



TRAFFORD
COUNCIL

**AGENDA PAPERS FOR
PUBLIC PROTECTION SUB-COMMITTEE MEETING**

Date: Thursday, 20 February 2014

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 meetings held on 22 nd August 2013, 19 th September 2013, 17 th October 2013 and 21 st November 2013.	1 - 10
3.	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.	
4.	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.	

PART II

5. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE**

To consider a report of the Head of Public Protection. Para. 1 11 - 16

6. **PRIVATE HIRE DRIVER CONVICTIONS THAT EXCEED THE SCHEME OF DELEGATION**

To consider a report of the Head of Public Protection. Para. 1 17 - 20

7. **SECTION 57 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1975**

To consider a report of the Head of Public Protection. Para. 1 21 - 22

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

THERESA GRANT

Chief Executive

Membership of the Committee

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

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, 11 February 2014** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, M32 0TH.

PUBLIC PROTECTION SUB-COMMITTEE

22 AUGUST 2013

PRESENT

Councillor C. Candish (in the Chair).

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

In attendance

M. Jones	Interim Head of Legal Services
J. Boyle	Licensing Team Leader
R.M. Worsley	Democratic Services Officer

APOLOGIES

Apologies for absence were received from Councillor N. Taylor and Mrs. J. Wilkinson.

11. 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.

12. APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

RESOLVED: That this item be deferred to the next available meeting of the Public Protection Sub-Committee.

13. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

RESOLVED: That this item be deferred to the next available meeting of the Public Protection Sub-Committee.

14. HACKNEY CARRIAGE DRIVER – CONVICTIONS THAT EXCEED THE SCHEME OF DELEGATION

The Head of Public Protection submitted a report requesting Members to consider a Hackney Carriage driver's convictions. The driver and Ms V Bryan, Probation Officer from the Ministry of Justice attended the meeting to enable Members to give the matter their full consideration.

The Sub-Committee firstly determined that the driver's spent convictions were not relevant to the application.

The driver provided Members with a detailed summary of the circumstances of the

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22nd August 2013

offences that took place from 2012 to 2013. The driver also highlighted the excellent support he had received in the last 6 to 8 weeks from his assigned Probation Officer. The Committee Members were given an opportunity to ask questions.

The Sub-Committee were satisfied with the information provided by the driver and acknowledged the on-going support provided by the Probation Officer. The Sub-Committee determined that the driver was still a fit and proper person to hold a Hackney Carriage driver's licence.

RESOLVED: That Mr. P.M.P.'s Hackney Carriage driver's licence be renewed.

The meeting commenced at 7.15 p.m. and finished at 8.35 p.m.

PUBLIC PROTECTION SUB-COMMITTEE

19 SEPTEMBER 2013

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

J. Boyle	Licensing Team Leader
P. Grendon	Solicitor
D. Adcock	Solicitor
N. Owen	Democratic Services Officer
D. Riley	Democratic Services Apprentice

15. REVIEW OF TAXI FARE STRUCTURE - 2013

The Head of Financial Management submitted a report outlining proposals for a revised table of fares for hackney carriage vehicles following a written request by GMB to review the taxi fare structure and stated that there had been no increase since the last approved changes in October 2011.

Several Hackney Carriage drivers made representations to the Sub-Committee.

The Sub-Committee members at the request of the Executive Portfolio Holder for Highways & Environment reviewed the report and representations made by Hackney Carriage drivers.

The Sub-Committee Members thought that the soiling charge should be increased to £30.00.

RESOLVED: That the report, the recommendation from the Public Protection Sub-Committee to approve the fare table with the amended soiling charge and any submissions from Taxi Representative bodies be considered by the Executive Portfolio Holder for Highways & Environment who will then determine a proposed Fare Table which will be subject to a statutory public consultation period of 14 days.

16. 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 on the agenda item or report relating to each such item respectively.

17. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

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.

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The applicant provided Members with a brief outline of the circumstances of the offences that took place 2007-2009.

The Sub-Committee determined that the applicant's convictions were relevant to the application and considered the period of time that has elapsed since then.

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

18. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

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 Members with a brief outline of the circumstances of the offence that took place in 2010.

The Sub-Committee considered the seriousness and nature of the conviction including the period of time that has elapsed since then. The Council's policy is normally not to grant applications by persons with similar convictions to the applicant that are less than three years old. The Sub-Committee were not satisfied that there was any reason not to apply the policy and determined that the applicant was not a fit and proper person to hold a Private Hire driver's licence.

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

19. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - DISCLOSURE OF MAJOR TRAFFIC OFFENCE

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

The driver provided Members with a brief outline of the circumstances of the offence in 2013 and asked Members to consider a letter from his wife regarding this offence.

