

LICENSING DRIVER PANEL

Agenda

Date Tuesday 10 September 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 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, 5 September 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 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 held on 9th July 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 Application to Renew a Dual Drivers Licence (DP/2019/23) (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 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.

8 Local Government (Miscellaneous Provisions) Act 1976 Application to Renew a Dual Drivers Licence (DP/2019/25) (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 a conviction recorded against the licence holder, 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 Section 61 - Review of a Dual Drivers Licence (DP/2019/26) (Pages 19 - 24)

The purpose of this report is to ask Members to review a dual hackney carriage / private hire driver's licence, where a conviction recorded against the licence holder, 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.

10 Local Government (Miscellaneous Provisions) Act 1976 Section 61 - Review of a Dual Drivers Licence (DP/2019/27) (Pages 25 - 30)

The purpose of this report is to ask Members to review a dual hackney carriage / private hire driver's licence, where a conviction recorded against the licence

holder, who has been invited to today's hearing, 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/2019/28) (Pages 31 - 36)

The purpose of this report is to ask Members to review a dual hackney carriage / private hire driver's licence, where a conviction recorded against the licence holder, 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 37 - 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.

This page is intentionally left blank



LICENSING DRIVER PANEL
09/07/2019 at 9.30 am

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

Also in Attendance:

Mark Hardman	Constitutional Services
David Joy	Solicitor
David Smith	Principal Licensing Officer

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

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 THE PREVIOUS MEETING**

RESOLVED that the minutes of the meeting of the Licensing Driver Panel held on 11th June 2019 be approved as a correct record.

6 **EXCLUSION OF 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/2019/15)**

RESOLVED that, based on the information provided to the Panel, having considered the Licence holder'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 suspended for a period of 182 days.

NOTE: the Licence holder attended the meeting and addressed the Panel.



Oldham
Council

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

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.

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 - APPLICATION TO RENEW A DUAL DRIVERS
LICENCE (DP/2019/21)**

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 and a family member attended the meeting and addressed the Panel.

10 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 - APPLICATION TO RENEW A DUAL DRIVERS
LICENCE (DP/2019/20)**

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 applicant being issued with a formal warning as to his future conduct.

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

11 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 SECTION 61 - REVIEW OF A DUAL DRIVERS
LICENCE (DP/2019/22)**

RESOLVED that, based on the information provided to the Panel, having considered the Licence holder'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 suspended for a period of 90 days.

NOTE: the Licence holder attended the meeting and addressed the Panel.



Oldham
Council

12

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 and of the Trading Standards and Licensing Manager under delegated powers be noted.

The meeting started at 9.30 am and ended at 1.07 pm

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank