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AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	TUESDAY, 6 NOVEMBER 2018, 10.30 AM
Venue	COMMITTEE ROOM 1 - COUNTY HALL
Membership	Councillor Mackie (Chair) Councillors Murphy, Dilwar Ali, Davies, Derbyshire, Goddard, Jacobsen, Lancaster, Robson, Taylor, Williams and Wood

1 Apologies for Absence

To receive apologies for absence.

2 Declarations of Interest

To be made at the commencement of the agenda item in question, in accordance with the Members' Code of Conduct.

3 Minutes *(Pages 3 - 10)*

To approve as a correct record the minutes of the meetings held on 7 August, 16 August, 4 September and 2 October 2018.

4 Prestige Vehicle Application *(Pages 11 - 12)*

5 Presentation from Disability Rights Access Group

6 Consideration of the Use of Darkened Glass in Respect of Licensed Vehicles *(Pages 13 - 26)*

7 Cardiff Hackney Carriage Alliance - Application for Recognition *(Pages 27 - 38)*

8 Urgent Items (if any)

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Davina Fiore

Director Governance & Legal Services

Date: Wednesday, 31 October 2018

Contact: Graham Porter,

02920 873401, g.porter@cardiff.gov.uk

PUBLIC PROTECTION SUB COMMITTEE

4 SEPTEMBER 2018

Present: County Councillor Mackie(Chairperson)
County Councillors Taylor and Williams

1 : EXCLUSION OF THE PUBLIC

Item 2 is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 Schedule 12A of the Local Government Act 1972. The public may be excluded from a meeting by resolution of the Committee pursuant to Section 100A (4) of the Local Government Act 1972 during discussion of this item.

2 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

- (1) Application 1 – Driver to complete the BTEC qualification in Transporting Passengers within 6 months for unacceptable customer service.
- (2) Application 2 – Driver to complete the BTEC qualification in Transporting Passengers within 6 months and 3 days suspension for using foul language.
- (3) Application 3 – Revocation of licence for aggressive behaviour.
- (4) Application 4 – 10 days suspension of licence
- (5) Application 5 – Deferred.
- (6) Application 6 – 10 days suspension of licence
- (7) Application 7 – No further action
- (8) Application 8 – Application for a Hackney Carriage/Private Hire Drivers Licence granted.
- (9) Application 9 - Deferred for 1 month
- (10) Application 10 – Application for a Hackney Carriage/Private Hire Drivers Licence granted.

- (11) Application 11 – Application for a Hackney Carriage/Private Hire Drivers Licence granted.
- (12) Application 12 – Application refused as the Sub Committee felt the applicant was not a fit and proper person to hold a licence.
- (13) Application 13 - Application for a Hackney Carriage/Private Hire Drivers Licence granted.

The meeting terminated at 3.04 pm

PUBLIC PROTECTION SUB COMMITTEE

7 AUGUST 2018

Present: Councillor Mackie(Chairperson)
Councillors Murphy, Robson and Goddard

4 : EXCLUSION OF THE PUBLIC

5 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

- (1) Application 1
Licence suspended for 10 days for making a racist statement.
- (2) Application 2
No further action.
- (3) Application 3
Deferred for 1 month.
- (4) Application 4
No further action.
- (5) Application 5
Licence suspended for 15 days for abuse of a member of the public.
- (6) Application 6
Cancelled
- (7) Application 7
Decision deferred until 16 August 2018
- (8) Application 8
Deferred until 16 August 2018

The meeting terminated at 2.45pm

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PUBLIC PROTECTION SUB COMMITTEE

16 AUGUST 2018

Present: Councillor Murphy (Deputy Chairperson)
Councillors Goddard and Robson

6 : EXCLUSION OF THE PUBLIC

Item 2 is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 Schedule 12A of the Local Government Act 1972. The public may be excluded from a meeting by resolution of the Committee pursuant to Section 100A (4) of the Local Government Act 1972 during discussion of this item.

7 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the Hackney Carriage/Private Hire drivers licence revoked for aggressive and abusive towards of members of the public and other taxi drivers; for failure in the duty of care towards passengers and abandoning them without completing the journey.

