

LICENSING DRIVER PANEL Agenda

Date Tuesday 16 July 2024

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 Paul Entwistle 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, 11 July 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 Azad, Byrne, 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 3 - 6)

The Minutes of the meeting held on 11th June 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/2024/67 (Pages 9 - 14)

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

9 DP/2024/65 (Pages 15 - 20)

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

10 DP/2024/66 (Pages 21 - 26)

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

Public Document Pack Agenda Item 5

LICENSING DRIVER PANEL

11/06/2024 at 9.30 am

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

Also in attendance
Nicola Lord - Principal Licensing Officer
Susan Loftus – Licensing Projects and Hearings Officer
Alan Evans- Group Solicitor
Durga Paul- 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**

The were no Public Questions for this meeting to consider.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meetings held on 12 March 2024 and 9 April 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/2024/41**

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.

The application had been heard by the Panel at a previous meeting. It was adjourned pending the receipt of additional information from a third party. The information was received and presented to the Panel.

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, and the Council's Statement of Fitness and Suitability, the Applicant is not a fit and proper person and accordingly the application be REFUSED as insufficient time has passed since the convictions.

9

DP/2024/46

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, 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 in accordance with the Council's Statement of Fitness and Suitability.

10

DP/2024/47

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, 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 as the nature and number of convictions received in a short period of time calls into question the applicants driving ability.

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

11

DP/2024/48

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, the report written by the Officer, their recommendations, the applicants 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 as in accordance with the Council's Statement of Fitness and Suitability.

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

12

DP/2024/49

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, the application be adjourned pending the receipt of further information.

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

13

DP/2024/50

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, the report written by the Officer, their recommendations, the applicants 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 Council's Statement of Fitness and Suitability.

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

14

DP/2024/51

The Panel considered a report to inform them of an application for a new Dual Driver's licence, which, due to information received from the police about 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: information received from the police about the Applicant, the report written by the Officer,

their recommendations, the applicants comments and the Council's Statement of Fitness and Suitability, the Applicant is a fit and proper person and accordingly the application be GRANTED and no further action is required.

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

15

APPEAL UPDATE 11/06/2024

RESOLVED that the appeals update be noted.

The meeting started at 9.30am and ended at 13:54pm

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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