

LICENSING DRIVER PANEL

Agenda

Date Tuesday 7th November 2023

Time 9.30 am

Venue Crompton Suite, Civic Centre, 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 Constitutional Services in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email constitutional.services@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, 2 November 2023.

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.

Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE LICENSING DRIVER PANEL IS AS FOLLOWS:
Councillors Byrne, Cosgrove, Hamblett, H. Harrison, J. Hussain, S. Hussain (Chair) and Wahid

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 - 2)

The Minutes of the Licensing Driver Panel held on 5th September 2023 are attached for approval.

6 Order of Proceedings (Pages 3 - 4)

7 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 paragraph(s) 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.

8 DP-2023-24 (Pages 5 - 12)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to a conviction calls into question their fitness and propriety to be a suitable person to hold such a licence. As such, the application has been referred to this panel for determination

9 DP-2023-25 (Pages 13 - 18)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application has been referred to this panel for determination.

10 DP-2023-26 (Pages 19 - 24)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application has been referred to this panel for determination.

11 DP-2023-27 (Pages 25 - 30)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to information received calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application has been referred to this panel for determination.

12 Appeals Update 07.11.2023 (Pages 31 - 34)

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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LICENSING DRIVER PANEL
05/09/2023 at 9.30 am

Present: Councillor S. Hussain (Chair)
Councillors Byrne, Cosgrove, Hamblett, H. Harrison, Nasheen
(Substitute) and Wahid

Also in Attendance:

Laila Chowdhury	Constitutional Services
Alan Evans	Solicitor
Nicola Lord	Principal Licensing Officer
Kaidy McCann	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J. Hussain.

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**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 11th July 2023 be approved as a correct record.

6 **ORDER OF PROCEEDINGS**

RESOLVED that the Order of Proceedings be noted.

7 **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.

8 **DP/2023/20**

RESOLVED that, based on the information provided to the Panel, having considered the Applicant's conduct and taking into account the Council's Statement of Fitness and Suitability Policy, the dual hackney carriage / private hire driver's licence be GRANTED for a period of 12 months, with the following 2 years of the licence to be issued if the applicant continues to evidence a conviction free period.

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

9 **DP/2023/1**

RESOLVED that, based on the information provided to the Panel, having considered the Applicant's conduct and taking into

account the Council's Statement of Fitness and Suitability Policy, the dual hackney carriage / private hire driver's licence be GRANTED for a period of 12 months, with the following 2 years of the licence to be issued if the applicant continues to evidence a conviction free period.

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

10

DP/2023/22

RESOLVED that, based on the information provided to the Panel, having considered the Applicant's conduct and taking into account the Council's Statement of Fitness and Suitability Policy, the dual hackney carriage / private hire driver's licence be REVOKED with immediate effect in the interests of public safety.

NOTE: the Applicant did not attend the meeting to address the Panel.

11

DP/2023/23

RESOLVED that, based on the information provided to the Panel, having considered the Applicant's conduct and taking into account the Council's Statement of Fitness and Suitability Policy, the dual hackney carriage / private hire driver's licence be GRANTED for a period of 12 months, with the following 2 years of the licence to be issued if the applicant continues to evidence a conviction/complaint free period.

NOTE:

1. the Applicant attended the meeting and addressed the Panel.
2. That in accordance with Part 4 Paragraph 16.4 of the Council's Constitution, Councillors Cosgrove, Hamblett and Harrison requested that their votes be recorded against this decision.

12

APPEALS UPDATE

RESOLVED that the Appeals Update be noted.

The meeting started at 9.30 am and ended at 11.45 am

LICENSING PANEL (DRIVERS) ORDER OF PROCEEDINGS

Hackney Carriage and Private Hire Drivers Applications and Reviews

Panel Members and Officers introduce themselves

1. The Licensing Officer will introduce the Applicant/Driver and their representative (if they have one).
2. The Licensing Officer will introduce the application/review and the reasons for bringing it to the Panel.
3. Members and the Applicant/Driver and their representative may question the Licensing Officer
4. The Applicant/Driver and their representative will be offered the opportunity to make representations or add any further information.
5. Members or Officers may then question the Applicant/Driver.
6. The Licensing Officer will then summarise.
7. The Applicant/Driver and their representative will be offered the opportunity to summarise their case.
8. All parties will be asked to leave the room while the Panel considers the matter and will be brought back in to be informed of the Panel's decision.

Licensing Officer will leave with the Applicant/Driver and their representative and explain to them outside the meeting what happens next.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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