

Meeting of:	<b>Public Protection Licensing Committee</b>
Date of Meeting:	<b>Tuesday, 15 June 2021</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Application to be recognised as a representative organisation for the Hackney Carriage and Private Hire Licence trade
Purpose of Report:	To consider an application for recognition by Vale Taxis Unite
Report Owner:	Director of Environment and Housing
Responsible Officer:	Director of Environment and Housing
Elected Member and Officer Consultation:	None
Policy Framework:	This is a matter for the Public Protection Licensing Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• This report details an application to be recognised as a representative organisation for the Hackney Carriage and Private Hire licence trade in the Vale of Glamorgan by Vale Taxis Unite.</li> <li>• The report asks that the application for recognition is considered.</li> </ul>	

## **Recommendation**

- 1.** It is recommended that the Committee:
  - (i) Consider an application to be recognised as a representative organisation for the Vale of Glamorgan Hackney and Private Hire trade from Vale Taxis Unite.

## **Reason for Recommendation**

- (i) To ensure that any Council trade organisations are truly representative of members of the Hackney Carriage and Private Hire trade and are not just acting in the interests of individuals.

## **1. Background**

- 1.1** Vale Taxis Unite have requested that they be acknowledged by the Licensing Authority as an authorised body representing the Hackney Carriage and Private Hire trade in the Vale of Glamorgan.
- 1.2** 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.
- 1.3** Recognition as a properly constituted representative trade organisation would ensure that the organisation would be able to do the following:
  - Make proposals to the authority on changes or amendments to licensing policy.
  - Be consulted on proposals on changes or amendments to licensing policy.

## **2. Key Issues for Consideration**

- 2.1** Vale Taxis Unite have submitted a request to be recognised as a formal trade representative of the Hackney Carriage and Private Hire trade within the Vale of Glamorgan.
- 2.2** In their request the organisation has stated that they are a democratically elected representative body which function in line with Unite the Union's rules and constitution. They go on to say that their request for recognition creates a win-win opportunity both for drivers and Licensing to forge a relationship can lead to more effective communication across the trade, as well as greater engagement at an early stage to try to ensure positive outcomes for all.

A copy of the recognition request is detailed in Appendix A.

- 2.3** Vale Taxis Unite has also provided some further information in response to questions put forward about how the group operates for example, their aims and

objectives. These questions along with Vale Taxis Unite's responses are detailed in Appendix B.

- 2.4** The request by Vale Taxis Unite for recognition would not affect any existing arrangements for consultation with any other recognised groups e.g. The Vale Taxi Association.

A further request for clarification was sent to Vale Taxis Unite as follows:

- 2.5** "Can you please explain what the requirements are to become a member of the trade body you wish to form and be recognised by the Council? For example, is being or becoming a Member of the Unite Trade Union a pre-requisite for acceptance to the trade body? If it is exclusive to Unite members how will you be able to seek a consensus view from Vale license holders who do not wish to join a Trade Union but who will form the majority of the trade licensed by the Council?".
- 2.6** At the time this report was prepared, a response had not been received but the Committee will be updated at the meeting as necessary.
- 2.7** The Vale Taxi Association were invited to comment on the application for recognition by Vale Taxis Unite and their response can be found in Appendix C.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The Well-Being of Future Generations Act 2015 ('the 2015 Act') sets out new ways of working - of planning and making decisions - for local authorities and other public bodies it lists. The proposal supports the well-being outcome of Support People at Home and in the Community as well as Prevention through the publication of a Statement of Licensing Policy to support public safety.

### **4. Resources and Legal Considerations**

#### **Financial**

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

#### **Employment**

- 4.2** None.

## **Legal (Including Equalities)**

- 4.3 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.
- 4.4 Whatever the outcome of this report, it is not suggested that the existing arrangements for consultation with other recognised groups should be diminished.
- 4.5 Equalities Act 2010

The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics.

## **5. Background Papers**

None.



06/04/2021

Dear Cllr,

I write to in your capacity as Council Leader, to inform you that a new Unite Wales branch has been endorsed within the authority, comprising of members working within the Hackney Carriage and Private Hire trade. This will be a democratically elected representative body, in line with Unite the Union's rules and constitution, and elected representatives will have guidance and support from a Unite Wales Regional Officer as well as full access to training to carry out their roles.

