

Subject: Application by Peter James Durkin to be recognised by the Committee as a representative of taxi drivers & other representatives

Status: For Publication.

Report to: Licensing Committee **Date:** 28th November 2006

Section Head: Head of Legal & Democratic Services **Report Author:** Susan Chadwick

Portfolio Holder: Leader of the Council **Key Decision:** No

APPLICANT : PETER JAMES DURKIN

OTHER REPRESENTATIVES : MRS A KENYON (HASLINGDEN TAXI ASSOCIATION)
MR J BACK (ROSSENDALE TAXI ASSOCIATION)

1. PURPOSE OF REPORT

- 1.1 To inform members of the request by a Peter James Durkin, a licensed Hackney carriage driver with Rossendale Borough Council be recognised by this Committee to speak on behalf of licensed hackney and private hire drivers who are not affiliated to the two taxi associations currently recognised.
- 1.2 To inform members of the status of information received from other representatives currently recognised by the Licensing Committee.
- 1.3 To request that Committee consider this application and consider whether the other representatives should continue to be formally recognised by the Licensing Committee.

2. RECOMMENDATIONS

- 2.1 It is recommended that the applicant and other representatives are not formally recognised by the Licensing Committee until such time as the required documentary evidence is produced for consideration.

3. BACKGROUND

- 3.1 At the Licensing Committee meeting held in October 2006, a report was presented to the Committee regarding an application by Mr Peter Durkin who wished to be recognised by the committee as a representative of the owner drivers who are not affiliated to the two established and recognised Associations. This report is appended at Appendix A.
- 3.2 Based on that report, the Committee deferred the decision to the November meeting in order that Mr Durkin and the other representatives could provide the Committee with proof that they represent, in a democratic manner, a significant group of drivers.

- 3.3 All representatives were requested to produce the information required by the Committee in order that members could be assured that the trade are fairly and accurately represented.
- 3.4 It is therefore not unreasonable to require further and updated information regarding the constitution and membership of the Associations.
- 3.5 Mr Durkin has indicated that he does not represent other drivers and appears to have the Lumb Scar situation in focus as the only reason for wanting to address the committee.
- 3.6 Mr Durkin has been advised of the Committee's requirements and is satisfied that he will attend committee meetings as normal without being formally recognised as an Association and trade representative.
- 3.7 Mrs Kenyon has not provided the evidence required by the Committee. Mrs Kenyon last submitted information relating to the Haslingden Taxi Association in March of 2004. This is appended at Appendix B.
- 3.8 This documentation does not provide clarity to members of the Association's membership and therefore, the committee cannot be satisfied that the trade are fairly represented.
- 3.9 Mr Back has not provided the evidence required by the Committee and has indicated that the Rossendale Taxi Association will hold its next AGM in February of 2007. Mr Back has indicated that he will approach the committee after the AGM with a view to applying for formal recognition by the Licensing Committee.
- 3.10 Mr Back last provided documentation regarding the Rossendale Taxi Association in January of 2006. This is appended at Appendix C.
- 3.11 This documentation does not provide clarity to members of the Association's membership and therefore, the committee cannot be satisfied that the trade are fairly represented. The information provided does not also reflect the manner in which the representatives were elected and the functions of the elected people. If the Association had a legal status or were a statutory body, the same person would not be permitted to act as Secretary and Treasurer.
- 3.12 Mr Back and Mrs Kenyon have verbally indicated that they will not provide any written documentation to support their assertion.
- 3.13 Until members obtain clarity on the information sought from the trade representatives, all current recognition of the Associations and representatives should cease. Members are respectfully reminded that all sectors of the public have access to committee reports, agendas, meetings and minutes as provided for by the Access to Information Procedure Rules as contained within the Council's Constitution.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1. It is fair and proper that the interests of hackney carriage and private hire drivers are represented at meetings and it is important to the Committee that they are able to hear the views expressed. However, it is equally important that the Committee are satisfied that those representatives have been democratically chosen and really do represent the views of drivers.

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Appendices	
Document	Place of Inspection
October report to Licensing Committee	Appendix A
Correspondence from Mrs A Kenyon	Appendix B
Correspondence from Mr J Back	Appendix C