

Licensing Committee

Hackney Carriage Vehicle Associations

15 December 2009

Report of Head of Urban and Rural Services

PURPOSE OF REPORT

1. To brief the Committee on the position with associations representing the taxi trade.
2. To secure approval for minimum requirements the Council requires taxi trade association to meet for the Council to consider them to be representative of the trade.

This report is public

Recommendations

The Committee is recommended to:

- (1) Note the position with trade associations across the District.
- (2) Approve the minimum requirements required from trade associations: being properly constituted, hold AGM's to elect Association Officers, to minute meetings, and to provide annual list of members.
- (3) Authorise officers to consult formally only with trade associations that meet these requirements.

Executive Summary

Introduction

- 1.1 To improve communications with the taxi trade, the Licensing Team are keen to see the trade develop effective structures that provide both benefits to its members and more effective mechanism for licensing matters to be communicated, discussed and consulted upon.
- 1.2 For a number of years the Cherwell Valley Hackney Association (CVHA) has put forward representatives to meet and consult with the Council however, on discussing with CVHA how they are constituted and who and how their elected representatives are appointed, it became apparent in early 2008 that the basic requirements of a representative body were lacking.
- 1.3 A draft Constitution and part of a Members list have been submitted but

unfortunately, despite the offer of assistance by the Licensing Team, and lengthy correspondence, this position still remains unsatisfactory and of concern to the Licensing Team as to how representative this Association is.

- 1.4 Early in 2009, a second association was formed, the North Oxfordshire Hackney Association (NOHA). A Statement of Aims was submitted together with names of elected officers. This documentation requires further development and the Licensing Team are waiting confirmation of dates of AGM.
- 1.5 In November 2009, information was provided to the Licensing Team that a third association was being set up by licence holders based in Bicester. Further detail of this is awaited.

Conclusion

- 1.6 There is a need to formalise arrangements with trade associations to ensure that consultation undertaken with such bodies can be truly representative. This is not currently the case and this report identifies the minimum requirements to achieve this.

Supporting Information and Governance Arrangements

- 2.1 Since delimitation, the number of licensed Hackney Carriage drivers and vehicles has increased from 84 to 120.
- 2.2 It is far more effective for the Council to be able to correspond and consult with representative group/s from the trade as this speeds up the process of information dissemination, as well as being a more efficient way of managing licensable activities.
- 2.3 In order to consult formally with representative bodies, it is important that proper governance arrangements are in place for bodies representing the interests of specific groups.
- 2.4 The minimum requirements the Council is looking for from trade associations representing its members are that the association should be properly constituted; that there are regular elections of the committee at the Annual General Meeting; that meetings are minuted and that there is a list of association members.

Cherwell Valley Hackney Association

- 2.5 For some years the CVHA has put forward representatives whom the Council has met and discussed issues such as delimitation; Vehicle Specification etc.
- 2.6 Following establishment of the new Licensing Team and taxi licensing coming into the Teams responsibilities, formal meetings were established with CVHA but it became apparent that, as an association, they were not properly constituted and this was of concern to the Licensing Team in terms

of how truly they represented the widest 'trade' interests.

- 2.7 This led to discussions with CVHA and support given in developing a Constitution and the need for duly elected representatives, minutes of meetings and AGM were discussed.
- 2.8 Over several months, from early 2008 until the current time, the Licensing Team have sought confirmation of these matters and, whilst a draft constitution document has been forwarded, this has not been finalised nor confirmation provided that an AGM has been held; election of officers taken place; nor that the constitution has been adopted.
- 2.9 CVHA have been repeatedly notified that this position is not satisfactory and that unless confirmation is provided, the Licensing Team will no longer be in a position to treat as bona-fide the CVHA representatives and formal dialogue will be suspended until such time that the matter is resolved to the satisfaction of the Council.
- 2.10 A representative of the Association has stated that he does not see why the Council should be provided with minutes of the AGM, but that a membership list is being put together and the Constitution is being developed.

North Oxfordshire Hackney Association

- 2.11 The Licensing Team received information in March 2009 of the formation of NOHA. This was supported by a statement setting out the aims of NOHA together with a signatory list of members and committee members.
- 2.12 Formal constitution needs to be developed and the Licensing Team have requested this information.

Bicester taxi association

- 2.13 In November 2009, the Licensing Team received information that taxi drivers in Bicester were setting up a Bicester Association. Further information is awaited.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The following options are open to the Sub-Committee

Option One To formally consult only with bona fide taxi organisations that meet the requirements set out in the recommendations

Option Two To direct officers to consult with organisations that are not properly constituted but that state they are representative of the trade.

Consultations

There are no consultations

Implications

Financial:	There are no financial consequences of this report Comments checked by Joanne Kaye, Service Accountant for Environment & Community 01295 221545
Legal:	If the Council consults trade associations that are not properly constituted, the results of that consultation may not be representative of the trade. This could leave the Council open to legal challenge. Comments checked by Nigel Bell, Solicitor 01295 221687
Risk Management:	Provided that licensing of HCV and PHV's continues to take place and license holders have access to information/advise from the Licensing team, risks are effectively being managed. Consultation with organisations that are not properly constituted has the risks as set out in legal above. Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566

Wards Affected

All Wards

Document Information

Appendix No	Title
None	
Background Papers	
HCV and PHV Policy Council Constitution Scheme of Delegation.	
Report Author	Chris Rothwell, Head of Urban & Rural Services Contact Officer – Natasha Barnes, Licensing & Vehicle Parks Manager
Contact Information	01295 221712 chris.rothwell@Cherwell-dc.gov.uk 01295 753738 natasha.barnes@cherwell-dc.gov.uk