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**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE

Date: Tuesday, 11 April 2023

Time: 6.30 pm

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

A G E N D A	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 16 th February 2023.	1 - 2
3.	PRIVATE HIRE WHEELCHAIR ACCESSIBLE VEHICLES - EXTENSION TO TEMPORARY EXEMPTION FROM CURRENT AGE POLICY	
	To consider a report of the Head of Regulatory Services.	3 - 10
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	

Public Protection Sub-Committee - Tuesday, 11 April 2023

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.

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| 6. | PRIVATE HIRE OPERATOR - FAILURE TO KEEP RECORDS IN ACCORDANCE WITH THE CONDITIONS OF LICENCE; AND ALLEGED OBSTRUCTION OF AN AUTHORISED OFFICER | PART II | |
| | To consider a report of the Head of Regulatory Services. | Para. 1 | 11 - 50 |
| 7. | APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE DRIVER'S LICENCE | PART II | |
| | To consider a report of the Head of Regulatory Services. | Para. 1 | 51 - 90 |
| 8. | A PRIVATE HIRE DRIVER'S LICENCE - ACCUMULATION OF 150 PENALTY POINTS FOR FAILURE TO NOTIFY OF A OFFENCE | PART II | |
| | To consider a report of the Head of Regulatory Services. | Para. 1 | 91 - 100 |
| 9. | URGENT BUSINESS (IF ANY) | PART II | Para. 1 |

SARA TODD

Chief Executive

Membership of the Committee

Councillors D. Jarman (Chair), S. Thomas (Vice-Chair), J.M. Axford, B. Brotherton, D. Butt, J. Holden, J.D. Newgrosh, S. Taylor and B.G. Winstanley.

Further Information

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

Natalie Owen, Governance Officer

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Email: natalie.owen@trafford.gov.uk

This agenda was issued on **Thursday, 30 March 2023** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

PUBLIC PROTECTION SUB-COMMITTEE

16 FEBRUARY 2023

PRESENT

Councillor D. Jarman (in the Chair).

Councillors S. Thomas (Vice-Chair), J.M. Axford, B. Brotherton, D. Butt, J. Holden, J.D. Newgrosh, S. Taylor and B.G. Winstanley

In attendance

D. Knowles	Legal Assistant,
J. Parry	Locum Litigation Lawyer,
J. Pickup	Senior Licensing Officer,
S. Siow	Licensing Assistant (Temp),
N. Owen	Governance Officer.

44. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were submitted.

45. MINUTES

RESOLVED: That the minutes of the meetings held on 18th January 2023 and 26th January 2023 be approved as a correct record and signed by the Chair.

46. URGENT BUSINESS (IF ANY)

The Sub-Committee received an update regarding the situation at the magistrates court.

They were informed that there was currently a delay in getting appeals heard due to the knock on effect of Covid and staff leaving the court. The court are dealing with priority cases first and local authority listings are not priorities, the court has advised that it will take at least three months to clear the backlog. Appeals by drivers are currently very delayed.

47. EXCLUSION RESOLUTION (REMAINING ITEMS)

RESOLVED: That the public be excluded 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.

48. DECLARATION OF A MAJOR TRAFFICING OFFENCE MID-LICENCE - PRIVATE HIRE DRIVER'S LICENCE

Public Protection Sub-Committee
16 February 2023

The Head of Regulatory Services submitted a report requesting members to consider a Private Hire driver's licence where the driver had committed a major traffic offence mid-licence.

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

The driver gave his version of the circumstances and answered questions from members of the Sub-Committee.

The Sub-Committee considered the report and the evidence given at the meeting and concluded that the driver was still a fit and proper person to hold a Private Hire driver's licence.

RESOLVED: That no further action be taken against Mr. R. M.

**49. REVOCATION OF A TRAFFORD PRIVATE HIRE DRIVER'S LICENCE -
OUTCOME OF APPEAL**

The Head of Regulatory Services submitted a report informing members of the Sub-Committee of an outcome of an appeal to the Magistrates Court following revocation of a Private Hire driver's licence.

The Sub-Committee were informed that the court had dismissed Mr. I. K. S' appeal as they found that Mr. I. K. S was not a fit and proper person to hold a Private Hire driver's licence and that the Council's decision was correct.

RESOLVED: That the report be noted.

The meeting commenced at 6.30 pm and finished at 7.00 pm

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 11th April 2023
Report for: Decision
Report of: Head of Regulatory Services

Report Title

PRIVATE HIRE WHEELCHAIR ACCESSIBLE VEHICLES – EXTENSION TO TEMPORARY EXEMPTION FROM CURRENT AGE POLICY

Summary

On the 20th January 2022 the Sub-committee approved a proposal to temporarily waive the exceptional condition (age) test for existing private hire wheelchair adapted vehicles which provide transport for children and vulnerable adults with SEND. The exemption was to be effective until the first licence renewal date falling after the 1st April 2023. This was to ensure compliance with the agreed implementation date of the new age standards for existing licensed vehicles introduced by the GM Minimum Licensing Standards.

