

LICENSING DRIVER PANEL

03/09/2024 at 9.30 am

Present: Councillors Byrne, Chowhan, Hamblett, J. Hussain,
S. Hussain (Chair) and Shuttleworth

Also in attendance

Elise Brophy- Licensing Officer
Susan Loftus- Licensing Projects & Hearings Officer
Alan Evans- Group Solicitor
Durga Paul- Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Hindle.

2 **URGENT BUSINESS**

Cllr Hamblett raised an item of Urgent Business regarding the election of a Vice Chair. The Chair will clarify with the leader whether the Vice Chair is to be elected at the next Licensing Committee meeting, or at full Council.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no Public Questions for this meeting to consider.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meetings held on 18 June 2024, 9 July 2024 and 16 July 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/2024/68**

The Panel considered an application to review a licence, which due to convictions recorded against Driver which 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. The Driver's Licence is currently suspended due to requiring a new DBS

RESOLVED that:

1. Based on the information provided to the Panel, having taken into account the reason the Driver has appeared before the Panel, namely: convictions, the report written by the Officer, their recommendations, the Driver's comments and the Council's Statement of Fitness and Suitability the Driver is not a fit and proper person and accordingly the licence is to be Revoked in accordance with the guidelines in the Council's Statement of Fitness and Suitability.

2. The Licence is to be revoked with immediate effect in the interest of public safety due to the serious nature of the driving offences committed by the Driver and the risk posed to passengers and the wider public by continuing to allow him to be licensed pending the outcome of any appeal.

NOTE: The Driver attended the meeting and addressed the Panel

9

DP/2024/69

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 a fit and proper person and accordingly the application be **GRANTED** for a probationary period of twelve months to be extended for a further 2 years if no issues arise in the meantime. The decision to grant was made on the grounds that the sentence imposed by the court in 2019 indicated a low degree of responsibility for the offence and the Applicant's subsequent conduct has not demonstrated further offending behaviour.

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

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DP/2024/70

The Applicant arrived without a suitable translator so the application was adjourned and will be heard at a future Panel.

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DP/2024/71

The Applicant was unable to attend due to work commitments so the application was adjourned to a future Panel.

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DP/2024/72

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, 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 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 probationary period of twelve months to be extended for a further 2 years if no issues arise in the meantime. The decision to grant was made on the grounds that the convictions related to a single incident in 2014 which occurred when the Applicant was a teenager and the Applicant's subsequent conduct has not demonstrated further offending behaviour.

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

13

DP/2024/73

The Panel considered an application to review a licence, due to convictions of the Driver which 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:

1. Based on the information provided to the Panel, having taken into account the reason the Driver has appeared before the Panel, namely: convictions, the report written by the Officer, their recommendations, the Driver's comments and the Council's Statement of Fitness and Suitability the Driver is not a fit and proper person and accordingly the licence is to be Revoked in accordance with the guidelines in the Council's Statement of Fitness and Suitability.

2. The Licence is to be revoked with immediate effect in the interest of public safety due to the serious nature of the driving offences committed by the Driver and the risk posed to passengers and the wider public by continuing to allow him to be licensed pending the outcome of any appeal.

NOTE: The Applicant and a legal representative attended the meeting and addressed the Panel.

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DP/2024/74

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, 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 reason the Applicant has appeared before the Panel, namely: convictions, the report written by the Officer, their recommendations, the Council's Statement of Fitness and Suitability, the Applicant is not a fit and proper person and accordingly the application be REFUSED in accordance with the guidelines in the Council's Statement of Fitness and Suitability as insufficient time has passed since the convictions and as he failed to declare the convictions on his application form.

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

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APPEALS UPDATE 03.09.2024

RESOLVED that, the appeals update was noted by the panel.

The meeting started at 9:30am and ended at 1:42pm.