The meeting terminated at 12.15 pm

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PUBLIC PROTECTION SUB COMMITTEE

2 OCTOBER 2018

Present: Councillor Mackie(Chairperson)
Councillors Wood and Taylor

3 : EXCLUSION OF THE PUBLIC

RESOLVED: That the public be excluded during discussion of the following item of business as it contained exempt information as defined in paragraph 14 of Part 4 of Schedule 12A Local Government Act 1972.

4 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

- (1) Disciplinary Hearing 1
Licence suspended for 15 days for verbally abusive and disorderly behaviour.
- (2) Disciplinary Hearing 2
Dismissed
- (3) Disciplinary Hearing 3
Dismissed
- (4) Disciplinary Hearing 4
Driver to complete BTEC Taxi Driver qualification within 3 months, together with a licence suspension of 10 days for refusing a fare.
- (5) Disciplinary Hearing 5
Driver to complete BTEC Taxi Driver qualification within 3 months, together with a licence suspension for a total of 15 days; 10 days for refusing a fare to a wheelchair and 5 days for operating a wheelchair access vehicle which was not fit for purpose.
- (6) Disciplinary Hearing 6
No further action taken
- (7) Disciplinary Hearing 7
Licence revoked for inappropriate behaviour to a customer and the inappropriate use of data obtained during the course of employment.
- (8) Disciplinary Hearing 8
No further action
- (9) Application 1
Application for the Grant of a Hackney Carriage/Private Hire Driver's Licence refused

The meeting terminated at 2.45 pm

CARDIFF COUNCIL
CYNGOR CAERDYDD

PUBLIC PROTECTION COMMITTEE: 6th November 2018

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS

The Committee is requested to determine the following application:-

1. Azad Miah – Vauxhall Zafira DF13 RYA

Application to have the Vauxhall Zafira approved as a prestige vehicle with a ten year age restriction.

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**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 6 November 2018

Report of the Head of Shared Regulatory Services

**CONSIDERATION OF THE USE OF DARKENED GLASS IN RESPECT OF
LICENSED VEHICLES**

1. Background

- 1.1 At its meeting of 3 July 2018 the Committee considered a report in relation to whether the vehicle licence condition restricting the use of darkened glass should be removed. Cardiff Council is one of only a few local Authorities in Wales that has such a requirement. The condition states:

Windscreen & Windows

To be in a good clean condition and free from damage. The windscreen must allow at least 75% of light to pass through with all other windows allowing 70% of light to pass through.'

- 1.2 The Committee resolved to allow the use of darkened glass (glass that lets less than 70% of light to pass through) that is manufacturer fitted in licensed vehicles, provided that a Council approved interior CCTV system was in place.
- 1.3 A subsequent report was considered by Committee at its meeting of 7 August 2018. The report explained the need to ensure that any approved CCTV system complies with all legal requirements, and as a result the Committee resolved to delay implementation of the change of vehicle licence condition until approval of a CCTV specification criteria.
- 1.4 Having reviewed Information Commissioners Office (ICO) and Home Office guidelines on the use of CCTV, Officers feel that further consideration of the condition outlined in paragraph 1.2 is required to ensure it is lawful.

2. ICO Guidelines.

- 2.1 The ICO's 'Data Protection Code of Practice for Surveillance Cameras and Personal Information' was developed to explain the legal requirements affecting the use of CCTV systems and to promote good practice.
- 2.2 The Code states that a privacy impact assessment should be undertaken and that the assessment should be based on reliable evidence and show whether the proposed CCTV can be justified as proportionate to the needs identified.

- 2.3 At its July meeting the Committee considered that the potential increased risk to the safety of the public/driver by removing the darkened glass restriction warranted the use of mandatory CCTV.
- 2.4 It was stated in the July Committee report that there was no evidence available to indicate that removing the darkened glass condition would increase safety concerns. An Inspector from South Wales Police was quoted saying:

'I don't believe that we have any evidence based/analytical work done on offences or safety concerns around darkened glass. I think because of this and that it will be fitted during the manufacturing stage it would be difficult to raise any valid objections.'

The July report is detailed in Appendix A for further information.