The Council's guidance on convictions states that where existing drivers with a conviction for a "Major Traffic Offence" which is less than five years prior to the date of the application will be referred to Committee for determination. A conviction less than two years prior to the date of the application will generally be refused. The Sub-Committee were satisfied that there was reason not to apply the policy due to the circumstances of the offence and the driver's history of driving as a Private Hire driver and determined that the driver was still a fit and proper person to hold a Private Hire driver's licence.

RESOLVED: That Mr. A. C's Private Hire driver's licence be renewed.

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The meeting commenced at 6.52 pm and finished at 9.02 pm

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PUBLIC PROTECTION SUB-COMMITTEE

17 OCTOBER 2013

PRESENT

Councillor C. Candish (in the Chair).

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

In attendance

S. Rawat	- Solicitor
S. Bate	- Senior Licensing Officer
N. Owen	- Democratic Services Officer

Also Present

Councillor P. Lally (Substitute for Councillor Mrs. J. Wilkinson)

APOLOGIES

An apology for absence was received from Councillor Mrs. J. Wilkinson.

20. 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 on the agenda item or report relating to each such item respectively.

21. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

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 had traffic convictions and a forgery conviction. The applicant had also had a licence with Manchester City Council which was suspended in 2004 and suspended and subsequently revoked in 2011 for illegally plying for hire. The applicant attended the meeting to enable Members to give the matter their full consideration.

The applicant provided Members with a brief outline of what he said were the circumstances of the offences that took place in 2002 and 2010 and explained that in 2002 he had forgot his insurance had expired and when requested to produce documents by the police, he panicked and altered those documents. In 2011 he took a friend in his taxi who hadn't booked through the office but didn't charge them.

The Sub-Committee determined that the applicant's previous convictions were relevant to the application and considered the nature of the convictions and the period of time that has elapsed since then. The Sub-Committee were not satisfied

Public Protection Sub-Committee
17 October 2013

that there was any reason not to apply the policy and determined that the applicant was not a fit and proper person.

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

22. 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: That Mr. E. A's Private Hire driver's licence be renewed.

23. 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: That no further action be taken against Mr. Y. M.

24. 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: That Mr. S. S. B's Private Hire driver's licence be renewed.

The meeting commenced at 6.30 pm and finished at 9.45 pm

PUBLIC PROTECTION SUB-COMMITTEE

21 NOVEMBER 2013

PRESENT

Councillor C. Candish (in the Chair).

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

In attendance

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

APOLOGIES

An apology for absence was received from Councillor D. Bunting

26. MINUTES

RESOLVED: That the Minutes of the Public Protection Sub-Committee meetings held on 18th April 2013, 16th May 2013, 20th June 2013 and 18th July 2013 be agreed as a correct record and signed by the Chairman.

27. REVIEW OF HACKNEY CARRIAGE VEHICLE POLICY - INTERIM MEASURES

The Head of Public Protection submitted a report requesting Members to consider a request from Allied Vehicles Limited to agree interim arrangements which would allow the Council to consider individual applications to licence the Peugeot E7 Taxi, pending a full review of the Council's Hackney Carriage Vehicle Policy.

Representations were made by Mr. Guilliat, Allied Vehicles, Mr. Francis, London Taxi Company and several members of the Trade.

(Note: During the meeting it became apparent that legal advice, likely to lead to the disclosure of exempt information was needed by the Sub-Committee and the Chairman invited the Sub-Committee to exclude the Press and public from the meeting whilst this advice was given).

RESOLVED: That members of the Press and public be excluded from the meeting by virtue of Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 to enable the Sub-Committee to receive, consider and debate legal advice.

Members of the Press and public returned to the meeting to allow the Chairman to announce the Sub-Committee's decision.

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21 November 2013

RESOLVED –

- (1) That in addition to the vehicles currently authorised, the Licensing Team Leader be authorised to consider licensing as a Hackney Carriage any vehicle which meets all of the following criteria:
- Any vehicle which has European Community Whole Vehicle Type Approval; and has a Certificate of Conformity specific to that vehicle; and
 - is black in colour and displays the word “Taxi” on an illuminated roof sign and on either side of the vehicle; and
 - has been constructed to facilitate the carriage of disabled persons comfortably and securely and is capable of accommodating a disabled person in a wheelchair in the passenger compartment (acknowledging that not all wheelchairs may be accommodated); and
 - has suitable ramps for a wheelchair user; and
 - is less than four years old or in exceptional condition.
- (2) That pending a full review of the Council’s current Hackney Carriage Vehicle, the Licensing Team Leader also be authorised to consider licensing as a Hackney Carriage any vehicle even though it does not meet the Condition of Fitness turning circle requirement, provided it meets all the above criteria.
- (3) That the Sub-Committee agree the scope of the full review of the current Hackney Carriage Vehicle Policy as detailed at paragraph 3 of the report and that a report be presented to the Sub-Committee in June 2014 following a twelve week consultation period with relevant stakeholders, recommending appropriate amendments to the policy.

The meeting commenced at 6.30 pm and finished at 7.31 pm

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

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