



Licensing Committee agenda

Date: Wednesday 30 June 2021

Time: 6.30 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF

Membership:

D Barnes, J Baum, R Gaster, T Green, P Griffin, C Jones, N Rana, J Rush, N Southworth, B Stanier Bt, D Town, G Wadhwa, H Wallace (Chairman), D Watson and A Wood

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To approve as a correct record the Minutes of the meeting held on 14	

April and 26 May 2021.

Part A - Statutory Functions

None.

Part B - Other Licensing Functions

5	Taxi and Private Hire Vehicle Drivers: English language assessment	9 - 22
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Licensing Committee minutes

Minutes of the meeting of the Licensing Committee held on Wednesday 26 May 2021 in Main Sports Hall, Stoke Mandeville Stadium, Guttman Road, Aylesbury, HP21 9PP.

Members present

D Barnes, J Baum, T Green, C Jones, Z Mohammed, N Rana, J Rush, N Southworth, B Stanier Bt, D Town, G Wadhwa, H Wallace, D Watson and A Wood

Agenda Item

1 Apologies

Apologies were received from Councillor R Gaster and Councillor P Griffin.

2 Election of Chairman

Resolved: that Councillor H Wallace be elected Chairman for the ensuing year.

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Buckinghamshire Council

Licensing Committee



Minutes

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON WEDNESDAY 14 APRIL 2021 IN VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.41 PM

MEMBERS PRESENT

C Jackson, S Renshell, D Barnes, M Hussain JP, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, J Read, J Rush, N Southworth, B Stanier Bt and H Wallace

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor G Powell.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 23 March 2021 were agreed as an accurate record.

4 TAXI AND PRIVATE HIRE LICENSING FEES AND CHARGES

Councillor J Rush joined the meeting at 6.40pm

The Committee received a report which sought approval for the proposed taxi and private hire licensing fees and charges, as set out in appendix 1 of the report, for consultation purposes and statutory advertising requirements.

At the last meeting on 23 March, the Committee received a report on taxi and private hire licensing fees and charges and subsequently asked that the report be updated with additional information prior to the Committee making a decision on whether to approve the proposed fees and charges for consultation and statutory advertising purposes. More information to explain how the proposed fees and charges levels had been arrived at was contained in paragraphs 2.15 to 2.20 of the report.

As a result of unitarisation, the Licensing Service was going through a service improvement process under the Better Buckinghamshire programme, which would result in the legacy district council area licensing teams being brought together into a single licensing service for Buckinghamshire. A single taxi licensing team would be in place prior to the implementation of the new Buckinghamshire Council Taxi and Private Hire Licensing Policy, which was currently scheduled for the 6th September 2021. A new single online digital application process for taxi licensing was also in development and would be implemented alongside the new Policy. This

would ensure that applicants were able to access and receive the service in the same way across the whole of the Buckinghamshire area and would have their applications processed in a single back office system to consistent service standards. The proposed fees had been costed based on the developing new team structure, processes and digital solutions to ensure that they, as far as possible, reflect the cost of this new harmonised approach.

In arriving at the proposed fee levels, officers considered the steps required for each licence type in order to process, validate, review, and grant or refuse a licence including external cross-check requirements such as Disclosure and Barring Service checks, knowledge tests and mechanical vehicle checks.

The new Buckinghamshire Council Taxi and Private Hire Licensing Policy implements the Statutory Taxi and Private Hire Vehicle Standards, which were introduced in July 2020 by the Department for Transport and aim to protect children and vulnerable adults from exploitation. Councils must have regard to these new standards and it was expected that they would be adopted unless there was compelling local reason not to do so. The Standards and Policy introduce a number of new requirements for existing and new drivers including an enhanced check with the Disclosure and Barring Service (DBS) every 6 months during the duration of each 3-year licence, English language testing for new and existing drivers, safeguarding training for new drivers and operators and refresher training for existing drivers. In addition, operators must submit annual Basic Disclosure Certificates from the DBS. The proposed fees reflected the additional resource and associated costs that were considered necessary within the licence application processes and during the duration of the licence to deliver these requirements. Case law judgments indicate that Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety.

