



County Hall
Cardiff
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AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	TUESDAY, 7 MAY 2019, 10.30 AM
Venue	COMMITTEE ROOM 1 - COUNTY HALL
Membership	Councillor Mackie (Chair) Councillors Dilwar Ali, Davies, Derbyshire, Goddard, Jacobsen, Lancaster, Robson, Simmons, Taylor 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 - 4)*

To approve as a correct record the minutes of the previous meeting.

4 Cardiff Hackney Association: Application for Recognition *(Pages 5 - 36)*

5 Urgent Items (if any)

Davina Fiore
Director Governance & Legal Services

Date: Tuesday, 30 April 2019

Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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PUBLIC PROTECTION COMMITTEE

9 APRIL 2019

Present: Councillor Mackie(Chairperson)
Councillors Dilwar Ali, Derbyshire, Goddard, Lancaster, Robson,
Simmons, Taylor and Wood

33 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Davies and Jacobsen.

34 : DECLARATIONS OF INTEREST

No declarations of interest were received.

35 : MINUTES

The minutes of the meetings held on 5 March 2019 were approved by the Committee as a correct record and were signed by the Chairperson.

36 : PRESTIGE VEHICLE APPLICATION - TELS A MODEL S

RESOLVED – That the Tesla Model S be approved as a prestige vehicle with a 10-year age restriction.

37 : REVISED GUIDANCE ON DETERMINING THE SUITABILITY OF
APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE
TRADES

Members of the Committee are asked to consider applications for new licences or complaints against existing licence holders. In determining these matters the authority has adopted a policy to provide guidance on the treatment of convictions, cautions and criminal charges in respect of new applicants and existing drivers/operators. The current policy has been in place since 2015.

Members were advised that in April 2018 the Institute of Licensing published a document entitled 'Guidance on Determining the Suitability of Applicants and Licensees in Hackney Carriage and Private Hire Trades'. A copy of the document was appended to the report at Appendix A. The Guidance was produced in conjunction with the Local Government Association, Lawyers in Local Government and the National Association of Licensing Enforcement Officers following widespread consultation.

The Wales Licensing Expert Panel considered and endorsed the document with a recommendation that the guidance be adopted by all Welsh Local Authorities to replace their existing policies. Members were asked to authorise officers to consult with the local taxi trade on the Authority's draft revised policy, attached to the report at Appendix B.

RESOLVED – That the Licensing Department consult with the local taxi trade on the draft policy.

38 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 10.45 am

The Cardiff Hackney Association.

(1) Commonly known as Cardiff Hackney Association, was officially formed by Small number of drivers in early 80s.

THE CONSTITUTION.

(2) This Constitution was first compiled in July 2000. It was subsequently Amended in Compliance with the Companies house Acts 1985- 2007 in July 2008 at a Extraordinary General Meeting.

The Memorandum or Articles of the Association are as follows:

(3) THE TITLE: The Association shall be called the Cardiff hackney association ~~and Cardiff Carriage Drivers Association Limited.~~

(4) THE OBJECTS: The object of the Association is to protect the collective membership of the Association and to uphold the name and the reputation of the Association. The Association through its Management committee shall have the following powers: To act, at all times, to promote the aims and objectives of the Association.

(5) To employ the services of legal representatives for any cause, the management committee deem fit, to perform all such other tasks and duties so as to further the aims and objectives of the Association.

(6) The Association shall consist of fully paid up members and may also include as life Members such other person(s) as shall have rendered special services to the Association.

(7) Members of the Association may have a copy of these rules on request provided that the said member pays the set fee of £25.00 per copy.

THE MANAGEMENT:

(8) The Association shall be managed by a Management Committee consisting of the following officers: Chairman, Vice-chairman, Treasurer Assistant Treasurer, joint Secretary, Press secretary, three signatories for bank accounts, and three trustees. The Chairman shall have executive power to make decisions which he deem fit for the welfare of the Association and may co-opt any other person(s) (who shall have full voting powers) to full fill any vacancy that may arise; or for any other purpose required by the management committee.

(9) The names of the candidates for the Management Committee shall be sent to the secretary or the chairman in writing at least 7 days prior to the Quinquennial general meeting and if more names are proposed then the number required to fill the vacancies and sufficient names are not withdrawn at or before such Meeting, the election shall be by ballot at such meeting. If all the before-mentioned positions shall not be filled at such meeting or any casual vacancy shall there after occur, the same shall be filled by the remaining members of the management committee.

(10) The positions of the officers i.e. (Charirman, secretary, press secretary and treasurer) must be determined by the delegates elected by the general members of the Association at a executive committee meeting within 14 days after the general meeting.

(11)The management committee (Including the officers) shall retire at quinquennially meeting or at any time they wish to with a written notice, but shall be eligible for re-election.

Ability of candidates for Membership:

(12) Membership shall be open to all communities, those having sympathy with the aims and objectives of the Association and are Hackney Carriage driver, and are desiring actively to further its aim and objectives and to pay the subscriptions prescribed by the management committee from time to time.

Life Members:

(13) Life Members may be elected on such terms as the members of the Association at quinquennial general meeting may decide.

Expulsion of members

(14) Any member of the Association who, in the opinion of the- Management Committee, confirmed by an Extraordinary General Meeting of the Association shall be guilty by his/her actions of misusing the privileges of the Association, or of otherwise bringing the Association into contempt or disrepute may be expelled from the Association.

(15) The Management Committee may, by unanimous vote , remove from the list of members the name of any member who has persistently neglected the work undertaken by the Association and the name of any member whose conduct they consider likely to endanger the welfare of the Association.

(16) The financial year of the Association shall be end of 31st July every year, and an annual profit and loss account and balance sheet shall be prepared within one calendar Month at the end of the financial year and shall be presented to all Committee Members at the executive committee meeting or at the General Quinquennial Meeting or an earlier Extraordinary General Meeting by the treasurer.

