

LICENSING DRIVER PANEL Agenda

Date Tuesday 5 December 2023

Time 9.30 am

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

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires 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 at least 24 hours 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, 30 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

Councillors Byrne, Cosgrove, Hamblett, H. Harrison, J. Hussain, S. Hussain (Chair) and Wahid

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 Licensing Drivers Panel held on 7 November 2023 are attached for approval.

6 Order of Proceedings (Pages 5 - 6)

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 DP2023/28 (Pages 7 - 12)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to a caution 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.

9 DP/2023/29 (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/2023/30 (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/2023/31 (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 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.

12 DP/2023/32 (Pages 31 - 52)

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

13 DP/2023/33 (Pages 53 - 62)

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

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Public Document Pack Agenda Item 5
LICENSING DRIVER PANEL
07/11/2023 at 9.30 am



Oldham
Council

Present: Councillor J. Hussain (Vice-Chair, in the Chair)
Councillors Byrne, Cosgrove, Hamblett, McLaren and Nasheen

Also in Attendance:

Laila Chowdhury	Constitutional Services
Alan Evans	Group Solicitor
Susan Loftus	Licensing, Projects & Hearings Officer
Nicola Lord	Principal Licensing Officer
Kaidy McCann	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor H Harrison and Councillor S 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 5th September 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-2023-24**

The Panel considered a report to inform them of an application for a new Dual Driver's licence which, due to a conviction, called into question their fitness and propriety to be a suitable person to hold such a licence. As such the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the report written by the Officer, Officer recommendations, the Applicant's comments and

the Council's Statement of Fitness and Suitability, that on this occasion the Applicant is not a fit and proper person and accordingly the application be REFUSED on the grounds that the Applicant has a conviction under Section 5 of the Public Order Act 1986 which is less than 10 years old which was not reported to the Council on his application.

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

9

DP-2023-25

The Panel considered a report to inform them of an application for a new Dual Driver's licence which, due to a conviction, called into question their fitness and propriety to be a suitable person to hold such a licence. As such the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the report written by the Officer, Officer recommendations, the Applicants comments and the Council's Statement of Fitness and Suitability, that on this occasion, the Applicant is a fit and proper person and accordingly a licence be GRANTED for a period of one year with the licence to be renewed for a further period of two years if no further issues arise in the meantime.

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

10

DP-2023-26

The Panel considered a report to inform them of an application for a new Dual Driver's licence which, due to a conviction, called into question their fitness and propriety to be a suitable person to hold such a licence. As such the application was referred to the Panel for determination.

RESOLVED that due to the applicant's failure to attend, the application be deferred to the Panel meeting in January 2024.

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

11

DP-2023-27

The Panel considered a report to inform them of an application for a new Dual Driver's licence which, due to a conviction, called into question their fitness and propriety to be a suitable person to hold such a licence. As such the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the report written by the Officer, Officer recommendations, the Applicant's comments and the Council's Statement of Fitness and Suitability, that on this

occasion the Applicant is a fit and proper person and accordingly a licence be GRANTED for a period of one year to take effect from the date the Applicant's current private hire driver suspension by Tameside Council expires with the licence to be renewed for a further two years if no further issues arise in the meantime.



NOTE:

1. The Applicant attended the meeting and addressed the Panel.
2. A copy of the decision letter which was not attached at appendix 12.2 of the report was presented to the Panel by the Officer.

12

APPEALS UPDATE 07.11.2023

The Panel considered an update on any appeals against the decisions of the Council's Licensing Driver's Panel.

RESOLVED that the Appeals Update be noted.

The meeting started at 9.30 am and ended at 11.47 am

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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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