

PUBLIC PROTECTION COMMITTEE: 8 February 2011

Report of the Chief Strategic Planning and Environment Officer

REPRESENTATION BY THE UNION OF TAXI DRIVERS

1. Background

- 1.1 An association of taxi drivers called the Union of Taxi Drivers has requested that they be acknowledged by the licensing authority as an authorised body representing taxi drivers in Cardiff.

2. Details.

- 2.1 An application has been received requesting recognition of the Union of Taxi Drivers as an association representing taxi drivers in Cardiff. The association is newly formed and has produced a copy of its constitution which is attached as Appendix A and details of 49 paid up members. The officers of the Association are:

Chairman : Mr Abdi Segulle, Badge No. 1205
Secretary : Mr Abdi Arwo, Badge No. 488
Treasurer : Mr Ahmed Mohamed, Badge No. 1101

- 2.2 The Committee is requested to determine the application. The officers of the Association have been requested to attend the meeting to provide further information.

3. Trade Representation

- 3.1 The application by the Union of Taxi Drivers is the first formal application for recognition of a representative body to be considered by the authority. It is difficult to get a consensus view from the trade as it is comprised of many individuals who have their own views on each subject. In an attempt to engage with the trade the authority has over the years attempted to promote the establishment of representative organisations. This has largely been on an informal basis and currently the trade are represented by the Cardiff Hackney Drivers Association which claims to represent all licence holders and the current chairman is Mr M Khan together with the owners of the largest hackney carriage and private hire vehicle operators.
- 3.2 Recognition as a properly constituted representative trade organisation would ensure that the organisation is:

- Able to make applications for fare increases.
- Consulted for views and comments on fare increase applications.
- Able to make proposals to the authority on changes or amendments to licensing procedures and requirements.
- Entitled to be consulted on proposals on changes or amendments to licensing procedures and requirements.
- Provided with details of draft Public Protection Committee reports for comment.

4. Consultation.

The draft reports were made available for comments in the Licensing Offices at Sloper Road and City Hall to enable interested parties to make comments. Additionally draft copies of the reports were sent to trade representatives and the published on the Licensing Web Pages.

The following comment has been received from Mr M Khan of the Hackney Carriage Association

“And finally, the request for acknowledgement of union of Taxi drivers in Cardiff.

As you know Cardiff Hackney Carriage Driver's Association has been formed in 80s and it has been working for the benefit of H/C driver's ever since. And it represents all H/C drivers regardless of Race, Colour or Creed. The Hackney Driver's Association has members from all communities and it enjoys support from majority of the drivers, and therefore the Management Committee and the vast majority of drivers believes that such request could be very damaging in many ways, such as: it will facilitate or invite many more Associations, for example a Welsh, English, Bengali, Pakistani, Indian, Sudani, Iraqi, Afghani and a women taxi driver's Association requesting for same recognition. Which could cause chaos to your department in many ways, especially when dealing with certain applications, such as an application for fare increase and so on. And therefore would like to request the Members of the Licensing Committee to kindly consider all these points whilst considering such request.

The secretary of the Association, Mrs Avril Mumford would like to have few minutes to clarify few points to the Members of the Committee if given the opportunity with regarding this request.”

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 When the Council is formulating licensing policy in relation to the hackney carriage or private hire trades it is desirable to consult with members of the Trade. It is not always practicable to consult with individual licensees and sometimes members of the trade may find it easier to speak through representative bodies. Consultation through representative bodies can therefore be extremely useful, but obviously the Council would expect those bodies to act responsibly in carrying out such a role.
- 5.2 As indicated in paragraph 3.1, this is the first formal application for recognition from a representative body. Whatever the outcome, it is not suggested that the existing arrangements for consultation should be diminished.

6. Financial Implications.

- 6.1 The licensing service is required to be self financing with all expenditure being met from fees and charges which are reviewed annually. There are no financial implications arising directly from the report.

7. Recommendation

- 7.1 That the application by the Union of Taxi Drivers for recognition as a representative organisation for taxi drivers in Cardiff be considered.

SEAN HANNABY **1 December 2010**
CHIEF STRATEGIC PLANNING AND ENVIRONMENT OFFICER

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None

APPENDIX A – UNION OF TAXI DRIVERS CONSTITUTION

UNION OF TAXI DRIVERS CONSTITUTION

1. NAME: The name of the Association shall be: - UNION OF TAXI DRIVERS (UTD)

2. OBJECTS: In keeping with the highest standards of service to the general public and with the purpose that each of its members may earn a deserved standard of living.

The objects of this Association shall be: -

- a) To carry on activities in the common interests of all its members, who will conduct their affairs in a manner, which will not prejudice the interests of other members.
- b) To cultivate acquaintance, fellowship, co-operation, goodwill and a professional spirit amongst its members, facilitate and exchange ideas and methods, recognise and honour their exceptional services and achievements and as it may affect their interests, further the efficiency of service to the general public.
- c) To promote the study of the service, aid in the maintenance of competition and advise in the enactment of just, equitable and constructive legislation.
- d) To foster the continuity of the Association, assist its members in all and everyway possible and encourage the development of recent members.
- e) To gather, organise, keep on file and diffuse useful information, facilitate research in all functions of the licensed taxi business and acquire and maintain all pertinent material thereto.
- f) To conduct annual general, special general and general committee meetings for its members.
- g) Through the proper operation of this Association and integration of the creative forces at its command, to act or co-act with others, especially local authorities, national government and other taxi federations in the improvement of the economic, social and civic values of the licensed taxi trade.
- h) To protect the investments of its members and secure the living standards and welfare of all who are engaged in the industry.

3. COMMITTEE

- a) The Association shall have the following officers who shall form the executive committee namely, a Chairman, a Vice Chairman, a General Secretary, a Treasurer and 2 executive committee person.
- b) Subject to Rule 3(e) the General Secretary shall be elected at the Annual General Meeting to be held during 1st and shall hold office for 1 year and shall retire at the first Annual General Meeting after such period of 1 year has expired. A retiring General Secretary shall be eligible for re-election.
- c) All other officers shall be elected by the majority of members present who are entitled to vote at an annual general meeting or special general meeting and shall continue in office until the next annual general meeting and at every such meeting the said officers shall retire. All retiring officers shall be eligible for re-election.
- d) A Chairman, Vice Chairman and a Treasurer shall be elected from and by the executive committee

at its first meeting after the annual general meeting.

e) Any officer may be removed from office by resolution passed at a Special General Meeting of which due notice has been given specifying the intention to consider such resolution and the ensuing vacancy must be filled by the votes of at least 55% of the members present entitled to vote and voting at the meeting.

4. GENERAL SECRETARY

a) The General Secretary shall attend all meetings. He shall record correctly the names of officers present and the minutes of the proceedings which will be transcribed into a book and authenticated by the signature of the Chairman as the proceedings of the meeting.

b) He will receive proposals for admission to the Federation.

c) He will handle all business of the Association as required and report to the executive committee on a regular basis.

e) He will summon and give due notice of all meetings and keep documents and papers in such a manner and for such purposes as the executive committee may require. The Secretary shall on all occasions of the execution of his office act under the superintendence, control and direction of the executive committee.

5. TREASURER

a) The Treasurer shall produce all books, documents property and money of the Association in his possession and render a full and clear account at each audit and whenever required by resolution of Association or the executive committee and on all occasions in the execution of his office, act under the superintendence control and direction of the executive.

6. ELECTION OF OFFICERS

All nominations for election to the executive committee shall be in the hands of the General Secretary not less than 28 days before the annual general meeting at which the election is to take place.

It will be in order for:

A person to be nominated for a position on the executive committee by:

a) A member association.

b) An individual member.

c) Individuals members cannot self nominate.

7. FUNCTIONS

The Executive Committee Functions shall be:

a) To carry out resolutions passed by the annual general meeting.

b) To carry out the day- to- day running of the Association and set annual subscriptions subject to the consent of the annual general meeting or a special general meeting called for that purpose.

c) Arbitrate in disputes between Association members.

d) To meet within 14 to 21 days at the request of 4 members of the executive committee.

i) The General Secretary shall call the meeting and write the agenda in conjunction with the Chairman.

ii) Four members will form a quorum for a meeting of the executive committee.

iii) To co-opt members to form a sub-committee as required.

iv) "In the event of a vacancy occurring in the executive committee, the remaining executive committee members may co-opt a member to fill that vacancy, until the next regular general meeting of the Federation, at which time an election will take place to fill that vacancy."

8. REMUNERATION OF OFFICERS

a) Executive officers shall receive remuneration for the time spent in the execution of their duties to be decided by the members at an annual general meeting.

b) The officers may in addition to any remuneration also be paid for travelling and other expenses incurred in attending and returning from duties relating to the business of the Federation.

c) The General Secretary shall receive an annual honorarium for time spent in the execution of his/her statutory duties, such amount being decided at general meetings, and in addition shall receive remuneration as an executive officer for any other duties that may be required of him.

9. AUDITORS

The auditors shall be appointed by the annual general meeting.

10. MEMBERSHIP.

1. a) i) All applications for membership will be at the discretion of the full membership and will be discussed at a regular meeting of the Association.

ii) Application for membership can be accepted from licensed taxi drivers who fit the criteria.

2. Individual.

a) They are individual licensed taxi drivers in an area covered by Cardiff County Council where there is no Association member.

b) They are individual licensed taxi drivers in an area covered by Cardiff County Council where there are no constituted taxi associations.

c) They are individual licensed taxi drivers in an area which has an Association member or a constituted taxi association but with which they are not associated.

3. Associations.

a) Associations which consist solely of licensed taxi owners.

b) Associations which consist of licensed taxi owners and have other hire interests,

4. Companies.

a) Companies or other bodies, which consist solely of, licensed taxi owners.

b) Companies or other bodies which consist of licensed taxi owners and other hire interests,

11. SUBSCRIPTIONS

- a) Annual subscriptions set by the annual general meeting must be paid immediately that the fees were set, new members shall commence from the month of joining the Association and will be charged pro-rata.
- b) Association membership will lapse if annual subscriptions are not paid within the specified period, or in the event of default of the bankers order.

12. ANNUAL GENERAL MEETING

An annual general meeting of the Association shall be held on Sunday of June each year. It shall consider.

- a) The audited accounts and balance sheet of the Association for the period ending 31st March.
- b) All the resolutions and constitutional amendments, which are submitted by the Association members.
- c) The election of officers.
- d) Any other special items as indicated to the General Secretary not less the 7 days prior to the annual general meeting.
- e) At least 21 days notice shall be given to all members associations or companies.
- f) Constitutional amendments and resolutions for the annual general meeting must be received by the general secretary at least 60 days before the meeting.
- g) Copies of agenda for the annual general meeting shall be forward to members. Associations or companies at least 7 days prior to the annual general meeting.
- h) Eight member associations (including not more than 50% individual members) shall form a quorum for the annual general meeting.

13. SPECIAL GENERAL MEETING

A special general meeting of the Association.

- a) May be convened by the executive committee.
- b) Shall be convened on receipt of a requisition signed by not fewer than 8 member associations including not more than 50% individual members.
- c) Such special general meeting shall be convened by the General Secretary not more than 28 days after receipt of the requisition.
- d) Not less than 14 days notice shall be given to all members, associations or companies.
- e) The meeting shall consider only the business stated in the notice for the meeting.
- f) Eight members associations including not more than 50% individual members shall form a quorum for a special general meeting.

14. RESOLUTIONS

- a) No resolution or motion shall be discussed at a meeting until it has been moved and seconded, except any resolution that is moved by the chair.

b) A resolution to remove an officer must be intimated by the general secretary to every member, association or company at least 14 days prior to the meeting on which agenda the resolution must be placed.

15. VOTING AT EXECUTIVE MEETINGS

- a) Each member present shall have one vote.
- b) Votes can only be cast by those members present.
- c) In the event of the voting being equal on any matter. The Chairman will have a casting vote.

16. VOTING AND PROCEDURE AT ANNUAL GENERAL MEETINGS OR SPECIAL GENERAL MEETING.

- a) Voting will be on the basis of one vote per member.
- b) The proposer and seconder alone, apart from the executive committee will be allowed to speak twice on any motion. On the second occasion, only reference to specific points will be allowed.

17.

- a) Any member wishing to speak on any single question will be required to and give his or her name to the Chairman and where applicable, the name of his or her association or company.
- b) The following procedures will be adopted in relation to resolutions or motions.
 - i) A proposal is made.
 - ii) An amendment may be put.
 - iii) The amendment is put to the meeting.
 - iv) If the amendment is passed it then becomes the proposal, if defeated the proposal stands.
 - v) The proposition is then put to the meeting.
 - vi) Amendments can then be given, in writing or verbally, to the Chairman before a vote is taken,

18. AMENDMENTS TO THE CONSTITUTION

Amendments may be made to the constitution by a simple majority of those present and entitled to vote at an annual general meeting or special general meeting, of the Association, called for that purpose.

19. BREACHES OF THE CONSTITUTION

Any breach of the constitution may be raised by a member rising to a point of order, which shall be taken forthwith.

20. INTERPRETATION OF THE CONSTITUTION

In the event of any question on which this constitution is silent, the executive committee shall have the power to act according to its interpretation of the articles.

21. THE CHAIRMAN'S RULING TO THE MEETING SHALL BE FINAL.

22. INDEMNIFICATION OF ASSOCIATION OFFICERS

The members of the executive committee including the general secretary and treasurer shall be indemnified by the members of the Association against all liability properly incurred by them in the management of the affairs of the Association.

On the date below by the persons whose signatures appear at the bottom of this document.

This Constitution was adopted on Sunday 26th September 2010 at the Meeting held at red Sea House, Cardiff Bay, Cardiff.

SIGNED (CHAIRPERSON)

(print name).....

SIGNED (SECRETARY)

(print name)