- 2.5 The ICO has recently reviewed the policy of a number of Councils where CCTV systems have been mandated as part of the conditions of a licence. It has been made clear that there needs to be a strong evidential base to justify the Policy and that the Policy must be reviewed regularly, especially where audio recording is being used in addition to cameras.
- 2.6 The law is also clear that the use of CCTV and audio in taxis must be proportionate to the risk presented, and councils will need to set out a clear justification of why they believe there is a need for visual and audio recording if applicable.
- 2.7 Detailed work looking at the use of CCTV across all licensed vehicles is yet to be undertaken. Any such work would require an evidential basis as part of the privacy impact assessment. However, there is no evidence at present to support the mandatory requirement of CCTV in vehicles with darkened glass. This requirement could result in the use of CCTV in these circumstances as being viewed by the ICO as disproportionate and open to legal challenge.

3. Consultation

- 3.1 The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions. Details of consultation responses are found in Appendix B.

4. Achievability

- 4.1 This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 Sections 48 (1) (a) (i) (iv) and (v) of the Local Government (Miscellaneous Provisions) Act 1976 stipulate that the Council shall not grant a private hire vehicle licence unless it is satisfied that the vehicle is suitable in type size and design for use as a private hire vehicle, safe and comfortable. Further, if a licence is granted the Council may attach such conditions to it as it considers to be reasonably necessary.
- 5.2 Under section 47 of the Act the Council may attach to the grant of a Hackney Carriage licence such conditions as it may consider reasonably necessary. The range of conditions is wide and can therefore encompass safety, comfort and design.
- 5.3 Applicants have the right of appeal to the Courts against the refusal of a licence or conditions attached to a licence. Council policies may be challenged by way of judicial review.
- 5.4 Legal implications in relation to data protection issues are found throughout the body of this Report. In particular the Code of Practice issued by the Information Commissioner's Office must be given considerable weight. Any condition relating to CCTV which cannot be justified as proportionate to identified needs is vulnerable to legal challenge. Assessments must be based on reliable evidence. As there is no such evidence available it is not possible to impose a condition requiring CCTV at the present time.

6. Financial Implications.

- 6.1 There are no financial implications arising directly from this report.

7. Recommendation

- 7.1 It is recommended that the Committee resolve to either:

a) Remove the hackney carriage & private hire vehicle licence condition stated in paragraph 1.1 (relating to darkened glass) and replace with:

'Windscreen & Windows

'To be in a good clean condition and free from damage. All windows must comply with relevant legislation in respect of light transmission. Only original vehicle manufactured tints are permitted on the rear windows. '

Or;

b) Retain the hackney carriage & private hire vehicle licence condition stated in paragraph 1.1 (relating to darkened glass)

8. Reasons for Recommendation

- 8.1 To ensure that any conditions made in respect of vehicle licence conditions remain lawful.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

1 October 2018

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

Background Papers: Report of the Head of Shared Regulatory Services: ' *Consideration of the Use of Darkened Glass in Respect of Licensed Vehicles* '. 3 July 2018

Report of the Head of Shared Regulatory Services: ' *CCTV Systems in Licensed Vehicles* ' 7 August 2018

APPENDIX A

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PUBLIC PROTECTION COMMITTEE: 3 July 2018

Report of the Head of Shared Regulatory Services

**CONSIDERATION OF THE USE OF DARKENED GLASS IN RESPECT OF
LICENSED VEHICLES**

1. Background

- 1.1 The following licence condition currently applies to both hackney carriage and private hire vehicles:

'Windscreen & Windows

To be in a good clean condition and free from damage. The windscreen must allow at least 75% of light to pass through with all other windows allowing 70% of light to pass through.

- 1.2 The Committee are asked to consider whether the condition should continue to apply to licensed vehicles.

2. Details.

- 2.1 The Road Vehicles (Construction and Use) Regulations 1986, as amended, requires that motor vehicles first used on or after 1 April 1985, must have windscreens which allow at least 75% of light to pass through, and the front side windows to either side of the driver's head which must allow at least 70% light transmission. If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet the legal requirements.
- 2.2 Cardiff Council's Vehicle Licence Condition relates to 'all other windows allowing 70% of light to pass through', which would include the rear windscreen and rear side windows.
- 2.3 Visual assessment of the level of tint of a vehicle window is difficult and the tint must be measured by specialised equipment prior to licensing. Where vehicles are presented for licensing with darkened glass that does not meet the vehicle licence condition, the glass is required to be replaced with glass that complies with the condition before the vehicle is licensed, at the expense of the vehicle proprietor.
- 2.4 Licensing Officers have increasingly noticed that owners of new licensed vehicles are having to obtain replacement glass for windows that do not comply with the condition outlined in paragraph 1.1 above. It appears that many new vehicles,

especially MPV style vehicles are manufactured with darkened glass as standard in the rear windows, which is restricting the choice of newer vehicles that can be licensed, and could potentially limit the trade to buying older vehicles or vehicles with a lower specification.

