

Name of meeting: Licensing and Safety Committee

Date: Wednesday 1st February 2023

Title of report: Hackney Carriage and Private Hire Association’s Terms of Reference

Purpose of report: The purpose of the report is to seek members approval for the updated ‘terms of reference’ for hackney carriage and private hire associations.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u>	Key Decision –No Private Report/Private Appendix –No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Colin Parr – 23.01.2023
Is it also signed off by the Service Director for Finance?	Eamonn Croston – 20.01.2023
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 17.01.2023
Cabinet member portfolio	Councillor Will Simpson

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes, there is no personal information contained in this report.

1. Summary

1.1 This report seeks members of the Licensing and Safety Committee approval of the proposed terms of reference for hackney carriage and private hire association meetings, shown at **Appendix 1**.

2. Information required to take a decision

Background

2.1 At the meeting of the Licensing and Safety committee on 17th December 2020, a report was presented to members informing them that the Licensing Service would be introducing more formal and structured association meetings with the trade.

2.2 Previously it was agreed that due to the differences between the hackney carriage and private hire trades, the meetings be separated into a hackney carriage working group and a private hire working group to enable a more focused means of engaging with the trades.

2.3 The meetings are chaired by the Licensing service and do not have member involvement. However, the Chair of the Licensing and Safety does attend the meetings as a spectator and as a supportive role. Adopting this approach ensures that there is a level of separation between the decision-making body, 'the Committee', and any policy issues / suggested changes that may be raised at the meetings.

2.4 On 17th December members were asked to endorse and approve the terms of reference as shown at **Appendix 2**.

2.5 The licensing service has successfully established regular hackney carriage working groups/meetings, however, and previously take up from the private hire trade was low. Work has been ongoing to encourage the private hire trade to engage with the meetings. At the beginning of November, we held the first successful private hire trade association meeting and would like to ensure that these remain. It is felt that if there is a more detailed narrative relating the terms of reference for the meetings, engagement may be more achievable with both the hackney carriage and private hire trades.

2.6 The service worked with the hackney carriage association to produce the proposed terms of reference, shown at **Appendix 1**. The terms of reference goes into more detail about what the Council expects from the trade but also what the trade can expect from the council.

2.7 Members will note in the terms of reference document at appendix 1 that currently it is proposed that the decision about the status of a trade representative in the event their behaviour is deemed unacceptable will be considered by the Chair of the Licensing and Safety Committee and the Head of Public Protection. However, members are asked to consider whether this is clear enough or whether more detail should be included, the additional detail is as follows:

If the normal standards of behaviour as set out in this Policy are not followed by a trade representative at any time, i.e. during trade meetings, during day to day communications either in person or in writing or during supportive duties of members of the trade, the Licensing Authority will consider the removal of the individual or, in the case of a collective behaviour, of an association from being trade representatives/associations.

In most circumstances it is expected that minor breaches of the standards of behaviour set out in this policy can be dealt with informally between the Licensing Authority and the individuals concerned. However, repeated breaches of the standards or significant breaches, such as violent or aggressive behaviour and/or derogatory or abusive comments, will result in the removal of the privileges of being a trade representative or association. The following procedure will be followed where possible:

- At the time of the breach an officer from the licensing authority will inform the individual(s) that the standards of behaviour have fallen short of the expectations and give an opportunity for the behaviour to be modified informally.
- In the case of repeated breaches or a serious breach of the expected standards of behaviour – a warning letter will be sent to the individual(s) or association setting out the situation, asking for behaviour to be modified and warning that if the behaviour continues then the individual(s) will be removed from being a trade representative or the association no longer being recognised as such.
- If following a warning letter there are further breaches of the standards of behaviour the licensing authority will consider the removal of the trade representative or association.
- Following a decision of the licensing authority the individual or association will be notified in writing and the members of the trade represented by those individuals or association will be notified. The Licensing and Safety Committee will be notified of any decision at the next committee meeting.