On the 15th March 2023 the Council agreed to amend the implementation date for the hackney carriage and private hire age and emissions standards for existing Trafford licensed vehicles, which were proposed as part of the Greater Manchester Minimum Licensing Standards project and adopted by Council on the 24th November 2021.

The Council resolved that the compliance date should be extended from 1st April 2024 to 1st April 2026, and that there should also be a contingency (through a delegated decision) to further extend this compliance date to 1st April 2027 if appropriate.

Recommendation(s)

It is recommended that the Sub-Committee:

1. Note the contents of the report; and
2. Approve the proposal to extend the temporary waiver of the exceptional condition (age) test for existing private hire wheelchair adapted vehicles which provide transport for children and vulnerable adults with SEND to 1st April 2025.
3. Delegate authority to the Corporate Director, Place in consultation with the Executive Member for Housing and Neighbourhoods, to approve a further extension to the temporary waiver of the exceptional condition (age) test in respect of vehicles detailed in paragraph 2; in line with any future changes to the implementation date for the hackney carriage and private hire age and emissions standards for existing Trafford licensed vehicles.

Contact person for access to background papers and further information:

Name: Joanne Boyle
Email: joanne.boyle@trafford.gov.uk

1. BACKGROUND

- 1.1 On the 20th January 2022 the Sub-committee approved a proposal to temporarily waive the exceptional condition (age) test for existing private hire wheelchair adapted vehicles which provide transport for children and vulnerable adults with SEND. The exemption was to be effective until the first licence renewal date falling after the 1st April 2023. This was to ensure compliance with the agreed implementation date of the new age standards for existing licensed vehicles introduced by the GM Minimum Licensing Standards. Copy of report of the 20th January 2022 is attached as Appendix A.
- 1.2 On the 15th March 2022 the Council agreed to amend the implementation date for the hackney carriage and private hire age and emissions standards for existing Trafford licensed vehicles, which were proposed as part of the Greater Manchester Minimum Licensing Standards project and adopted by Council on the 24th November 2021.
- 1.3 The Council resolved that the compliance date should be extended from 1st April 2024 to 1st April 2026, and that there should also be a contingency (through a delegated decision) to further extend this compliance date to 1st April 2027 if appropriate.

Statutory Duty to Provide Transport

- 1.4 The Trafford Travel Co-ordination Unit (TTCU) continue to have concerns about the impact of MLS on the delivery of the Council's duty to provide transport for children and vulnerable adults with Special Educational Needs and Disabilities (SEND).
- 1.5 In order to allow the Council to consider the implications of the MLS on the provision of transport for children and young people with SEND further; it is proposed to extend the temporary waiver of the exceptional condition test for existing private hire wheelchair adapted vehicles until the introduction of the new vehicle standards from 1st April 2025. This will provide some certainty for TTCU and their contractors with older vehicles that they will continue to be licensed.
- 1.6 The exempted vehicles will still be required to pass the Council's six monthly compliance test (MOT).
- 1.7 Any new to license vehicle must meet the new Minimum Licensing Standards from the 1st January 2022 which requires fixed age standards with no exceptions.

2. RECOMMENDATION

It is recommended that the Sub-Committee:

- 2.1 Note the contents of the report; and
- 2.2 Approve the proposal to extend the temporary waiver of the exceptional condition (age) test for existing private hire wheelchair adapted vehicles which provide transport for children and vulnerable adults with SEND, to the 1st April 2025.
- 2.3 Delegate authority to the Corporate Director, Place in consultation with the Executive Member for Housing and Neighbourhoods, to approve a further extension to the temporary waiver of the exceptional condition (age) test in respect of vehicles detailed in paragraph 2; in line with any future changes to the implementation date for the hackney carriage and private hire age and emissions standards for existing Trafford licensed vehicles.

APPENDIX A – Public Protection Sub-Committee Report dated 20/01/2022

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APPENDIX A

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 20th January 2022
Report for: Decision
Report of: Head of Regulatory Services

Report Title

PRIVATE HIRE WHEELCHAIR ACCESSIBLE VEHICLES – TEMPORARY EXEMPTION FROM CURRENT AGE POLICY

Summary

The Trafford Travel Co-ordination Unit (TTCU) has recently raised concerns about the impact of the Minimum Licensing Standards on the delivery of the Council's duty to provide transport for children and vulnerable adults with Special Educational Needs and Disabilities (SEND).