- 2.5 The table in Appendix A details a number of vehicles that are currently licensed in Cardiff. The vehicle models are listed in increasing specification order. It is evident from the table that non-tinted glass is usually standard in the basic models, but not available in models with a higher specification. In the case of both Skoda models non- tinted glass is not available as standard.
- 2.6 Officers have been advised that the cost of replacing the rear windows and windscreen on a Volkswagen Sharan is £1117 for the glass only, plus there would be the cost of 4-5 hours labour, taking it up to approximately £1500 -£1800.
- 2.7 The matter of darkened glass was discussed at the last Taxi Driver Forum on 27th February 2018. At the meeting the drivers in attendance also requested that the condition is removed due to the excessive costs involved in obtaining replacement glass and difficulty in obtaining suitable vehicles. They also feel it is unfair having this restriction as it does not apply to vehicles licensed by most neighbouring authorities, and those vehicles frequently pick up and drop off in Cardiff.
- 2.8 In vehicles that are manufactured with tinted rear windows, the windows generally allow around 30%-35% light transmission. The windows don't appear 'blacked out' and it is still possible to view the interior of the vehicle, but it is more difficult in poor light. Window tint is usually darker in vehicles such as limousines. Appendix B shows visual examples of the percentage of light transmission

3. **Considerations**

Safety & Comfort

- 3.1 When considering previous applications for darkened glass in licensed vehicles, the Committee took a number of matters into consideration before they decided to refuse the applications. These related mainly to: -
 - a) the effects that the darkened glass will have on effective enforcement as officers may be unable to observe if vehicles are overcrowded or any other breach of licence conditions taking place within the vehicle.
 - b) local concern and circumstances, for example, assaults on females in taxis may give rise to concern.
 - c) the effects of the reduction in visibility for passenger comfort, it may be that vulnerable individuals may feel at risk when travelling alone in a darkened vehicle.
 - d) licensed vehicles are used extensively at night during the hours of darkness when the effect of reduced visibility would be more marked.

- e) the level to which light transmission is affected
- 3.2 With regards to the enforcement of vehicles, Licensing Enforcement Officers have said that they do not notice problems of overcrowding in licensed in Cardiff. It is not possible to say whether this is a result of the current restriction on darkened glass or not.
- 3.3 In relation to passenger safety and comfort there is again no evidence to suggest that problems would be increased if the current condition were to be removed, but conversely it is difficult to say whether the current condition has prevented any issues such as physical attacks on drivers/passengers as there can be no evidence to prove/disprove this.
- 3.4 There are also no indications that there are increased safety/comfort concerns in other local authority areas that allow darkened glass.
An Inspector from South Wales Police was consulted on whether the condition should be removed and he stated the following:
'I don't believe that we have any evidence based/analytical work done on offences or safety concerns around darkened glass. I think because of this and that it will be fitted during the manufacturing stage it would be difficult to raise any valid objections.'
- 3.5 With regards to passenger comfort, the statement that certain passengers may feel more vulnerable with darkened glass is speculative. Alternatively, it could be contended that some passengers may feel more comfortable in vehicles with darkened glass as it provides more privacy. There is no evidence available to support either of these considerations.
- 3.6 When considering driver and passenger safety it is worth bearing in mind whether any additional control measures would be necessary should the current condition be removed. Private hire vehicles have an added level of 'protection' as there is always a record of the booking retained with the private hire operator, so the driver/ passenger can be easily identified. In addition many private hire operators use GPS systems and are able to track the location of their vehicles.
There are no recorded bookings with hackney carriages, so the driver/passenger is harder to identify in the event of an incident/complaint. Measures such as CCTV systems may offer additional protection to drivers/passengers when visibility into the vehicle is reduced. For example Cambridge Council do not have any restrictions on the use of darkened glass, but have a mandatory condition that all licensed vehicles must have CCTV.
- 3.7 As with all vehicles, those manufactured with darkened glass would have undergone vigorous safety checks and must comply with all relevant legislation and type approval. There is no suggestion that the use of these vehicles at night or in poor light conditions would create any problems of light transmission and reduced visibility for the driver.

