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TRAFFORD COUNCIL

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE MEETING

Date: Thursday, 24 August 2017

Time: 6.30 pm

Place: Council Chamber 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 20 th July 2017.	1 - 4
3.	REVIEW OF TAXI FARE STRUCTURE - 2017	
	To consider a report of the Head of Regulatory Services.	5 - 12
4.	REQUEST FOR PERMISSION TO DISPLAY AN ADVERTISEMENT ON A PRIVATE HIRE VEHICLE	
	To consider a report of the Head of Regulatory Services.	13 - 18
5.	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.	
6.	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.

7. URGENT BUSINESS (IF ANY) PART II

THERESA GRANT

Chief Executive

Membership of the Committee

Councillors M. Cornes (Chairman), J. Holden (Vice-Chairman), D. Bunting, A. Duffield, M. Freeman, Mrs. D.L. Haddad, D. Jarman and E.W. Stennett

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 **Tuesday, 15 August 2017** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

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PUBLIC PROTECTION SUB-COMMITTEE

20 JULY 2017

PRESENT

Councillor M. Cornes (in the Chair).

Councillors D. Bunting, A. Duffield, M. Freeman, Mrs. D.L. Haddad, D. Jarman, J. Smith and E.W. Stennett

In attendance

J. Boyle	- Licensing Team Leader
D. Adcock	- Interim Senior Solicitor
N. Owen	- Democratic and Scrutiny Officer

Also in attendance for Minute No. 9

G. Levy	- Regulatory Services Mgr (Trading Standards & Licensing)
J. Stoddart	- Enforcement Support Officer

Also in attendance for Minute No. 10

G. Levy	- Regulatory Services Mgr (Trading Standards & Licensing)
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APOLOGIES

An apology for absence was received from Councillor J. Holden

5. MINUTES

RESOLVED: That the minutes of the Public Protection Sub-Committee meetings held on 18th May 2017 and 22nd June 2017 be approved as a correct record and signed by the Chairman.

6. 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.

7. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION(S) WHICH EXCEED THE SCHEME OF DELEGATION

The Head of Regulatory Services submitted a report requesting Members to consider an application for the grant of a private hire driver's licence.

Public Protection Sub-Committee
20 July 2017

The applicant attended the meeting to enable Members to give the matter their full consideration.

The applicant provided the Sub-Committee with an outline of what he said were the circumstances of the offence and answered questions from Sub-Committee Members.

The Sub-Committee concluded that he was not a fit and proper person to hold a Private Hire Driver's Licence as his conviction was approximately forty-one months ago and was a serious offence of dishonesty. The Council's policy in respect of convictions involving dishonesty is that applicants with convictions less than five years old are unlikely to be considered a fit and proper person to hold a private hire driver's licence in Trafford. The Sub-Committee considered the information provided at the meeting but, there were still a number of factors of dishonesty linked to his conviction which caused them concern. After considering all of the circumstances, the Sub-Committee did not feel it appropriate to depart from the Council's policy.

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

8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION(S) WHICH EXCEED THE SCHEME OF DELEGATION

The Head of Regulatory Services 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 an outline of what he said were the circumstances of the offence and answered questions from Sub-Committee Members.

The Sub-Committee concluded that he was not a fit and proper person to hold a Private Hire Driver's Licence as his last convictions were approximately thirty-six months ago and involved a serious offence of dishonesty. The Sub-Committee also consider offences of no insurance extremely serious, as with any offences that potentially put members of the public at risk; this would include any unsafe vehicles used for the transportation of members of the public. The Sub-Committee also considered his last conviction which was approximately seven years ago and involved a serious offence of dishonesty. The Council's policy in respect of convictions involving dishonesty is that applicants with convictions less than five years old are unlikely to be considered a fit and proper person to hold a private hire driver's licence in Trafford. The Sub-Committee considered the information provided at the meeting but, there were still a number of factors of dishonesty linked to his convictions, the frequency of his convictions and the seriousness of the offences which caused them concern. After considering all of the circumstances, the Sub-Committee did not feel it appropriate to depart from the Council's policy.

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

9. USE OF A VEHICLE FOR PRIVATE HIRE WORK IN BREACH OF COMPLIANCE REQUIREMENTS

The Head of Regulatory Services submitted a report requesting Members to consider a Private Hire driver who had used a vehicle for private hire work in breach of compliance requirements.

