



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

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Text Relay Prefix your telephone number with 18001

31 August 2017

### LICENSING COMMITTEE

A meeting of the **Licensing Committee** will be held at **10.00 am** on **Monday 11 September 2017** in **The Olympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: Chris Ward; [cward@aylesburyvaledc.gov.uk](mailto:cward@aylesburyvaledc.gov.uk);

**Membership:** Councillors: J Brandis (Chairman), M Hawkett (Vice-Chairman), A Huxley, S Lambert, T Mills, L Monger, S Morgan, G Powell, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

### AGENDA

**1. APOLOGIES**

**2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

**3. MINUTES** (Pages 3 - 6)

To approve as a correct record the Minutes of the meetings held on 15 and 17 May 2017.

**4. DECLARATIONS OF INTEREST**

Members to declare any interests.

**5. INTRODUCTION OF AN ENGLISH LANGUAGE AND KNOWLEDGE TEST FOR TAXI DRIVERS** (Pages 7 - 8)

To consider the attached report.

Contact Officer: Peter Seal (01296) 585083

**6. COUNCIL'S LIMITATION POLICY IN RESPECT TO AYLESBURY TOWN** (Pages 9 - 10)

To consider the attached report.

Contact Officer: Peter Seal (01296) 585083



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# Public Document Pack Agenda Item 3

## Licensing Committee

15 MAY 2017

**PRESENT:** Councillor J Brandis (Chairman); Councillors M Hawkett (Vice-Chairman), A Huxley, T Mills, G Powell, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

**APOLOGIES:** Councillor P Cooper

### 1. TEMPORARY CHANGES TO MEMBERSHIP

There were none.

### 2. MINUTES

RESOLVED –

That the minutes of the meeting held on 6 March 2017 be approved as a correct record.

### 3. EXISTING TAXI LICENSING LOOPHOLE RELATING TO POTENTIAL UNFIT DRIVERS CONTINUING TO OPERATE

The Licensing Manger reported on a loophole in taxi licensing that potentially allowed unfit drivers to continue to operate as Public Service Vehicle (PSV) drivers.

Any private hire vehicle that is capable of carrying 9 or more passengers required the driver to have a PSV Licence obtained through the Driver and Vehicle Standards Agency (DVLA).

Each licensing regime was different and reflected the relative potential risk that each posed to the travelling public. Public Service Vehicles would be expected to carry a number of passengers, whereas private hire vehicles and hackney carriages routinely carried lone passengers.

Many private hire operators also operated public service vehicles legitimately and in accordance with the conditions of their licences.

However, it was noted that there was anecdotal evidence that some drivers who had been refused a licence to operate a taxi or private hire vehicle or whose licence had been revoked could obtain a Public Service Vehicle Licence and then continue to operate in the same area.

Andrew Jones, MP had written a letter to the Chair of the Local Government Association's Safer Stronger Communities Board, Councillor Simon Blackburn, on 28 February 2017. An extract of his letter was attached as an appendix to the report. The extract from the letter had been circulated to all licensed operators in March 2017 and comments invited. There had been only 1 response but it did not address the introduction of the condition.

His letter had been in response to concerns raised around the existing taxi licensing loophole and had proposed that Licensing Authorities impose an additional condition to private hire operators licences as set out below:-

*"Except in circumstances described below, bookings received by the licence holder must be fulfilled by using a private hire vehicle licensed driver and a licensed private hire vehicle.*

*Where private hire vehicle operators also hold a public service vehicle operator's licence, public service vehicles should not be used to fulfil bookings except with the informed consent of the hirer. For example, if a member of the public contacts a private hire vehicle operator and seeks a booking for a party of fewer than nine passengers it cannot be reasonable to assume that the public service vehicle is required unless there are other factors e.g. a large amount of baggage, or a need for a wheelchair accessible vehicle which would not otherwise be available. If there is good reason to use a public service vehicle for a booking for fewer than nine passengers, the difference in licensing requirements should be explained and explicit consent obtained."*

Members enquired that if a breach was found would the enforcement be against the operator or the driver and it was confirmed that it would be against the operator. Members also asked about whether the council kept a register of PSV vehicles, whether they came under the same amount of scrutiny as other taxi/private hire vehicles and whether there was a difference with PSVs used for school runs etc.

It was confirmed that there was the same amount of legislation being applied to PSVs, however as a number of children would be carried on school runs they would be seen to be less vulnerable than sole passengers.

RESOLVED –

That the condition as outlined above and in paragraph 3.5 of the officer's report be introduced as a standard condition to be attached to Private Hire Operator Licences.

## **LICENSING COMMITTEE**

**17 MAY 2017**

**PRESENT:** Councillors Brandis, Hawkett, Huxley, Lambert, Mills, Monger, Morgan, Powell, Renshell, Russel and Sir Beville Stanier Bt (ex-Officio)

### **1. ELECTION OF CHAIRMAN**

RESOLVED –

That Councillor Mrs Brandis be elected Chairman of the Committee for the ensuing year.

### **2. APPOINTMENT OF VICE CHAIRMAN**

RESOLVED –

That Councillor Hawkett be appointed Vice-Chairman of the Committee for the ensuing year.

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Licensing Committee  
11 September 2017

## REPORT ON THE INTRODUCTION OF AN ENGLISH LANGUAGE AND KNOWLEDGE TEST FOR TAXI DRIVERS.

### Purpose

- 1.1 To seek the authorisation of Licensing Committee to introduce a functional English language test and knowledge test for taxi drivers.