DfT Guidance

- 3.8 The Department for Transport (DfT) Taxi and Private Hire Licensing Best Practice Guidance states:
‘The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.’

- 3.9 The current Council Policy and licence conditions currently go against the considerations mentioned in this guidance.

Comparison with other local authorities

- 3.10 Vehicle licence conditions differ across local authorities. The Table in Appendix C details various local authorities and whether or not they allow darkened glass in licensed vehicles. Local authorities with a similar condition to Cardiff that do not allow darkened glass include Manchester, Leeds, Coventry, Caerphilly and Swindon. Local authorities that do permit darkened glass include Newport, Rhondda Cynon Taff, Blackpool, and Liverpool

4. Consultation

- 4.1 As stated in paragraph 2.7 above, at the last Taxi Drivers forum, drivers discussed removing the darkened glass condition. Drivers were asked to complete a short survey sheet asking ‘Should Cardiff Council allow darkened glass in hackney carriage and private hire vehicles?’ Sixteen drivers completed the survey and the results were as follows:
- 62.5% of respondents believe that the council should allow darkened glass in both hackney carriage and private hire vehicles
 - 25% of respondents believe that only private hire should be allowed to have darkened glass
 - 12.5% of respondents believe that darkened glass should not be permitted in either hackney carriage or private hire vehicles
- 4.2 In addition, the trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions, and emailed to contacts in the trade. The Licensing Section did not receive any responses in respect of the report.

5. Achievability

This report contains no equality personnel or property implications.

6. Legal Implications

- 6.1 When considering any application for a Private Hire Vehicle Licence, the Council, in accordance with Section 48(a) (i) (iv) and (v) of the Local Government (Miscellaneous Provisions) Act 1976 shall not grant such a licence unless they are satisfied that the vehicle is suitable in type size and design for use as a private hire vehicle, safe and comfortable.
- 6.2 Under section 47 of the Act the Council may attach to the grant of a Hackney carriage licence such conditions as it may consider reasonably necessary. The range of conditions is wide and can therefore encompass safety comfort and design.
- 6.3 Other legal implications in respect of the manufacture of vehicles are found throughout the body of this report.

7. Financial Implications.

- 7.1 The licensing service is required to be self financing with all expenditure being met from fees and charges which are reviewed annually.

8. Recommendation

- 8.1 The Committee is asked to consider the report and determine the following:
- a) To maintain the existing licence condition stated in paragraph 1.1 in respect of hackney carriage and private hire vehicles;
Or;
 - b) To remove the existing condition for hackney carriage vehicles and private hire vehicles and replace with the following:

‘Windscreen & Windows

‘To be in a good clean condition and free from damage. All windows must comply with relevant legislation in respect of light transmission. Only original vehicle manufacture tints are permitted on the rear windows. ‘

Dave Holland
Head of Shared Regulatory Services

25 April 2018

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

Background Papers: None

PREMIER CARS

(Cardiff) Ltd

Office: 029 20 56 56 61 Fax: 029 20 56 48 95 Bookings: 029 20 56 56 56 / 029 20 55 55 55

Claire Hartrey,
Cardiff Council Licensing

29th October 2018

Re: Dark Glass in vehicles

Dear Claire,

I write to explain our thoughts on the Dark(Tinted) glass fitted to Vehicles for use as Private Hire Vehicles.

At Premier we run around 240 Private Hire Vehicles licensed by Cardiff Council, we have various types on the fleet to include Saloon, Wheelchair Accessible, Executive and MPV type vehicles.

Recently we won the contract to service the NHS in Cardiff, Bridgend and the Vale of Glamorgan with various types of vehicles to include Wheel Chair accessible.

It has been noted that at times passengers in wheelchair cars would like the option to have dark glass fitted to the vehicle, there are also requests that we receive when operating at various events that take place within the city.

We understand the concerns of passenger safety in relation to dark glass, however we have an office in Bridgend where we have vehicles fitted with this type of dark glass and have not had any issues whatsoever – as an example we have been running 8 seat and 7 seat Ford Tourneos as Hackney Carriages on our circuit for the last 5 years, these vehicles do not have any CCTV fitted.