If any trade representative or association has any complaints against the behaviour of an officer of the licensing authority it is expected that they follow the Council's complaint procedure which can be found at <https://www.kirklees.gov.uk/beta/contact-the-council/complaints-procedure.aspx>

2.8 The terms of reference have also been circulated to the newly established private hire association members and trade unions, namely, GMB, Unison and Unite for comments. GMB responded by stating that they have for some time now been promoting the GMB charter and this should be considered in line with any terms of reference to ensure there is no conflict. GMB have also been working on a constitution for private hire drivers and have provided a draft document for consideration. These documents can be found at Appendix 3 and 4.

2.9 Officers would also like to ask members to clarify the level of member involvement within the association meetings, the chair of the committee does attend, however, officers have received requests from ward councillors who do not sit on the licensing and safety committee to attend the meetings.

3. Implications for the Council

3.1 Working with People

One of the Licensing Services key priorities is to ensure that there is a raising of standards across the hackney carriage and private hire trades in order to protect the travelling public; and to ensure people are transported safely and protected from harm but in Kirklees and across West Yorkshire; and that people in Kirklees experience a high

quality, clean, sustainable and green environment, as well as improve the customer experience. The respective working groups will enable the licensing service and the trade to meet these priorities.

3.2 Working with Partners

In developing its policies, the licensing service works with a number of partners including, Kirklees Safeguarding Adults and Children's Boards, West Yorkshire Police, Public Health, Environmental Health, Community Safety Partnership, other West Yorkshire Authorities (inc York) and the hackney carriage and private hire trades, as well as many others.

3.3 Place Based Working

The proposed terms of reference are part of an ongoing review of how the service interacts, engages, and shares information with key stakeholders, such as licence holders, residents, and local communities.

3.4 Climate Change and Air Quality

There is no specific impact in the context of this report, however, the working groups will enable the licensing service, the Council's climate change team and the trade to look at any changes that may need to be made in relation to vehicle licensing and its impact on climate change and air quality.

3.5 Improving outcomes for children

The Council wants to ensure that children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm. The Council has a duty to protect the travelling public and safeguard children travelling in licensed vehicles and for the purposes of school transport. The respective working groups will enable the licensing service and the trade to improve safeguarding and address any issues relating to such.

3.6 Financial Implications of people living or working in Kirklees

There is no specific impact on the financial implications for people living or working in Kirklees in this report.

3.7 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

Legal

The principal legislation for hackney carriage and private hire licensing is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of taxi licensing is detailed in the Department for Transport "Taxi and Private Hire Licensing Best Practice Guidance" which states: "The aim of the local authority licensing of the taxi and private hire vehicle (PHV) trades is to protect the public".

Taxi and private hire vehicle licensing in England and Wales is undertaken by licensing authorities, which have the responsibility for ensuring that the public travel in safe, well-

maintained vehicles driven by competent drivers; as well as providing a fair and reasonable service for the hackney carriage and private hire vehicle trade. Council's following best practice will meet or communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistent and robust approach in decision making.

Financial

The only financial implications are in relation to the cost of officer time in preparing for, co-ordinating, chairing and minuting the meetings.

Human Resources

The co-ordination and chairing of the association meetings does impact resources within the service.

4. Next steps and timelines

4.1 If members endorse the terms of reference officers will ensure that this are put into practice as soon as practicable.

5. Officer recommendations and reasons

5.1 Members are recommended to –

- Note the report.
- Approve the proposed terms of reference at **Appendix 1**.
- Approve the proposed terms of reference at **Appendix 1** and add the addition of Section 2.7 of the report.
- Consider the charter provided by the union GMB shown at **Appendix 3** to ensure there is no conflict with the proposed terms of reference.
- Consider the GMB and Leeds Constitution shown at **Appendix 4** and decide whether to instruct officers to liaise with GMB and Leeds and other West Yorkshire authorities to try and standardise across the region.
- Delegate to officers to make any changes to the Terms of Reference in future in conjunction with the Chair of the Licensing and Safety Committee.
- Provide officers with a decision regarding member involvement at the association meetings, it is recommended that members of the committee agree to members, other than the chair of the licensing and safety committee, only being permitted to attend the association meetings at the explicit request of the trade and for observatory purposes only.

6. Cabinet Portfolio Holder's recommendations

Councillor Will Simpson supports the proposal on how officers engage with the licensed trade.

