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TRAFFORD COUNCIL

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE MEETING

Date: Thursday, 17 January 2013

Time: 6.30 pm

Place: Room 7 & 8 Quay West, Trafford Wharf Road, Trafford Park, Manchester,
M17 1HH

AGENDA	PART I	Pages
1.	ATTENDANCES	
	To note attendances, including Officers and any apologies for absence.	
2.	MINUTES	1 - 2
	To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 20 th December 2012.	
3.	URGENT BUSINESS	3 - 6
	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.	

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

To consider a report of the Head of Public Protection. Para. 1 7 - 12

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

To consider a report of the Head of Public Protection. Para. 1 13 - 18

7. **PRIVATE HIRE DRIVER - AMENDMENT TO PREVIOUS PUBLIC PROTECTION SUB-COMMITTEE MINUTES**

To consider a report of the Head of Public Protection. Para. 1 19 - 24

THERESA GRANT

Chief Executive

Membership of the Committee

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

Further Information

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

Natalie Owen, Democratic Services Officer

Tel: 0161 912 4221

Email: natalie.owen@trafford.gov.uk

This agenda was issued on **Tuesday, 8 January 2013** by the Legal and Democratic Services Section, Trafford Council, Quay West, Trafford Wharf Road, Trafford Park, Manchester, M17 1HH.

20th DECEMBER 2012

PRESENT:

Councillor Candish (In the Chair),
Councillors Bunting, Freeman, Jarman, Myers, Sharp, Smith, N. Taylor and
Mrs. Wilkinson.

In attendance: Solicitor (D. Glinka),
Licensing Manager (J. Boyle),
Senior Democratic Services Officer (M. Luongo).

34. **MINUTES**

RESOLVED: That the Minutes of the Public Protection Sub-Committee meeting held on 13th November 2012 be agreed as a correct record and signed by the Chairman.

35. **HACKNEY CARRIAGE UNMET DEMAND SURVEY**

The Head of Public Protection submitted a report requesting Members to consider the findings of the 2012 "Unmet Demand Survey". The Sub-Committee received a presentation from Mr. I. McDonald, Vector Transport Consultancy who had conducted the survey on behalf of the Council and also received representations from various members of the trade.

RESOLVED –

- (1) That the contents of the Hackney Carriage Unmet Demand Survey be noted.
- (2) That any representations from the trade be received in the Licensing section by 18th January 2013.
- (3) That a further report be submitted to a future meeting of the Sub-Committee to allow it to consider possible actions arising from the conclusions of the Study.

36. **EXCLUSION OF THE PRESS AND PUBLIC**

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.

37. **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.

RESOLVED: That Mr. M. T's application for a Private Hire driver's licence be refused.

38. SECTION 57 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

This item was withdrawn from the agenda as the driver had submitted a satisfactory medical certificate prior to the meeting.

The meeting commenced at 6.30 p.m. and finished at 8.25 p.m.

URGENT ITEM.

TRAFFORD COUNCIL

PUBLIC PROTECTION SUB-COMMITTEE – 17th JANUARY 2013

REPORT OF THE HEAD OF PUBLIC PROTECTION

REPORT REF. NO.

TO REVIEW THE COUNCIL'S PENALTY POINT SYSTEM FOR LICENSED HACKNEY CARRIAGE DRIVER'S

PURPOSE

The Sub-Committee is asked to consider this report and determine one of the following options below.

OPTIONS

The Sub-Committee is invited to consider the report and either:

- a) Agree the amendment to the Council's Penalty Point System
- b) Refuse the amendment to the Council's Penalty Point System

IAIN VEITCH
Head of Public Protection

Proper Officer for the purposes of L.G.A. 1972, s. 100D
Head of Public Protection

Background Papers:

Further Information From:
Name: Steve Bate
Senior Licensing Officer
Extension: 4144

1. BACKGROUND

- 1.1 It has been observed by several members of the Licensing Team that Hackney Carriage Vehicles have been parked on ranks within the Borough in excess of the permitted numbers.
- 1.2 Under the Council's current Hackney Carriage Driver Byelaws and Conditions, the Council has decided that the Penalty Points System should be used to prevent abuse of taxi ranks in the Borough (see attached).
- 1.3 Currently 25 penalty points can be awarded against the driver of any Hackney Carriage Vehicle which is parked at a rank in excess of the permitted number.
- 1.4 This report is to request Members of the Sub-Committee to consider increasing the amount of penalty points that are currently awarded for this abuse from 25 points to 50 points.
- 1.5 The Sub-Committee is also asked to consider amending the following paragraph:

"When a total of 150 penalty points has been awarded against a particular driver or a particular vehicle proprietor, the driver and/or owner ~~may~~ **will be invited reported** to the **Public Protection Sub-Committee. The Sub-Committee has the option of suspending or revoking the driver or proprietor licence if it considers necessary**".

2. OPTIONS

- 2.1 The Sub-Committee is invited to consider the report and either:
 - a) Agree the amendment to the Council's Penalty Point System
 - b) Refuse the amendment to the Council's Penalty Point System

PENALTY POINT SYSTEM

DRIVER - PENALTY POINTS SYSTEM

The penalty points table approved by Trafford Council is as follows:

	<u>Number of points</u>
Refusal to carry a disabled passenger's assistance – animal	150
Failing to be clean and respectable in dress and in person	20
Poor cleanliness outside the vehicle	10
Poor cleanliness inside the vehicle	15
No licence plate number displayed in the passenger compartment	15
No table of fares displayed	20
Failure to display a valid certificate of compliance notice	15
Failure to wear a driver's badge and display interior badge	50
No First Aid box	10
No fire extinguisher	10
Defective tyres in use on the vehicle	50 (each tyre)
Defective or no spare tyre	30
Defective bodywork/mechanical fault	25
Dangerous bodywork/mechanical fault	50
Failure to report damage to the vehicle as per conditions within	50
3 working days	
Failure to display an approved roof sign	50
Failure to display/fix identification plate in accordance with conditions	30
No vehicle excise licence/fail to display excise licence	25
Sounding horn to attract customer attention	25
Failing to notify change of address as per conditions – within 7	25
working days	
Failure to disclose convictions (per conviction)	75
Motoring – within 6 months of date of offence	
Other offences – within 28 days	
Report of defective lights (requested to attend garage)	10
Failure to attend Depot for defective lights the following working day after issue of notification	50

When a total of 150 penalty points have been awarded against a particular driver or a particular vehicle proprietor, the driver and/or the owner may be invited for interview by the Licensing Committee. Penalty points will lapse on the third anniversary of the date of the offence.

The Council has decided that the Penalty Points System should be used to prevent abuse of taxi ranks in the Borough. **25 penalty points may be awarded against the driver of any Hackney Carriage which is parked at a rank in excess of the permitted number.**

The Council has made it clear that the following matters for which penalty points may be awarded relate to offences by drivers only (not proprietors): -

Abuse of taxi rank

Lack of cleanliness inside and outside the vehicle

Failure to wear a driver's badge and display interior badge

The Council has decided that the penalty points system should include cases of gross misconduct by drivers and that all such cases should be considered by the Licensing Committee.

The Council has also decided that the penalty points system should be extended to include such other matters of a substantial nature as the Licensing Committee feels are detrimental to the reputation of the Trafford Hackney Carriage/Private Hire Service.

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

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