

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

Date Tuesday 3 July 2018

Time 9.35 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 Kaidy McCann in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Kaidy McCann Tel. 0161 770 5151 or email Kaidy.McCann@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, 28 June 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 (Vice-Chair), Garry, C. Gloster, Price 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 Licensing Driver Panel held on 12th June 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 Renewal of a Dual Drivers Licence (DP/2018/22) (Pages 5 - 10)

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.

8 Local Government (Miscellaneous Provisions) Act 1976 Renewal of a Dual Drivers Licence (DP/2018/26) (Pages 11 - 18)

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.

9 Local Government (Miscellaneous Provisions) Act 1976 Application to Renew a Dual Drivers Licence (DP/2018/27) (Pages 19 - 24)

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 Application for Dual Driver Licence - (DP/2018/28) (Pages 25 - 28)

The purpose of this report is to inform Members of an application for a dual hackney carriage / private hire driver's licence; which, due to convictions recorded against the applicant, has been referred to this panel for determination.

11 Licensing Drivers Panel Appeals Update (Pages 29 - 32)

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.

12 Licensing Drivers Panel - Future Review Hearings (Pages 33 - 38)

The purpose of this report is to discuss with Members proposed future hearings in relation to licensed drivers to be brought before the Panel.

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LICENSING DRIVER PANEL
12/06/2018 at 9.30 am

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

Also in Attendance:

John Garforth	Trading Standards & Licensing Manager
Lori Hughes	Constitutional Services
David Joy	Solicitor
David Smith	Licensing

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**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Licensing Driver Panel held on 17th April 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 SECTION 61 - REVIEW OF A DUAL DRIVERS
LICENCE (DP/2018/17)**

RESOLVED that based on the information provided to the Panel, having considered the nature of the offence and taking into account Oldham Metropolitan Borough Council's Conviction Guidelines adopted by the Licensing Committee in November 2016, the Panel agreed that the dual hackney carriage / private hire driver's licence be suspended for a period of 182 days.

NOTE: The Driver and a work colleague attended the meeting and addressed the Panel.

8 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 RENEWAL OF A DUAL DRIVERS LICENCE**

(DP/2018/22)

The Panel were informed that applicant was not available to attend and it was requested that the matter be considered at the next meeting of the Licensing Driver Panel.

RESOLVED that the application for renewal for a dual hackney carriage / private hire driver's licence be DEFERRED to the next meeting.

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 APPLICATION FOR DUAL DRIVER LICENCE -
(DP/2018/23)**

RESOLVED that based on the information provided to the Panel, having considered the nature of the offence and taking into account Oldham Metropolitan Borough Council's Conviction Guidelines adopted by the Licensing Committee in November 2016, the Panel agreed that the application for a dual hackney carriage / private hire driver's licence be GRANTED for a period of 12 months but initially SUSPENDED for 3 months and the mandatory NVQ be completed within 12 months.

NOTE: The applicant and a family member attended the meeting and addressed the Panel.

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 APPLICATION FOR DUAL DRIVER LICENCE -
(DP/2018/24)**

RESOLVED that based on the information provided to the Panel, having considered the nature of the offence and taking into account Oldham Metropolitan Borough Council's Conviction Guidelines adopted by the Licensing Committee in November 2016, the Panel agreed that the application for a dual hackney carriage / private hire driver's licence be REFUSED.

NOTE: The applicant and his solicitor attended the meeting and addressed the Panel.

11 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 SECTION 61 - REVIEW OF A DUAL DRIVERS
LICENCE (DP/2018/18)**

RESOLVED that based on the information provided to the Panel, having considered the nature of the offence and taking into account Oldham Metropolitan Borough Council's Conviction Guidelines adopted by the Licensing Committee in November 2016, the Panel agreed that the dual hackney carriage / private hire driver's licence be REVOKED.

NOTES:

1. The Driver and a colleague attended the meeting and addressed the Panel.
2. Councillor Gloster left the meeting after this item.

12

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 SECTION 61 - REVIEW OF A DUAL DRIVERS
LICENCE (DP/2018/25)**

RESOLVED that based on the information provided to the Panel, having considered the nature of the offence and taking into account Oldham Metropolitan Borough Council's Conviction Guidelines adopted by the Licensing Committee in November 2016, the Panel agreed that the dual hackney carriage / private hire driver's licence be REVOKED.

NOTES: The Driver and a colleague attended the meeting and addressed the Panel.

13

LICENSING DRIVERS PANEL APPEALS UPDATE

RESOLVED that the Appeals Update be noted.

The meeting started at 9.30 am and ended at 12.55 pm

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