7. Contact officer

Fiona Goldsmith
Public Protection Group Leader – Licensing

01484 221000(ext 79921) or Fiona.goldsmith@kirklees.gov.uk

8. Background Papers and History of Decisions

[3. Trade Engagement - LS Report 171220.pdf \(kirklees.gov.uk\)](#)

9. Service Director responsible

Katherine Armitage
Service Director – Climate Change and Environment
Tel: 01484 221000
Email: Katherine.armitage@kirklees.gov.uk

Hackney Carriage / Private Hire Trade Representatives Terms of Reference

Trade Representatives – Kirklees Council working together with Hackney Carriage / Private Hire Trade Representatives

What are the benefits of being a trade representative?

1. You will have direct access to senior managers within the service
2. You will have access to information before it is shared with the public or wider with the trade, for example, plans of proposed developments within the authority.
3. You can help to build and maintain a good working relationship with the licensing service and the Council as a whole.
4. You can speak on behalf of the trade on the issues that really matter to you.

Role of the Trade Representatives: -

- To share the views, concerns, and ideas from the licensed trade.
- To understand the reasons behind council policies and procedures and to act as a link between the trade and the licensing department.
- To strengthen communication and feedback between key organisations and user groups (eg, West Yorkshire Police, or other groups)
- Help members of the trade with disciplinary or grievance issues including having meetings with those members of the trade and/or attending meetings with the trade members about their individual cases.
- Discussing issues that affect the trade.
- Supporting and advising members on workplace issues.
- Being responsible for collecting and collating views from the trade and reporting them accurately to licensing (including views which might not agree with the trade reps personal view).
- Assist licensing to get information out to the trade in a timely manner, for example, issues affecting the trade agendas for the meetings will be sent out a week before the meeting.
- Meet with licensing to find solutions to workplace issues.
- Provide members with information, advice, and guidance about work-related problems
- Campaign on issues that affect the trade.
- To always act in a confidential way, not sharing personal information of people being represented outside of communication with the Licensing Authority.
- Be willing to attend occasional training/advice sessions which might help the rep to better understand processes and become a more effective representative for others in the trade.

Role of the Licensing Service

- Co-ordinate meetings
- Facilitate relevant Council Officers / partner organisations to attend meetings to address matters.
- The licensing service recognises that a number of trade representatives have religious, community and work commitments and will look to arrange meetings at a time convenient to maximise all representative's participation.
- Meetings will be held at different venues across the council area to try to ensure equality in being able to attend.
- Collate the agenda and minutes and circulate 7 days prior to the association meeting.
- Communicate information to the trade associations.

- Listen to concerns and where possible find a solution that is acceptable to all parties (this may not be possible for all concerns).
- To seriously consider the concerns of the trade, but also be aware of government legislation and local policy and the standards that taxi users can reasonably anticipate
- To be able to explain and justify the reasons for decisions and policies.
- Use the meeting to facilitate conversation and engagement surrounding policy changes, both new policies and reviews of policy.

Kirklees Council recognises that the Hackney Carriage trade and the Private Hire Trade have different expectations and requirements, therefore, hackney carriage and private hire association meetings will be held separately. These meetings will be held quarterly (4 times a year) unless additional topic specific meetings are required.

Everyone involved will respect each other's position and behave politely, professionally, and constructively to find a joint solution (where possible) to any problems.

Trade meetings are expected to be carried out in a professional and business-like manner. Abusive or disruptive behaviour, such as shouting, pointing, swearing etc, will not be tolerated as this disrupts the purpose of the meeting and does not best serve the wider trade.

Procedure to appoint Associations

There can be more than one association for both hackney carriage and private hire.

A 'Trade Association' should be an organised group representing a number of individual members of the trade and should, for example, have a chair who is effectively leading the association and a number of other roles, such as deputy chair, secretary, treasurer and other members as needed. It is anticipated that 'Trade Associations' will be unincorporated associations, advise on the setting up and running of unincorporated associations can be widely found on the internet.

