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TRAFFORD COUNCIL

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE MEETING

Date: Thursday, 19 January 2017

Time: 6.30 pm

Place: Committee Rooms 2 & 3 Trafford Town Hall, Talbot Road, Stretford,
Manchester, M32 0TH

AGENDA	PART I	Pages
1. ATTENDANCES		
To note attendances, including Officers and any apologies for absence.		
2. MINUTES		
To receive and if so determined, to approve as a correct record the Minutes of the meetings held on 1 st December 2016 and 15 th December 2016.		
		1 - 8
3. HACKNEY CARRIAGE DRIVER APPLICATIONS		
To receive a verbal report from the Licensing Team Leader.		
4. URGENT BUSINESS (IF ANY)		
Any other item or items (not likely to disclose "exempt information") which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.		
5. EXCLUSION RESOLUTION (REMAINING ITEMS)		
Motion (Which may be amended as Members think fit):		
That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as amended by		

The Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating to each such item respectively.

6. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION THAT EXCEEDS THE SCHEME OF DELEGATION PART II**

To consider a report of the Head of Regulatory Services. Para. 1 9 - 12

7. **URGENT BUSINESS (IF ANY)**

THERESA GRANT
Chief Executive

Membership of the Committee

Councillors M. Whetton (Chairman), A. Mitchell (Vice-Chairman), S.K. Anstee, A. Duffield, M. Freeman, D. Jarman, E.W. Stennett and J. Smith

Further Information

For help, advice and information about this meeting please contact:

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This agenda was issued on **Tuesday, 10 January 2017** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

PUBLIC PROTECTION SUB-COMMITTEE

1 DECEMBER 2016

PRESENT

Councillor M. Whetton (in the Chair).

Councillors A. Duffield, M. Freeman, D. Jarman and J. Smith

In attendance

J. Boyle	- Licensing Team Leader
D. Goldstein	- Solicitor
N. Owen	- Democratic and Scrutiny Officer

Also Present

Councillor D. L. Haddad (Substitute for Councillor A. Mitchell)

APOLOGIES

Apologies for absence were received from Councillors A. Mitchell, S.K. Anstee, M. Sephton and E.W. Stennett

The Sub-Committee sent their best wishes to Councillor Mitchell and wished him a speedy recovery.

23. MINUTES

RESOLVED: That the minutes of the Public Protection Sub-Committee meeting held on 19th October 2016 be agreed as a correct record and signed by the Chairman.

24. APPLICATION FOR THE GRANT OF A STREET COLLECTION PERMIT

The Head of Regulatory Services submitted a report requesting Members to consider an application for a street collection permit from CAFT (Children's Adventure Farm Trust) which fell outside the agreed Street Collection Policy.

The Licensing Team Leader informed the Sub-Committee that a request had been received to issue a permit for a charitable street collection on Sunday 18th December 2016 at a carol concert in Hale village.

The Street Collection Policy clearly states permits are only issued for Saturdays unless by dispensation of the Sub-Committee.

RESOLVED –

- (1) That a Street Collection permit be granted for CAFT for Sunday 18th December 2016.

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1 December 2016

- (2) That the dispensation be granted with the application to be revisited every 3 years.

25. URGENT BUSINESS (IF ANY)

(Note: The Chairman allowed the following item as urgent business in order to update the Sub-Committee at the earliest opportunity on a recent appeal.)

Update on a recent case

The Sub-Committee were informed that Mr Z's appeal had been heard in court and the Council's decision had been upheld. Mr Z has the right to request a further appeal if he wishes.

(Note: The Chairman allowed the following item as urgent business in order to update the Sub-Committee at the earliest opportunity on the Private Hire and Hackney Carriage Vehicle Testing Contract)

Update on Private Hire and Hackney Carriage Vehicle Testing Contract

The Sub-Committee were informed that the contract had been awarded to the existing provider following the tender process and the new contract would commence 1st February 2017. They have expressed a commitment to be flexible and amenable during periods of high demand. The Licensing section will hold regular meetings with the provider.

26. EXCLUSION RESOLUTION (REMAINING ITEMS)

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified.

27. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION THAT EXCEEDS THE SCHEME OF DELEGATION

Applicant – Mr. S. T.

RESOLVED: That this item be deferred to a future meeting of the Public Protection Sub-Committee to enable the applicant to attend.

