



Report of the Head of Licensing and Registration

To the Licensing Committee

Date: 26 July 2011

**Subject: INTRODUCTION OF FORMAL CONSTITUTION FOR HACKNEY CARRIAGE
TRADE FORUM MEETINGS**

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

A formal constitution has been prepared for the Hackney Carriage Trade Forum meetings. The constitution is in response to requests to join the forum by organisations representing hackney carriage drivers/proprietors. The constitution formalises the existing application process and allows officers the opportunity to ensure that drivers/proprietors are not being represented by more than one organisation.

The constitution has been discussed and shared with the members of the existing Hackney Carriage Trade Forum and no objections were received. The intention is to dissolve the existing Forum and invite fresh applications with supporting documents from all interested representative organisations. An assessment will be carried out by officers on the supporting documents, and a new Forum will be formed consisting of the successful applicants. Any future request to join the Forum will be required to submit an application with the same supporting documentation.

This is a local administrative decision, so no decision is required by members of the Licensing Committee regarding the content of the constitution. The report and constitution is on the agenda for the committee's information and any comments they would like officers to consider before introducing the new constitution and dissolving the existing Forum.

Members are required to approve an amendment to the existing terms of reference for Licensing sub-committees to include a provision to hear any appeals as a result of decisions made after evaluations of applications to sit on the new Forum under the constitution.

1.0 Purpose of This Report

- 1.1 To inform Members of the introduction of a constitution for membership of the Hackney Carriage Trade Forum meetings and to approve an amendment to the existing terms of reference for Licensing sub-committees to hear any appeals as a result of the application process to sit on the new Forum.

2.0 Background Information

- 2.1 The existing Forum has been in existence in various forms since the introduction of hackney carriage licensing in Leeds. It is an old and well-established forum for representatives and officers to discuss issues of concern and consult on policy and procedural changes.
- 2.2 Applications to sit on the Forum have been dealt with as they are received in the past, with each application being considered on its own merits and basic documentation being required, namely evidence of membership, annual general meeting minutes, and details of the organisations terms of reference/constitution.

3.0 Main Issues

- 3.1 There has long been a need to formalise these arrangements, for accountability and transparency. The council's legal services have drawn up the attached constitution, which builds upon the existing requirements to qualify to sit on the Forum, and formalises those arrangements into one clear document.
- 3.2 The need for the constitution was discussed and agreed at the existing Forum, and existing members had the opportunity to comment on the contents of the constitution before a draft version was agreed. This draft version was subject to further consultation with the trade. An email was sent to all hackney carriage and private hire representatives (who have informed us of their email contact details) and the draft constitution was also placed on the council's website. This consultation ran for four weeks from 6 June to 1 July 2011. Only one response was received to the consultation which is attached at appendix 1 to this report. In response officers have taken legal advice and the authority cannot disqualify any representative based on a lower number of members in their organisation. The authority can only ask for the qualifying documentation detailed in the constitution. If the numbers of qualifying representatives prove to be too excessive to manage in the new forum, then alternative methods of trade consultation would need to be considered.
- 3.3 It is intended to invite applications from all interested parties who wish to represent hackney carriage drivers/proprietors by 30 September 2011 in accordance with the constitution. All applications will be evaluated by the end of October 2011 and any appeals heard during November 2011. The intention is to dissolve the existing Hackney Carriage Forum on 31 December 2011 and establish the new Forum with effect from 1 January 2012.
- 3.4 Any appeals to decisions regarding applications to sit on the Forum will be heard by a Licensing sub-committee, and Members are requested to approve an amendment to the existing terms of reference for the sub-committee to be able to hear these appeals.

3.5 A copy of the constitution is attached at Appendix 2 to this report.

4.0 Implications for Council Policy and Governance

4.1 The provision of a Hackney Carriage Trade Forum is a fundamental requirement for ensuring good consultation and communication with the trade, and is essential in the formulation of new policy and procedure for hackney carriage and private hire licensing in Leeds.

5.0 Legal and Resource Implications

5.1 There is no legal requirement for the Forum to operate a constitution and has, indeed, operated successfully since its inception without one.

5.2 It is recommended that the constitution is introduced to ensure accountability and transparency in all business discussed at the Forum for the benefit of officers, trade representatives and the drivers/proprietors being represented. It also allows officer an opportunity to ensure that drivers/proprietors are not being represented by more than one organisation.

6.0 Conclusions

6.1 The introduction of the constitution for the hackney carriage trade forum is seen as a positive move towards firmly establishing the forum as a representative body for officer/trade relations.

7.0 Recommendations

7.1 That Members: -

- i. Note the content of the constitution for their information and provide any comments for consideration by officers;
- ii. Note that the current Hackney Carriage Trade Forum will be dissolved on 31 December 2011 and the new Forum established with effect from 1 January 2012; and
- iii. Approve an amendment to the existing terms of reference for Licensing sub-committees to be able to hear any appeals from decisions made after the evaluation of applications to sit on the Forum using the constitution.

APPENDIX 1 – Response to Consultation from JTC dated 27 June 2011

APPENDIX 2 – Constitution for Hackney Carriage Trade Forum meetings

BACKGROUND PAPERS

None

RESPONSE RECEIVED TO CONSULTATION

From: TONI [mailto:taxiaccounts@streamline-telecabs.co.uk]

Sent: 27 June 2011 14:25

To: Calvert, Alison

Subject: Constitution

Hi Alison

I am emailing with our response regarding the Constitution. We broadly agree, however we as the current JTC would pass the comment that should there be a further body representing the trade other than the JTC in the future, the one that has the majority of members of the same trade is duly allowed to represent the hackney Carriage trade in Leeds.

