

LICENSING DRIVER PANEL Agenda

Date Tuesday 5 November 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 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 Alex Bougatef or Constitutional Services at least 24 hours 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, 31 October 2024.

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.

Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE LICENSING DRIVER PANEL

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

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 5 - 8)

The Minutes of the meeting held on 3rd September 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/2024/79 (Pages 11 - 16)

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/2024/82 (Pages 17 - 26)

The purpose of this report is to ask Members to review a dual driver 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 licence holder has been referred to this Panel for determination.

10 DP/2024/87 (Pages 27 - 32)

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/2024/83 (Pages 33 - 42)

The purpose of this report is to inform Members of an application for a new Dual Driver's licence, which, due to a caution 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/2024/62 (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.

13 DP/2024/85 (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.

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Public Document Pack Agenda Item 5

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

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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.

12

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.

14

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.

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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