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TRAFFORD COUNCIL

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE MEETING

Date: Thursday, 1 December 2016

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 meeting held on 19 th October 2016.		
		1 - 4
3. APPLICATION FOR THE GRANT OF A STREET COLLECTION PERMIT		
To consider a report of the Head of Regulatory Services.		
		5 - 8
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		

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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. **USING A VEHICLE WITH AN EXPIRED LICENCE AND USING A MOTOR VEHICLE WITHOUT A POLICY OF INSURANCE** Part II
- To consider a report of the Head of Regulatory Services. Para. 1 13 - 36
8. **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, M. Sephton, E.W. Stennett and J. Smith

Further Information

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

Natalie Owen, Democratic & Scrutiny Officer
Tel: 0161 912 4221
Email: natalie.owen@trafford.gov.uk

This agenda was issued on **Wednesday, 23 November 2016** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, M32 0TH.

PUBLIC PROTECTION SUB-COMMITTEE

19 OCTOBER 2016

PRESENT

Councillor M. Whetton (in the Chair).

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

In attendance

J. Boyle	- Licensing Team Leader
G. Levy	- Regulatory Services Mgr (Trading Standards & Licensing)
J. Stoddart	- Enforcement Support Officer
D. Goldstein	- Solicitor
	- Democratic and Scrutiny Officer

15. MINUTES

RESOLVED: That the minutes of the Public Protection Sub-Committee meetings held on 12th September and 22nd September 2016 be agreed as a correct record and signed by the Chairman.

16. PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE TESTING CONTRACT

The Head of Regulatory Services submitted a report updating members on the contract for providing vehicle testing of all proposed and existing Trafford private hire and hackney carriage vehicles.

The Sub-Committee were informed that all vehicles are currently tested by Essential Fleet Services at Higher Road. The contract expires 8th January 2017 and Licensing are currently in the process of going out to tender for the contract.

The contract is currently in the submission stage of the tender process using the Chest portal. It is a three year contract with the option to extend for two years. The last date for submissions is 4th November 2016. Procurement will then assess the bids with Licensing officers. The new contract will run from 1st February 2017 and the existing contractor has agreed to complete the work until that date.

The Sub-Committee were informed that a further report would be brought to the Sub-Committee once the contract had been awarded.

RESOLVED: That the report be noted.

17. URGENT BUSINESS (IF ANY)

(Note: The Chairman allowed the following item as urgent business as a decision needed to be made prior to the next scheduled meeting of Public Protection Sub-Committee.)

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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 Urmston Lions 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 Saturday 5th November at the bonfire at Abbotsfield Park, Flixton.

The Sub-Committee was informed that a street collection permit has already been granted for the Urmston area for 5th November for the Royal British Legion Poppy Appeal and a historic dispensation has been given to the Poppy Appeal to collect for two weeks across the whole of the Borough.

The Street Collection Policy clearly states only one permit per area of the borough per calendar year per charitable organisation unless by dispensation of the Sub-Committee.

RESOLVED: That a Street Collection permit be granted for Urmston Lions for Saturday 5th November for Chassen Road and Flixton Road for 2 1/2 hours prior to the bonfire and 1 hour afterwards.

18. 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.

19. PRIVATE HIRE DRIVER - CONVICTION WHICH EXCEEDS THE SCHEME OF DELEGATION

Applicant – Mr A. S

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

20. PRIVATE HIRE DRIVER - CONVICTION FOR ILLEGALLY PLYING FOR HIRE

The Head of Regulatory Services submitted a report requesting Members to consider a Private Hire driver's conviction.

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.

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

The Sub-Committee noted that your conviction for offences of illegal plying for hire and no insurance on 12/09/16 are serious matters.

The Sub-Committee also noted that he was sentenced by way of a fine and ordered to pay costs which in total amounted to over £1000. They felt this was a significant sentence; however, the issue of illegal plying is a serious problem.

The Sub-Committee determined that his conduct fell below the standard which was expected of a fit and proper person to hold a Private Hire driver's licence.

RESOLVED: That Mr A. P's Private Hire driver's licence be suspended for two weeks.

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

Driver – Mr. A. M.

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

22. THREE COMPLAINTS RECEIVED BY THE LICENSING SERVICE REGARDING THE SAME DRIVER DURING 2016

The Head of Regulatory Services submitted a report requesting Members to consider three complaints which had been received by the Licensing Service regarding the same driver.

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 complaints.

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

The Sub-Committee considered an email from the passenger in Mr. Q I's taxi during one of the complaints and a character reference which Mr Q I brought to the meeting.