This report proposes a waiver of certain current requirements that will hopefully provide some certainty for TTCU and their contractors who have older vehicles that private hire wheelchair adapted vehicles will continue to be licensed until the first renewal date of the vehicle licence which falls after the 1st April 2023. Following this date, these vehicles must be compliant with the minimum vehicle licensing standards adopted on 24th November 2021

Recommendation(s)

The Sub-committee is invited to consider the report and approve the proposal to waive the exceptional condition test for existing private hire wheelchair adapted vehicles which provide transport for children and vulnerable adults with SEND, regardless of the vehicle age or condition. The exemption will be effective until the first licence renewal date falling after the 1st April 2023.

The exempted vehicles will still be required to pass the Council's six monthly compliance test (MOT).

Any new to license vehicle must meet the new Minimum Licensing Standards from the 1st January 2022 which requires fixed age standards with no exceptions.

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: joanne.boyle@trafford.gov.uk

APPENDIX A

1. BACKGROUND

Current Hackney Carriage and Private Hire Vehicle Age Policy

- 1.1 The Council's current vehicle renewal policy which will continue to apply to existing licensed vehicles until 1st April 2023, states:

On Renewal:

<u>Type of Vehicle</u>	<u>Maximum Age</u>
Private Hire Vehicle	6 years
Hackney Carriage Vehicle	15 years

- 1.2 All maximum age limits are subject to the proviso that if an older vehicle is deemed by the Council to be in exceptional condition for its age it can be eligible to be licensed. The decision as to whether a vehicle is in exceptional condition is made, in the first instance, by the Council's nominated garages based on guidance provided by the Council (See Appendix A – Exceptional Condition Guidance).

Minimum Licensing Standards (MLS)

- 1.3 On the 24th November 2021 the Council adopted a new set of minimum vehicle licensing standards which included a new vehicle age policy:
- Private Hire Vehicle – under 5 years on to fleet and 10 years off
 - Private Hire Vehicle Wheelchair Accessible – under 7 years on to fleet and 15 years off
 - Purpose built Hackney Carriage Vehicle– under 7 years on to fleet and 15 years off
 - Air quality metrics and impacts and testing data to be reviewed over the next 2-3 years by the Licensing Network and risks or proposed amendments brought back to Members as necessary
 - To remove the exceptional condition (age) test.
- 1.4 It was agreed that the standard be implemented for new to licence vehicles from the 1st January 2022; and that the existing fleet be compliant with the policy standard by 1 April 2024. This means that from the 1st April 2023 a vehicle licence will not be renewed if the vehicle does not meet the above standards.

Wheelchair Accessible Private Hire Vehicles

- 1.5 In response to the consultation on MLS in 2020 issues were raised in relation to wheelchair accessible private hire vehicles. Strong views were expressed by the trade in relation to the capital cost and shortage of suitable adapted vehicles, as well as the ongoing impact of Covid.

APPENDIX A

- 1.6 It was recognised that a balance was needed between providing the duty of home to school transport which often requires adapted vehicles; and the wider concerns of pollution and protecting the environment etc. In direct response to these concerns the age limit for private hire wheelchair adapted vehicles was extended from 10 to 15 years.

Statutory Duty to Provide Transport

- 1.7 The Trafford Travel Co-ordination Unit (TTCU) has recently raised concerns about the impact of MLS on the delivery of the Council's duty to provide transport for children and vulnerable adults with Special Educational Needs and Disabilities (SEND).
- 1.8 TTCU report that demand for this service is increasing which runs parallel to an increase in children and young people with Education and Health Care Plans. It is believed that demand has also increased due to the pandemic.
- 1.9 On consulting with colleagues in other SEND transport units across GM it is reported that they are now having similar issues with an increase in demand but a decrease in resource (drivers, vehicles, PAs).
- 1.10 TTCU report that contractors with old vehicles which are subject to licensing regulations are being told that their vehicles may not meet the current exceptional condition (age) test. There is an ongoing case at the moment involving a contractor who has two wheel chair accessible vehicles and who has been informed that the vehicles will not meet the age test even though the vehicle has a valid MOT and is exempt from a clean air perspective. The Licensing Section has extended the vehicle licences to allow the sub-committee to consider this report.
- 1.11 In order to allow the Council to consider further the implications of the MLS on the provision of transport for children and young people with SEND; it is proposed to waive the exceptional condition test for existing private hire wheelchair adapted vehicles until the introduction of the new vehicle standards from 1st April 2023. This will provide some certainty for TTCU and their contractors with older vehicles that they will continue to be licensed.

2. RECOMMENDATION

- 2.1 The Sub-committee is invited to consider the report and approve the proposal to waive the exceptional condition test for existing private hire wheelchair adapted vehicles which provide transport for children and vulnerable adults with SEND, regardless of the vehicle age or condition. The exemption will be effective until the licence renewal date falling after the 1st April 2023.
- 2.2 The exempted vehicles will still be required to pass the Council's six monthly compliance test (MOT).
- 2.3 Any new to license vehicle must meet the new Minimum Licensing Standards from the 1st January 2022 which requires fixed age standards with no exceptions.

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