1. An election is held by the trade to elect a chair and a dedicated team, i.e. deputy chair, secretary and treasurer.
2. Once elected the chair is to inform licensing of the members of the association, including names and contact details for the trade representatives.
3. The association will provide details about how they hold the elections, provide a list of those trade members who they are acting for and on behalf of and evidence how they pass the information down to the trade.
4. An election is carried out every 5 years if requested by most of the trade.
5. The Chairperson can appoint trade representatives as and when needed, notifying licensing of any changes.
6. There will be a dedicated team of no more than 4 members per association who will deal directly with the licensing service and only the current association members can hold discussions on topics and make decisions on behalf of the trade when required.
7. The licensing service can require the removal of a trade representative or chairperson if their behaviour is unacceptable, and the association will not be recognised if any member does not meet the behaviour standards as set out.

N.B. if money is to change hands i.e. through membership fees or fees for advocacy, if there is any payment for association services even if this is subscriptions – there must be a treasurer and annual accounts should be provided if requested. It is also recommended that minutes or notes of Association Meetings are kept and made available if required to Licensing – this is to ensure that vital liaison between members of the trade, their association and the Licensing Service can be documented, and we can ensure the association is doing its job.

Individual Trade Representatives

It is accepted that there may be individuals who wish to represent their trade colleagues as a sole representative. Therefore, if an individual wishes to become a sole trade representative may do so, however, they will be required to be proposed and seconded by Kirklees Licensed Drivers/Operators and they will then be required to provide a list of those persons they are representing. The minimum number of people they must represent to be eligible is ten (10) members of the trade.

Communication

Communication between recognised trade representatives and officers and vice versa will be done in a polite, courteous, and respectful manner.

Communication must not be accusatory or defamatory in its nature. Any such comments will not be tolerated, and the person will be asked to apologise and withdraw the comment, whether in person or in writing. Consideration will be given to removing them as a recognised trade representative.

Where officers breach this policy, the Council has a formal complaints procedure that can be followed, further information can be found at [Complain to the council | Kirklees Council](#)

Where a recognised trade representative breaches the policy consideration will be given, to removing them as a recognised trade representative.

The decision about the status of a trade representative in the event their behaviour is deemed unacceptable will be considered by the Chair of the Licensing and Safety Committee and the Head of Public Protection.

Communication includes, but is not limited to – email, telephone, letter, or social media.

Terms of Reference Hackney Carriage and Private Hire Trade Engagement

Hackney Carriage Working Group

- Meeting involving recognised Hackney Carriage Association(s) from Dewsbury and Huddersfield.
- Meetings are to be held quarterly (Suggested).
- The meetings will be subject to a pre-set agenda, including items from the trade.
- No Member involvement as any recommendation would come before Licensing Committee.
Membership to consist of: -
 - Group Leader – Licensing (Chair),
 - Licensing Service Officers,
 - Police,
 - Fleet Services,
 - Hackney Carriage Associations,
 - GMB,
- Purpose of the meeting is –
 - for officers to provide information on prospective policy changes affecting the hackney trade,
 - for officers to provide information on wider Council policies relevant to the hackney carriage trade,
 - for the associations to feed into prospective policy changes affecting the hackney carriage trade,
 - for the associations to raise and discuss issues affecting the hackney carriage trade,
 - not to discuss individual cases

Private Hire Working Group

- Meeting involving private hire operators and recognised private hire driver representatives from Dewsbury and Huddersfield.
- Meetings are to be held quarterly (Suggested).
- The meetings will be subject to a pre-set agenda, including items from the trade.
- No member involvement as any recommendation would come before Licensing Committee.
- Membership to consist of: -
 - Group Leader – Licensing (Chair),
 - Licensing Service Officers,
 - Police,
 - Fleet Services,
 - Private Hire Operators,
 - Recognised Private Hire Driver Representatives,
 - GMB.
- Purpose of the meeting is: -
 - For officers to provide information on prospective policy changes affecting the private hire trade,
 - For officers to provide information on wider Council priorities relevant to the private hire trade,
 - For the operators and driver representatives to feed into prospective policy changes affecting the private hire trade,
 - For the operators and driver representatives to raise and discuss issues affecting the private hire trade,
 - Not to discuss individual cases.



GMB TAXI & PRIVATE HIRE FAIR LICENSING CHARTER (YORKSHIRE) 2022

There can be no doubt that the Taxi and Private Hire trade has been hit hard by the ongoing Covid Pandemic. Workers in the industry have suffered some of the highest mortality rates of any profession and morale is at an all time low.