The Sub-Committee found all three complaints to be proven against Mr. Q I. These included the incidents on 22/03/16 involving a hackney carriage driver, on 27/05/16 with a member of the public and the displaying of his vehicle plate in his rear driver's window on 31/08/16.

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The Sub-Committee considered the detail of the complaints made and his explanation of events, including the material he brought along on the evening. The Sub-Committee considered that on the balance of probabilities, that the incidents had occurred to some extent and as a result his conduct had fallen short of that expected of a licensed private hire driver. In this regard it was noted that the two main complaints, alleging an element of aggressive behaviour on his part, were similar in nature and had come from two independent persons.

RESOLVED: That Mr Q. I's Private Hire driver's licence be suspended for three weeks.

The meeting commenced at 6.30 pm and finished at 9.00 pm

TRAFFORD BOROUGH COUNCIL

THE PUBLIC PROTECTION SUB-COMMITTEE – 1 DECEMBER 2016

REPORT OF THE HEAD OF REGULATORY SERVICES

REPORT REF. NO.

APPLICATION FOR THE GRANT OF A STREET COLLECTION PERMIT

PURPOSE

To inform Members of an application for a street collection permit from Children's Farm Adventure Trust (CAFT) which falls outside the agreed Street Collection policy.

OPTIONS

Members are invited to consider the report and take whatever action is deemed necessary.

Iain Veitch
Head of Regulatory Services

Further Information From:

Name: Jan Taylor
Licensing Officer

Extension: 4047

Proper Officer for the purposes of L.G.A. 1972, s.100D
(background papers):

1. BACKGROUND

1.1 Trafford Council has a Street Collection Policy which is identified below :

Trafford Council have a standard policy in respect of Street Collection applications and Trafford's procedures are detailed below for your information. **Please note that we only issue permits for Saturday.**

Please visit : www.trafford.gov.uk and follow the links Business, Licensing, A-Z of Licences which details the following :

"The Council restricts collections to one collection per area on Saturday's only. In order to monitor collections we operate a diary system to record what collections have been approved and what dates are still available. In the first instance you should contact the Licensing Office to discuss booking a collection date and for guidance on the regulations. Once a date has been agreed you should complete the necessary application form.

Applications must be on the prescribed form and accompanied by:

- *particulars of any contracts with any charity which is to benefit from the collection*
- *bank account no. into which the collection will be paid and name of bank*
- *accounts for the last financial year (audited if possible) or link to website showing accounts*
- *literature about organisation(s) who will benefit or link to website*
- *written permission to collect on the charity's behalf*

After the collection has taken place you will be required to complete a returns form giving details of the total amount collected and the amount used for expenses. This form must be returned to us within one month of the collection."

Further, the Borough is split currently into 9 administrative areas :

Altrincham (including Timperley)
Hale
Bowdon
Sale
Stretford (including Old Trafford)
Urmston (including Flixton)
Warburton
Carrington
Partington

The current policy and procedures only allow one collection per area as detailed above per charitable organisation per calendar year.

Licensing Officers do not have delegated authority to interpret the procedure and any deviation must be by dispensation following a hearing before the licensing public protection committee.

We require more than one month's notice at least to implement your request if you require dispensation to the policy stated above.

2. APPLICATION

- 2.1 The Licensing Section have received a request to issue a permit for a charitable street collection on Sunday 18th December, 2016 at a carol concert in Hale Village which comes under the Hale area (as shown at 1.1 above).
- 2.2 The permit request is for the CAFT (Childrens Adventure Farm Trust), who are a charitable organisation and wish to fundraise at the carol concert at the location on Sunday, 18th December, 2016.
- 2.3 The application for the permit is outside the scope of the Council's Street Collection Application policy as detailed at 1.1 above.
- 2.4 This is an annual CAFT event and is always held on a Sunday and the request is for a permit to be issued for this Sunday event in Hale.
- 2.5 The policy (at 1.1 above) clearly states permits are only issued for Saturdays unless by dispensation of the Committee.
- 2.6 Only by dispensation of the Committee can the permit be issued, and the applicant, CAFT, is therefore requesting that dispensation be given to them for a street collection permit for Sunday 18th December, 2016 for the area of the event at Hale Village.

3. KEY ISSUES

- 3.1 There are no key issues to this application, however, as this is an annual event, the Committee may wish to consider dispensation for a period of years with the application to be revisited every 3 years.

4. OPTIONS

- 4.1 The Members are invited to consider the report and take whatever action deemed appropriate.
- 4.2 The members are respectfully reminded that only by dispensation of the Committee can the permit be issued to CAFT.

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