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

The driver gave his version of the incident and also answered questions from the Sub-Committee.

The Sub-Committee considered the breaches and noted that they occurred between 23rd March 2017 and 28th March 2017. They also noted that you have since admitted to committing the breaches as detailed in the report.

The Sub-Committee considered the seriousness of the breaches and also, the risks caused by those breaches to members of the public.

Resolved: That Mr. M. K's Private Hire driver's licence be suspended for one month.

10. ACCUMULATION BY A PRIVATE HIRE DRIVER OF 170 PENALTY POINTS ISSUED DURING 2017

The Head of Regulatory Services submitted a report requesting Members to consider the accumulation by a Private Hire driver of 170 penalty points issued during 2017 under the Council's current Private Hire Driver and Vehicle Conditions.

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 breaches.

The Sub-Committee considered the breaches which led to the accumulation of penalty points and the driver's explanation as to how the breaches occurred.

Resolved: That no further action be taken against Mr. C. U.

The meeting commenced at 6.35 pm and finished at 9.10 pm

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TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 24 August 2017
Report for: Consideration
Report of: Head of Regulatory Services

Report Title

Review of Taxi Fare Structure – 2017

Summary

The Committee has been requested by the Executive Portfolio Holder for Housing & Strategic Planning to review the current Taxi Fare Tariffs, taking into account relevant factors, and the request made by the TTODA on 1 March 2017.

The last review of fares was September 2013.

This report provides details of the process undertaken, which advises an average Fare increase of 6.5% for journeys of up to 25 miles, as outlined in paragraphs 3 to 8. The proposed Fare table is at Annex 2, and a comparison to fares across Greater Manchester is at Annex 3.

Recommendation(s)

Members are requested to recommend to the Executive Portfolio Holder for Housing & Strategic Planning whether there should be changes to the current Taxi Fare tariffs and/or the hours to which they apply, which, subject to a regulatory public consultation period of 14 days, are likely to operate from early December 2017.

Background Information

Financial Implications:	Other than minimal administration costs associated with the process for changing the Taxi Fare structure there are no costs that impact on the Council.
Legal Implications:	The Executive Portfolio Holder for Housing & Strategic Planning has the delegated powers to exercise the Council's rights under section 65 of the Local Government Miscellaneous Provisions Act 1976 to set taxi fares within the Borough.
Human Resources Implications:	None to the Council, implicit to the impact on users of Hackney Carriages and drivers.
Asset Management Implications:	None to the Council, implicit to the impact on users of Hackney Carriages and drivers.
E-Government Implications:	None to the Council, implicit to the impact on users of Hackney Carriages and drivers.
Risk Management Implications:	None to the Council, implicit to the impact on users of Hackney Carriages and drivers.
Health and Safety Implications:	None to the Council, implicit to the impact on users of Hackney Carriages and drivers.

Introduction

1. There has been no increase to the taxi fare structure since the last approved changes on 19 September 2013. The current fare structure is attached at Annex 1.
2. A written request was received from the Taxi Trade Owner Drivers Association (TTODA) on 1 March 2017 to review the taxi fare structure. The Council followed this up by inviting the 3 Trade organisations representing the Hackney Carriage drivers, (TTODA, ATTD and GMB) to a meeting to establish background data and cost drivers in order to establish whether a new fare structure was required.

Proposed Fare Structure

3. Following two meetings with the Trade representatives which attended (TTODA and ATTD), the proposed Fare table is attached at Annex 2, with the % changes since last set in 2013 summarised below:
 - the taxi fare structure to be increased by 6.5% on average across journeys of 1 to 25 miles broken down as follows:

Journey Distance	Proposed Fare (£)	% Increase from 2013
1 Mile Journey	3.60	12.50%
2 Mile Journey	5.80	7.41%
3 Mile Journey	8.00	5.26%
5 Mile Journey	12.60	6.78%
10 Mile Journey	24.00	6.19%
25 Mile Journey	58.00	5.84%

- no other changes, such as Tariff hours, or additional charges for extra passengers or clearing of soiling are proposed.
4. The proposed change in fare structure is broken down as follows:

	Current		Proposed	
	yards	£	yards	£
First Flag Fall	815	2.00	800	2.20
Subsequent Yardage	164	0.20	155	0.20

5. In support of an increase to the current Taxi fares, the T TODA state:

'The T TODA would like to ask for a fare increase that was discussed of 7.5% in line with the formula'

The ATTD state:

'Following the meeting on Monday 24th July and further consultation with members, the Association of Trafford Drivers would like to request the Council consider a fare raise of approximately 7.5% to the current table of fares, as was outlined in the meeting on the 24th July using the present fare formula'

Please note the 7.5% refers to an average 2 mile journey as detailed in paragraph 2 above.