Add to this, these *new* changes to licensing policy across the region and we are now seeing drivers in their thousands make the choice to quit the trade. This is weakening our transport infrastructure and leaving our communities with much less choice when it comes to accessing safe and *secure* journeys.

The GMB have campaigned for years for improvements to the terms and conditions of drivers and fought for a greater focus on their welfare and safety.

These people *are* our residents as well as drivers and theirs and their family's financial security and welfare have been an afterthought for far too long.

The legal precedence that the GMB fought for and won regarding driver status in the Uber Case (EAT 2017 & SC 2021) must change the approach that providers and licensing authorities should now take when it comes to developing their policies.

Driver Welfare has been no more than a passing *reference* for far too long and that is why we want local authorities and our regions mayors to support the 6 key asks in our 'Fair' Charter for these drivers and the communities they serve.

Peter Davies
GMB Senior Organiser

Sue Wood
GMB Senior Organiser

GMB YORKSHIRE & NORTH DERBYSHIRE REGION

Regional Secretary: Neil Derrick General Secretary: Gory Smith

CLIFTON HOUSE, CLIFTON ROAD, BRIGHOUSE, H06 1SL.
TEL. 0345 337 7777 FAX. 014B4 721222

REGIONAL WEBSITE www.gmbyorkshire.org.uk

UNIONLINE

YOUR TRADE UNION LAW FIRM

0300 333 0303

www.unionline.co.uk

1. Driver welfare and safety:

Drivers have suffered from the highest levels of mortality during the COVID-19 pandemic. This tragedy has been compounded by a spate of recent violence against drivers, some of it clearly racially motivated.

To make sure all Drivers have welfare and safety needs addressed, the Licensing Authority should:

- Work with GMB health and safety reps to highlight issues of driver's welfare and safety on a regular basis.
- Coordinate with police, drivers, and union members to highlight violence and racism towards drivers with an aim to stamp it out.

2. Working conditions:

All Licensing Policy should have a dedicated focus on providing the best possible working conditions for Drivers. The GMB recently secured clear rights for Drivers in the Uber case (EAT 2017 which was confirmed by the Supreme Court in 2021).

To make sure all Drivers have access to the best working conditions possible the Licensing Authority should:

- **Monitor the working time directive:** This system should **Measure Paid hours** and, if driver status is established, **paid Holidays** to ensure continued compliance.
- **Identify workers:** To successfully establish if a driver is a worker or self-employed, Licensing Authorities should implement the following survey (Appendix A). Note: worker status for the purpose of the working time directive still maintains driver independence and there remains a need to continue self-assessment etc.

3. Consultation forums:

Local authorities should establish formal consultation forums for constituted and registered drivers' representative bodies. Trade unions are independent and impartial employment experts who operate entirely in their members interests, they should be considered the benchmark organisations when licensing authorities agree such formal bodies.

These forums should:

- Have the ability and authority to call providers to attend when welfare and/or employment issues are raised by any of the 12 recognized attending bodies.
- Act as a formal conduit for all licensing matters relating to driver health and safety.

- Be consulted and able to feed into policy developments with a particular focus on fair work, clean air zones, just transition, vehicle and licence compliance, driver training and trade subsidies.

Local authorities should consider joint consultation with neighbouring local authorities consultation forums too, and have a particular focus on cross border issues that arise out of the use of weaker compliance licensing, where established.

4. Maintaining public trust & improving public safety:

A programme of training should be agreed and put in place for both driver and operator compliance and designed to improve the trade for the public and those employed within it.

Training sessions should provide drivers with a good understanding of the following areas:

- Licensing law (the basics).
- Dealing with challenging behaviour.
- Conflict resolution.
- Driver & passenger safety.
- Unconscious bias, discrimination & mental health awareness.
- Zero Carbon Transport planning for the future.

5. DisQute resolution:

Areas of dispute have the potential to stop a local taxi and private hire trade at no notice, formal ballots are not required and so protests, and stoppages can gain momentum very quickly.

These are often caused by:

- Lack of clear and consistent communication between the authority and drivers.
- Meaningful consultation around changes.

