

***LICENSING DRIVER PANEL
Agenda***

Date Tuesday 5 March 2024

Time 9.30 am

Venue Council Chamber, 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, 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, 29 February 2024.

MEMBERSHIP OF THE LICENSING DRIVER PANEL IS AS FOLLOWS:
Councillors Byrne, Cosgrove, Hamblett, H. Harrison, J. Hussain (Vice-Chair), 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 Meetings (Pages 1 - 6)

The Minutes of the meetings of the Licensing Driver Panel held on 6th February 2024 and on 13th February 2024 are attached for approval.

6 Order of Proceedings (Pages 7 - 8)



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/2024/30 (Pages 9 - 16)

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 calls into question whether they remain a 'fit and proper' person to hold a licence.

9 DP/2024/31 (Pages 17 - 22)

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/2024/32 (Pages 23 - 30)

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/2024/33 (Pages 31 - 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.

12 DP/2024/35 (Pages 37 - 42)

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/2024/36 (Pages 43 - 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.

14 Appeal Update 05/03/2024 (Pages 49 - 52)



Oldham
Council

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

Also in Attendance:

| | |
|-----------------|------------------------------------------|
| Laila Chowdhury | Constitutional Services |
| Alan Evans | Group Solicitor |
| John Garforth | Trading Standards & Licensing Manager |

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Byrne.

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 Licensing Driver Panel meeting held on 9th January 2024 and 16th January 2024 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/2024/09**

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to 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 application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the reason the Applicant has appeared before the Panel, namely: a conviction for conspiracy to supply drugs, the report written by the Officer, their recommendations, the Applicant's comments and the Council's Statement of Fitness and Suitability, the Applicant's conduct since leaving prison in 2016 has demonstrated that the Applicant is a fit and proper person and accordingly the application be GRANTED for a period of one year with the licence to be renewed for a further period of two years, if the Council receives no complaints about the Applicant's conduct in the meantime.

NOTE:

1. DP/2024/09 was Deferred from the Driver Panel meeting on 16th January 2024, to obtain further information from Greater Manchester Police.
2. The Applicant attended the meeting and addressed the Panel.
3. That in accordance with Part 4, Paragraph 16.3 of the Council's Constitution, Councillor Cosgrove voted against this decision and Councillor Hamblett abstained.

9

DP/2024/14

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to 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 application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the reason 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 the Applicant had four speeding convictions in 2022, he was disqualified from driving in 2023 and he admitted to the Panel that he had deliberately provided false details to the Police for an earlier speeding offence.

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

10

DP/2024/15

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to 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 application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the reason 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 Applicant is a fit and proper person as his conviction for failing to give information as to the identity of driver related to a vehicle he had sold six months earlier and accordingly he be GRANTED a licence for a period of one year, with the licence to be renewed for a further two years if no complaints are received about the Applicant's conduct in the meantime.

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

11

DP/2024/16

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to 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 application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the reason the Applicant has appeared before the Panel, namely: convictions for driving without insurance and plying for hire, 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 five years after conviction for the Applicant's offences before the Council will consider their application.

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

12

DP/2024/17

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to 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 application was referred to the Panel for determination.

RESOLVED that, based on the information provided to the Panel, having taken into account the reason the Applicant has appeared before the Panel, namely: a conviction for driving without insurance, 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 as he was unaware that his car insurance had been cancelled and accordingly the application be GRANTED for a period of one year with the licence to be renewed for a

further period of two years if the Council receives no complaints about the Applicant in the meantime.

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



13

DP/2024/19

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, having taken into account the reason the Licence Holder has appeared before the Panel, namely: a conviction for driving without insurance, the report written by the Officer, their 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 six months from the date on which the Licence Holder provides an up to date medical certificate and that their licence be monitored for a period of 12 months after the suspension ends and brought before the Panel if there are complaints about him during that time.

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

14

APPEALS UPDATE 06.02.24

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 9.30 am and ended at 1.14 pm.

Public Document Pack
LICENSING DRIVER PANEL
13/02/2024 at 9.30 am



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

Also in Attendance:

| | |
|-----------------|------------------------------------------|
| Elise Brophy | Licensing Officer |
| Laila Chowdhury | Constitutional Services |
| Susan Loftus | Licensing Projects & Hearings Officer |
| Sumayya Rawat | Solicitor |

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor S Hussain.

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/2024/21**

Application withdrawn; therefore this matter was not heard.

8 **DP/2024/22**

The Panel considered a report to inform Members of an application for a new Dual Driver's licence, which, due to 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 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, namely: convictions, the report written by the Officer, their recommendations, the Applicant's comments and the Council's Statement of Fitness and Suitability that the Applicant is not a fit and proper person to hold a licence accordingly: the application be

REFUSED on the grounds that: the Council's policy states, that where a person has a conviction for an offence relating to dishonesty and the date of conviction is less than seven years. Seven years have not passed, and the application is refused in line with the Council policy.



NOTE:

1. The Applicant attended the meeting to address the Panel.
2. The Applicant presented the Panel with a paper document for confirmation of dates.

9 **DP/2024/24**

Application moved to April 2024; therefore this matter was not heard.

10 **DP/2024/25**

The Panel considered a report to inform Members of an application to renew a dual hackney carriage / private hire driver's licence, where a conviction recorded against the Applicant; calls into question whether they remain a 'fit and proper' person to hold a licence.

RESOLVED that, based on the information provided to the Panel, the reason the Applicant has appeared before the Panel, namely: convictions, 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 trial period of twelve months.

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

11 **DP/2024/26**

Application deferred; therefore this matter was not heard.

The meeting started at 9.30 am and ended at 10.51 am.

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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