It is becoming more popular in manufactures suppling vehicles as standard with dark glass, this is now restricting the choice of vehicles available for use.

We support the use of dark glass in Private Hire Vehicles.

Regards



Peter Renwick
Director

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**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 6 November 2018

Report of the Head of Shared Regulatory Services

CARDIFF HACKNEY ALLIANCE: APPLICATION FOR RECOGNITION

1. Background

- 1.1 An association of hackney carriage drivers called the Cardiff Hackney Alliance has requested that they be acknowledged by the licensing authority as an authorised body representing licensed hackney carriage drivers in Cardiff.

2. Details.

- 2.1 An application has been received requesting recognition of the Cardiff Hackney Alliance as an association representing licensed drivers in Cardiff. The association is newly formed and has produced a copy of its constitution, which is attached as Appendix A.
- 2.2 The Committee is requested to determine the application. Members of the Association have been requested to attend the meeting to provide further information.

3. Trade Representation

- 3.1 The application by the Cardiff Hackney Alliance is the third formal application for recognition of a representative body to be considered by the authority, the first was the Union of Taxi Drivers in 2011, however this association no longer exists. The 2nd application was from the Taxi Drivers of Cardiff in March 2018, but approval has yet to be given due to the Committee's request for further information.
- 3.2 It is difficult to get a consensus view from the trade as it is comprised of many individuals who have their own views on the way the industry operates. 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 most communication is done through the quarterly Cardiff Taxi Driver Forums.
- 3.3 Recognition as a properly constituted representative trade organisation would ensure that the organisation is:

- Able to make proposals to the authority on changes or amendments to licensing policy.
- Entitled to be consulted on proposals on changes or amendments to licensing policy.
- Provided with advance details of draft Public Protection Committee reports for comment.

4. Consultation.

- 4.1 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 were published on the Licensing Web Pages. Details of responses to the consultation are found in Appendix B

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 third 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 There are no financial implications arising directly from the report.

7. Recommendation

- 7.1 That the application by the Cardiff Hackney Alliance for recognition as a representative organisation for licensed drivers in Cardiff be considered.

Dave Holland
Head of Shared Regulatory Services

10 October 2018

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

Background Papers: None

Cardiff Hackney Alliance

Constitution



1. Name

The name of the Association shall be **The Cardiff Hackney Alliance** hereinafter referred to as the "Association"

2. Aims

The aims of the Association will be:

- To actively promote, represent and protect the interests of members, in particular the Hackney Carriage Drivers community in the Cardiff area.
- To represent the interests of members as they are affected by legislation both at Local, National, European and Global level.
- To achieve statutory recognition for members for their value and contribution to the economy of Cardiff.

3. Membership

Membership is open to anyone who:

- Is a licenced Hackney Taxi Driver
- Works in the Cardiff area; and
- Supports the aims of the Association

Membership will begin as soon as the membership form and first annual payment has been received.

Upon application, a member must offer proof to the association that they hold a current Cardiff Hackney Carriage driver's license along with their full name and contact details. The applicant will be notified within 21 days.

If the an application is refused the applicant will be provided with the reasons for doing so, within 21 days of the decision being taken, and give the applicant the opportunity to appeal against the refusal.

The Association shall give fair consideration to any such appeal, and shall inform the applicant of their decision, but any decision to confirm refusal of the application for membership shall be final.

Membership fee is set at £10 subject to review and will be agreed at the Annual General Meeting (AGM) and will be payable by all members.

Annual subscriptions will be invoiced on 1 July each year and will be payable within 30 days.

Membership will lapse if subscriptions are not paid by 31 December each year. Members joining after 1 January shall pay for only six months.

The financial year for the Association shall run from 1 July to 30 June.

A list of all members will be kept by the membership secretary.

Duty of members

It is the duty of each member of the Association to exercise his or her powers as a member of the Association in the way that would be most likely to further the purposes of the Association.

Ceasing to be a member

Members may resign at any time in writing to the secretary. Subscription fees will not be refunded. Any member who has not paid their membership fee for one year will be contacted by the committee, who will then decide whether that member is deemed to have resigned.

Expulsion

The Committee shall have the power to expel a member at any time.

