

LICENSING DRIVER PANEL
Regulatory Committee
Agenda

Date Tuesday 2 October 2018

Time 9.30 am

Venue Lees 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, 27 September 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 meeting of the Licensing Driver Panel held on 4th September 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 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 Section 61 - Review of a Dual Drivers Licence (DP/2018/30) (Pages 11 - 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 Application for Dual Driver Licence - (DP/2018/33) (Pages 19 - 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.
- 10 Local Government (Miscellaneous Provisions) Act 1976 Section 61 - Review of a Dual Drivers Licence (DP/2018/34) (Pages 29 - 34)

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.

11 Appeals Update (Pages 35 - 40)

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
04/09/2018 at 9.30 am

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

Also in Attendance:

Alan Evans	Group Solicitor
John-Paul Aston	Licensing Officer
Shamim Iqbal	Licensing, Hearing and Project Officer
Fabiola Fuschi	Constitutional Services 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 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Licensing Driver Panel meetings held on 3rd and on 24th July 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 APPLICATION TO RENEW A DUAL DRIVERS
LICENCE (DP/2018/27)**

RESOLVED that consideration of the application to renew a dual hackney carriage / private be DEFERRED to a future meeting of the Panel.

NOTES: The Applicant attended the meeting with a relative and requested that his application to renew his licence be deferred in order to allow his legal representative to be present at the hearing. The same request had already occurred on 3rd July 2018. The Panel warned the Applicant that no further request for a deferral would be allowed for this application.



8 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 SECTION 61 - REVIEW OF A DUAL DRIVERS
LICENCE (DP/2018/29)**

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 by the Licensing Committee in November 2016, the dual hackney carriage / private hire driver's licence be suspended for a period of six months.

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

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 SECTION 61 - REVIEW OF A DUAL DRIVERS
LICENCE (DP/2018/30)**

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 approved by the Licensing Committee in November 2016, the dual hackney carriage / private hire driver's licence be revoked.

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

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 APPLICATION FOR DUAL DRIVER LICENCE -
(DP/2018/31)**

RESOLVED that:

1. 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 approved by the Licensing Committee in November 2016, the application for a dual hackney carriage / private hire driver's licence be granted for a period of 12 months.
2. The licence not be issued until the Applicant produces proof of car insurance to the Licensing Section.

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

11 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 SECTION 61 - REVIEW OF DUAL DRIVERS
LICENCE - (DP/2018/32)**

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 approved by the Licensing Committee in November 2016, the dual hackney carriage / private hire driver's licence be revoked.

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



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LICENSING DRIVERS PANEL APPEALS UPDATE

RESOLVED that the up to date information on the appeals against the decisions of the Council's Licensing Driver Panel be noted.

The meeting started at 9.30 am and ended at 11.35 am

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of the Local Government Act 1972.

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