We request that the Licensing Authority formally recognise this branch as a representative voice of the trade, and engage with it for thorough consultation on matters pertaining to the trade. This includes the adoption or amendment of policies and processes, particularly pertinent in light of the new guidance issued by Welsh Government to Licensing Authorities on Monday March 22<sup>nd</sup> 2021.

The creation of this branch, and the request for its recognition as a voice of the trade in your authority, presents a win-win opportunity both for drivers in the area and for Licensing to forge a relationship with the branch that can lead to more effective communication across the trade, and greater engagement at an early stage to try to ensure positive outcomes for all.

Initially, its founding representatives are;

Rhys Morgan – Branch Chair

John Lewis – Branch Secretary

Khaled Ullah – Branch Equalities Representative

Matthew Arroyo – Treasurer

Melanie French, Chris Maskell & Miah Shahid – Committee Members

I will be working in support of this branch and will make myself available to attend pertinent meetings alongside these representatives to assist them in building this relationship, and in an educational capacity to encourage their development. This would be particularly beneficial on occasions where members in need of representation have been called to the licensing or public protection committee in matters of conduct. Over time and when appropriate, I envisage the representatives acting more independently, and my involvement would become more 'by request', and predominantly with a view to conflict resolution where possible.

Please give this recognition request your consideration at your earliest convenience, and feel free to contact me at [REDACTED] should you require further information.

Kind regards

Alan McCarthy

Regional Officer – Unite Wales

Further information provided by Vale Taxis Unite

**Is there an official name of the branch?**

Vale Taxis Unite

**What are the aims and objectives of the branch?**

To provide a democratically elected consultative body for the trade on matters relating to the trade. This would be at a local level within the authority (i.e. policy introduction or amendment, impact on ranks through highways work etc.), and would also provide a voice in national consultations that we envisage with legislative changes in the next Senedd term, given taxi legislation is now devolved in Wales.

**Please provide a copy of the rules and constitution of Unite (if this is what the branch operates under).**

This can be accessed here - <https://www.unitetheunion.org/who-we-are/structure/>

**Are the Committee members you referenced in the original request still in post, and what is the term served by each committee member?**

The committee members are in post. Due to the impact of Covid, or constitutional period has been moved to September. They will stand for re-election at this point, and I don't envisage any change in the officers. The term from that point will be three years. Should an elected official need to stand down within that period, an election would take place to fill that post, which I would help run.

**How many members you represent (I know you have already mentioned this) and if available what proportion are drivers or HC proprietors, operators etc.**

The branch has only just been formed and is in excess of 50 members. There are additional membership forms waiting to be uploaded, and online joiners, so this number may be higher. We do not ask whether drivers are Hackney, PHV or both upon application, but this is something that the branch may look at identifying when we discuss issues that may be pertinent.

**What does membership involve and what is the criteria to join?**

There are standards that we expect of members and officials, that are reflected in the rules, accessible through the link above.

**When membership is refused, is there an appeal process?**

If so, can you provide details of this? – Again, this can be explored through the rulebook. The Regional and Executive Committee of Unite would be involved in declining membership. It is not necessarily something that can or should be imposed by the branches themselves, as the right to join a union is protected.

**From:** Steve Thomas  
**Sent:** 27 May 2021 01:38  
**To:** Evans, Kirsty J  
**Subject:** Re: Report - Vale Taxis Unite

Hi Kirsty

Sorry this reply has taken so long to come back to you.

To tell you who we represent and how many, I'll have to tell you our rules and constitution and how they came about.

We first start this association many years ago after we and other drivers attended a Licensing committee meeting as we were in dispute over certain issues that the council were trying to implement, as you can imagine it was pandemonium, with so many drivers/operators all wanting to speak, most of them at the same time, the Deputy Chairperson at this meeting suggested we go away, get organised and come back at the next meeting, so we did.