Before any decision to remove someone from membership of the Association the member will be informed of the reasons why it is proposed to remove membership and will give the member at least 21 clear days' notice in which to make representations to the management committee as to why they should not be removed from membership.

A duly constituted meeting of the Association will consider whether or not the member should be removed from membership and consider at that meeting any representations which the member makes as to why the member should not be removed. The member or the member's representative will be allowed to make those representations in person at that meeting, if the member so choose.

4. Equal Opportunities

The Association will not discriminate on the grounds of gender, race, colour, ethnic or national origin, sexuality, disability, religious or political belief, marital status or age.

5. Officers and committee

The Management Committee shall act as Trustees on behalf of the Association. The business of the group will be carried out by a Management Committee elected at the Annual General Meeting.

The Management Committee shall have the power to open bank accounts in the name of the Trustees and to accept, borrow or raise money by any legal means, in the name of the Trustees for the purpose of the objectives of the Association.

The Management Committee in the name of the Trustees shall have power to enter into Agreements with local authorities, local resident and community groups on behalf of the Association.

The Management Committee will meet as necessary, not less than four times a year and will consist of 8 members, 4 officers (Chairman, Vice Chairman, Secretary and Treasurer) and 4 committee members. Up to 2 additional members may be co-opted onto the committee at the discretion of the committee.

The Committee shall meet as regularly as deemed necessary but not less than six times during the year.

Voting at Committee meetings shall be confined to those present. A simple majority will be sufficient to carry any motion. In the event of a tie the Chairman shall have a casting vote.

Members shall declare an interest in any item where appropriate and withdraw when the vote is taken should the meeting so decide.

The Committee shall have responsibility for all monies received and all expenditure Incurred on behalf of the Association. All funds shall be expended for purposes/objectives of the Association.

The officers' roles are as follows:

- Chair, who shall chair both general and committee meetings
- Secretary, who shall be responsible for the taking of minutes and the distribution of all papers
- Membership secretary, who shall be responsible for keeping records of members
- Treasurer who shall be responsible for maintaining accounts

In the event of an officer standing down during the year a replacement will be elected by the next General Meeting of members.

Any committee member not attending a meeting without apology for three months will be contacted by the committee and asked if they wish to resign.

The Committee meetings will be open to any member of the Association wishing to attend, who may speak but not vote.

6. Meetings

6.1. Annual General Meetings

An Annual General Meeting (AGM) will be held within 15 months of the previous AGM.

All members will be notified in writing at least 3 weeks before the date of the meeting, giving the venue, date and time.

Nominations for the committee may be made to the Secretary before the meeting, or at the meeting.

The quorum for the AGM will be 10% of the membership or 10 members, whichever is the greater number.

At the AGM:-

- The Committee will present a report of the work of the association over the year.
- The Committee will present the accounts of the Association for the previous year.
- The officers and Committee for the next year will be elected.
- Any proposals given to the Secretary at least 7 days in advance of the meeting will be discussed.

6.2 Special General Meetings

The Secretary will call a Special General Meeting at the request of the majority of the committee or at least eight other members giving a written request to the Chair or Secretary stating the reason for their request.

The meeting will take place within twenty-one days of the request.

All members will be given two weeks' notice of such a meeting, giving the venue, date, time and agenda, and notice may be by telephone, email or post.

The quorum for the Special General Meeting will be 10% of the membership or 10 members, whichever is the greater number.

6.3 General Meetings

General Meetings are open to all members and will be held at least once every 3 months or more often if necessary.

All members will be given two weeks' notice of such a meeting, giving the venue, date, time and agenda, and notice may be by telephone, email or post.

The quorum for a General Meeting shall be 10% of the membership or 5 members, whichever is the greater number.

6.4 Committee Meetings

Committee meetings may be called by the Chair or Secretary. Committee members must receive notice of meetings at least 7 days before the meeting.

The quorum for Committee meetings is three Committee members.

6.5 Minutes and Accounts

The Secretary shall maintain minutes of proceedings at General Meetings. These minutes shall be open to the inspection of any paid up member giving the Secretary reasonable notice in writing.

Accounting records shall be maintained by the Treasurer and shall be open to the inspection of any paid up member giving the Treasurer reasonable notice in writing.

