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**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE

Date: Thursday, 20 October 2022

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 15 th September 2022.		
		1 - 4
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.		
5. PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER - PART II		

**DVLA ISSUE MEDICAL REVIEW LICENCE
FOLLOWING DECLARATION OF MEDICAL
CONDITION**

- | | | | |
|----|--|----------------|---------|
| | To consider a report of the Head of Regulatory Services. | Para. 1 | 5 - 40 |
| 6. | A PRIVATE HIRE DRIVER'S AND HACKNEY CARRIAGE DRIVER'S LICENCE - NOTIFICATION OF DRIVING ENDORSEMENT WHICH EXCEEDS THE SCHEME OF DELEGATION AND FAILURE TO NOTIFY IN ACCORDANCE WITH CONDITIONS OF LICENCE | PART II | |
| | To consider a report of the Head of Regulatory Services. | Para. 1 | 41 - 52 |
| 7. | APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE PROPRIETOR'S (VEHICLE) LICENCE IN RESPECT OF A VEHICLE WHICH DOES NOT COMPLY WITH THE COUNCIL'S CURRENT AGE AND EMISSION STANDARDS | PART II | |
| | To consider a report of the Head of Regulatory Services. | Para. 1 | 53 - 56 |
| 8. | TRAFFORD PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER - FITNESS TO HOLD BOTH PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCES | PART II | |
| | To consider a report of the Head of Regulatory Services. | Para. 1 | 57 - 74 |
| 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:

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Public Protection Sub-Committee - Thursday, 20 October 2022

This agenda was issued on **Wednesday, 12 October 2022** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH.

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PUBLIC PROTECTION SUB-COMMITTEE

15 SEPTEMBER 2022

PRESENT

Councillor D. Jarman (in the Chair).

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

In attendance

L. Grimshaw Lawyer,
C. Whittle Regulatory Services Mgr (Trading Standards and Licensing),
J. Boyle Licensing Team Leader,
S. Ferraioli Governance Officer.

APOLOGIES

An apology for absence was received from Councillor B. Brotherton.

16. MINUTES

RESOLVED: That the minutes of the meeting held on 18th August 2022 be approved as a correct record and signed by the Chair.

17. TRAFFORD'S PENALTY POINT SYSTEM FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS/VEHICLE OWNERS AND OPERATORS - REVISED POINTS

The Head of Regulatory Services submitted a report requesting members to consider the proposed penalty points' policy which has been revised to reflect the new driver/vehicle and operator conditions which were adopted by the Council on the 13th October 2021.

The Sub-Committee agreed a number of amendments to the proposed policy and these are detailed below:-

Penalty Points - Drivers		
Amend	Conveying a greater number of passengers than permitted	150
Amend	Failure to ensure the safety of passengers	150
Amend	Failure to notify change of address	75
Add	Failure to notify name of operator/change of operator	100
Amend	Parking/stopping/waiting or picking up or dropping passengers on zig zags of a pedestrian crossing or school crossing	75
Penalty Points - Vehicles		
Add	Failure to notify name of operator/change of operator	100
Amend	Varying the mechanical and structural specification of the vehicle without the Authority's consent	100

**Public Protection Sub-Committee
15 September 2022**

Amend	Failure to notify of change of address	75
Amend	Defective tyres (each)	100
Amend	Defective Lights	50

All other points contained in Appendix A attached to the report were agreed as proposed.

The Sub-Committee amended 1.8 to read Where a licence holder accumulates 150 penalty points within any three year period and then accumulates another 150 penalty points within the same period; this will normally result in the Sub-Committee revoking a licence where they believe the person not to be “fit and proper”.

RESOLVED:

- (1) That the proposed penalty points system be approved with the amendments detailed above.
- (2) That the procedure for issuing penalty points be re-affirmed.

18. STREET TRADING POLICY AND FEES - CONSULTATION OUTCOME

The Head of Regulatory Services submitted a report informing members of the outcome of the consultation regarding a street trading policy.

A large number of responses had been received which raised issues that needed to be brought to the Sub-Committee for their consideration.

RESOLVED:-

- (1) That the draft policy, as outlined in the report to sub-committee on 30th June 2022, be withdrawn.
- (2) That a full review of the street trading process, including seeking the views of internal and external partners be agreed.
- (3) That a further report be brought to the Public Protection Sub-committee following the review with a revised proposed policy for full consultation.

19. 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.

20. PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER - ACCUMULATION OF 150 PENALTY POINTS IN A THREE YEAR PERIOD

The Head of Regulatory Services submitted a report requesting members to consider a Hackney Carriage and Private Hire driver's licence where the driver had accumulated 150 penalty points in a three year period.

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 Hackney Carriage and Private Hire driver's licence.

RESOLVED: That no further action be taken against Mr. J.W.

21. PRIVATE HIRE DRIVER- ACCUMULATION OF 150 PENALTY POINTS IN A THREE YEAR PERIOD

The Head of Regulatory Services submitted a report requesting members to consider a Private Hire driver's licence where the driver had accumulated 150 penalty points.

The Sub-Committee considered the report and concluded that the driver was not a fit and proper person to hold a Private Hire driver's licence.

RESOLVED: That Mr. M. O's Private Hire driver's licence be revoked.

The meeting commenced at 6.30 pm and finished at 9.00 pm.

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