A benchmarking exercise had been carried out of current fee levels charged by 12 neighbouring local authority areas and this was attached as Appendix 2 to the report. The majority of local authorities included in this benchmarking exercise had not yet reviewed their fees following the introduction of the Statutory Standards in July 2020 and it was considered reasonable to assume that they might increase fee levels at the point that they carry out fee review given that licensing authorities must adopt the new standards and associated workload activity unless there was compelling local reason not to do so. Despite this, benchmarking indicates that the proposed fees for Buckinghamshire remain lower for vehicles and operators than almost all of its neighbouring authorities and that the proposed fees for drivers were in the mid-range of fees currently charged.

A comparison of the proposed and existing taxi licensing fees was provided at Appendix 1 of the report and set out the proposed fees against the comparative licence fees currently charged in the legacy district council areas under the four existing Taxi Licensing Policies. Also provided was the related percentage increase or decrease between the existing fee by area and the proposed fee.

Members were invited to ask questions of officers. In response to a question regarding what the Committee was being asked to decide upon, officers advised that the Committee were being asked to agree the proposed fees and charges for consultation purposes and that the trade would be consulted with as part of the consultation process. The results of the consultation would then be reported back to the next meeting of the Licensing Committee so that the Committee could make a decision on whether any amendments needed to be made to the proposed fees based on the results of the consultation.

With regard to the granting of a 1-year operator licence, officers explained that the granting of a 1-year licence was an exception rather than the norm and that operator licences were usually granted for 5 years. In exceptional circumstances, the Council might grant a 1-year operator licence at its discretion, but this would not normally be the case. The cost of administering and granting a licence was associated with the activities and processes that have to take place and therefore a one-year licence for a one vehicle operator was less cost effective than a 5-year licence where the associated ongoing costs to the Council were far lower for a smaller business. It was noted that historically around 20-25% of operators in the Wycombe, Chiltern and South Bucks area had opted for a one-year licence.

In response to a question regarding how officers had considered the steps required for each licence type when arriving at the proposed fee levels, the Committee were advised that a time estimate of activity required at each step had been carried out based on an understanding of the existing processes and digital systems currently in place and this had been combined with the digital development work underway with the Council's software providers. This information had then been considered in relation to historical application volumes, pre-Covid-19, for each licence type as well as staffing costs, direct and indirect costs associated with the taxi licensing service to arrive at the proposed fee levels. Officers also confirmed that the methodology and approach used, as well as costings, had input and oversight from Business Partner colleagues in the Council's finance team.

In response to a concern raised regarding some of the proposed increases to current fees given the challenges which businesses had been facing during the pandemic, officers advised that the Council appreciated that it had been a difficult time for the trade and that it had tried to support the trade as much as possible with advice, guidance and flexibility during the pandemic. The Council had continued to pay its operators for all of its school contracts throughout the entire covid period. Officers had also flagged and signposted the trade to government grants which were available.

In response to a comment made that some companies had lost drivers due to the introduction of the English language test, officers explained that the requirement to take the test had not been introduced yet as the policy did not come into effect until September. When the new policy did come into effect, drivers would have a year to take the test and it would only be on renewal so some drivers could have 3 or 4 years before they had to take the test.

With regard to the benchmarking exercise, which had been carried out of current fee levels charged by 12 neighbouring local authority areas, it was noted that, as far as officers were aware, only Wokingham had reviewed their fees so far this year.

Following a query, officers confirmed that the Council could not consult on a range of fees and was required by legislation to consult on exact figures. In response to a question regarding the setting of fee levels and covering the cost of the service, officers explained that Councils were required to take a reasonable and proportionate approach and should aim to set a fee level that would be sufficient to cover the cost of the administration of the various licences but not make a surplus.

Officers reiterated that the proposed fees reflected the additional resource and associated costs that were considered necessary within the licence application processes and during the duration of the licence to deliver the requirements of the new Statutory Standards, which were introduced in July 2020 by the Department for Transport.

