

PUBLIC PROTECTION COMMITTEE: 4 June 2019

Report of the Head of Shared Regulatory Services

**THE CARDIFF HACKNEY ASSOCIATION: APPLICATION FOR
RECOGNITION**

1. Background

- 1.1 A representative from an association of hackney carriage drivers called the 'Cardiff Hackney Association' 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 from Mr Mathab Khan requesting recognition of the Cardiff Hackney Association as an organisation representing licensed drivers in Cardiff. The association claims to have been founded in the 1980s, but this is the first formal request to the Council to become a recognised representative body. A copy of the constitution 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 Association is the fourth 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 second 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 (which is still outstanding). The third application was from the Cardiff Hackney Alliance which was approved by the Public Protection Committee at its meeting on 6th November 2018, and is currently the only Council recognised body representing hackney carriage drivers in Cardiff.
- 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. In the past this has largely been done on an informal basis with most communication being

conducted through the quarterly Cardiff Taxi Driver Forums, until the establishment of the Cardiff Hackney Alliance in 2018.

3.3 Recognition of a properly constituted representative trade organisation ensures 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. **Background of the Cardiff Hackney Association**

4.1 Mr Mathab Khan has claimed to be Chair of the Cardiff Hackney Carriage Association (CHCA) (now referred to as the Cardiff Hackney Association) for the last 10 years. During that time he made many requests to the Council for changes in Policy, and has frequently commented ‘on behalf of the Cardiff Hackney Carriage Association’ on Committee reports and in local press articles. In that period, Council officers assumed that the CHCA was properly constituted and engaged with Mr Khan as their spokesperson. In 2015, Mr Khan did not comply with a request for evidence of the CHCA’s constitution.

4.2 In 2016, following communication from various licensed drivers asserting that the Cardiff Hackney Carriage Association (CHCA) does not represent the majority of drivers or that it was properly constituted, Council Officers once again requested that Mr Khan provide evidence with regards to the constitution of the CHCA. A copy of the letter sent to Mr Khan in May 2016 is detailed in Appendix B. Mr Khan wrote an email response to this letter that contained the following:

‘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. Nevertheless I will provide full and proper reply to your letter after AGM due in August 2016’

4.3 In response to Mr Khan’s email, a further letter was sent to Mr Khan on 24th May 2016 stating that Cardiff Hackney Carriage Association would be removed 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. A copy of this letter is detailed in Appendix C.

- 4.4 Despite this correspondence, Mr Khan continued to email Council Officers and Members, which resulted in a further letter being sent to him on the 9th June 2016 which reiterated that the Council would no longer recognise CHCA as a trade representative. This letter is detailed in Appendix D.
- 4.5 Since 2016 Mr Khan has continued to email Council Officers and Members as the 'Chair of the CHCA', but the Licensing Section has ceased consulting with the CHCA on policy matters and other trade consultations.
- 4.6 On 26 February 2019, Mr Khan handed a copy of the Cardiff Hackney Association constitution to Officers at the Cardiff Driver's forum, and stated that he would like the matter to be brought before the Public Protection Committee to consider the association as a recognised trade representative.
- 4.7 On 4 March 2019 Claire Hartrey, Team Manager Licensing (Cardiff), emailed Mr Khan requesting the following further information:

- The aims and objectives of the association
- When someone is refused membership –is there an appeal process? Please provide details of this process.
- Details of all current committee members
- Details of how and when each of current committee (including Chair and Vice Chair) were elected
- Evidence of the number of people the association currently represents.

- 4.8 Mr Khan replied to this request by email on 5 March 2019 with the following:

'Thank you for your e mail regarding the constitution.

First of all we do not refuse any applications for membership as long as the driver is licensed taxi driver, simply because if Cardiff county council licensing section considers him/her as a fit and proper person then we don't think we can refuse his application.

Secondly, As the Association called Cardiff Hackney Association, technically every Hackney carriage driver is the member of the Association, but to have right to express one's views or to have voting rights or become a member of the executive committee, a driver must be a paid member of the Association, and membership must be renewed every year.

The term of the committee is five years, and at every quinquennial general meeting 10 paid members are elected/selected who then decides which position should be given to whom.

The aim and objectives of the Association is to protect its members and provide assistance/when they need it.

At present we have a chairman, vice chairman, secretary, two treasurer, and five committee members.

The Aim and objectives of the Association is to mainly protect its paid member's rights and provide assistance/guidance if they are in need and also to take stand against any policy which is arbitrary etc.

By the way as you know I am the chairman of the Association for last 10 years, and during last 10 years all we had to do was to fight against Council's licensing section trying to introduce arbitrary policies, against Hackney carriage owner/drivers, as you know in 2013 I had to take legal action against Council decision, in high court, in which case Council had to payback £1.2 million to all the drivers including private hire drivers.

In other words, Cardiff Hackney Association is not a proponent of the Council, in actual fact it's an opponent which runs on it's own merits and it's not founded by the Council either, in actual fact it's funded by its own membership. Hence would you let me know, under which legislation Cardiff County Council's licensing committee have power to verify it's merits.

Hope you got all the answers, but should you require anymore information please do not hesitate to write to me at the same email address.

*Yours sincerely
Mathab Khan'*

5. Consultation.

- 5.1 The draft report was made available in the Licensing Office at City Hall to enable interested parties to make comments. Additionally a draft copy of the report was sent to trade representatives and was published on the Licensing Web Pages. Details of responses to the consultation are found in Appendix E.

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 fourth 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 cost implications arising directly from the report.

8. Recommendation

8.1 That the application by the Cardiff Hackney Association for recognition as a representative organisation for licensed drivers in Cardiff be considered. The application should be refused unless Members are satisfied that the association represents the interests of a number of the licensed trade, and the associations' committee are democratically elected.

9. Reasons for Recommendation

9.1 To ensure that any Council recognised trade organisations are truly representative of members of the hackney carriage trade, and not just acting in the interests of individuals.

9.2 To ensure that such organisations are fair, transparent and constituted democratically.

9.3 To address the concerns of the members of the licensed trade that have in the past raised concerns regarding the constitution of the CHCA.

Dave Holland
Head of Shared Regulatory Services

8 April 2019

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

Background Papers: Report of the Head of Shared Regulatory Services to Public Protection Committee 6 November 2018: '*CARDIFF HACKNEY ALLIANCE: APPLICATION FOR RECOGNITION*'