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**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE

Date: Thursday, 9 May 2024

Time: 6.30 pm

Place: Maria Margaret Netherwood Room A & B, 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 21 March 2024, 18 April 2024 and 22 April 2024.		
		1 - 8
3. QUESTIONS FROM MEMBERS OF THE PUBLIC		
A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm on the working day prior to the meeting. Questions must be within the remit of the Sub-Committee or be relevant to items appearing on the agenda and will be submitted in the order in which they were received.		
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 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.

**6. APPLICATION FOR THE GRANT OF A NEW PRIVATE PART II
HIRE DRIVER'S LICENCE WHICH HAS DISCLOSED
OFFENCES AGAINST THE APPLICANT**

To consider a report of the Head of Regulatory Services. Para. 1 9 - 18

7. URGENT BUSINESS (IF ANY) PART II Para. 1

SARA TODD

Chief Executive

Membership of the Committee

Councillors D. Jarman (Chair), S. Thomas (Vice-Chair), B. Brotherton, S. J. Haughey, E.L. Hirst, J. Holden, J.D. Newgrosh, H. K. Spencer and S. Taylor.

Further Information

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

Natalie Owen, Democratic Officer

Tel:

Email: natalie.owen@trafford.gov.uk

This agenda was issued on **Tuesday, 30 April 2024** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH.

PUBLIC PROTECTION SUB-COMMITTEE

21 MARCH 2024

PRESENT

Councillor D. Jarman (in the Chair).

Councillors S. Thomas (Vice-Chair), B. Brotherton, E.L. Hirst, J. Holden, J.D. Newgrosh, H. K. Spencer and S. Taylor

In attendance

James Parry

Litigation Lawyer

Jade Pickup

Senior Licensing Officer

Stephanie Ferraioli

Governance Officer

APOLOGIES

An apology for absence was received from Councillor S. J. Haughey.

45. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions received from members of the public.

46. MINUTES

RESOLVED: That the minutes of the meeting held on 22 February 2024 were noted as a true and correct record.

47. EXCLUSION RESOLUTION

RESOLVED: 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 each such item respectively.

48. AN OFFENCE WHICH HAS OCCURRED DURING THE CURRENCY OF A PRIVATE HIRE DRIVER'S LICENCE

The Head of Regulatory Services presented the case informing the Committee that further information on the matter was received from Manchester City Council too and reminded Members that the primary aim of the Committee is to ensure public safety.

The driver in attendance along with a friend who acted as their interpreter stated that the driver picked up the wrong person that happened to go in the same direction as the booking and that was the reason for the mix up. Unfortunately, the person was from Manchester City Council and it was indeed their mistake for not checking the person was the correct one.

The offence took place in January 2023 but has only just gone to court due to the backlog at Manchester Magistrates. The driver was found guilty and fined six points.

The Chair asked the driver to state their defence in court. The driver stated that they had been represented through a translator and had pleaded guilty.

The Chair continued asking why the driver had not attended court and why they had not informed the Licensing department. The driver after long deliberation with their friend who acted as their interpreter said they were sorry that this had happened.

Members debated at length and 7 were in favour of revoking the licence, one abstained due to the late arrival to the meeting. It was clear from the evidence and the statements tonight that the driver chose to drive without insurance to get an extra fare and that this had happened other times too.

As a result of an operation between Greater Manchester Police and Manchester City Council the driver was caught without insurance which created a risk for members of the public travelling with them.

RESOLVED: That the licence be revoked pending appeal to be submitted within 21 days.

49. APPLICATION TO GRANT A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE WHICH EXCEEDS THE SCHEME OF DELEGATION

- a) The Head of Regulatory Services presented the case to the Committee where a subcontracted driver presented various offences including driving the wrong way up and stating the passenger was in fact driving, threatening phone calls that later resulted in arrest. The subcontracted driver was driving school transport at the time he was stopped. It transpired the subcontracted driver had also been arrested for another serious offence. They were also found to have swapped hackney carriage plates for their own.

RESOLVED: That the licence be revoked with immediate effect.

- b) The Head of Regulatory Services explained the case to the members of the Committee clarifying that the case presented related to the contractor who was responsible for ensuring the subcontracted driver above complied fully with regulation before employing them.

The owner in attendance with their daughter and two friends stated that they had been driving for 46 years and would never knowingly allow a sub contractor to drive without a licence. They stated that they were shocked and apoplectic when they found out their name had been dragged through the mud given the incident as per a) above.