Members agreed that the fees and charges should be reviewed annually by the Licensing Committee for the first two years, rather than on a rolling three-year basis as was proposed in the report, thus affording the opportunity to reconcile any surplus or deficit accrued.

It was thus proposed by Cllr Renshell, seconded by Cllr Wallace and on a vote being taken **resolved**

That the proposed fees and charges set out at appendix 1 be agreed for consultation purposes and statutory advertising requirements.

5 DATE OF NEXT MEETING

The provisional date of the next meeting is 30 June 2021 at 6.30pm



Report to Licensing Committee

Date: 30th June 2021

Title: Taxi & private hire vehicle drivers: English language assessment

Author: Simon Gallacher, Principal Licensing Officer (Aylesbury Vale area)

Recommendations:

1. To note and comment on the licensing service's proposed arrangements to ensure all licensed taxi and private hire drivers meet the English language requirements stipulated in the council's new Taxi and Private Hire Licensing Policy.
2. To agree the proposed minimum assessment level of B1 on the Common European Framework Reference of languages (CEFR).

1. Introduction

- 1.1 The principal reason for assessing drivers' standard of English language skills is to ensure that they can converse effectively, particularly in emergency situations and where there are safeguarding concerns. The ability to converse effectively in English also helps avoid job related misunderstandings such as wrong directions, fare disputes, collecting the wrong customer and misunderstanding a customer's assistance needs. In accordance with new national statutory, which focus on safeguarding passenger safety, all licensed taxi and private hire drivers are expected to possess proficient English language skills.

2. Background

Statutory Standards

- 2.1 In accordance with the Policing and Crime Act 2017, the Department for Transport published the "Statutory Taxi & Private Hire Vehicle Standards" ("standards") in July 2020. There is evidence nationally that the use of taxis and private hire vehicles has been associated with harm to children and vulnerable adults. The aim of the statutory standards is to safeguard travelling passengers from the risk of abuse and exploitation. Councils have a legal duty to have regard to these standards and it is expected that they are adopted unless there is compelling local reason not to.

- 2.2 The possession of proficient English language skills by drivers has been identified as a key factor in addressing safeguarding concerns. The standards contain the following recommendation with respect to language proficiency:

“A lack of language proficiency could impact on a driver’s ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

A licensing authority’s test of a driver’s proficiency should cover both oral and written English language skills to achieve the objectives stated above.” (paragraphs 6.14-6.15)

- 2.3 Furthermore, the standards make it clear that any change to the licensing requirements should be applied retrospectively to existing licence holders and state the following:

“Any changes in licensing requirements should be followed by a review of the licences already issued. If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.” (paragraph 3.14).

Buckinghamshire Council Policy

- 2.4 On 24th February 2021 the Council resolved to adopt the new Taxi and Private Hire Licensing Policy (“policy”) for Buckinghamshire Council. The new policy will take effect from 6 September 2021 and contains the majority of the recommended statutory standards.

- 2.5 With respect to English language proficiency the policy is as follows:

“All licensed taxi and private hire drivers are expected to be able to speak, understand and read English, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. You will also need to be able to follow instructions or directions from passengers and be able to identify and report situations where there may be safeguarding concerns about a passenger.

As a result, and in line with the Statutory Standards, you are required to undertake an assessment of your communication skills (for which an additional fee will be payable) unless you can provide evidence that you have previously completed an English-language qualification at an acceptable level.

Existing drivers who have not previously taken this assessment will be required to take and pass it. From 12 months after the date of the implementation of this policy, if you have not passed the assessment criteria the Council is unlikely to renew your licence until you have done so.” (paragraph 3.7).

3. Recommended approach

Timescales

- 3.1 Once the new Policy is implemented, drivers will have a minimum period of 12 months to demonstrate that they meet the council’s required standard of language proficiency. After this time, drivers who have not demonstrated that they meet the required standard will be unable to renew their licence. Drivers licences are issued for three years, so depending on the expiry date of their current licence, drivers will have up to four years to pass the assessment.