Subscriptions:

(17) The Subscription to the Association shall be £10.00 per year, per Member, or such other sum as the management committee deem fit.

(18) The said subscription (or such other sum aforesaid) shall be deemed to have become due and owing from each member as from the first day of the financial year.

Payment of the Subscriptions:

(19) Subscriptions shall become due and be paid in full to the treasurer, chairman or secretary as soon as possible after the date of expiry. No member will be allowed to take part in any vote unless his /her subscription has been paid in full.

Finance:

(20) The funds of the Association shall be applied solely to the stated objectives of the Association.

All the officers of the Association shall receive payments for services such as attending meetings, parking charges, writing letters, writing Emails etc. at the rate of sum of £10 hour an hour paid from the funds collected as subscription fees to compensate for the time spent for benefit of all the members.

(21) The management committee shall have power by ordinary resolution to suspend any member whose membership payment(s) remain unpaid in accordance with rule of the Association.

Quinquennial general meeting

(22) The quinquennial general meeting of the Association shall be held in July, but in any event no later than three Months on completion of five years term of present committee on a date which will be at the discretion of management committee and the accounts for the whole term duly audited, shall be presented.

Extraordinary general meeting:

(23) Extraordinary General Meeting of the Association may be called at any time at the discretion of the chairman or the secretary and shall be called within 14 days after the receipt by the secretary of a requisition in writing to that effect, signed by at least twelve members. Every such requisition shall specify the business for which the Meeting is to be convened and no other business shall be transacted at such Meeting.

Quorum at the General Meeting:

(24) No business other than the formal adjournment of the Meeting shall be transacted at any general Meeting unless a quorum be present, and such quorum shall consist of not less than one third present in person of the Members entitled to vote.

Resolutions at the General Meeting:

(25) Unless otherwise provided by these rules, all resolutions brought forward at a general Meeting shall be decided by a bare majority of the votes properly recorded at such Meeting and in the case of an equality of votes the chairman shall have a second or casting vote.

(26) A record of the attendance of Members at General Meeting shall be kept by the secretary, or other persons so delegated. The Management Committee shall have power to prohibit any Member whose attendance at meetings shall have been irregular from taking part in any voting taking place at the Meeting.

(27) The privileges of Members, other than and except the right to attend and vote at General Meeting of the Association, shall be determined from time to time by Management committee. All monies due to the Association, including the subscriptions of Members, shall be recoverable at law in the name of the secretary per other such officer of the Management Committee.

Meeting of the Committee:

(28) The first meeting of the Management Committee shall be called by the secretary and shall be held within twenty one days after the General Meeting. The chairman of the Management Committee shall be the Chairman of the Association for the time being. All subsequent meetings of the Management Committee shall be called by the secretary in accordance with any resolution to that effect passed by the Management Committee and, failing any such resolution, at the discretion of the chairman and secretary. seven Members shall form a quorum.

The Committee's powers:

(29) The Management Committee shall have power to decide any questions arising out of these Rules and all other matters connected with the Association (other than and except those which can only be dealt with by the Association in General Meeting) and make and maintain and publish all necessary orders, regulations and bye-laws in connection herewith.

Dissolution of the Association:

(30) The Association shall only be dissolved by resolution passed by a majority of at least Five-sixths of the Members present and voting at a special General Meeting called for the purpose of considering such dissolution. In the event of dissolution any balance of cash remaining in hand after the realisation of assets

and payments of debts, shall not be distributed among the Members of the Association, but shall be applied for such charitable purposes similar to those of the Association, or be paid, distributed or transferred to such charitable institution or institutions having objectives similar to the objectives of the Association, as the Management Committee, with the consent of the Meeting, shall determine.

Insolvency at Dissolution:

(31) If at the moment at which a motion to dissolve the Association is declared to be carried out, the Association shall be insolvent, The Association's debts shall be born by all the Members at that moment in equal shares whether or not such Members have paid all due subscriptions.

Trustees:

(32) The Association in General Meeting and from time to time shall by

- a) Ballot appoint not fewer than two or more than three Trustee of the Association who shall stand possessed of all the properties and monies whatsoever of the Association upon trust for it.
- b) Each nomination for the office of the trustee shall be made by the management Committee.
- c) If at any time there shall be fewer than two trustees the Management Committee shall forthwith such nomination or nominations.
- d) A Trustee shall be entitled to be indemnified by the Association against any expense or liability which he/she may incur in the exercise of his/her duties.

Alteration to Rules:

Minor alteration of the rules shall be made at an executive committee meeting but alteration of any major rules must be made at general meeting with clearly written agenda as to the reason of such changes.

(33) No major alteration may be made to the Rules of the Association without the approval of the General Meeting or other authority having charitable jurisdiction from time to time.

The amendment was decided by the Extraordinary General Meeting on 14th July 2008 the meeting was chaired by Mathab Ahmed Khan.

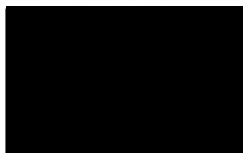
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Mr Mathab Khan



9th May 2016

Dear Mr Khan,

Cardiff Hackney Carriage Association

As you know, when the Council is formulating licensing policy in relation to the hackney carriage trade it is desirable to consult with members of the Trade. It is not always practicable to consult with individual licence holders and sometimes members of the Trade find it easier to speak through representative bodies. Consequently the Council recognises properly constituted organisations, ensuring that such organisations are:

- 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
- Consulted on proposals on changes or amendments to licensing procedures and requirements
- Provided with details of draft Public Protection Committee reports for comment

Consultation through representative bodies can be extremely useful, but obviously, the Council needs to know that these bodies are truly representative of licence holders. We would also expect those bodies to act responsibly in carrying out such a role.

I am writing to you to enquire about the status of the Cardiff Hackney Carriage Association (CHCA). The Council has received a number of communications asserting that the CHCA does not represent the majority of hackney carriage drivers and that the Association is not constituted properly. You will recall that I asked you to provide a copy of the articles of association in 2015. You refused to do so, advising me that such documentation was confidential. I also have been shown a copy of your recent communication to drivers ahead of the hackney carriage drivers' strike which indicates that an AGM of the Association is overdue.

