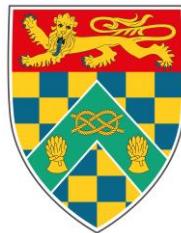


Minutes

Licensing Committee
Tuesday, 2 September 2025



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Paul Fellows (Chairman)
Councillor Robert Leadenhams (Vice-Chairman)
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Jane Kingman
Councillor Susan Sandall
Councillor Elvis Stooke

Officers

Licensing Officers, Elizabeth Reeve, Chris Clarke
Assistant Director (Leisure, Culture and Place), Karen Whitfield
Head of Service (Public Protection), Ayeisha Kirkham
Legal Advisor (LSL), Kim Robertson
Democratic Officer, Lucy Bonshor

15. Apologies for absence

Apologies for absence were received from Councillor Helen Crawford, Councillor Patsy Ellis and Councillor Philip Knowles.

16. Disclosure of interests

None disclosed.

17. Minutes of the meeting held on 8 July 2025

Minutes of the meeting held on 8 July 2025 were proposed, seconded and agreed.

18. Exclusion of the 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.

19. Local Government Miscellaneous Provisions Act 1976

Decision

The Committee decided to depart from its policy in this instance bearing in mind the very specific domestic circumstances of the offence and the support and character references that the driver provided.

The Committee decided that the driver was a fit and proper person to hold a dual, Hackney Carriage and Private Hire Driver's licence.

The Committee issued a warning to the driver in respect of their future behaviour.

The Chairman of the Committee introduced those present and confirmed the name of the driver present who was accompanied by their daughter.

The Licensing Officer present exempt report ENV912 which concerned whether a driver remained a fit and proper person to hold a Dual Hackney Carriage and Private Hire Drivers Licence having failed to meet the requirements of the Hackney Carriage and Private Hire Licensing Policy regarding convictions.

The Licensing Officer referred the Committee to Appendix 1 of the report and the press article that the Licensing Team had been altered to. On checking records the Licensing Team found that the person mentioned was a licensed taxi driver with South Kesteven District Council. The online service DBS check for the driver was completed at the beginning of August but showed no change in status. A check made later in the month stated that the certificate was no longer current and a new DBS check was required.

A disclose request of the offence was made to the Police. The Police had not informed the Licensing Authority of the offence as it was not deemed as a significant risk to members of the public. The Police had previously confirmed that offences and allegations must be relevant and transferable to the workplace and that domestic incidents were not deemed transferrable unless the parties involved worked together and could carry on the potential risk whilst in the workplace and therefore put others at risk from their actions.

It was considered that based on the details of the incident and court notes published within the press, along with the fact that the Police had not deemed the

incident as high risk, the driver was not a risk to the public and the matter could be referred to the Licensing Committee for determination.

Members were referred to the number of character references appended to the report at Appendix 2 together with the supplementary papers circulated. Previous enforcement related to the driver was shown at paragraph 3.3.

The driver had not made any report to the Licensing Authority about the charge or conviction as required by the Hackney Carriage and Private Hire Licensing Policy. The Committee were referred to Part 3 Convictions and Appendix D – Convictions Policy of the policy, these were reproduced within the report at paragraphs 3.4 – 3.5.

It was for the Committee to determine whether the driver remained a fit and proper person to hold a licence.

The driver then made their representation and spoke about the circumstances which led to the incident and the affect that it had made on their mental health. The driver acknowledged the severity of what they did and that it was wrong. The driver referred to the character references that had been received and that they lived for their work and gave 110% to the job. Due to the incident the driver had sought therapy and continued to undertake counselling. The driver had not been aware that they should notify the Licensing Team about the conviction and charge at that point, according to the application form that he had looked at they needed to refer to the conviction when they reapplied. The driver stated that they were a caring and honest driver and helped customers however they could.

Members then questioned the driver about various aspects of their representation to which the driver responded.

The Licensing Officer then gave her closing statement reminding the Committee that they must have regard to all relevant policies including:

- Any representation that the driver gives in his defence
- The Council's Hackney Carriage and Private Hire Licensing Policy
- The Department of Transport Standards and relevant guidance.

The driver stated that he had tried to do a DBS check but could only access a basic check. Depending upon what the decision of the Committee was, the Licensing Officer stated that they would discuss this with the driver outside the meeting.

(11:55 the Licensing Officers, driver and daughter left the meeting)

Members discussed the issue before them having regard to all the relevant policies and guidance together with the representations made and the response from the Police in respect of the incident. Members felt that the issue before them was unique. Members discussed the options available to them but felt that

neither revocation or suspension were appropriate in the circumstances. Further discussion followed and it was proposed that a warning be issued with a recommendation that the driver continue to have therapy. On being put to the vote the proposal was unanimously agreed.