Myself and Mike Moore contacted everyone who held a Private Hire operators Licence, from the list given to us by the Licensing Department, and invited them to a meeting to discuss setting up the association, I also went around the ranks to speak to all the independent drivers and invited them to attend as well, each operator and the independents, were told that 2 people from their Company/Group could attend. Including Mike and I, 39 people turned up, we outlined the reason for the meeting and took a vote to find out if there was enough interest in setting up the association, the vote was 39 for and 0 against. We then asked for nominations to form a committee, we had 17 nominations, we decided that we would start with 7 on the committee, and held a ballot, the 7 with the most votes were asked to form a committee, I was then chosen as Chairman/Secretary. To save time and money, as we were all doing this on a voluntary basis, it was agreed that if any of the committee members decided to resign, we would offer the position to someone who had volunteered but had not been in the top 7 at the ballot, on a like for like basis, ie. if a committee member from say Penarth resigned, we would pick the next member from that area, the same for Rhose etc,etc as we had committee members from all around the Vale and wanted to keep it like that. If possible, we have changed a few of the committee members using this system..

We also agreed that any paid member could call for a meeting where we could hold another ballot to vote for a new committee at any time and would only need 1 seconder who had to be a paid member, this has never happened up to now., Only paid members were allowed to vote or request a vote. Anyone could become a paid member at any time.

It was decided that we would represent every licenced driver/operator in the Vale, even if they were not paid members, but requested help or had issues or suggestions to improve the trade.

The only exception to this was in part 2's at the licensing committee meetings, if we agreed with the Licensing department that the driver/operator was in the wrong, then we wouldn't represent them, which happened recently. A driver who had had his license revoked for certain offences a few years ago, asked us to try to help him get his license back after at least a year, which we did, as he said he'd learned his lesson and wouldn't do it again, then recently he asked us to represent him again when he was called in front of the committee for the same things that had occurred when he lost his license in the first place, so we refused. We agreed with the Licensing department that there was a problem, simple as that.

As you know I had to shield for most of the last year because of the Pandemic, and have retired as well, but was prepared to carry on if we couldn't find anyone to take over my position, which nobody seemed to be interested in taking on the work, but now that Mike Moore has recently finished with Taxiing as well, leaving only one other working committee member, Mandy Ewington. 2 other committee members we had are now on the committee of the Unite group, so it looks like the Vale Taxi Association is set to fold, unless things change very rapidly.

I personally would like to thank the Licensing department, and the Licensing Committees over the years for the help, and allowing us to speak at the meetings about many various issues that we've had. I really believe that between us all we've dragged the taxi trade into the 21st century, and made it safer for the travelling public of the Vale.

As you know I've always advocated that we should have discussions with you on all aspects of the trade, as I believe it's the only way to keep improving the taxi trade, so I hope you get a good working relationship if anyone does take over from me. I will keep you informed ASAP.

On the matter of another group asking to be recognised as representing other [drivers.in](#) the Vale, I go to my last point that I believe you should always be open to discussion, so as long as they are going to do this in a positive way then all well and good, but not if it's just to be confrontational, as they seem to have done on occasions in other Licensing Authority Areas. Too radical for me, not my way at all.

As I said Many Thanks to you all for your help and the respect you've shown me and the Vale of Glamorgan Taxi Association over the years.

Steve Thomas  
Chairman

On Fri, May 21, 2021 at 3:28 PM Evans, Kirsty J wrote:

Hello Steve,

The Licensing Authority has received a request to be recognised as a taxi and private hire trade representative from Vale Taxis Unite.

I am now in the process of preparing a report for the Public Protection Licensing Committee's consideration and would like to invite the VoG Taxi Association to submit any comments they have in relation to this matter by **Thursday 27 May 2021**. I have attached a copy of the request received for your information along with some further details provided by Vale Taxis Unite; these will both form part of the report.

Furthermore, I have yet to hear back from VoG Taxi Association in relation to our next trade meeting and the outstanding actions from our previous meeting such as confirming current membership of the VoG Taxi Association. I would appreciate it if you could also get back to me on this point so we can try and arrange our next meeting.

Many thanks,

Kirsty



**Kirsty Evans | Licensing Policy Officer**

Licensing Section / Adran Drwyddedu

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

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