If these assertions are unfounded, and I do hope that to be the case, I would be grateful if you could send me some documentation showing the status of the CHCA. That would include at the very least the articles of association, the number of members, and evidence of your own appointment as Chair.

Please reply to:

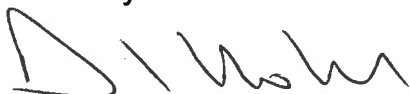
Head of Regulatory Services, Room 208, City Hall, Cardiff, CF10 3ND



If you are unable to provide me with such documentation within the next 14 days the Council will be unable to recognise your organisation as a representative body.

Any complaints you wish to make as an individual licensed driver will of course be considered fully, but I would be unable to engage with you as a recognised trade representative.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dave Holland', with a stylized, cursive script.

Dave Holland
Head of Shared Regulatory Services

Please reply to:
Head of Regulatory Services, Room 208, City Hall, Cardiff, CF10 3ND

Mr Mathab Khan



24th May 2016

Dear Mr Khan

Thank you for your e-mail dated 20th May 2016. I have reproduced your response below:

Your letter dated 9 May 2016 regarding the status of Cardiff Hackney Carriage/driver's Association and 14 days deadline for response. Unfortunately owing to lack free time I am unable to provide full and proper response to your letter within the deadline you have offered me. However I can tell you in brief that when I read your letter to some of my members they couldn't stop laughing.

I have to express my disappointment at the content of your response and that you seem to find my request a source of amusement.

Consequently, I have instructed the Licensing team to remove the Cardiff Hackney Carriage Association from the list of representative bodies for matters relating to hackney carriages and any other matters pertaining to the operation of taxis in the City.

I also note that you plan to hold an AGM in August. If that meeting takes place, I refer you to my letter of 9th May which outlines the information the Council would require from you should the CHCA wish to be recognised as a body representing hackney carriage drivers.

Yours sincerely



Dave Holland
Head of Shared Regulatory Services

Please reply to:
Head of Regulatory Services, Room 208, City Hall, Cardiff, CF10 3ND



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Mr Mathab Khan



9th June 2016

Dear Mr Khan

I have been asked by Elected Members of the Council and the Chief Executive to respond to your e-mail correspondence dated:

- 6th June 2016, entitled *"Under which Act Cardiff Council has delegated power the councillors to act as the Commissioners, as referred in 1847 Acts Chapter 89 and are these Councillors trained to be qualified to act as a commissioners"*
- 6th June 2016, entitled *"Why Cardiff Council is paying 5 times more to its staffs than the recommendation agreed by the National Association of Local Councils"*.
- 6th June 2016, entitled *"Stereophonics was in Cardiff on last Saturday evening, But none of the licensing officers was out working as a result 40% of our fares to PH drivers"*

I will try and deal with each piece of correspondence in turn.

From your correspondence, it would seem that you are referring to the Public Protection Sub-Committee since you refer to *"only three Councillors"*.

If that is the case then your reference to the Town Police Clauses Act 1847 is incorrect; it should be the Local Government (Miscellaneous Provisions) Act 1976. That Act is adoptive and it was adopted by the Council's predecessor authority in 1978. More recently it was re-adopted by the Council at the Cabinet meeting of 16th January 2014, coming into effect on 24th February 2014.

Under the Council's Constitution, matters pertaining to the licensing of hackney carriage and private hire drivers are within the terms of reference of the Public Protection Committee. The Public Protection Committee has power under Section 101(2) of the Local Government Act 1972 to further delegate to a Sub-Committee. On 7th August 2012, it did so in respect of its powers to licence and discipline drivers. Councillors undertaking duties on the Public Protection Sub-Committee are required to undergo training before they take part in any disciplinary hearings.

Please reply to:

Head of Regulatory Services, Room 208, City Hall, Cardiff, CF10 3ND



Your query on the payment of licensing officers is a matter you have raised previously, when you responded to the Councils consultation on the setting of hackney carriage licence fees in February this year. The rationale for the figures was explained at the Public Protection Committee on 9th February and reiterated at the Public Protection Committee 12th April 2016. These reports have been supplied to you on previous occasions. I will, for completeness, set that out again.

The hourly rates described in your email are not those officers' rates of pay. The hourly rates quoted in the committee report comprise the following elements:

- The basic hourly pay for licensing officers
- National insurance & superannuation contributions
- The total general licensing expenditure, (e.g. accommodation costs. Support services etc.), divided by the number of employees involved in the process of administering and issuing licences.

This method of setting licence fees has been agreed by the Wales Licensing Expert Panel and is used by many other local authorities across the UK. I am unsure why you continue to refer to a requirement that licensing officers "*wages must not exceed minimum wages*".

Your assertion that licensing officers were not working on 4th June is refuted. Licensing officers were on duty on that evening. You previously raised this matter of licensing officers not working at weekends on 24th March 2016. I provided a response to you on 6th April 2016. I will reiterate that once more. We endeavour to have officers out every Friday and Saturday where possible. During major events, other licensing matters also need to be monitored. Any private hire drivers "waiting" in the City Centre will be questioned by an officer who will ascertain why the driver is there i.e. waiting for a fare, on a break, not working etc.

Finally, I have also taken the opportunity to apprise members of our earlier correspondence indicating that the Council would no longer recognise the Cardiff Hackney Carriage Association as a representative of the Trade following your failure to provide evidence of its status as such.

Yours sincerely



Dave Holland
Head of Shared Regulatory Services

Please reply to:

Head of Regulatory Services, Room 208, City Hall, Cardiff, CF10 3ND

Appendix E

Response 1:

In response to the application by "The Cardiff Hackney Association" for recognition by Cardiff Council Public Protection Committee, I write referencing the "Constitution" document presented.

