

PUBLIC PROTECTION COMMITTEE: 6th March 2018

Report of the Head of Shared Regulatory Services

TAXI DRIVERS OF CARDIFF (TDC); APPLICATION FOR RECOGNITION

1. Background

1.1 An association of private hire & hackney carriage drivers called the Taxi Drivers of Cardiff (TDC) has requested that they be acknowledged by the licensing authority as an authorised body representing licensed private hire & hackney carriage drivers in Cardiff.

2. Details.

2.1 An application has been received requesting recognition of the TDC 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 TDC is the second 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.

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.
- 4.2 Seven objections were received as a result of the consultation, two of these objections are identical but submitted by different named licensed drivers. Full details can be found in Appendix B, but the main points of objection are:
- a. That the **TDC do not represent all drivers** - it is unclear how many they represent and the objectors allege they are just a small number of private hire drivers and not representative of the Trade. Some objectors feel that the name ‘Taxi Drivers of Cardiff’ is therefore misleading as not truly representative.
 - b. There are **no details of how the steering group have been elected**, and it is alleged that meetings are held in secret
 - c. It is alleged that the **group are ‘anti-Uber’**
 - d. There are allegations that members of the group are **displaying ‘TDC’ posters** in their vehicles that breach current licensing conditions
 - e. The TDC constitution mentions that the steering group must be members of the GMB Union and **members will be ‘actively encouraged’ to join the GMB**. This implies that the group must have the same views/interests as the GMB which may not necessarily be the in the interests of the taxi trade.

5. TDC Response to Consultation Representations

- 5.1 TDC have provided a response to the consultation representations in Appendix C. The responses to the main points of the objections that are outlined in paragraph 4.2 above are summarised below:
- a. In response to “**the TDC do not represent all drivers**” – the TDC have acknowledged that they do not represent every driver but have not specified how many drivers they currently represent.

- b. In response to the **election of the steering group** – the TDC have confirmed that following a meeting that approximately 50 drivers attended, the 3 members of the steering group were elected. An organising committee was formed of 10-12 drivers to assist the steering group. There are no further details of the frequency of the elections or details of the voting process. It is stated that an annual AGM will take place in August.
- c. In response to the allegations that the group is ‘anti-Uber’ – the TDC have stated that they are not anti-Uber they are ‘*anti the legislation that allows Uber to operate the way they do*’. In addition the TDC have provided 2 documents that are petitions published regarding cross border hire.
- d. In response to allegations that members of the group were **displaying TDC posters** that do not comply with the Council’s vehicle conditions, the TDC have confirmed that they have distributed these posters for drivers to display in their vehicles. The Licensing Section has advised that these posters should not be displayed as they do not comply with the current conditions. Only essential authorised notices such as no smoking signs, the fare tariff and CCTV signs are permitted to be displayed.
- e. In response to comments concerning the **required membership to the GMB**, the TDC have confirmed that they have taken on board these comments and have ‘*adjusted the constitution accordingly*’.

5.2 The TDC have stated in their response that ‘*TDC is about uniting drivers –the major issues facing are three fold*’

- *Cross border hiring*
- *The number of licenses being issued*
- *Driver exploitation*

It should be noted that the first 2 issues are not within the control of the licensing authority and a consequence of national legislation, it is unclear what is meant by ‘driver exploitation’ and whether this would come under the remit of the licensing authority.

5.3 In summary the TDC have stated:
‘TDC was created to form unity amongst as many taxi drivers as possible, initially to fight against one particular companies [sic] treatment of its drivers. It’s now moved onto much more important issues (at the same time not ignoring the reason the group was formed in the first place)..... With the Welsh Assembly Government taking control of Taxi and Private Hire Licensing it is imperative that drivers [sic] voices are heard and we believe that TDC are in the best place to do so.’

6. Legal Implications

- 6.1 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.
- 6.2 As indicated in paragraph 3.1, this is the second formal application for recognition from a representative body. Whatever the outcome, it is not suggested that the existing arrangements for consultation should be diminished.

7. Financial Implications.

- 7.1 There are no financial implications arising directly from the report.

8. Recommendation

- 8.1 That the application by the TDC for recognition as a representative organisation for licensed drivers in Cardiff be considered.

Dave Holland
Head of Shared Regulatory Services

7th February 2017

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

Background Papers: None

