

## ***LICENSING DRIVER PANEL***

### ***Agenda***

Date Tuesday 11 February 2025

Time 9.30 am

Venue Lees Suite, 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](mailto: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, 6 February 2025.

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](https://www.oldham.gov.uk/homepage/1449/attending_council_meetings)

#### MEMBERSHIP OF THE LICENSING DRIVER PANEL

Councillors Byrne, Chowhan, Hamblett, Hindle, 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 14<sup>th</sup> January 2025 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/2025/07 (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/2025/08 (Pages 19 - 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.

10 DP/2025/09 (Pages 25 - 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/2025/10 (Pages 33 - 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.

12 DP/2025/11 (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.

13 DP/2025/12 (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.

14 Appeals Update (Pages 57 - 60)

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**  
**14/01/2025 at 9.30 am**

**Present:** Councillors Byrne, Chowhan, Hamblett, Hindle,  
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**

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 for this meeting to consider.

5 **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting held on 3<sup>rd</sup>  
December 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/2025/01**

The Panel considered an application to review a licence, due to  
a conviction 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, based on the information provided to the  
Panel, having taken into account the reason the Driver has  
appeared before the Panel, namely a conviction, the report  
written by the Officer, their recommendations and the Council's  
Statement of Fitness and Suitability the Driver is no longer 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 with immediate effect on the grounds of public safety, as the Driver's conviction was for driving without insurance which put the public at risk.

9

**DP/2025/02**

The Panel considered an application to review a licence where several complaints 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 Driver has appeared before the Panel, namely complaints about his conduct, the report written by the Officer, their recommendations, the Driver's comments and the Council's Statement of Fitness and Suitability, the Driver is no longer a fit and proper person and accordingly the licence is to be REVOKED with immediate effect on the grounds of public safety. The Panel are satisfied that the conduct of the Driver in making inappropriate remarks to passengers demonstrated that he was no longer a fit and proper person to hold a licence and the nature of the remarks demonstrated that he was a risk to passengers.

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

10

**DP/2025/03**

The Panel considered an application to review a licence where several complaints 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 Driver has appeared before the Panel, namely complaints about his conduct, the report written by the Officer, their recommendations, the Driver's comments and the Council's guidelines on the Fit and Proper Conduct, the Panel have decided that:

1 the Licensing Officers make further enquiries with Uber to establish whether the complainants had made previous complaints about Drivers' conduct.

2 In the event that there is no evidence of previous complaints made by the complainants, the Chair and Vice Chair of the Panel be given delegated authority in consultation with the Head of Licensing to revoke the Driver's licence with immediate effect on the grounds of public safety as the conduct of the Driver in making inappropriate remarks to passengers demonstrated that he is no longer a fit and proper person to hold a licence and the nature of the remarks demonstrated that he is a risk to

passengers and the other Panel members be informed accordingly.

3 In the event that Uber do have records of previous complaints about Drivers made by either of the complainants, the application is to be brought back to the Panel for further consideration.

NOTE: The Driver attended the meeting with a representative and addressed the Panel.

11

**DP/2025/04**

The Panel considered an application to review a licence, due to a conviction 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, based on the information provided to the Panel, having taken into account the reason the Driver has appeared before the Panel, namely a conviction, the report written by the Officer, their recommendations and the Council's Statement of Fitness and Suitability the Driver is no longer 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 with immediate effect on the grounds of public safety as the Driver's conviction was for driving a vehicle with defective tyres which put the public at risk.

NOTE: The Driver attended the meeting with a representative and addressed the Panel.

12

**DP/2025/05**

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 deemed to be a fit and proper person and accordingly the application is **GRANTED** for a probationary period of twelve months to be extended for a further 2 years if no complaints about the Applicant are received in the meantime and subject to quarterly drug tests during the first year being provided at the Applicant's expense to demonstrate that he remains drug free, with the first test to be carried out before the licence is issued.

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

13

**DP/2025/06**

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 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.

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

The meeting started at 9.30am and ended at 3.15pm



## **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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