The content of that document causes grave concern, as it does not provide clarity on how this association can claim to represent the views of the trade or any of its members working within the trade. It appears that the primary purpose of the association is to maintain its own existence, and to pay its officers for their participation within it.

There is no detail given about how it would consult its members or those within the trade about their views on the position that the association would take. Indeed, point 8 of the document states that the Chair will make executive decisions as he sees fit, rather than consult its members on their needs and aspirations.

I have significant concerns about the membership model of the association. It encourages individuals to join for a rate of £10 per annum, yet allows the Chair to grant free membership at his discretion, and that of the committee. It does not seem that this would be a fair and equal membership opportunity for all. Furthermore, the Chair grants himself the right to co-opt other individuals to vacant positions with full voting rights, rather than democratically elect from those among the membership. This cannot be viewed as in the interests of those within the trade if they are not given opportunity to influence the aims of the association, or to have a fair opportunity run for a position of influence within the association that would seek to influence the future of the trade in which they work.

I have concerns about due process in point 10, whereby members of such an association would not directly elect to particular positions.

In point 14, there appears to be no fair and just process by which members that may have disciplinary matters will be treated, but it implies that members can be expelled by the committee at their discretion.

Point 16 implies that the financial transparency of the association will only be available for its membership to scrutinise every 5 years. Only the committee, which could be viewed as "hand-picked" due to clause 8, would have yearly scrutiny of the accounts.

Point 17 is concerning in that it grants the right of the committee to raise its membership fee at the sole discretion of the committee without any consultation with its membership. Point 27 then goes on to say that these monies are "recoverable by law". This could represent very questionable, and likely illegal contract for payment.

Point 20 is extremely concerning, in that it sets out a quite high payment in return for merely carrying out the functions that the association is there to provide. There is no reference to detailed record keeping that would provide the transparency for members that their money has been fairly spent. I would expect to see detail about recompense for expenditure, but this seems to infer a payment for services, and could therefore be viewed as income.

Point 26 conflicts with earlier statements about voting eligibility, and seems to allow the committee to remove a vote from any of its members, without fully explaining what an acceptable level of attendance would be. It's potentially discriminatory if an individual could only sporadically attend due to a protected characteristic. In any event, without a clearer structure for meeting schedules it's difficult to see how this could work. Meetings for members appear ad-hoc, or once every 5 years.

Points 30 and 31 are alarming, particularly 31 which states that the debts of the association will be borne by its members even if they have not paid subscriptions. This, in theory, could burden members who have left with the liabilities of an association which they are no longer a part of. Again, I have concerns about the legality of this intention.

Point 32 allows only the committee to nominate trustees to possess all properties and monies of the association. This could be viewed as open to corruption. It goes on to indemnify the trustees against any expenses and liabilities, effectively giving them unrestricted access to the members funds.

In addition, there are some questions that could be asked.

Is this association open for anyone who is a licensed Hackney Taxi Driver or also those who hold private hire licenses?

How many members can they evidence?

When was the last AGM, and was it quorate?

Were the accounts scrutinised?

Are the minutes available for members to view?

Has the association ensured that its committee members are compliant with the requirements under GDPR?

In summary, these rules are extremely concerning. This is all the more concerning given that members must pay £25 in order to see these rules, two and a half times the annual membership fee. I cannot envisage this association actually being representative of the trade. It's not only undemocratic, it reads like a dictatorship. Mr Khan has reacted very unprofessionally towards the chair and secretary of the Cardiff Hackney Alliance since its inception in late 2018, and his behaviour has put in jeopardy the relationships the CHA strives to create and maintain. This has involved deliberate agitation of drivers, and providing misinformation at various ranks and through social media. Recently, this has escalated to

the point that legal advice has been sought from Unite the Union, the union to which the majority of CHA members belong, and which Cardiff Hackney Alliance is a branch of.

It's our view that Mr Khan should not represent any association to do with our trade. His behaviour has soured the relationship between the trade and licensing over a number of years. He is a divisive individual, and many drivers who are now members of the Cardiff Hackney Alliance feel his association has acted in a fraudulent manner in the past. While we make no formal comment on that, it's the wide view in the trade that his association has not acted in a clear and transparent way.

Setting up an association

Cardiff Hackney Associationsk <>

Fri 31/08/2018 12:53

To: >

Dear Yusef Jama,

May I draw your attention to the fact that on first week of July 2018 you written a undated letter to all the hackney drivers, stating that there has been lots of changes to our taxi trade which is not good.

There have been so many issues with Council Licence board which started with issuing of free plates, which we did not challenge or try and stop due to a lack of unity between us drivers.

As a matter of fact, this very statement of yours is totally untrue, because as a chairman of the Cardiff Hackney Association, I along with my members, started a campaign to stop Licensing section of Cardiff County Council issuing hackney plates on 15th July 2008 and managed to stop them issuing hackney plates on Tuesday 3rd March 2010, which gained the price of hackney carriage fleet by approximately 5 million pounds instantly.

Also with Hard campaign managed to removed the monopoly of Cardiff Bus Carrying out the fitness tests for Taxis and Private hire vehicles on Tuesday 6th July 2010 saving drivers thousands of pounds every year on fees and re test fees.

Also introduced money up front policy on 9th November 2011 saving drivers thousand of pounds every year, which we used to lose to every day to people running away without paying our fares but police and Cardiff Council did nothing to stop such loss.

Also on 28th August 2013 Sued Cardiff Council for increasing licence fees without reviewing it for five years and bound the Council to payback 1 million ! hundred and 48 thousand pounds to all the Taxi and private hire drivers and also got them to agree to reduce licence fees from £303 down to £163 pounds, saving £140 per vehicles per year.

Also on 13th March 2013, Got the Council to introduce 2 month temporary policy on issuing driver's badge if they fail to renew in time, which means if a driver forgets to renew his badge he/she will not be struck off for six to eight weeks waiting for his DBS report to come through before his badge is issued.

