

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

Date Tuesday 5 February 2019

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](mailto: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, 31 January 2019.
  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 15<sup>th</sup> January 2019 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 Section 61 - Review of a Dual Drivers Licence (DP/2018/38) (Pages 5 - 22)

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

8       Local Government (Miscellaneous Provisions) Act 1976 Section 61 - Review of a Dual Drivers Licence (DP/2019/05) (Pages 23 - 30)

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.



**LICENSING DRIVER PANEL**  
**15/01/2019 at 9.30 am**

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

Also in Attendance:

Shamim Iqbal	Licensing Hearing and Project Officer
David Joy	Solicitor
David Smith	Principal Licensing Officer
Sian Walter-Browne	Constitutional Services

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor A. Alexander and Councillor Price.

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 4<sup>th</sup> December 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/2018/37)**

**RESOLVED** that, based on the information provided to the Panel, having considered the Applicant's conduct and taking into account Oldham Metropolitan Borough Council's 'Statement of Fitness and Suitability (Private Hire & Hackney Carriage)', approved by the Council in March 2018, the licence holder be given a formal written warning and be required to complete the Council's NVQ Level 2 by no later than 28<sup>th</sup> September 2019.

NOTE: the Applicant did not attend the meeting.



8 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976 SECTION 61 - REVIEW OF A DUAL DRIVERS  
LICENCE (DP/2018/38)**

**RESOLVED** that consideration of the review of a Dual Hackney Carriage / Private Hire Driver's Licence be DEFERRED to a future meeting to enable further enquiries to be undertaken.

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976 APPLICATION TO RENEW A DUAL DRIVERS  
LICENCE (DP/2019/01)**

**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 granted for 12 months, the licence to be suspended for a period of 28 days and the licence holder to be given a formal written warning.

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

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976 APPLICATION FOR DUAL DRIVER LICENCE -  
(DP/2019/02)**

**RESOLVED** that, based on the information provided to the Panel, having considered the Applicant's failure to pass the multiple choice ten question exam on licensing conditions and taking into account Oldham Metropolitan Borough Council's 'Statement of Fitness and Suitability (Private Hire & Hackney Carriage)', approved by the Council in March 2018, the application for a dual hackney carriage / private hire driver's licence be granted for 12 months.

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

11 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976 SECTION 61 - REVIEW OF A DUAL DRIVERS  
LICENCE (DP/2019/03)**

**RESOLVED** that, based on the information provided to the Panel, having considered the Applicant's conduct and taking into account Oldham Metropolitan Borough Council's 'Statement of Fitness and Suitability (Private Hire & Hackney Carriage)', approved by the Council in March 2018, the dual hackney carriage / private hire driver's licence be revoked.

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

12

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1976 APPLICATION TO RENEW A DUAL DRIVERS  
LICENCE (DP/2019/04)**

**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 application for a dual hackney carriage / private hire driver's licence be granted for 12 months.

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

13

**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 2.42 pm

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of the Local Government Act 1972.

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