Regards

Mike Utting
For JTC

HACKNEY CARRIAGE TRADE FORUM

CONSTITUTION

This constitution is agreed on (*date*) between the Taxi and Private Hire Licensing Section of Leeds City Council and the following trade representatives:-

(Insert name of organisation)

Leeds City Council ('the council') recognises those trade and professional associations listed above as representing hackney carriage drivers and proprietors for the purposes of the Taxi and Private Hire Licensing Forums.

The Taxi and Private Hire Licensing Section ('TPHL') recognises it is beneficial for drivers and proprietors to join an appropriate trade or professional body. It believes that fully representative organisations lead to good trade relations and therefore encourages drivers and proprietors to join, although membership is not a condition of the grant of a licence.

General Principles

TPHL and the trade and professional bodies listed above believe that good trade relations are an important factor in achieving the council's objectives and a high quality passenger services. Cooperation and communication are important features of the relationship between the council and the trade.

The trade and professional bodies listed above recognise the Council's responsibility under the relevant legislation to licence and regulate taxi and private hire licensing activities.

TPHL recognises the trade and professional bodies' responsibility to represent the interests and views of their members and to work for improved conditions and standards within the trade.

TPHL and the trade and professional bodies recognise their common interests and concerns and are committed to working together to maintain good relations and to deal with unresolved issues at the earliest opportunity as speedily as possible. Both parties agree to pursue the above objectives by keeping each other fully informed of all relevant matters and consulting on matters of mutual interest with the opportunity to contribute to decisions before they are made.

The mechanisms to achieve the aims and principles of this agreement are:

- Regular forum meetings between the Taxi and Private Hire Licensing Service and the trade and professional associations.
- Individual representation of members.

Aims of the Forums

Without prejudice to the right of officers and Members to make decisions exercising delegated powers and the rights of trade and professional bodies to make representations on their own behalf or through their own organisation, the general objectives of the forum are:-

- (a) To provide a regular forum to bring officer and the trade together in joint consultation to discuss matters of mutual concern and maintain an efficient service.
- (b) To discuss items relating to such issues as licensing practices and processes, licensing policies, enforcement and any other relevant aspect of taxi and private hire licensing.
- (c) To discuss the operation of or implementation of previous decisions.

Membership

The membership of the forum shall be comprised of: -

- Officer Group;
- Trade Group (limited to a maximum of two representatives per recognised trade body or association); and
- Advisors - Either group will have the right to co-opt, in a consultative or advisory capacity only, representatives from other areas affected by an item under discussion who are not represented on the forum. Such advisors shall participate only for the period during which that specific item is under discussion. Such attendees shall be notified to the Management Support Officer at TPHL before the meeting commences.

Criteria for Recognition

A Trade or Professional Organisation may apply to the council for recognition under this document by submitting a letter to TPHL which includes: -

- A written constitution which includes details on: -
 - how a person may seek membership;
 - how officers are appointed or elected and at what frequency; and
 - how the organisation seeks view from its members and feeds information from the forum meetings and on current issues and consultations back to them

and

- A list of current Members

The council does not seek to prescribe any of these matters nor approve a model constitution but seeks to establish that the applicant is truly able to represent its members and feed back views and issues to and from them.

Any refusal to recognise will be given in writing accompanied by reasons for the refusal.

The applicant may then request a hearing before a licensing sub committee who will consider the applicant's case and the reasons for refusal and determine whether to recognise the applicant. Such decision shall be binding on the parties although a fresh application may be made if the reasons for refusal no longer apply.

Once recognised a trade body or association must submit its constitution and list of members to TPHL on an annual basis. The council reserves the right to remove recognition from any trade association or body which ceases to be representative. Any removal of recognition can be appealed in the same way as an initial refusal.

Meetings of the Forum

Meetings of the Taxi and Private forums will take place every two months (or as frequently as business demands) to an agreed schedule with minimum of four meetings per annum. Special meetings may be called as necessary to deal with issues as they arise.

Administrative facilities will be provided by TPHL who will be responsible for:

- Preparation of the agenda and papers for meetings.
- Recording the discussions by way of minutes.
- Publishing and circulating minutes and other agreed documentation.

The forum meetings will be chaired by the Section Head, Taxi and Private Hire Licensing or other appropriate senior officer.

Agenda items together with supporting papers should be notified to the Management Support Officer at least two weeks before the scheduled meeting. Only urgent items will be considered after this date.

Agenda papers will be sent out at least seven days in advance of meetings.

Minutes will be distributed within ten working days of the meeting taking place.

Quorum

The forum shall be quorate where there is at least one representative of the Taxi and Private Hire Licensing Service and one representative from the trade or professional associations present.

Avoidance and Resolution of Disputes

TPHL and the trade and professional bodies agree that every attempt will be made to resolve issues raised. However it is exclusively recognised that this constitution is without prejudice to the rights of officers and Members to make decisions using delegated powers, of officers to implement decisions already made and the representatives to act in the best interests of their members.

Review of the Operation of the Constitution

The operation of this constitution be kept under review by both sides. Consideration can be given to the need for any change in the light of experience.