These stoppages can be avoided by:

- Implementing an agreed policy around registering where the areas of dispute arise within a Consultation Forum.
- The creation of a disputes policy and committee should be agreed and communicated by the Consultation Forum and established within its constitution.

6. Monitoring and Implementation:

To monitor the implementation of this charter; officers, councillors and unions should meet initially to devise an implementation plan which should include the following:

- Quarterly meetings between officers, councillors, and unions to assess progress.
- A regular report to the council executive.

Appendix (A)

Areas of interest in determining whether a taxi driver should have worker for the purpose of the Working Time O*

Operator	Question (to be provided by le11al dept)	Answer and evidence
	Does the operator set the level of fares, such that the driver is not permitted to charge more?	
	Are fares paid directly to the operator, from which the driver is subsequently paid by the operator?	
	Are the contract terms under which drivers provide services imposed by the operator, such that the driver has no real scope for negotiation?	
	Does the operator have the ability to control or restrict the driver's choice over which jobs to accept?	
	Does the operator control the information which is provided to the driver?	
	Does the operator monitor the rate of acceptance and/or cancellation of trips by the driver, and impose penalties for cancellation and/or non-acceptance?	
	To what extent does the operator exercise control over how the driver delivers their services? For example, is the driver required to operate under the operator's branding? Are they required to wear uniforms designated by the operator? Are they required to follow routes which have been designated by the operator? Are they required to interact with customers in prescribed ways?	
	Does the operator restrict communications between the driver and customers, such that the drivers are prevented from developing commercial relationships with customers outside of their contractual relationship with the operator?	
	Does the operator deal with customer complaints against drivers, and are they able to impose sanctions against drivers in respect of such complaints?	
	Is the driver required to provide his own personal services to the operator, or can she/he provide a substitute for those services?	

We, the undersigned, support this GMB Charter.

LEEDS PRIVATE HIRE DRIVERS' FORUM CONSTITUTION

This constitution is agreed on 1st December 2022 between the Taxi and Private Hire Licensing service of Leeds City Council and the following organisations:

GMB Trade Union Leeds Private Hire Drivers Organisation

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

The Taxi and Private Hire Licensing service (TPHL) recognises it is beneficial for drivers to join an appropriate trade or professional body. It believes that fully representative organisations lead to good trade relations and therefore encourages drivers 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 service. 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.

1 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.

2 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, names to be notified to the Management Support Officer at TPHL by the secretary or chairman of the trade body or association). In the event of more than two representatives attending the meeting, the secretary or chairman to determine who will attend the meeting and who should leave; 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 Taxi and Private Hire Licensing before the meeting commences.

3 Criteria for Recognition

A Trade or Professional Organisation may apply to the council for recognition under this document by submitting a letter to Taxi and Private Hire Licensing which includes: -

A written constitution which includes details on: **-(GMB rule**

book covers below)

- how a person may seek membership;
- **Has a monthly subscription based membership.**
- how officers who may represent the trade in meetings with the council 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; and
- A list of elected officers.

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 feedback views and issues to and from them.

An application can be challenged by an existing member of the forum prior to acceptance and any disagreement here must be resolved prior to acceptance.

Any refusal to recognise a body or association will be given in writing, accompanied by reasons for the refusal. These reasons may include a body or association having too few members, below 50, or lacking evidence of trading successfully for five years or more.

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, names of chairman and/or secretary, names of officers, and a complete list of members to Taxi and Private Hire Licensing on an annual basis, such as after its annual general meeting. 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. (GMB cannot provide a full list of its members due to GDPR & members preference, but the GMB Officer can provide a letter confirming compliance).

4 Meetings of the Forum

Meetings of the Taxi and Private forums will take place every four months (or as frequently as business demands). 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 Chair of the Licensing Sub-Committee or Manager of the Taxi and Private Hire Licensing service or another appropriate 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.

5 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.

6 Avoidance and Resolution of Disputes

Taxi and Private Hire Licensing 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.

(A dispute resolution / failure to agree procedure has yet to be agreed and could be attached as an appendix).

7 Review of the Operation of the Constitution

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

Names of officers signing this constitution:

Name	Organisation