Also started campaigning against Licensing policy in Cardiff City Council, which suspends taxi/private hire drivers immediately once an allegation of sexual misconduct is received, through police. causing serious hardship on driver and his family, and in 2012-16, 5 taxi drivers was found not guilty by Court, but had to suffer long time financially, emotionally, and socially. Where as Newport City Council wait until the final outcome of the trial.

Also been campaigning to stop licensing committee suspending drivers for minor mistakes/offences, such as not sticking to the rule of licensing laws, which should be actioned in Magistrate's Court, which have power to impose financial penalties according to the seriousness of violation of the law and guidance provided by the British justice department, and not before licensing committee, which have power to suspend or revoke licence. And as the Licensing committee does not have tools to follow the proper judiciary systems, due to lack of time and sometimes lack of legal knowledge, may be they should only deal with disciplinary complaints and not the complaint of violation licensing laws.

Also been campaigning to re introduce unified or properly set up point systems so that the licensing committee may impose penalty points on driver's badge fairly and according to seriousness of the offence. But so far the chief regulatory officer have managed to ignored our request.

Also we have started campaigning against private hire drivers picking up fares illegally for last 15 years and only recently Cardiff Council have taken a step to deal with that.

We also started campaigning against UBER since March 2016 and urged Cardiff Council not to renew their licence in March 2016 as UBER blatantly ignoring the Licensing laws i.e. section 55 of Town Police Act 1847 and section 55A of Deregulation Act 2015 which was introduced in 1st October 2015. But so far the Licensing section have managed to ignore our concern of UBER's illegal activities.

On Saturday 2nd June 2018 started campaigning to save the taxi rank at the forecourt of UHW and held a meeting with Cllr Dilwar Ali and AM Julie Morgan and on Monday 20th August 2018 held a meeting with along with Cllr Dilwar Ali, AM Julie Morgan, and hospital officials and saved the rank from being tendered to private hire company and not extended for three months. As your colleague mentioned in a letter which shows Unite trade union.

Furthermore,

Before anyone set up an Association, the very first step they must take is to call a general meeting stating the Agendas, and decide whether or not it should be a corporated or unincorporated, secondly must consider if there is any other organisation exist in the area which has same objectives, and if the answer is yes then they should join that organisation instead of forming another organisation, to avoid clashing against each other. And if the existing organisation within the area do not accommodate them for any reason then they may form a steering committee to organise a legally binding constitution before forming an elected committee, and once a constitution is compiled then the steering committee can decide whether delegates should elect chairman, secretary, treasurer or ordinary members should elect the chair, secretary and treasurer. Then a general meeting should be called inviting all the people involved within the trade/community and then a executive committee may be formed with sufficient paid members to carryout the tusk.

But you guys formed a committee on Tuesday 24th July 2018 at 8.00 pm at a private meeting, and you decided to appoint the executive committee members as follows: Chair person: Tariq Majid, Vice Chair: Abdul Hie, secretary: Eva Dukes, Treasurer: AbdrRaman B Hagger

Alliance Members: 1 Yusuf Jama, 2 Mohamed Hassan, 3 Mohammed Arshad, 4 Saleh El-Mehdawi, 5 Omkar Singh, 6 Sanwar Ahmed.

And at the bottom you wrote, 2 The organisation is called Cardiff Hackney Alliance, you further stated that the constitution will be ready soon.

And on the very bottom you thank everyone for their co-operation and posted on social media, and posted to some of the trade members who are currently members of the Cardiff Hackney Association.

As a result Mostaq Khan who is one of the prominent member of the trade and has been executive member of the Association questioned you guys as to how did you form a committee without calling a general meeting but unfortunately you guys ignored his. question.

Which means you formed a committee without following any rules and regulation, which make your Association and committee totally invalid, therefore I would like to request you and your members to refrain from interfering with aims and objectives Cardiff Hackney Association.

And finally, I would like to warn you that unless you stop mud slinging on my position, by telling people that I am not an elected person to chair Cardiff hackney Association I will have no option but to take legal action against you for slandering my reputation in amongst when I have worked for the trade selflessly for last 10 years.

Yours sincerely

Mathab Khan (the chair of properly formed Cardiff Hackney Association.

From:
Sent:
To:

> Monday, April 29, 2019 9:40 AM

Dear members, as you know, when hospital's official was trying sell our rank to private hire companies we took initiative to lobby Julie Morgan and cllr Dilwar Ali to stop them selling. Julie Morgan, cllr Dilwar Ali, Mathab Khan, Talib Hussain arranged a meeting with hospital official On Monday 20th August 2018 in which they agreed not sell the rank with condition that we must not double park or exceed 6 cars limit, we agreed with condition that they allow 4 cars feeder rank on the bridge, which they agreed with proviso as a trial run until end of November 2018, and if manage to control the drivers then the rank will be made permanent. but few weeks later the security only allowed 3 cars. However we managed to stick to the condition, Hence the rank is made permanent. But sadly yousef jama with another taxi driver had a meeting with hospital official today asking them if there is any problems with the taxi rank. As you know we never had any problems until they went to them. Now they saying there's a problem, with Drivers parking by dialesis. Now Yousef jama will come to the rank telling everyone not to park by dialesis tomorrow, acting as the if he done everything for the rank. Not knowing that I have been fighting for this rank since 2009. Now you all should decide what we should do with them for creating opportunities for hospital's official to complain. Best regards Mathab Khan.