### 2 Recommendations/for decision

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|---|
| <ol style="list-style-type: none"><li>2.1 To introduce a functional English language test and a knowledge test for all new and existing hackney carriage and private hire drivers; and</li><li>2.2 To authorise the Principal Licensing Officer to agree and confirm the content of such tests.</li></ol> |
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### 3 Supporting information

- 3.1 In March earlier this year, as part of a report relating to the significant impact of the Deregulation Act Members of Licensing Committee agreed that a functional English language test be introduced for all hackney carriage and private hire drivers; and that officers explore the introduction of a knowledge test. Both of these are pre-requisites of most of the Vale's neighbouring authorities and therefore might explain the significant increase in driver applications from drivers who do not reside in the Vale.
- 3.2 The testing of English language and a limited topographical test were also one of a number of recommendations of a recently published report from an All-Party Parliamentary Group on Taxis.
- 3.3 Officers have been investigating existing and other available tests. As applications are completed on-line, something few other authorities have yet to develop the guiding principle has been to find a test that can be delivered by a reliable third party. An applicant would then be expected to submit a satisfactory certificate of completion with their application. The same principle applies currently with taxi driver training. All drivers are required to arrange testing with a nominated company at their own convenience and expense and submit a completion certificate with their application.
- 3.4 Officers have had discussions with a company who offer an electronic knowledge test. The test will cover geography of the Vale including routes and points of interest and basic maths and English. It will also include basic knowledge of expected behaviour standards translated from standard conditions of licences. The software can also provide e-learning on safeguarding and officers are currently investigating its viability.
- 3.5 The licensing service can set the number of questions generated from each category, pass rates and time limits. Each test will randomly generate questions from a pool from each category based on our parameters. No two drivers will take the same series of questions. The questions are multiple choice with one correct answer and 3 incorrect answers. The cost per driver is currently £30, although given the economies of scale there may be room for negotiation.
- 3.6 Officers will need to develop the content of the software and possibly test it on a sample of existing drivers. Members are not expected to agree the detailed content of the test but authorise its introduction. Once fully developed and prior to implementation officers would happily demonstrate it to Members. In any event a progress report will be brought back to Licensing Committee.

**4 Options considered**

4.1 None

**5 Reasons for Recommendation**

5.1 Recommendation based on previous Licensing Committee decision.

**6 Resource implications**

6.1 Cost of testing will be met by taxi trade.

Contact Officer  
Background Documents

Peter Seal (01296) 585083  
None

Licensing Committee  
11 September 2017

## REPORT ON THE COUNCILS LIMITATION POLICY IN RESPECT TO AYLESBURY TOWN

### 1 Purpose

- 1.1 For Members to agree to defer an unmet demand survey in respect to the Council's hackney carriage limitation policy for Aylesbury town.

### 2 Recommendations/for decision

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|--|
| 2.1 For Members to agree to defer carrying out an unmet demand survey in respect to the Council's hackney carriage quantity control policy for Aylesbury town centre until Spring 2018 for the reasons set out in paragraph 3.5. |
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### 3 Supporting information

- 3.1 The number of hackney carriages (taxis) serving Aylesbury town is limited to 50. They are identifiable as black, purpose built taxis displaying a white plate on the rear. Outside the town in the rural district the Council do not limit the number of taxis and at the time of writing this report there are 10 white purpose built taxis displaying a red plate on the rear.
- 3.2 Section 16 of the Transport Act 1985 permits the Council to limit the number of taxis in respect of which licences are granted, if but only if the Council is satisfied that there is no significant demand which is unmet.
- 3.3 According to the Department for Transport Taxi and Private Hire Licensing: Best Practice Guidance dated March 2010, licensing authorities are encouraged to review quantity restriction policies every three years. The Department regards no quantity restrictions as best practice but acknowledges that ultimately what matters is what is in the interests of the taxi travelling public. This involves balancing the benefits and disadvantages of continuing to limit against those for removing it. So whilst the legal requirement to maintain a quantity restriction is unequivocally based on unmet demand, once established Members can also consider what is in the interests of the taxi travelling public.
- 3.4 The last full and detailed review was carried out in 2014 and agreed in 2015. The survey concluded that there was no significant unmet demand. If the Department for Transport Best Practice was to be strictly applied demand should be surveyed this year (2017). The last report acknowledged that the white plated taxis 'operate a well coordinated and controlled trade organisation. They own a licensed operator company which accepts telephone bookings as well as rank hires. The organisation monitor the location of drivers and assign drivers to ranks to cover demand'. The report further stated 'the presence of such an organisation can provide a greater public benefit than if the trade comprised of solely owner drivers without a collective approach to the trade'.
- 3.5 In March this year Members agreed for the hackney carriage vehicle specification to be revised to enable the trade to choose from a wider range of accessible models. This revised specification has only recently been agreed and it is hoped that the trade will take the opportunity to replace older vehicles and renew and freshen the Aylesbury town hackney carriage fleet. A fleet of new vehicles would have clear advantages to the taxi travelling public and ought to be taken into consideration, in addition to demand when the survey

is eventually carried out. It is therefore proposed that the survey is deferred until Spring 2018 to give the trade the opportunity of replacing vehicles.

**4 Options considered**

4.1 None.

**5 Reasons for Recommendation**

5.1 In order to maintain a quantity restriction in respect to hackney carriages for the town of Aylesbury the Council are required to carry out an unmet demand survey.

**6 Resource implications**

6.1 The cost of the survey will be covered by income from taxi licensing fees.

Contact Officer                      Peter Seal (01296) 585083  
Background Documents