6. The Council has used all major elements to assist in determining an appropriate Taxi Fare increase:
 - An analysis of the major cost drivers of operating a Taxi, such as fuel, the cost of a vehicle, insurance, maintenance etc. to determine an average annual cost of running the Taxi. The fare structure is then adjusted based on annual mileage, waiting and alighting times, and average speed data so that the increase in income matches as close as possible to the current costs agreed in the meetings with the Trade.
 - A comparison of the proposed Fare table with that of other Greater Manchester Boroughs is shown at Annex 3.
7. The data used is as independent as possible of the Council and Taxi representative bodies, and uses robust data sources such as the AA and the Office for National Statistics.
8. The Trade representatives have requested the Public Protection Sub-Committee to review and make a decision on the Taxi Fare table that will be in operation from December 2017.

Comparison with Greater Manchester

9. The Fare table requested by the trade representatives following the review of costs and changes in the driving environment has been compared to the average cost of a 2 mile journey with the other nine Metropolitan Borough areas within Greater Manchester. The detailed comparison is at Annex 3, however, it can be summarised as:
 - The proposed table shows Trafford as the joint highest price for a 2 mile journey, but it must be noted that of the other 8 authorities, the most recent increase by any of them has taken place in 2013 and with 2 of the authorities not having increased fares since 2008.
 - The waiting time per minute charge has not been proposed to be increased and remains the second highest in Greater Manchester, being exceeded only by Manchester.

The Next Steps

10. The Sub-Committee's recommendation, this report and any submissions from Taxi Representative Bodies will be considered by the Executive Portfolio

Holder for Housing & Strategic Planning who will then determine a proposed Fare Table which will be subject to a statutory public consultation period of 14 days. Following an analysis of the consultation feedback the Executive Portfolio Holder will then approve a Fare Table, which is likely to be implemented before Christmas 2017.

Conclusion and Recommendation

11. The Committee is requested to consider making recommendations on the Taxi Fare Table to the Executive Member for Housing & Strategic Planning, in the light of the requests from the TTODA, and the findings of the agreed taxi fare mechanism.

TRAFFORD
COUNCIL

TABLE OF FARES

A discount of 20p shall be given to passengers over 60 or disabled passengers who present (at the start of the journey) a National Concessionary Travel Pass issued after 1st April 2008

**Charge
(Inclusive of V.A.T.)**

FOR A DISTANCE OF UP TO 815 YARDS (745 METRES)	£2.00
For the first 815 yards (745 metres)	£2.00
For each subsequent 164 yards (150 metres) thereafter (or uncompleted part thereof)	20 pence
WAITING TIME	
For each period of 1 minute (or uncompleted part thereof)	28 pence
EXTRA CHARGES (for the whole distance)	
For hirings commencing between 11 pm and 6 a.m.	Normal daytime rates plus 33 1/3
For hirings commencing after 7 p.m. on Christmas Eve and New Year's Eve and all day on Christmas Day, Boxing Day and New Year's Day and (where appropriate Christmas Bank Holiday)	Double normal daytime rates
SOILING CHARGE	£30.00
WHERE MORE THAN ONE PERSON IS CARRIED, a charge of 20p may be levied for each additional person up to a maximum of 80p for vehicles licensed to carry up to five persons and a maximum of £1.00 for vehicles licensed to carry up to six persons (‘Babies’, i.e. children not capable of using a seat belt, shall be defined as persons for occupancy purposes but shall not be classed as fare paying passengers)	20 pence per additional person

If you have an enquiry about the fare you were charged
please ring Trafford Council on :

0161 912 4144

TABLE OF PROPOSED FARES

A discount of 20p shall be given to passengers of state pension age or disabled passengers who present (at the start of the journey) a valid National Concessionary Travel Pass (NCTP)

