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TRAFFORD COUNCIL

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE MEETING

Date: Thursday, 17 July 2014

Time: 6.30 pm

Place: Meeting Room 9 Marshall Stevens Room, 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.	MEMBERSHIP OF PUBLIC PROTECTION SUB-COMMITTEE	1 - 2
	To note the membership, including Chairman, Vice-Chairman and Opposition Spokesperson of the Public Protection Sub-Committee for the Municipal Year 2014/2015.	
3.	TERMS OF REFERENCE	3 - 4
	To note the terms of reference for the Public Protection Sub-Committee.	
4.	MINUTES	5 - 6
	To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 15 th May 2014.	
5.	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.	

6. 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.

A G E N D A

PART II

Pages

7. PRIVATE HIRE DRIVER - CONVICTIONS THAT EXCEED THE SCHEME OF DELEGATION

To consider a report of the Head of Public Protection. Para. 1 7 - 24

8. URGENT BUSINESS (IF ANY)

THERESA GRANT
Chief Executive

Membership of the Committee

Councillors C. Candish (Chairman), B. Sharp (Vice-Chairman), D. Bunting, A. Duffield, M. Freeman, D. Jarman, P. Lally, M. Sephton and J. Smith

Further Information

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

Natalie Owen, Democratic Services Officer
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This agenda was issued on **Tuesday, 8 July 2014** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

TRAFFORD COUNCIL

MEMBERSHIP OF SUB-COMMITTEES 2014/15

SUB-COMMITTEE	NO. OF MEMBERS
PUBLIC PROTECTION	9

COUNCILLORS

Chris Candish CH	Anne Duffield
Bernard Sharp V-CH	Mike Freeman OS
Dan Bunting	David Jarman
Paul Lally	John Smith
Matthew Sephton	

TOTAL	5	4
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[5 Substitutes: D. Butt, A. Mitchell, B. Shaw, P. Gratrix, W. Stennett]

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PUBLIC PROTECTION SUB-COMMITTEE

Terms of Reference

1. To exercise powers in relation to the following functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:
 - (i) all licensing and registration functions except those relating to town and country planning, the regulation of the use of the highway and Safety at Sports Grounds.
 - (ii) functions under any 'relevant statutory provision' within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer; and
 - (iii) associated functions under any local Act.
2. Membership of the Public Protection Sub-Committee shall comprise 9 Members (5:4:0) with up to 5 substitute Members being allowed (3:2:0). The substitute Members for the Public Protection Sub-Committee can only be nominated from the membership of the Licensing Committee.

Delegation

In exercising the power and duties assigned to them in their terms of reference, the Public Protection Sub-Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.

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PUBLIC PROTECTION SUB-COMMITTEE

15 MAY 2014

PRESENT

Councillor C. Candish (in the Chair).

Councillors B. Sharp (Vice-Chairman), D. Bunting, M. Freeman, D. Jarman, P. Myers, J. Smith, N. Taylor and Mrs. J. Wilkinson

In attendance

M. Jones	- Interim Head of Legal Services
J. Boyle	- Licensing Team Leader
N. Owen	- Democratic Services Officer

Also in attendance for Minute No. 38

G. Levy	- Public Protection Manager (Trading Standards)
D. Grey	- Enforcement Support Officer

35. MINUTES

RESOLVED: That the minutes of the Public Protection Sub-Committee meeting held on 20th February 2014 be agreed as a correct record and signed by the Chairman.

36. 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 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.

37. PRIVATE HIRE DRIVER - CONVICTIONS THAT EXCEED THE SCHEME OF DELEGATION

The Head of Public Protection submitted a report requesting Members to consider a Private Hire driver's convictions. The driver attended the meeting to enable Members to give the matter their full consideration.

The driver provided the Sub-Committee with a brief outline of what he said were the circumstances of the offences.

RESOLVED: -

- (1) That Mr. J. W's Private Hire driver's licence be renewed.

- (2) That 75 penalty points be issued to Mr. J. W under the Council's Penalty Point Scheme for his failure to disclose a conviction.

38. PRIVATE HIRE DRIVER'S LICENCE - REFUSAL TO CARRY AN ASSISTANCE ANIMAL

The Head of Public Protection submitted a report requesting Members to consider a complaint against a Private Hire driver.

The driver provided Members with a brief outline of the circumstances of the incident which had caused the complaint and the complainant also provided Members with a brief outline of the circumstances of the incident from their view.

The Sub-Committee determined that the driver had accepted a caution of refusing to carry out a booking for a private hire vehicle due to the fact that the customer was accompanied by an assistance dog. Nevertheless his explanation to the Sub-Committee was that he had not refused to carry the customer.

The Sub-Committee felt that his evidence about having an allergy to animals was not credible as the driver had not declared this to his private hire operator or when applying for a private hire driver's licence. The driver had still not applied for an exemption under section 171 of the Equality Act 2010 at the date of the meeting.

The Sub-Committee felt that his explanation of events and that of the complainant differed in material respects and the Sub-Committee found the complainant to be a more credible and consistent witness.

The Sub-Committee was particularly concerned that the driver appeared unwilling to face up to the consequences of his actions in abandoning a vulnerable customer by the side of the road and was concerned for the safety of the public.

RESOLVED: That Mr. Z's Private Hire driver's licence be revoked.

The meeting commenced at 6.40 pm and finished at 9.20 pm

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

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