

PUBLIC PROTECTION SUB-COMMITTEE

16 APRIL 2015

PRESENT

Councillor C. Candish (in the Chair).

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

In attendance

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

APOLOGIES

An apology for absence was received from Councillor D. Jarman

32. REVIEW OF PRIVATE HIRE OPERATOR CONDITIONS

The Head of Regulatory Services submitted a report requesting Members to authorise him to consult with private hire operators on the proposed new conditions as outlined in Appendix A and the revised penalty point system as outlined in Appendix B.

The Licensing Team Leader confirmed that it was proposed to go out to consultation in May for at least twelve weeks and a report would be brought back to the Sub-Committee regarding the outcome of the consultation and proposing final recommendations so that the new conditions could become effective in October 2015.

It was agreed that Condition 2 be amended to read "The licence shall remain the property of the Council at all times and shall be renewed in accordance with legislation".

RESOLVED –

- (1) That the Head of Regulatory Services be authorised to consult with private hire operators on the proposed new private hire operator conditions outlined in Appendix A of the report with the agreed amendment to Condition 2.
- (2) That a further report be brought back to a future meeting of the Sub-Committee on the outcome of the consultation together with final recommendations for the Sub-Committee to consider.

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33. AMENDMENTS TO THE COUNCIL'S CONVICTIONS GUIDELINES

The Head of Regulatory Services submitted a report requesting Members to consider amending the Council's guidelines relating to convictions.

A discussion took place regarding sensitive information and the Panel that would be convened as a result of sensitive information received by the Council.

RESOLVED: That the amended conviction guidelines be approved and adopted.

34. URGENT BUSINESS (IF ANY)

(Note: The Chairman allowed the following item of urgent business as an application had been lodged and a decision was imminent.)

Private Hire Operators Licence – Uber

The Licensing Team Leader informed the Sub-Committee that an application for a Private Hire operator's licence had been received from a company called Uber which was currently being considered. If no objections were received then officers were authorised to grant the licence.

The Sub-Committee were informed that Uber is a company that uses a smartphone application to accept bookings.

Several questions/comments were received from Members.

RESOLVED: That a report be brought to the next meeting of the Public Protection Sub-Committee on how this new technology functions within the current taxi and private hire licensing requirements.

35. 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.

36. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTIONS THAT EXCEED THE SCHEME OF DELEGATION

The Head of Public Protection 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 a brief outline of what he said were the circumstances of the offence.

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RESOLVED: That Mr. W. T. S' application for a Private Hire driver's licence be granted.

37. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTIONS THAT EXCEED THE SCHEME OF DELEGATION

The Head of Public Protection 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 a brief outline of what he said were the circumstances of the offences.

The Sub-Committee considered the information contained in the committee report and both the written and oral submissions and determined that Mr. S. A. H. R was not a fit and proper person to hold a Private Hire Drivers Licence.

The reasons for this were as follows:

Mr. R has previous convictions for traffic offences and previously went before the Sub-Committee on two previous occasions following his convictions for driving without insurance and using a vehicle with defective tyres (both in 2012). Subsequently, in 2013 he was disqualified from driving for 6 months after he accumulated 12 penalty points on his licence within a 3 year period.

For the offence of no insurance, in accordance with Trafford Council's policy, this is regarded as a "major traffic offence". If an applicant has a conviction for such an offence on their licence which is less than 5 years old when they submit their application, they will be referred to the committee.

In March 2014 he was convicted of two offences at Minshull Street Crown Court. One of the offences was for perverting the course of justice. He explained the circumstances which resulted in this conviction.

The Sub-Committee concluded that there were not sufficient grounds for it to depart from the Council's policy, given these convictions were within a period of 3 years of the application date.

The Sub-Committee considered Mr. R's personal situation as he advised the Sub-Committee that he is the main carer for his mother and that he also assisted his wife. He was asked about what he would do if he was transporting a passenger to their destination and his mother contacted him to inform him that she required assistance. He explained that he would ensure the passenger reached their destination.

The Sub-Committee further determined that his personal circumstances at the present time could make it difficult for him to operate as a private hire driver.

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

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The meeting commenced at 6.40 pm and finished at 9.05 pm