

LICENSING DRIVER PANEL

Agenda

Date Tuesday 6th February 2024

Time 9.30 am

Venue Crompton Suite, Civic Centre, 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 Constitutional Services in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email constitutional.services@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, 1 February 2024.

MEMBERSHIP OF THE LICENSING DRIVER PANEL IS AS FOLLOWS:
Councillors Byrne, Cosgrove, Hamblett, H. Harrison, J. Hussain, S. Hussain (Chair) and Wahid

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 - 8)

The Minutes of the Previous Meetings of the Licensing Driver Panel held on 9th January 2024 and 16th January 2024 are attached for approval.

6 Order of Proceedings (Pages 9 - 10)

7 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 paragraph(s) 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 DP/2024/09 (Pages 11 - 18)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application has been referred to this Panel for determination.

9 DP/2024/14 (Pages 19 - 36)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application has been referred to this Panel for determination.

10 DP/2024/15 (Pages 37 - 48)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application has been referred to this Panel for determination.

11 DP/2024/16 (Pages 49 - 58)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application has been referred to this Panel for determination.

12 DP/2024/17 (Pages 59 - 64)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application has been referred to this Panel for determination.

13 Dp/2024/19 (Pages 65 - 70)

The purpose of this report is to ask Members to review a dual driver licence where a conviction recorded against the applicant calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the licence holder has been referred to this Panel for determination.

14 Appeals Update 06.02.24 (Pages 71 - 74)

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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Public Document Pack Agenda Item 5

LICENSING DRIVER PANEL

09/01/2024 at 9.30 am

Present: Councillors Byrne, Cosgrove, Hamblett, H. Harrison,
J. Hussain (Vice-Chair) and S. Hussain (Chair)

Also in attendance:

- Rhys Attwell - Constitutional Services
- Laila Chowdhury - Constitutional Services
- Alan Evans - Group Solicitor
- Susan Loftus - Licensing Projects & Hearings Officer
- Nicola Lord - Principal Licensing Officer
- Durga Paul - Constitutional Services

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

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 5th December 2023 be approved as a correct record.

6 **ORDER OF PROCEEDINGS**

RESOLVED that the Order of Proceedings be noted.

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 **DP/2024/01**

The Panel considered a report to inform them of an application to review a Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the report written by the Officer, the reasons the Licence Holder has appeared before the Panel, Officer recommendations, the Licence Holder's comments and the Council's Statement of Fitness and Suitability, that the Licence Holder is not a fit and proper person and accordingly the licence be **SUSPENDED** for a period of two months, based on the Licence Holder not having an extensive history of motoring offences, the Licence Holder was not driving the vehicle at the time of the offence and as the Council had not received any complaints about him previously.

NOTE: The Licence Holder attended the meeting and addressed the Panel.

9

DP/2024/02

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the report written by the Officer, the reasons the Applicant has appeared before the Panel, Officer recommendations, the Applicant's comments and the Council's Statement of Fitness and Suitability, the Applicant is not a fit and proper person and accordingly the application be **REFUSED** on the grounds that the Council's policy requires a ten year period to expire after the end of the Applicant's sentence before considering whether to grant him a licence.

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

10

DP/2024/03

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the report written by the Officer, the reasons the Applicant has appeared before the Panel, Officer recommendations, the Applicant's comments and the Council's Statement of Fitness and Suitability, that the Applicant is a fit and proper person and accordingly he be **GRANTED** a licence for a period of one year, with the licence to be renewed for a further period of two years if no complaints are received about the Applicant's conduct in the meantime.

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

11

DP/2024/04

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the report written by the Officer, the reasons the Applicant has appeared before the Panel, Officer recommendations, the Applicant's comments and the Council's Statement of Fitness and Suitability, that the Applicant is a fit and proper person on the grounds that he has no other convictions and no complaint history with Oldham Council and accordingly he be GRANTED a licence for a period of one year, with the remaining two years to be issued where no further incidents arise.

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

12

DP/2024/05

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the report written by the Officer, the reasons the Applicant has appeared before the Panel, Officer recommendations and the Council's Statement of Fitness and Suitability, that the Applicant is not a fit and proper person and accordingly the application be REFUSED on the grounds that the Applicant has a conviction for a serious motoring offence and is currently being investigated for an offence of dishonesty by Wolverhampton Council.

NOTE: The Applicant did not attend the meeting to address the Panel.

