

***LICENSING DRIVER PANEL
Regulatory Committee
Agenda***

Date Tuesday 17 April 2018

Time 9.30 am

Venue Crompton Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Sian Walter-Browne in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Sian Walter-Browne Tel. 0161 770 5151 or email sian.walter-browne@oldham.gov.uk
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Thursday, 12 April 2018.
 4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE LICENSING DRIVER PANEL IS AS FOLLOWS:
Councillors A. Alexander, Briggs (Chair), Cosgrove, Garry, Gloster, McLaren and Shuttleworth

Item No

- 1 Apologies For Absence
- 2 Urgent Business

Urgent business, if any, introduced by the Chair

3 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

4 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

5 Minutes of Previous Meeting (Pages 1 - 4)

The Minutes of the meeting held on 13th March 2018 are attached for approval.

6 Exclusion of the Press and Public

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

7 Local Government (Miscellaneous Provisions) Act 1976 Section 61 - Review of a Dual Drivers Licence (DP/2018/17) (Pages 5 - 10)

The purpose of this report is to ask Members to review whether, as a result of a complaint from a member of the public, the holder of an existing dual hackney carriage / private hire drivers licence, remains a 'fit and proper' person to hold that licence.

8 Local Government (Miscellaneous Provisions) Act 1976 Section 61 - Review of a Dual Drivers Licence (DP/2018/21) (Pages 11 - 16)

The purpose of this report is to ask Members to review whether, as a result of a information received, the holder of an existing dual hackney carriage / private hire drivers licence, remains a 'fit and proper' person to hold that licence.

9 Local Government (Miscellaneous Provisions) Act 1976 Renewal of a Dual Drivers Licence (DP/2018/19) (Pages 17 - 30)

The purpose of this report is to inform Members of an application to renew a dual hackney carriage / private hire driver's licence, where convictions recorded against the applicant, who has been invited to today's hearing, calls into question whether they remain a 'fit and proper' person to hold a licence.

10 Local Government (Miscellaneous Provisions) Act 1976 Renewal of a Dual Drivers Licence (DP/2018/20) (Pages 31 - 44)

The purpose of this report is to inform Members of an application to renew a dual

hackney carriage / private hire driver's licence, where convictions recorded against the applicant, who has been invited to today's hearing, calls into question whether they remain a 'fit and proper' person to hold a licence.

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Licensing Drivers Panel Appeals Update (Pages 45 - 48)

The purpose of this report is to provide Members with an update on any appeals against the decisions of the Council's Licensing Drivers Panel.

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Oldham
Council

LICENSING DRIVER PANEL
13/03/2018 at 9.30 am

Present: Councillor Briggs (Chair)
Councillors A. Alexander, Cosgrove, Garry, Gloster, McLaren
and Shuttleworth

Also in Attendance:

Russell Williams

Senior Licensing Officer, Oldham
Metropolitan Borough Council
(OMBC)

David Joy

Solicitor, OMBC

Fabiola Fuschi

Constitutional Services Officer,
OMBC

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Licensing Driver Panel meeting held on 6th February 2018 be approved as a correct record.

6 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

7 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - RENEWAL OF A DUAL DRIVERS LICENCE (DP/2018/13)**

RESOLVED that:

1. Based on the information provided to the Panel, having considered the nature of the Applicant's previous convictions and taking into account Oldham Metropolitan Borough Council's conviction guidelines adopted in November 2016, the Panel agreed that the application to renew a dual hackney carriage / private hire driver's licence be GRANTED;
2. The licence be SUSPENDED for a period of 180 days;
3. A warning be given as to future conduct.

The Panel also recommended that the Applicant undertake the relevant NVQ training course during the period of suspension.

NOTE: the Applicant and his legal representative attended the meeting and addressed the Panel.



8 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)**
ACT 1976 - APPLICATION FOR DUAL DRIVER LICENCE -
(DP/2018/14)

RESOLVED that based on the information provided to the Panel, having considered the Applicant's previous convictions and taking into account Oldham Metropolitan Borough Council's conviction guidelines adopted in November 2016, the Panel agreed that the application for a dual hackney carriage / private hire driver's licence be REFUSED.

NOTES:

1. The Applicant and his representative attended the meeting and addressed the Panel.
2. A letter written by the Applicant was provided to the Panel during the meeting.

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)**
ACT 1976 - APPLICATION FOR DUAL DRIVER LICENCE -
(DP/2018/15)

RESOLVED that, based on the information provided to the Panel, including information provided by Greater Manchester Police, the nature and the number of the Applicant's previous convictions and taking into account Oldham Metropolitan Borough Council's conviction guidelines adopted in November 2016, the Panel agreed that the application for a dual hackney carriage / private hire driver's licence be REFUSED.

NOTES:

1. The Applicant attended the meeting and addressed the Panel.
2. Several character reference letters were provided to the Panel in advance of the meeting.

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)**
ACT 1976 - RENEWAL OF A DUAL DRIVERS LICENCE
(DP/2018/16)

RESOLVED that, based on the information provided to the Panel, the Applicant's previous convictions and taking into account Oldham Metropolitan Borough Council's conviction guidelines adopted in November 2016, the Panel agreed that the application to renew a dual hackney carriage / private hire driver's licence be GRANTED and the licence be SUSPENDED for a period of 21 days.

NOTE: the Applicant attended the meeting and addressed the Panel.

LICENSING DRIVERS PANEL - APPEALS UPDATE

RESOLVED that the information concerning the appeals against Oldham Metropolitan Borough Council's decisions be noted.



The meeting started at 9.30 am and ended at 11.55 am

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of the Local Government Act 1972.

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