

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

Officers

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

45. Apologies for absence

Apologies for absence were received from Councillor Pam Bosworth, Councillor Steve Cunnington, Councillor Patsy Ellis and Councillor Nikki Manterfield.

46. Disclosure of interests

None disclosed.

47. Minutes of the meeting held on 20 December 2024

The minutes of the meeting held on 20 December 2024 were proposed, seconded and **AGREED**.

48. Exclusion of the Press and Public

It was proposed, seconded **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.

49. Local Government (Miscellaneous Provisions) Act 1976

The Vice-Chairman, who was chairing the meeting in the Chairman's absence, introduced those present and confirmed the name of the applicant who was in attendance.

Decision

The Committee determined that the applicant was a fit and proper person to hold a Dual, Hackney Carriage and Private Hire driving licence.

The Licensing Officer presented exempt report ENV896 which concerned whether the applicant was a fit and proper person to be granted a Dual Hackney Carriage and Private Hire Drivers Licence with South Kesteven District Council having failed to meet the requirements of the Hackney Carriage and Private Hire Licensing Policy regarding convictions. The Licensing Officer informed the Committee of the conviction the applicant held and the Council's policy in respect of convictions for violence.

The applicant then presented their case and how, since the conviction they had changed their life around. A character reference letter which had been written by a relative of the applicant was also read out. Members questioned the applicant in respect of the conviction, whether they pleaded guilty or not guilty and the sentence received and their current circumstances to which the applicant replied and they confirmed that they had a clean driving licence. The applicant acknowledged the Council's policy and the timeframe for their conviction but asked for the Committee to consider their application.

The Licensing Officer then gave their closing statement stating that drivers had direct responsibility for the safety of their passengers and the safety of other road users. They had significant control over passengers who were in their vehicle with passengers that maybe alone and also may be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained. Members attention was drawn to Appendix D – Convictions Policy and Part 3 in respect of Hackney Carriage and Private Hire Drivers. Time periods for convictions were outlined within the report.

The Applicant asked the Committee to consider their application, acknowledging the timeframe for the conviction had not yet passed.

(10:19 the Licensing Officers and Applicant left the meeting)

Members discussed the application before them having regard to the report, representations made, the Council's Hackney Carriage and Private Hire Licensing Policy, the Department for Transport Statutory Taxi and Private Hire

Vehicle Standards and the Councillor Handbook. One Member felt that the Policy was there for a reason and the time period should be adhered to for the conviction. Another Member stated that there must be some flexibility otherwise the application would not have been brought before the Committee for the Committee to determine the application. The Legal Advisor informed the Committee that they could go against the Policy if they had a justified reason to do so, it was also stated that financial hardship was not a material consideration. Members discussed the incident itself with the majority of Members feeling that the applicant had changed their life and gave the appearance of being more settled since the incident took place. Members felt that the applicant had put their case across well and noted that they held a clean driving licence. After further discussion it was proposed, seconded and AGREED that the applicant was a fit and proper person to hold a Dual Hackney Carriage and Private Hire Drivers licence pursuant to Sections 51 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

(10:46 the Licensing Officers and Applicant returned to the meeting)

The Legal Advisor read out the Committee's decision. The Committee considered whether the applicant was a fit and proper person to be granted a Dual Hackney Carriage and Private Hire Drivers licence having failed to comply with requirements of the Council's Licensing Policy regarding convictions.

Consideration

The Committee heard from the Licensing Officer who addressed the circumstances surrounding the applicant's conviction.

The applicant advised the Committee that their actions in the past had been creeping up on them. Since then, the applicant was a changed person who had been working for the family business for ten years. The applicant advised they did not go out looking for trouble and was a family person. The applicant had two children and was expecting a third. The applicant wanted to support their family in the best way possible and they acknowledged that they had been young and immature at the time of the offences and asked the Committee to consider the application.

The applicant provided a character reference from a relative. The letter acknowledged the problems the applicant had faced in the past but attested to the transformation that the applicant had undergone and that they were not the same person they were seven years ago. The relative strongly believed that the past mistakes would not impact on the applicant's future.

Members asked about the circumstances surrounding the applicant's conviction to which the applicant confirmed it had been a family dispute. Members also asked about the applicant's current employment and skill set to which he replied and stated that he dealt with customers on a daily basis.

The applicant confirmed that they had a clean driver's licence.

The applicant had also stated how they had pleaded during the trial for the offences. The applicant thanked the Committee for their time and attested their suitability to the role.

Reason for Decision:

Following a thorough review of the applicant's application for a Dual Hackney Carriage and Private Hire Drivers licence, representations that were made in the Licensing Hearing and considering the Hackney Carriage and Private Hire Licensing Policy the Licensing Committee determined the following.

The Committee considered how the applicant had presented himself during the hearing and acknowledged their past actions. The Committee have decided that the applicant showed genuine remorse in their past actions and acknowledged their statement that they had changed. The Committee determined that the applicant is a fit and proper person therefore the application should be granted. The Committee reminded the applicant that their decision to go against their policy was to give them a second chance and they had put their trust in them.

Conclusion:

In light of the above, the applicant's application for a Dual Hackney Carriage and Private Hire Driver's Licence was approved.

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

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

There was no other business other than to remind the Committee of the next scheduled meeting on 4 April 2025.

51. Close of meeting

The meeting closed at 10:50am.