13

DP/2024/6

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to convictions calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the report written by the Officer, the reasons the Applicant has appeared before the Panel, Officer recommendations, the Applicant's comments and

the Council's Statement of Fitness and Suitability, that the Applicant is not a fit and proper person and accordingly the application be REFUSED on the grounds that he has a conviction for a violent offence.

NOTE: the Applicant attended the meeting and addressed the Panel

14

APPEALS UPDATE

The Panel considered an update on any appeals against the decisions of the Council's Licensing Driver's Panel.

RESOLVED that the Appeals Update be noted.

The meeting started at 9.32 am and ended at 11.46 am

LICENSING DRIVER PANEL
16/01/2024 at 9.30 am



Present: Councillor S. Hussain (Chair)
Councillors Byrne, Cosgrove, Hamblett, H. Harrison and
Shuttleworth (Substitute)

Also in Attendance:

Laila Chowdhury	Constitutional Services
Alan Evans	Group Solicitor
Susan Loftus	Licensing Projects & Hearings Officer
Nicola Lord	Principal Licensing Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Hussain (Vice-Chair) and Councillor Wahid.

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 **ORDER OF PROCEEDINGS**

RESOLVED that the Order of Proceedings be noted.

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 **DP/2024/08**

The Panel considered a report to review a Dual Driver's licence, where a conviction recorded against the Licence Holder calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, the reasons the Licence Holder has appeared before the Panel, the report written by the Officer, their recommendations, the Licence Holder and Representative's comments and the Council's Statement of Fitness and Suitability that the Licence Holder is not a fit and proper person and accordingly his licence be **REVOKED** with immediate effect on the grounds of public safety as the Licence Holder was aware when agreeing to take the passengers that he had no insurance and therefore the safety of the passengers was at risk.

NOTE:

1. The Applicant and Representative attended the meeting and addressed the Panel.
2. The Licensing Officer circulated Appendix 12.1 to the Panel. The Applicant confirmed they had received this.
3. The Applicant provided a written character reference to the Panel during the meeting.

8

DP/2024/09

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, the reasons the Applicant has appeared before the Panel, the report written by the Officer, their recommendations, the Applicant's comments and the Council's Statement of Fitness and Suitability that the application be DEFFERED to another meeting, to obtain further information from Greater Manchester Police.

NOTE:

1. The Applicant attended the meeting and addressed the Panel.
2. During the meeting, the Applicant provided the Panel a written copy of a reference and a folder of Certificates of courses he had undertaken.

9

DP/2024/10

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to a conviction calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, as the Applicant had been unable to attend the meeting due to weather conditions, the application be DEFFERED to a future meeting

NOTE: The Applicant did not attend the meeting to address the Panel.

10

DP/2024/11

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to information received calls in to question the Applicant's fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, the reasons the Applicant has appeared before the Panel, the report written by the Officer, their recommendations, the Applicant's comments and the Council's Statement of Fitness and Suitability, the Applicant is not a fit and proper person and accordingly the application be REFUSED on the grounds that the Council's policy requires a period of 7 years to expire before granting a licence in cases of dishonesty.

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

11

DP/2024/12

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to previous convictions calls in to question their fitness and propriety to be a suitable person to hold such a licence. As such, the application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, the reasons the Applicant has appeared before the Panel, the report written by the Officer, their recommendations, the Applicant's comments and the Council's Statement of Fitness and Suitability, the Applicant is a fit and proper person and accordingly the application be GRANTED for a period of one year subject to the Applicant passing a drug test before the licence is issued, with the licence to be renewed for a further period of two years if the Council receives no further complaints about the Applicant.

NOTE: The Applicant attended the meeting to address the Panel.

The meeting started at 9.42 am and ended at 12.59 pm

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LICENSING PANEL (DRIVERS) ORDER OF PROCEEDINGS

Hackney Carriage and Private Hire Drivers Applications and Reviews

Panel Members and Officers introduce themselves

1. The Licensing Officer will introduce the Applicant/Driver and their representative (if they have one).
2. The Licensing Officer will introduce the application/review and the reasons for bringing it to the Panel.
3. Members and the Applicant/Driver and their representative may question the Licensing Officer
4. The Applicant/Driver and their representative will be offered the opportunity to make representations or add any further information.
5. Members or Officers may then question the Applicant/Driver.
6. The Licensing Officer will then summarise.
7. The Applicant/Driver and their representative will be offered the opportunity to summarise their case.
8. All parties will be asked to leave the room while the Panel considers the matter and will be brought back in to be informed of the Panel's decision.

Licensing Officer will leave with the Applicant/Driver and their representative and explain to them outside the meeting what happens next.

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