7. Rules of Procedure for meetings

The Chairman shall preside at meetings, or in his/her absence the members shall nominate a member to act as Chair. No business shall be transacted unless a quorum is present. If no quorum is present, the meeting shall stand adjourned to a date to be advised which shall be not more than 60 days from the date of adjournment. If a quorum is not present at the reconvened meeting then those present shall constitute a quorum.

All questions that arise at any meeting will be discussed openly and the meeting will seek to find general agreement that everyone present can agree to.

If a consensus cannot be reached a vote will be taken and a decision will be made by a simple majority of members present. If the number of votes cast on each side is equal, the chair of the meeting shall have an additional casting vote.

8. Finances

An account will be maintained on behalf of the Association at a bank agreed by the committee.

Three cheque signatories will be nominated by the Committee (one to be the Treasurer). The signatories must not be related nor members of the same household.

All payments will be signed by two of the signatories.

- For cheque payments, the signatories will sign the cheque.

- For other payments (such as BACS payments, cash withdrawals, debit card payments or cash payments), a requisition note will be signed by two signatories, and held by the treasurer.

Records of income and expenditure will be maintained by the Treasurer and a financial statement given at each meeting.
All money raised by or on behalf of the Association is only to be used to further the aims of the group, as specified in item 2 of this constitution.

9. Amendments to the Constitution

Amendments to the constitution may only be made at the Annual General Meeting or a Special General Meeting.

Any proposal to amend the constitution must be given to the Secretary in writing. The proposal must then be circulated with the notice of meeting.

Any proposal to amend the constitution will require a two thirds majority of those present and entitled to vote.

10. Dissolution

If a meeting, by simple majority, decides that it is necessary to close down the group it may call a Special General Meeting to do so. The sole business of this meeting will be to dissolve the group. If it is agreed to dissolve the group, all remaining money and other assets, once outstanding debts have been paid, will be donated to a local charitable organisation. The organisation will be agreed at the meeting which agrees the dissolution.

This constitution was agreed at the Inaugural General Meeting of the Association on:-

Date 25/09/2018

Name and position in group TARIQ MASIH (Chairman)

Signed [Signature]

Date 01/10/2018

Name and position in group Vice Chair MOHAMMED ABDUL HIF

Signed [Signature]

Date 1st/Oct/2018

Name and position in group Equity officer/Secretary

Signed [Signature]

Date 01/10/2018

Name and position in group ABRAMAN B HAGGAR (TREASURER)

Signed [Signature]

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Consultation Responses

Response 1:

I see with interest the proposal from the Cardiff Hackney Alliance for recognition from Cardiff Council.

I support the fact that an association has put an application forward but I have a few queries about the application.

MEMBERSHIP

They say the association is open to anyone who is a licensed Hackney Taxi Driver?

there are approx 950 Hackney vehicles in Cardiff and about 1500 private hire vehicles

As every driver licensed is dual badged ie both Hackney and Private Hire licenses, then in theory every licensed driver is a Hackney driver as well as a private hire driver, is the association open to drivers that currently drive a Private Hire?

If not then perhaps its time there should be seperate licenses for both if they want a distinction between both licenses? If there is a distinction then a Hackney driver should not be allowed to work on a private hire fleet.

How many members do they have? Do they truly represent majority of drivers

MEMBERSHIP FEES

They plan to charge a membership fee of £10. is that a week? Month? Year?

Have they got a bank account set up already? The council should be shown proof if so.

EXPULSION

They state the committee will have the power to expel a member at any time. But then a constituted meeting of the association will consider whether a member should be removed?

What is the quorum for such meetings and what voting procedure us used? 50%+1 ?? Seems unfair on the expelled member if so and the quorum is as low as 5 members

Response 2:

The most important item to address is if this group does actually represent a significant population of taxi drivers in Cardiff. We can not allow the views of a minority of drivers to affect the best interests of the trade as a whole. The driver community in Cardiff is very large and diverse and is comprised of many different communities. Does the Hackney Alliance actually represent all of these communities and can they actually talk on all of their behalf for the benefit of all drivers. If they can not, then recognition should not be approved.

It must also be stressed that we should not just accept a list of drivers or copies of their plates/badges etc. A written contract for each driver with signatures confirming the driver's association to the group is required.

Drivers are naturally curious and therefore would follow groups like this online to "see what is going on", this does not constitute support of the groups just a curiosity, only written and signed confirmation from a driver should constitute their support of this group.