28. USING A VEHICLE WITH AN EXPIRED LICENCE AND USING A MOTOR VEHICLE WITHOUT A POLICY OF INSURANCE

Driver – Mr. A. M.

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RESOLVED: That this item be deferred to the next scheduled meeting of the Public Protection Sub-Committee to enable the driver to attend with legal representation.

The meeting commenced at 6.30 pm and finished at 7.00 pm

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PUBLIC PROTECTION SUB-COMMITTEE

15 DECEMBER 2016

PRESENT

Councillor M. Whetton (in the Chair).

Councillors S.K. Anstee, M. Freeman, E.W. Stennett and J. Smith

In attendance

M. Jones	- Interim Lawyer
D. Grey	- Enforcement Support Officer
J. Stoddart	- Enforcement Support Officer
N. Owen	- Democratic and Scrutiny Officer

Also Present

Councillor D. L. Haddad (Substitute for Councillor A. Mitchell),

Councillor P. Gratrix (Substitute for Councillor A. Duffield).

APOLOGIES

Apologies for absence were received from Councillors A. Mitchell, A. Duffield and D. Jarman

29. EXCLUSION RESOLUTION

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified.

30. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION THAT EXCEEDS THE SCHEME OF DELEGATION

The Head of Regulatory Services submitted a report requesting Members to consider an application to renew a Private Hire driver's licence.

The driver attended the meeting to enable Members to give the matter their full consideration.

The driver provided the Sub-Committee with an outline of what he said were the circumstances of the offence.

The driver also answered questions directed to him from Sub-Committee Members.

RESOLVED: That the driver's licence be renewed and that 75 penalty points be awarded to Mr. S. T under the Council's Penalty Point Scheme for his failure to promptly report the offence..

31. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION THAT EXCEEDS THE SCHEME OF DELEGATION

The Head of Regulatory Services submitted a report requesting Members to consider an application for the grant of a Private Hire driver's licence.

The applicant attended the meeting to enable Members to give the matter their full consideration.

The applicant provided the Sub-Committee with an outline of what he said were the circumstances of the offence through his legal representative.

The applicant also answered questions directed to him from Sub-Committee Members.

The Sub-Committee considered four letters of support which were brought to the meeting.

RESOLVED: That Mr. A S' application for a Private Hire driver's licence be granted.

32. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION THAT EXCEEDS THE SCHEME OF DELEGATION

The Head of Regulatory Services submitted a report requesting Members to consider an application for the grant of a Private Hire driver's licence.

The applicant attended the meeting to enable Members to give the matter their full consideration.

The applicant provided the Sub-Committee with an outline of what he said were the circumstances of the offence.

The applicant also answered questions directed to him from Sub-Committee Members.

RESOLVED: That Mr. Z A's application for a Private Hire driver's licence be granted.

33. USING A VEHICLE WITH AN EXPIRED LICENCE - USING A MOTOR VEHICLE WITHOUT A POLICY OF INSURANCE

The Head of Regulatory Services submitted a report requesting Members to consider what action to take as a result of the driver admitting that he had not renewed his private hire vehicle licence when it had expired on the 14th April 2016

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but continued to use it for business purposes until he applied for a new one on 5th May 2016.

The driver attended the meeting to enable Members to give the matter their full consideration.

The driver provided the Sub-Committee with an outline of what he said were the circumstances of the offence through his legal representative.

The driver also answered questions directed to him from Sub-Committee Members.

The Sub-Committee considered character references which were brought to the meeting and also looked at a copy of a reminder letter which had been sent to a friend of Mr. A. M who was also a taxi driver in Trafford reminding him to renew his vehicle licence.

RESOLVED: That Mr. A. M's Private Hire driver's licence be suspended for one week. The reasons for this decision were that although the Licensing Unit did not send a reminder to renew the vehicle licence and say that they do not normally do so, the sub-committee concluded that it was the driver's responsibility to make sure that the licence was renewed on time. By the time the driver had come to the council offices on the 5th May 2016 to renew the vehicle licence he had carried out approximately 200 unlicensed and therefore uninsured journeys with customers.

The sub-committee took into account the speed with which he put matters right once he became aware of the issue and his remorsefulness. Nevertheless it considered that the seriousness of the situation required some sanction and therefore concluded that a short period of suspension was appropriate.

The meeting commenced at 6.30 pm and finished at 8.30 pm

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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