

***LICENSING DRIVER PANEL
Agenda***

Date Tuesday 9 April 2024

Time 9.30 am

Venue Council Chamber, 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 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, 4 April 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 - 10)
The Minutes of the Driver Licensing Panels held on 27th February 2024, 5th

March 2024 and the 12th March 2024 are attached for approval.

6 Order of Proceedings (Pages 11 - 12)

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/2024/41 (Pages 13 - 24)

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/2024/24 (Pages 25 - 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

10 DP/2024/42 (Pages 31 - 38)

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/2024/43 (Pages 39 - 46)

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/2024/44 (Pages 47 - 56)

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/2024/34 (Pages 57 - 68)

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 DP/2024/35 (Pages 69 - 88)

The purpose of this report is to inform Members of a review of a dual driver's licence, which, due to complaints received 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.

15 Licensing Drivers Panel Appeals Update (Pages 89 - 92)

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
27/02/2024 at 9.30 am

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

Also in Attendance:

Laila Chowdhury	Constitutional Services
Susan Loftus	Licensing Projects & Hearings Officer
Nicola Lord	Principal Licensing Officer
Sumayya Rawat	Solicitor

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 **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/2024/27**

The Panel considered a report to inform them of an application for a new Dual Driver's licence, 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 was called before the Panel, namely: a Conviction, the report written by the Officer, their recommendations 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 of public safety.

NOTE: The Applicant did not attend the meeting to address the Panel and the matter was considered in their absence.



Oldham
Council

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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 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 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, the Applicant is not a fit and proper person and accordingly the application be **REFUSED** on the grounds that: not enough time has passed since the restoration of the Applicant's driving licence and a reasonable period of time has not elapsed since the Applicant's conviction to demonstrate that they are a fit and proper person to hold a licence.

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

9

DP/2024/28

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: Conviction, 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 probationary period of 12 months.

NOTE:

1. The Applicant attended the meeting and addressed the Panel.
2. The Applicant presented his Taxi badge to the Panel which showed that the licence expired in 1996 – Principal Licensing Officer clarified this.
3. That in accordance with Part 4, Paragraph 16.3 of the Council's Constitution, after a casting vote, Councillor Cosgrove, H. Harrison and Hamblett voted against this decision.

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DP/2024/23

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, 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 of Council policy which states that an application will be refused if the conviction is within 5 years. Insufficient time has passed since the IN10 offence of 11/03/2023.

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

11

DP/2024/29

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 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, the Applicant is a fit and proper person and accordingly the application be **GRANTED** for a probationary period of twelve months.

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

12

DP/2024/26

The Panel considered a report to inform them of an application for a new Dual Driver's licence, due to convictions 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 reasons the Applicant was called before the Panel, namely: Convictions, the report written by the Officer, their recommendations 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 of Council Policy, where the Applicant has two convictions of Arson. The Applicant did not attend either of the two opportunities to present his application to the Panel and no reasons were offered for his absence on this occasion.



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

The meeting started at 9.30 am and ended at 12.33 pm

LICENSING DRIVER PANEL
05/03/2024 at 9.30 am

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

Also In attendance

Durga Paul – Constitutional Services
Peter Thompson- Constitutional Services
Alex Bougatef – Solicitor
Nicola Lord- Principal Licensing Officer
Susan Loftus- Licensing Projects and Hearings Officer

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 MEETINGS**

RESOLVED The Minutes of the meetings of the Licensing Driver Panel held on 6th February 2024 and on 13th February 2024 are 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/2024/30**

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, 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 of Council policy which states that an application will be refused if insufficient time has passed since the convictions.

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

9

DP/2024/31

This item was adjourned and deferred to the next Licensing Driver Panel on 12th March 2024 as more information is required from the applicant.

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DP/2024/32

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 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, the Applicant is a fit and proper person and accordingly the application be **GRANTED** for a probationary period of twelve months.

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

11

DP/2024/33

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 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, the Applicant is a fit and proper person and

accordingly the application be GRANTED for a probationary period of twelve months.

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

12

DP/2024/35

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 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, the Applicant is a fit and proper person and accordingly the application be GRANTED for a probationary period of twelve months.

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

13

DP/2024/36

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 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, the Applicant is a fit and proper person and accordingly the application be GRANTED for a probationary period of twelve months.

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

14

APPEAL UPDATE 05/03/2024

RESOLVED that, the appeals update be noted.

The meeting started at 10:00am and ended 13:10pm

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LICENSING DRIVER PANEL Regulatory Committee

12/03/2024 at 9.30 am

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

Independent Member: N/A

Apology for absence had been received from
Councillors: N/A

Also Present: Susan Loftus - Licensing Projects & Hearings
Officer

Nicola Lord - Principal Licensing Officer

In Attendance: Rhys Attwell - Constitutional Services

Note:

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 **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/2024/36**

RESOLVED that, based on the information provided to the Panel, having considered the Driver's conduct and taking into account Oldham Metropolitan Borough Council's 'Statement of Fitness and Suitability (Private Hire & Hackney Carriage) the application was granted.

8 **DP/2024/37**

RESOLVED that, based on the information provided to the Panel, having considered the Driver's conduct and taking into account Oldham Metropolitan Borough Council's 'Statement of

Fitness and Suitability (Private Hire & Hackney Carriage) the application was denied.

9

DP/2024/38

RESOLVED that, based on the information provided to the Panel, having considered the Driver's conduct and taking into account Oldham Metropolitan Borough Council's 'Statement of Fitness and Suitability (Private Hire & Hackney Carriage) the application was rejected.

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DP/2024/39

RESOLVED that, based on the information provided to the Panel, having considered the Driver's conduct and taking into account Oldham Metropolitan Borough Council's 'Statement of Fitness and Suitability (Private Hire & Hackney Carriage) the application was granted.

Note: The Licence is granted for a period of 1 year, and would be extended a further 2 years if no further complaints or information is received.

11

DP/2024/31

RESOLVED that, based on the information provided to the Panel, having considered the Driver's conduct and taking into account Oldham Metropolitan Borough Council's 'Statement of Fitness and Suitability (Private Hire & Hackney Carriage) the application was rejected.

Note: The hearing was heard in the applicats absence.

12

DP/2024/40

RESOLVED that, based on the information provided to the Panel, having considered the Driver's conduct and taking into account Oldham Metropolitan Borough Council's 'Statement of Fitness and Suitability (Private Hire & Hackney Carriage) that the applciation was rejected.

The meeting started at 9:32am and ended at 12:38pm.

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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