**Charge
(Inclusive of V.A.T.)**

FOR A DISTANCE OF UP TO 800 YARDS (732 METRES)	£2.20
For the first 800 yards (732 metres)	£2.20
For each subsequent 155 yards (142 metres) thereafter (or uncompleted part thereof)	20 pence
WAITING TIME	
For each period of 1 minute (or uncompleted part thereof)	28 pence
EXTRA CHARGES (for the whole distance)	Normal daytime rates plus 33 1/3
For hirings commencing between 11 pm and 6 a.m.	
For hirings commencing after 7 p.m. on Christmas Eve and New Year's Eve and all day on Christmas Day, Boxing Day and New Year's Day and (where appropriate Christmas Bank Holiday)	Double normal daytime rates
SOILING CHARGE	£30.00
WHERE MORE THAN ONE PERSON IS CARRIED, a charge of 20p may be levied for each additional person up to a maximum of 80p for vehicles licensed to carry up to five persons and a maximum of £1.00 for vehicles licensed to carry up to six persons (‘Babies’, i.e. children not capable of using a seat belt, shall be defined as persons for occupancy purposes but shall not be classed as fare paying passengers)	20 pence per additional person

If you have an enquiry about the fare you were charged
please ring Trafford Council on :

0161 912 4144

Comparison of Taxi Fares across Greater Manchester Authorities – Tariff 1

Authority	Last Increase	2 mile Journey	Waiting per minute	Soiling Charge	Extra Passenger Charge (each)
		£	£	£	£
Bolton	2008	£5.25	£0.24	£30	no extra charge
Bury	2008	£5.24	£0.27	£30	no extra charge
Manchester	2014	£5.70	£0.31	£30	20p after 1 passenger
Oldham	2012	£5.50	£0.27	£25	10p after 1 passenger
Rochdale	2011	£4.80	£0.20	£25	10p after 1 passenger
Salford	2011	£5.30	£0.13	£30	10p after 1 passengers
Stockport	2013	£5.80	£0.24	£30	20p after 1 passengers
Tameside	2012	£5.60	£0.24	£20	20p after 1 passenger
Wigan	2011	£5.10	£0.21	£30	£1 after 4 passengers
Trafford Proposed	2017	£5.80	£0.28	£30	20p after 1 passenger

TRAFFORD COUNCIL

PUBLIC PROTECTION SUB-COMMITTEE – 24th AUGUST 2017

REPORT OF THE HEAD OF REGULATORY SERVICES

REQUEST FOR PERMISSION TO DISPLAY AN ADVERTISEMENT ON A PRIVATE HIRE VEHICLE

PURPOSE

To invite the Sub-Committee to consider a request from a Trafford Private Hire Operator for permission to operate a private hire vehicle with an advert on its exterior.

OPTIONS

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

- Permit the proposed advertisement to be displayed on the vehicle as requested; and exempt the vehicle from the Council's window tint policy; or
- Permit the vehicle to display an advertisement provided it does not obscure any window; or
- Permit the proposed signage to be displayed on the vehicle as requested and exempt the vehicle from the Council's window tint policy; subject to a condition that whilst the advert is displayed the vehicle will be used exclusively for private hire journeys between the Holiday Inn, Runger Lane, Manchester and Manchester Airport; or
- Permit the vehicle to display an advertisement provided it does not obscure any window; and subject to a condition that whilst the advert is displayed the vehicle will be used exclusively for private hire journeys between the Holiday Inn, Runger Lane, Manchester and Manchester Airport; or
- Refuse permission for the vehicle to display the proposed advertisement.

IAIN VEITCH

Head of Regulatory Services

Further Information From:

Name: Joanne Boyle
Ext: 4129

1. BACKGROUND

- 1.1 The Licensing Section has received a request from Passenger Cars Group, for permission to operate a private hire vehicle with an advertisement for the Holiday Inn on its exterior. See Appendix A.
- 1.2 The request relates to a Ford Transit, registration NA10 EHS which it is intended will be used as a shuttle between the Holiday Inn, Runger Lane, Manchester and Manchester Airport.

Condition

- 1.3 The Council's Private Hire Vehicle conditions state:

The proprietor shall not cause or permit any sign, notice or advertisement to be displayed in, on or from the private hire vehicle, except with the consent of the Council.

- 1.4 The Council has not permitted any advertisement on private hire vehicles previously.

