

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

Date Tuesday 4 September 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 Fabiola Fuschi in advance of the meeting.
  2. CONTACT OFFICER for this Agenda is Fabiola Fuschi Tel. 0161 770 5151 or email [Fabiola.fuschi@oldham.gov.uk](mailto:Fabiola.fuschi@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 August 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 Declarations of Interest



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

3 Urgent Business

Urgent business, if any, introduced by the Chair

4 Public Question Time

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

5 Minutes of Previous Meeting (Pages 1 - 6)

The Minutes of the Licensing Driver Panel meetings held on 3<sup>rd</sup> July and on 24<sup>th</sup> July 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 Application to Renew a Dual Drivers Licence (DP/2018/27) (Pages 7 - 12)

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 Section 61 - Review of a Dual Drivers Licence (DP/2018/29) (Pages 13 - 18)

The purpose of this report is to ask Members to review 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 Section 61 - Review of a Dual Drivers Licence (DP/2018/30) (Pages 19 - 24)

The purpose of this report is to ask Members to review 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/2018/31) (Pages 25 - 32)



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 Local Government (Miscellaneous Provisions) Act 1976 Section 61 - Review of Dual Drivers Licence - (DP/2018/32) (Pages 33 - 38)

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

- 12 Licensing Drivers Panel Appeals Update (Pages 39 - 44)

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**  
**03/07/2018 at 9.35 am**

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

Also in Attendance:

John Garforth	Trading Standards & Licensing Manager
David Joy	Solicitor
Kaidy McCann	Constitutional Services
David Smith	Principal Licensing Officer

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor C. Gloster.

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 12<sup>th</sup> June  
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/2018/22)**

**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 the renewal of  
the dual hackney carriage/private hire driver's licence  
**GRANTED** for a period of 12 months, commencing with a 56  
day suspension.



NOTES: the applicant and a representative attended the meeting and addressed the Panel.

8 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976 RENEWAL OF A DUAL DRIVERS LICENCE  
(DP/2018/26)**

**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 the renewal of the dual hackney carriage/private hire driver's licence **GRANTED** for a period of 12 months, commencing with a 56 day suspension.

NOTES: the applicant attended the meeting and addressed the Panel.

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976 APPLICATION TO RENEW A DUAL DRIVERS  
LICENCE (DP/2018/27)**

**RESOLVED** that consideration of the application to renew a Dual Hackney Carriage / Private Hire Driver's License be **DEFERRED** to a future meeting.

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976 APPLICATION FOR DUAL DRIVER LICENCE -  
(DP/2018/28)**

**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 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**.

NOTES: the applicant attended the meeting and addressed the Panel.

11 **LICENSING DRIVERS PANEL APPEALS UPDATE**

**RESOLVED** that the Appeals Update be noted.

12 **LICENSING DRIVERS PANEL - FUTURE REVIEW  
HEARINGS**

Members were advised that following a Court Case in August 2017, Officers were instructed to undertake a review of all licensed drivers to ascertain which drivers had a history of serious convictions or where there was information giving reasonable rise to concern.

**RESOLVED** that

1. The report be noted.
2. An extra Licensing Driver Panel be convened to discuss which drivers are to be called in for a review.



The meeting started at 9.40 am and ended at 11.45 am

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**LICENSING DRIVER PANEL**  
**24/07/2018 at 9.30 am**



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

Also in Attendance:

John Garforth	Trading Standards & Licensing Manager
Shamim Iqbal	Licensing Hearing & Projects Officer
David Joy	Solicitor
Kaidy McCann	Constitutional Services
David Smith	Principal Licensing Officer

1           **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2           **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

3           **URGENT BUSINESS**

There were no items of urgent business received.

4           **PUBLIC QUESTION TIME**

There were no public questions received.

5           **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.

6           **FUTURE REVIEW HEARINGS**

Members were updated as to future hearings in relation to licensed drivers to be brought before the panel.

**RESOLVED** that:

1. The report be noted.
2. The drivers to be called in for review be noted.

The meeting started at 9.30 am and ended at 11.12 am

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of the Local Government Act 1972.

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