Dear taxi drivers licensed by Cardiff Country Council, please note that there is a very small group of taxi drivers formed a committee without following any proper rules or regulations, making it unfit to represent anyone. As result I warned them with a extensive Email not to pretend that they represent any trade members. But sadly they don't seem to understand that trying to represent anyone without written consent is illegal under Misrepresentation Act 1967. Hence would like to urge everyone to avoid them at all costs as they're very damaging for our trade. In the meantime I would like to request everyone to contribute £10 each to Cardiff Hackney Association so that I can take legal action against them to stop them interfering with our good work for the trade. Best regards Mathab Khan (chairperson) Cardiff Hackney Association

Dear members, as you know, when hospital's official was trying sell our rank to private hire companies we took initiative to lobby Julie Morgan and cllr Dilwar Ali to stop them selling. Julie Morgan, cllr Dilwar Ali, Mathab Khan, Talib Hussain arranged a meeting with hospital official On Monday 20th August 2018 in which they agreed not sell the rank with condition that we must not double park or exceed 6 cars limit, we agreed with condition that they allow 4 cars feeder rank on the bridge, which they agreed with proviso as a trial run until end of November 2018, and if manage to control the drivers then the rank will be made permanent. but few weeks later the security only allowed 3 cars. However we managed to stick to the condition, Hence the rank is made permanent. But sadly yousef jama with another taxi driver had a meeting with hospital official today asking them if there is any problems with the taxi rank. As you know we never had any problems until they went to them. Now they saying there's a problem, with Drivers parking by dialesis. Now Yousef jama will come to the rank telling everyone not to park by dialesis tomorrow, acting as the if he done everything for the rank. Not knowing that I have been fighting for this rank since 2009. Now you all should decide what we should do with them for creating opportunities for hospital's official to complain. Best regards Mathab Khan.

This was made success at the end of last November, by the Chairman and the secretary of Cardiff Hackney Association, why the hell some Tom Dick and Harry poke their nose in to spoil it.

Chairman of Cardiff Hackney Association (Mathab Khan) would like to thank all the Taxi drivers licensed by Cardiff Council for continuous support for the aims and objectives of the Association.
Also would like to wish everyone a happy and prosperous new year.
Also would like to warn you not join any dodgy Taxi Association as they don't have a clue about the trade.
Best regards Mathab Khan

Dear all taxi drivers licensed by CCC,
A general meeting have been called for Election by Cardiff Hackney Association, for the Nomination of delegates to represent individual community in one of the most highly successful Association in UK.
The date of the meeting: Wednesday 16th August 2018 at 8.00 pm till 9.30 pm
Agenda: (1)
Form new committee.

(2) find ways to stop PHV and uber flimping.

(3) stop Taxi drivers cherry picking during rush Hours.

Re assess court action against Uber.

Please note according to clause 6 of the Association only paid members can vote at any meeting.
According to clause 9 names of the Candidates Must be given to the secretary 7 days before the election.
According to clause 12 of the Association, membership is open to all communities. Hence management committee always welcome drivers from every community, as long as they're willing to abide by the rules of the Constitution.

Moreover as you know UBER is killing our livelihood, mainly because Uber is cheaper at quiet time and they accept credit cards. Therefore we must accept credit cards urgently, as well as stop it bringing PHV drivers from outside Cardiff. And we can do this if everyone contributes towards the legal fees which is only £50 each for 200 drivers and £25 each for 400 drivers. And if win Uber will have to pay our legal fees, which we will return.

Finally if you like to accept credit card please let me know, or talk to world pay, they will set up the system for only £27 per month and only 1.5% transaction fees.

Best regards Mathab khan.

NB please remember this is a very crucial time to save the trade, hence please avoid getting divided, instead continue supporting us and we will try our best to save the trade.

Dear fellow Taxi drivers, please note I was invited to attend the dinner party on Monday evening 16 July, organised by few Bangali Taxi drivers, then I was informed that the party is arranged to select a Bangali representative to the Taxi Association.

Which is clearly grouping and dividing the drivers, which is very damaging for the trade.

But then on last Friday a relatively new driver from that group sent me a Text message in which he said that he have joined a taxi Association called Cardiff Taxi trade, which is surprisingly strange, and it seems that the party is arranged to trick drivers into that Association,
hence by all means go to the party but please don't get tricked into any Association.

Regards

Mathab Khan.

Dear Hackney carriage drivers, licensed by Cardiff County Council, please note that according to clause 9 of the Constitution, all names of the Candidates for reforming a fresh committee for another 5 years must be given to the Chairman or Secretary 7 days prior to the general meeting. And as no names been received for the election, the meeting scheduled for Wednesday 15th August 2018 is now cancelled.

But a committee meeting will be called soon to appoint a secretary and a Treasurer.

Also please note that anyone wish to become executive committee member must be a paid member of the Association for at least two years. Thus if you would like to be a executive committee member please renew your membership now.

By the way please note the current committee will remain in office for another Five years, hence your continuous support will be greatly appreciated.

Best regards
Mathab Khan (chair) Cardiff Hackney Association's.

Breaking news! dear Taxi & PH Drivers we are very please to inform you that Cardiff Council used mistery shoppers to catch 16 private hire drivers playing for hire or picking up unbooked jobs and successfully prosecuted them and got them fined £480 with 8 penalty points on the driver's licence each. Which took 15 long years for Licensing section and enforcement officers to agree with us, that most of private hire drivers in Cardiff and elsewhere routinely work illegally during busy time, hence we want Cardiff Council to continue with more undercover operations, for at least another two years if not more.

No wonder, now they want Council to allow them to work off the street and ranks. And sadly some Trade union's leaders been supporting them blindly and yet some of the Hackney carriage drivers are wagging their tails round trade union's leaders, as if trade union has done everything for them, despite the fact that the trade union has done nothing for us ever. And to add insult to the injuries, along with licensing team manager Claire hartrey, trade union been lobbying Welsh Assembly to legalize them to work off the street and ranks.

When Cardiff Hackney Association done everything including protecting driver's rights and interests for last 40 years.

Also we're very pleased to inform you that we have successfully stopped nhs of Wales selling the lease of the Taxi rank at heath hospital, to hire a company, with support of Cllr dilwar Ali and AM Julie Morgan. But we must avoid exceeding limit of 6 cars on the rank , & 4 cars on feeder & no dble parking inside main concourse area, and no reversing from feeder rank to Roundabout to get the rank.

