

## **CONSULTATION WITH THE TAXI TRADE**

### **Summary**

1. This report presents a petition from members of the taxi trade seeking a review of the council's policy for consultation with the trade. The report sets out the existing policy asking members if they wish to review their policy for consultation with the hackney carriage and private hire trades.

### **Background**

2. On 2<sup>nd</sup> February 2001 at the meeting of the Chief Officer in consultation with the Executive member for Planning, Transport and the Environment, the following policy was adopted for consultation with the trade on hackney carriage matters:

“That for the purposes of consultation on hackney carriage matters, the City of York Council recognised the York Taxi Owners and Drivers' Federation and the York Taxi Proprietors' Association as representing the general and business interests of the hackney carriage trade and any other formally constituted group which represented 10% or more of hackney carriage owners, owner drivers or drivers subject to proof of Membership.”

3. Since that date the York Taxi Owners and Drivers' Federation and the York Taxi Proprietors' Association have ceased to exist. Officers have, however, applied the 10% representation standard to successor organisations representing the hackney trade and also extended the same to the private hire trade.
4. The hackney trade is currently represented by the Independent Taxi Association (ITA) and the York Hackney Carriage Drivers' Association (YHCDA). The private hire trade is represented by the York Private Hire Association (YPHA).
5. Officers liaise with the trade through these organisations by way of bi-monthly meetings and bespoke consultations on specific issues. In addition, the minutes of those meetings are now published on the Council's website for all to see. Officers produce newsletters which are circulated to all drivers/owners when significant messages are required to be distributed to the trade generally. For certain functions, such as setting of taxi fares and licence fees, there is a

statutory requirement for notices to be published in the local newspaper.

6. However, for some time officers have received comments from individual members of both the hackney carriage and private hire trades that they do not know what is going on and do not feel represented. Officers have advised of the council policy on representation but it would seem many individuals do not want to join any of the representative bodies.
7. On 15<sup>th</sup> December 2010 a petition was handed into the council signed by 101 members of the hackney carriage trade stating their dissatisfaction with the current arrangements for consultation within the hackney carriage trade. This was accompanied by a letter signed by one member. A copy of the petition and covering letter can be found at Annex 1.
8. In order to clarify the specific request being made, the Head of Service exchanged email correspondence with the author of the covering letter. That email exchange is attached at Annex 2.
9. The current make up of the hackney carriage and private hire trades is as follows:

Hackney Carriage Vehicles	179
Hackney Carriage Drivers	309
Private Hire Vehicles	570
Private Hire Drivers	602
Private Hire Operators	77

It should be noted that some vehicle owners are also drivers and, in the case of private hire, some are also operators.

## **Consultation**

10. As a result of these representations the current trade organisations have been asked their views on consultation between the council and the hackney carriage and private hire trades. Their responses will be available to members at the meeting.

## **Options**

11. Option 1: To maintain the existing policy for representation and consultation with the hackney carriage and private hire trades.

Option 2: To adopt an alternative policy for consultation with the hackney carriage and private hire trades.

## **Analysis**

12. In order to formulate policy it is recognised as good practice for consultation to have been undertaken with stakeholders. In many cases the effectiveness of consultation procedures have been examined in courts of law where challenges have been made to licensing policies and conditions.
13. It is recognised in many spheres of life that representation of larger groups is undertaken by representatives usually elected in some way by the majority. This is the case with the taxi associations. Officers request trade organisations submit their constitution and that they update details of membership and the composition of any committee. The council is not in a position to interfere with internal communications within those organisations.

## **Corporate Strategy**

14. Good customer consultation will assist the council in delivering its services and improving organisational effectiveness.

## **Implications**

15. **Financial:** Any costs of consultation will be met out of the taxi licensing account.

**Human Resources (HR):** None.

**Equalities:** None.

**Legal:** Proper consultation prior to the implementation of any new policy will mitigate against any successful legal challenge to that policy.

**Crime and Disorder:** The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authorities responsibility to co-operate in the reduction of crime and disorder in the city.

**Information Technology (IT):** None.

**Property:** None.

**Other:** None.

## **Risk Management**

16. In compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

## Recommendation

17. That members approve option 1 as a means of consulting with the taxi trade and encourage all those persons not in an association to either join an existing one or consider the formation of a new organisation which will better represent their needs.

Reason: To enable the council to effectively communicate with the taxi trade in matters relating to licensing matters.

## Contact Details

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### Chief Officer Responsible for the report:

Steve Waddington  
Assistant Director  
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Report  
Approved



Date

20<sup>th</sup> December 2010

### Specialist Implication Officer:

Martin Blythe  
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Wards Affected:

All

For further information please contact the author of the report

## Background Papers

Report of the Assistant Director (Environmental Regulation) in consultation with the Executive Member for Planning, Transport and The Environment dated 2<sup>nd</sup> February 2001.

## Annexes

Annex 1 – Petition and covering letter received 15<sup>th</sup> December 2010.  
Annex 2 – Email correspondence with petitioner.