Tint Policy

- 1.5 The proposed advertisement would, as shown in the attached photograph, obscure the view into the vehicle from all sides.
- 1.6 The Council currently has a policy in respect of vehicle glass which restricts the tint allowed on all vehicle windows. The degree of tint permissible is:

Front windscreen: minimum light transmittance 75%
All remaining vehicle glass: minimum light transmittance 70%

- 1.7 The current tint policy was introduced in 2004 because of the increasing number of vehicles being presented for licensing with extremely dark tints; and in some cases completely blacked out windows. It is the Council's view that the general public will feel safer if they can be seen from the outside of the vehicle. This includes any adverts which obscure the view into the vehicle.
- 1.8 In respect of enforcement, heavily tinted glass (or obscured windows) prevent enforcement officers, including the police, from carrying out a quick visual check without stopping the vehicle. An operator may be less likely to infringe on licensing seating restrictions if the number of seats can be clearly seen. Also, during enforcement exercises common practice has always been, wherever possible, to stop vehicles when they are empty to minimise inconvenience to passengers. It is awkward to determine a full or empty vehicle with heavily tinted glass.

- 1.9 In terms of general safety there are occasions where it is in the interests of the drivers or passengers to be in full view e.g. some passengers will not always behave reasonably; being on full view may help to reduce unacceptable behaviour. Incidents that could compromise the safety of the driver or passenger may not be seen from outside the vehicle; and in the event of an accident clear visibility may assist the emergency services. And finally, whilst it could be argued that tinted glass may improve driving ability during bright conditions; during the hours of darkness it will restrict the driver's ability to have all round vision and awareness.
- 1.10 Therefore, it is felt that there are justifiable safety reasons for not allowing tinted windows on licensed vehicles.
- 1.11 It is accepted that there will be passengers who want the privacy of tinted windows and the Council does allow exceptions to its policy. However, this relaxation has always been allied to a condition restricting the use of the vehicle to 'executive' use. The aim is to enable these vehicles to be used for their more selective purpose, and avoid them being used in general situations where tinted windows may cause problems.

2. KEY ISSUES

- 2.1 The Council's current vehicle conditions prevent the display of advertisements on private hire vehicles without the consent of the Council.
- 2.2 The Council's Tint Policy restricts the tint permissible on all licensed vehicles; this would include any advert which obscured the view into the vehicle.
- 2.3 The Operator states that the vehicle will be permanently based at the Holiday Inn and will not be used for any other private hire work.

3. OPTIONS

- 3.1 The Sub-Committee is invited to consider the request and decide to either:
- 3.1.1 Permit the proposed advertisement/logo to be displayed on the vehicle NA10 EHS as requested; and exempt the vehicle from the Council's window tint policy; or
- 3.1.2 Permit the vehicle to display an advertisement provided it does not obscure any window; or
- 3.1.3 Permit the proposed signage to be displayed on the vehicle NA10 EHS as requested and exempt the vehicle from the Council's window tint policy; subject to a condition that whilst the advert is displayed the vehicle will be used exclusively for private hire journeys between the Holiday Inn, Runger Lane, Manchester and Manchester Airport; or
- 3.1.4 Permit the vehicle to display an advertisement/logo provided it does not obscure any window; and subject to a condition that whilst the advert is displayed the vehicle will be used exclusively for private hire journeys

between the Holiday Inn, Runger Lane, Manchester and Manchester Airport;
or

3.1.5 Refuse permission for the vehicle to display the proposed advertisement/logo.

APPENDIX A

Boyle, Joanne

From: lee.naylor@traffordcars.co.uk on behalf of Lee Naylor <lee@pcgcars.co.uk>
Sent: 10 July 2017 13:22
To: Boyle, Joanne
Attachments: Holiday Inn Shuttle.jpg

Hi Joanne

The vehicle in question is NA10 EHS

The vehicle will be based at the Holiday Inn, Runger Lane, Manchester. M90 5DL

It will permanently based there (only leaving for Plate Renewal/MOT/Service)

The hours of operation are 4am - 12pm & 5pm - 11pm each day and will **NOT** be used on any other Private Hire work.

I have attached an image of how the minibus will look wrapped in the hotel logo

Many Thanks

Lee



Telephone: 0161 928 1111
Website: <http://pcgcars.co.uk/>
Mobile App: 'PCG Taxi'

