

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

Date Tuesday 9 July 2019

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 Mark Hardman in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Mark Hardman Tel. 0161 770 5151 or email mark.hardman@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, 4 July 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 Briggs (Chair), Cosgrove (Vice-Chair), Garry, C. Gloster, Moores, 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 connection with any Contract or other matter to be discussed at the meeting.

4 Public Question Time

To receive questions from Members of the Public in accordance with the Council's Constitution.

5 Minutes of the Previous Meeting (Pages 1 - 4)

The minutes of the meeting of the Licensing Drivers Panel held on 11th June 2019 are attached for approval.

6 Exclusion of 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/2019/15) (Pages 5 - 20)

The purpose of this report is to ask Members to review a dual 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 Application to Renew a Dual Drivers Licence (DP/2019/13) (Pages 21 - 26)

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, who has also failed to declare the conviction in line with licence conditions, 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/2019/21) (Pages 27 - 36)

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 licence holder, who has been invited to today's hearing, who has also failed to declare the convictions in line with licence conditions, calls into question whether they remain a 'fit and proper' person to hold a licence.



- 10 Local Government (Miscellaneous Provisions) Act 1976 Application to Renew a Dual Drivers Licence (DP/2019/20) (Pages 37 - 42)

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 licence holder, who has been invited to today's hearing, and a breach of licence conditions, calls into question whether they remain a 'fit and proper' person to hold a licence

- 11 Local Government (Miscellaneous Provisions) Act 1976 Section 61 - Review of a Dual Drivers Licence (DP/2019/22) (Pages 43 - 48)

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.

- 12 Licensing Drivers Panel Appeals Update (Pages 49 - 52)

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
11/06/2019 at 9.30 am

Present: Councillor Briggs (Chair)
Councillors Cosgrove (Vice-Chair), Garry, C. Gloster, Moores,
Price 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 **ELECTION OF VICE CHAIR**

RESOLVED that Councillor Cosgrove be appointed as Vice Chair for the duration of the Municipal Year.

2 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5 **PUBLIC QUESTION TIME**

There were no public questions received.

6 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 2nd April 2019 be approved as a correct record.

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 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 APPLICATION TO RENEW A DUAL DRIVERS
LICENCE (DP/2019/12)**

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 application to renew a dual hackney carriage / private hire driver's licence be granted subject to:-

1. That licence being suspended for a period of 56 days and
2. Proof being provided to the Licensing Service that the insurers of the vehicle were made aware of the 2015 and 2016 convictions.

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

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 APPLICATION TO RENEW A DUAL DRIVERS
LICENCE (DP/2019/13)**

The Applicant was unable to attend and the matter was deferred to the next meeting.

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 APPLICATION TO RENEW A DUAL DRIVERS
LICENCE (DP/2019/14)**

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 application to renew a dual hackney carriage / private hire driver's licence be granted subject to the licence being suspended for a period of 28 days.

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

11 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 APPLICATION TO RENEW A DUAL DRIVERS
LICENCE (DP/2019/16)**

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 application to renew a dual hackney carriage / private hire driver's licence be granted subject to:-

1. That licence being suspended for a period of 56 days and
2. Proof being provided to the Licensing Service that the insurers of the vehicle were made aware of the Applicant's convictions.

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

12 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 APPLICATION TO RENEW A DUAL DRIVERS
LICENCE (DP/2019/17)**

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 application to renew a dual hackney carriage / private hire driver's licence be refused.



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

13 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 APPLICATION TO RENEW A DUAL DRIVERS
LICENCE (DP/2019/18)**

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 application to renew a dual hackney carriage / private hire driver's licence be granted subject to:-

1. That licence being suspended for a period of 56 days and
2. Proof being provided to the Licensing Service that the insurers of the vehicle were made aware of the Applicant's convictions.

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

14 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 SECTION 61 - REVIEW OF A DUAL DRIVERS
LICENCE (DP/2019/15)**

The Applicant was unable to attend and the matter was deferred to the next meeting.

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

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 current dual hackney carriage / private hire driver's licence be revoked and the pending application for a new licence be refused.

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

16 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 SECTION 61 - REVIEW OF A DUAL DRIVERS
LICENCE (DP/2019/19)**

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 Applicant be given a final written warning with regards to his future conduct.



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

17

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 2.40 pm

By virtue of paragraph(s) 1,2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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