Finally we will be arranging a meeting with licensing and Welsh Assembly members to stop Uber getting drivers from London, Manchester, Birmingham, Rochdale, Rhonda, Newport, Barry, Caerphilly and so on, in 2 weeks time, we hence we need at least 4 intelligent and supportive drivers to help us join us to get the message across that sat nav jokeys shouldn't be allowed to work in Cardiff. Full stop.

Please let me know if anyone is interested.

Best regards
Mathab khan.

NB, also please note a Somali driver parked his taxi at heath hospital rank to attend an appointment in the hospital, when he was requested not to by a responsible Taxi driver, that driver swore at him, which is so sickening, hence we will report him to the police and the council next Monday. In the meantime would like to urge everyone to use free parking Instead of parking in a working ranks.

The illegal cross border hiring problem cause by UBER

And private hire companies and drivers demanding to legalize private hire drivers to pickup flagdowns and work from taxi ranks has been sorted long time ago.

In addition to that Claire hartrey who is team manager of licensing section been lobbying the Welsh Assembly members to outlaw transferring hackney plate for large amount of cash payment also been dealt with successfully by Mathab Khan many moons ago.

Hip hip hooray, hip hip hooray hip hip hooray hip hip hooray.

Dear Taxi Drivers licensed by Cardiff Council,

Please note, Mathab Khan: The Chairman of Cardiff Hackney Association, would like to inform you that, on 6th September 2018 held meeting with prominent members of National assembly of Wales, and lobbied against one tier policy and to maintain status quo on vehicle Licence transfer policy.

Also applied for more taxi ranks.

By the way recently some Taxi drivers been telling me that couple of Taxi drivers been bullying them by trying to dictate where they may or may not park whilst they are trying to work.

This is totally unacceptable, because everyone of you are licensed Taxi drivers hence no taxi have right to tell you what to do.

And if they do that then you should take their Badge number and report them to the police and Cardiff Council.

Best regards
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Chairman of Cardiff Hackney Association (Mathab Khan) would like to thank all the Taxi drivers licensed by Cardiff Council for continuous support for the aims and objectives of the Association.
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Now that cabinet secretary of Welsh government: Mr Skates have clearly mentioned in the white paper that he is not going to change the law on out of town taxis and phvs working in Cardiff, we must do something to persuade Welsh Assembly to outlaw Uber and Ola bringing Drivers from out of Cardiff or to create an app for taxi trade in Wales to prevent Uber and Ola taking all the punters whilst we are waiting at the Taxi ranks. Finally the membership renewal is due for 2019 we would like to urge everyone to renew the membership so that we can continue to protect driver's interest as we have done for so many years.

By the way please note that there has been some changes in committee of the Association, the changes are as follows: (chairman) Mathab Khan, (vice chairman) Mohammed Afzal Nabi, (secretary) Talib Hussain, (treasurer) Azizur Rahman, (treasurer) Azhar Nadeem.

To have general consensus on the above mentioned issues we have arranged a conference meeting on Sunday 10 Feb at 6.30 pm in Cathay's community centre, Cathay's Terrace.

We would like to urge all the trade Members to attend the meeting as this is the only opportunity to stop Uber destroying our livelihood.

Best regards Mathab Khan.

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Now you all should decide what we should do with them for creating opportunities for hospital's official to complain.

Best regards Mathab Khan.

Dear h/c and p/h drivers, please note that the only way we can possibly stop Uber destroying ordinary taxi trade is to be able to fluctuate the tariffs like Uber. Otherwise even if Welsh government introduce a new law banning Uber bringing in drivers from outside Cardiff, but there are approximately 1500 p/h drivers who work for both Uber and others will benefit but the Hackney will not benefit at all.

Hence we must also urge the Welsh government to abolish the law which allows Council to set the tariffs for taxis and allow us to use apps which will be similar to Uber.

The other reason why only stopping Uber bringing drivers from outside will not work is because these drivers who have worked in Cardiff for last 2-3 years in Cardiff will be able to get badge from Cardiff council easily as they already know all the Roads in Cardiff.

Therefore we must get the Welsh government to

(1) ban Uber getting drivers from outside Cardiff,

(2) we must press the Welsh government to put a cap on P/h vehicles similar to H/C or stop issuing Driver's badge,

(3) most importantly abolish the law which allows council to set the tariffs,

(4) Ask the Welsh government to create an app for all taxis in Wales which is similar to Uber's app or else there's no way we can compete with Uber.

Best regards

Mathab Khan (chairperson) Cardiff Hackney Association

There is only one chairman here who has been representing entire Hackney trade for last 10 years, we also have new group of drivers who have formed a committee without forming a steering committee, without calling a general meeting with clearly written Agendas without inviting anyone else for nominations hence the new committee is invalid. I said that when they formed the committee with a Email and I will always say this until they have dissolved this committee and formed another committee following the proper rules.

Thank you very for reading this statement of mine.

Mathab Khan the chairperson of Cardiff Hackney Assassination

Yousef, before you Bragg about saving this rank at heath hospital you should make a note I saved this rank twice, first in 2009 and second time 20 th August 2018

Your group was formed in 31 August 2018 but I took the fight on 2 June 2018
So please give us a break

Just because you say something is invalid doesn't mean it is. Council recognise the Hackney alliance as the face of black and white. Everyone was invited to join the Hackney alliance. You did do a great job when there wasn't anyone else to contest you. Now give the new guys a chance and stop bickering like an old lady. Try to help them instead of sabotaging their efforts. They are trying to benefit our trade just like you did.

Helal Miah member of Hackney Alliance.

Mr Mehtab Khan Will you please let the unite branch of Hackney association do the good work for the drivers if they are trying to do something better for the drivers instead of the usual childish moan we hear from you why don't you act your age of over 75 years of doing nothing for the trade but collecting some money every so often and come to work and earn a living and let the others do the same. Don't you know you can have as many different branch of the Hackney association as you would like to have and there is no limit. So will you please keep your little kingdom in your pocket and let us drivers try to earn a living and leave us in peace. Mohammed Salim Khan. I drive the London cab.