(12:10 the Licensing Officers, driver and daughter returned to the meeting)

The Legal Advisor read out the Committee's decision.

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

The Committee had noted the circumstances of the offence – details provided by the driver, court press articles and also Lincolnshire Police. The Committee also noted the letters and comments of support and character references that have been provided for the driver. The driver explained they believed from reading a new application form that they had to notify the council when they reapplied for their licence. The driver also noted that neither the Police or court advised the driver that they must notify the council.

The Committee had decided to depart from its policy in this instance bearing in mind the very specific domestic circumstances of the offence and the support and character references that the driver provided. The Committee decided that the driver is a fit and proper person to hold a licence.

The Committee therefore decided that the driver should receive a warning to their future behaviour, but their Dual Hackney Carriage and Private Hire Drivers Licence should remain. The Committee strongly recommended that the driver continue with their therapy.

The driver thanked the Committee for their decision.

Back in public session

20. Suspension of the Street Trading Policy 2022

The Assistant Director (Leisure, Culture and Place) presented the report which concerned a decision to suspend the Street Trading Policy for a period up to six months.

The Council's current Street Trading Policy was adopted by Cabinet in June 2022. The policy replaced the previous policy and included the provision of an enhanced application process and this was outlined within the report. The current period to process a street trading permit was six weeks from the date of application.

Due to the size and nature of the district, take up of permits had been low and was difficult to enforce. Feedback received indicated that the street trading application process was overly complicated when compared to the process used in other districts and was not consistently applied.

A decision was made by the Chief Executive using emergency powers as allowed for within the Constitution, to suspend the existing Policy for up to six months from 25 July 2025 to allow a review to be undertaken. A refreshed draft Street Trading Policy would be presented for consideration to the Committee in due course.

A discussion on the issue followed with the following comments made:

- Did stall holders on markets require a Street Trading permit – vendors on a market were covered by different legislation in respect of markets.
- Loss of income whilst Street Trading was suspended
- The possibility of registering food vendors for £1 to enable a working document to be in place giving the number of actual food vendors in the district.
- That the refresh should be carried out sooner rather than later – it was noted that the suspension was up to six months, it was hoped that the refresh could be undertaken sooner but that any Policy needed to be enforceable .
- Comments in respect of street traders in Stamford – Friday market covered by Market Charter.
- Robust consultation would be undertaken and fees and charges amended accordingly during the budget consultation if required.
- That fees should be equal across the district – it was noted that a daily premium was enforce in Stamford – it was suggested that this was an issue which could be addressed once the draft Policy had been refreshed.

Decision

1. ***That the Committee notes the decision to suspend the Council's Street Trading Policy and the work being done to refresh the Policy.***
2. ***That the Committee receive a draft revised Street Trading Policy for information within six months.***

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

The Assistant Director (Leisure, Culture and Place) briefly updated the Committee on the work that was being undertaken in respect of taxi licensing as there had recently been concern raised about drivers working in the district from other areas. Due to a legal "loophole" and less stringent processes to those undertaken by South Kesteven, this allowed drivers licensed in other areas to

work within the district. The Minister responsible for taxi licensing was being asked to look at how the “loophole” could be closed at a national level.

Other work that was being undertaken was monitoring the trade in all four towns and enforcing repeat offenders. Dialogue was also taking place with Lincolnshire County Council in respect of temporary taxi ranks and their location. Fees and charges benchmarking was also being undertaken with neighbouring authorities. Two workshops were being arranged for the taxi trade to attend, one in Grantham and one in Stamford for members of the trade to raise any issues they had.

The Assistant Director (Leisure, Culture and Place) stated that there was a lot of hard work being done “behind the scenes” in respect of taxis and the problems being encountered and she wanted the Committee to be made aware of the positive work going on.

Questions were asked about the work being done and the Officers were thanked for the work being undertaken.

The Vice-Chairman of the Committee raised an issue which was linked to taxis and referred to an email that he had sent to South Kesteven Licensing Team as well as Melton Borough Council in respect of issues that he had witness in respect of unlicensed taxis picking up customers from the Forbidden Forest Festival that was located at Belvoir Castle which was situated on the boarders of Lincolnshire, Leicestershire and Nottinghamshire. The Vice-Chairman stated that he had major concerns in respect of the use of unlicensed taxis picking up customers at this location and he had seen instances of this happening over the years that the festival had been at Belvoir Castle. He had done a lot of work with Melton Borough Council in respect of this issue and he asked for the Committees approval to continue to work with Officers from South Kesteven and Melton Borough Council to try and come to a solution to help address the problem. Members noted the hard work that Councillor Leadenham had done and were happy for him to continue to look into the issue.

22. Close of meeting

The meeting was closed at 12:46pm.