Public Protection Sub-Committee
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They had been assured the subcontractor had a licence and provided copies of licence, payments and insurance, the vehicle was in exceptional circumstances given the age test and that they were waiting for renewal.

The owner continued saying they had attended a meeting with Enforcement at the Town Hall to explain how they employed people and explaining also that they would expect drivers to inform them if there were any conditions preventing them from carrying out their duties as in the contract.

They had not received complaints on the sub contracted driver from parents about being late or anything untoward until January 2024 when the owner received a call from the mother of a child who asked not to be sent that driver again to pick up their child. They did not want a Pakistani driver. They were informed that that was potentially racist but the mother stated that it was not given that they were Pakistani too.

Members asked whether this request was satisfied and the owner stated that they had decided not to and that the driver picked up the child at least one more time after the request from the mother.

The owner continued saying that it later transpired that the driver had not had their licence renewed and that should have been in jail, that the driver had lied and lied and fooled everyone.

Members deliberated at length and agreed that the owner had not carried out due diligence in this instance and that there did not seem to be a solid system in place ensuring drivers were in full compliance with regulations. The owner also chose to ignore the parent's request to change the driver.

RESOLVED: That the licence be revoked pending appeal to be submitted within 21 days.

The meeting commenced at 6.30 pm and finished at 9.30 pm

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PUBLIC PROTECTION SUB-COMMITTEE

18 APRIL 2024

PRESENT

Councillor D. Jarman (in the Chair).

Councillors S. Thomas (Vice-Chair), B. Brotherton, S. J. Haughey, E.L. Hirst, J. Holden, J.D. Newgrosh, H. K. Spencer and S. Taylor

In attendance

S. Lenahan	Principal Solicitor (Corporate and Commercial)
P. Coker	Legal Assistant
J. Boyle	Team Leader (Licensing Manager)
D. Grey	Licensing Enforcement Officer
N. Owen	Democratic Services Officer

50. MINUTES

RESOLVED: That the minutes of the meeting held on 21 December 2024 be agreed as a correct record and signed by the Chair.

51. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were received.

52. APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE - TOTTIES, THE CAUSEWAY, ALTRINCHAM, WA14 1DF

The Head of Regulatory Services submitted a report requesting members to consider an application for the renewal of a sex establishment licence for Totties, The Causeway, Altrincham.

The Council had received objections to the renewal of the licence from members of the public.

The Sub-Committee heard from the applicant and members of the public who were present.

The applicant answered questions from the Sub-Committee.

The Sub-Committee considered whether the nature of Altrincham had changed.

RESOLVED: That the renewal of the Sex Establishment Licence for Totties be refused.

53. 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, as specified on the agenda item or report relating to such item respectively.

54. FIT AND PROPER PERSON TO HOLD A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE.

RESOLVED: That this item be deferred to a meeting to be held on 22 April 2024.

55. URGENT BUSINESS (IF ANY)

(Note: The Chair allowed the following item as urgent business due to the seriousness of the complaints.)

Complaints against a licensed Private Hire driver concerning allegations of inappropriate behaviour

The Head of Regulatory Services submitted a report concerning complaints of alleged inappropriate behaviour made by two customers against a licensed private hire driver.

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

The driver gave his version of events 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 he was no longer a fit and proper person to hold a private hire driver's licence.

RESOLVED: That Mr. A. M's Private Hire driver's licence be revoked with immediate effect.

The meeting commenced at 6.39 pm and finished at 9.33 pm

PUBLIC PROTECTION SUB-COMMITTEE

22 APRIL 2024

PRESENT

Councillor D. Jarman (in the Chair).

Councillors S. Thomas (Vice-Chair), B. Brotherton, E.L. Hirst and J. Holden

In attendance

P. Coker	Legal Assistant
D. Grey	Licensing Enforcement Officer
G. Oakley	Licensing Assistant
N. Owen	Democratic Services Officer

APOLOGIES

Apologies for absence were received from Councillors S. J. Haughey, J.D. Newgrosh, H. K. Spencer and S. Taylor

56. 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, as specified on the agenda item or report relating to such item respectively.

57. FIT AND PROPER PERSON TO HOLD A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE.

The Head of Regulatory Services submitted a report requesting members to consider whether a Private Hire and Hackney Carriage driver was still a fit and proper person to hold a licence.

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

The driver 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 not a fit and proper person to hold a licence.

RESOLVED: That Mr. M’s Private Hire and Hackney Carriage licences be revoked.

The meeting commenced at 11.00 am and finished at 12.20 pm

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