Dear all the Hackney carriage drivers, as you know, I as the chairman of Cardiff Hackney Association I have lobbied Councillor Dilwar Ali of Llandaff north and Assembly member Julie Morgan of Cardiff north to save hospital's Taxi rank, And saved it from being sold to private hire companies with vigorous campaigns in May 2018.

I also removed the monopoly of Cardiff bus carrying out fitness tests for taxis, and private hire vehicles in 2011

Also lobbied Assembly members not to introduce 1 tier policy, allowing private hire drivers to pickup off the streets during peak hours.

also lobbied the same Assembly members to maintain status quo, on transferring Hackney carriage plates, opposing proposal made by licensing section to remove the driver's right to sell Hackney carriage plate to person of his/her choice.

Also on 25 February 2019 I have proposed to Welsh Assembly to give grant to all taxis & private hire drivers, for replacing all the diesel and petrol vehicles in entire Wales to meet stipulated standards of emission say by E.U similar to what the Welsh Assembly is giving to Bus and train companies in Wales which is more than £5.2 billion pounds to ensure that taxis and private hire trade are treated equally.

Also requested Transport secretary of Welsh Assembly to create an App with fluctuation of tariffs similar to Uber in order to stop members of public choosing or switching from taxis to Uber, simply because Uber is cheaper than taxis.

And finally also proposed to stop Uber bringing in drivers from outside Cardiff.

Hence I would like to urge everyone to support Mathab Khan, the chairman of Cardiff Hackney Association to fight for your rights.

Also would like to urge everyone to avoid supporting invalid committee, as it will be dissolved in very near future, due to the fact that it has been formed without following proper rules and regulations and may have committed a criminal offence under Fraud Act 2006.

Best regards

Mathab Khan

None of our drivers damages the bollards, the claim is baseless, however these bollards are very counterproductive especially when the dialysis gets blocked by Ambulances double parking, or when three buses blocked the way, hence may be they should remove these bollards all together, anyway I will make a written comment about this ASAP. But in the meantime everyone please avoid using the gap to make u turns,

Thanks for your cooperation

Regards Mathab Khan

You don't know enough to deal with these people, you only started yesterday, I am not a yes man like I to them with facts and if they don't like me for, it doesn't make any difference whatsoever, this is second time

they failed to kick taxis out of this, which make them upset, and I have no with that, I know how deal with very. Hence if you don't know something don't put your nose in ok.

Yousef what I meant to say was that you don't know enough to deal with these people, you only started yesterday, I am not yes man like you, I tell them with facts, and if they don't like me for that, it doesn't make any difference whatsoever, you should and everyone should know this is second time these people tried to sell this taxis rank, and I am the only person who took the matter to AMs to stop them selling it private hire companies. Which made them very upset as a result they are trying to ignore me, but I don't care, because I know the fact that whilst I here they will not be able sell this rank to anyone, stop putting your nose in when you don't know what you are doing,

Get Outlook for Android

Fw: Protocol notice prior to taking legal action.

Cardiff Hackney Associationsk <>

Thu 21/02/2019 08:15

To: >

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Thursday, February 21, 2019, 7:59 am, Cardiff Hackney Associationsk
<> wrote:

Dear yousef Jama, Despite the fact that we warned you to stop pretending to be the representative of the trade, when you are not, which was explained in an Email sent to your inbox on 31 August 2018.

But

According to information published in social media, you appear to be still acting to be the representative of the trade members without having the written mandate to act on our behalf.

Which is extremely damaging for the trade and is a criminal offence under fraud Act 2006!

Hence unless you stop acting as the representative of the trade immediately, we will have no option but take legal action against you for criminal damages caused by your fraudulent behaviour to the trade without giving you anymore-warning.

Yours sincerely

Mathab Khan (chairperson) Cardiff Hackney Assassination.

NB copy of this Email will be shared with Licensing, South Wales police, Hospital management and media.

Sent from Yahoo Mail for iPhone

Response 2:

Sent: 28 April 2019 00:05

To: Hartrey, Claire <CHartrey@cardiff.gov.uk>

Subject: Driver 1008

I don't recognise Cardiff taxi Hackney Association I've been a driver for over 20 years.

Regards

Response 3:

Sent: 23 April 2019 15:10

To: Hartrey, Claire <CHartrey@cardiff.gov.uk>

Subject: Re: Public Protection Committee 7 May 2019

Dear Claire

Many thanks for this. As a cardiff licenced driver, I find the cardiff hackney association neither democratically led, nor representative of cardiff drivers and as such cannot see the benefit of having it as a recognised body.

There is a complete lack of transparency within the organisation and seems to set up for the sole purpose of supporting the chair. There is no means of communication, no information about who the officers are, no annual accounts, and no means of members having any democratic input into the organisation other than 5 yearly elections.

I feel it would be useful to ascertain the membership numbers and names of officers / directors to determine whether this is actually a representative trade body.

Kind regards

I would also questions an organisation the charges £25 for members to view their constitution / rules. This is article 7 of their constitution. This would effectively mean that people can sign up for £10 per year, but to find out what they have signed up to will cost an additional £25. Hardly democratic or representative to my mind.

Response 4:

Sent: 24 April 2019 11:52

Subject: Re: Public Protection Committee 7 May 2019

They MUST be able to properly evidence their representation and this MUST account for a reasonable proportion of the overall market.

I must also highlight that the Hackney Carriage Alliance was granted recognition with nothing more than a list of names which anyone could have provided. Were these names ever verified, were the drivers ever confirmed as allowing The Hackney Carriage Alliance to talk on their behalf? Can you please verify the membership properly before we grant recognition again.

In relation to the volume of drivers required to form an association, it CANNOT be a minority. You simply CANNOT allow the few to govern the many. In my opinion, an Association should have at least 15% of the market which if for Hackneys only, would be over a hundred drivers.