Level of proficiency

- 3.2 The statutory standards do not specify a level of language proficiency. It is clear from the standards that drivers are expected to be able to read and understand documents relating to safeguarding matters. Furthermore, drivers are expected to be able to hold conversations and understand what is being said by passengers in order to identify indicators of concern. Whilst basic English language skills are essential for job related functions such as understanding directions and discussing fares, the standards require language skill levels to a higher level.
- 3.3 The Common European Framework of Reference for languages (CEFR,) published by the Council of Europe, is an internationally recognised scheme that describes language proficiency in terms of one of six levels. The various levels can be summarised as follows:

PROFICIENT USER C2	Can understand with ease virtually everything heard or read. Can summarise information from different spoken and written sources, reconstructing arguments and accounts in a coherent presentation. Can express him/herself spontaneously, very fluently and precisely, differentiating finer shades of meaning even in more complex situations.
PROFICIENT USER C1	Can understand a wide range of demanding, longer texts, and recognise implicit meaning. Can express him/herself fluently and spontaneously without much obvious searching for expressions.

	Can use language flexibly and effectively for social, academic and professional purposes. Can produce clear, well-structured, detailed text on complex subjects, showing controlled use of organisational patterns, connectors and cohesive devices.
INDEPENDENT USER B2	Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.
INDEPENDENT USER B1	Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. Can deal with most situations likely to arise whilst travelling in an area where the language is spoken. Can produce simple connected text on topics which are familiar or of personal interest. Can describe experiences and events, dreams, hopes & ambitions and briefly give reasons and explanations for opinions and plans.
BASIC USER A2	Can understand sentences and frequently used expressions related to areas of most immediate relevance (e.g. very basic personal and family information, shopping, local geography, employment). Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar and routine matters. Can describe in simple terms aspects of his/her background, immediate environment and matters in areas of immediate need.
BASIC USER A1	Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. Can introduce him/herself and others and can ask and answer questions about personal details such as where he/she lives, people he/she knows and things he/she has. Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.

3.4 Based on the above summaries, it is proposed that the basic user levels A1 and A2 would be insufficient to meet the council's requirements. These levels may be sufficient for drivers carrying out routine functions, in familiar settings, but do not reflect the ability to understand subject matter of a more complex or unfamiliar nature. To meet the council's passenger safety and safeguarding requirements

drivers need to be able to understand and report such things as conversations which are inappropriate or to reference matters of concern.

3.5 Historically only the Aylesbury Vale area of Buckinghamshire Council has conducted routine formal English language assessments on drivers prior to accepting a licence application. At the time of implementation in 2019, the former Licensing Committee approved the introduction of the Versant automated telephone based test system (see 3.16 for further explanation). It was agreed that the pass criteria would be 56 out of 80 on the Versant scoring range which equates to the threshold of a B1/B2 user on the CEFR scale. This level was set based on consideration of the above user summaries and consultation with other local authorities using the same system. Drivers scoring 50 or more are able to appeal and a senior officer will listen to the open question element of the test and make an assessment on whether they deem the candidate’s English language sufficient.

3.6 The Councils current supplier, Pearson, have considerable experience delivering English language testing using the Versant system. Over 1 million Versant English tests are conducted each year on behalf of both private and public sector organisations. Since the introduction of the statutory standards there has been increasing interest from local authorities looking at how they can administer language assessment tests on their licensed drivers. Pearson have conducted their own research in this area and have reported the following:

“Pass marks against the Versant English Test for the purpose of taxi licence applications differ across the country with many councils keen to align and agree a more standardised and consistent approach. Whilst we cannot provide pass marks, we do consider B1/GSE 43-58 (Global Scale of English) to be a good level and worth consideration”.

B1/GSE 43-58 is equivalent to a score of 47-57 on the Versant scoring system.

3.7 As previously stated, pass marks set by local authorities using the Versant system vary. The table below shows the current pass mark, CEFR level and cost of test of a sample of local authorities using the Versant system:

LA	Pass mark (Versant score)	CEFR	Cost £
Buckinghamshire (Aylesbury Vale area)	56	Upper B1/B2	46
Bath & NES	46	B1	67
West Northants	46	B1	40
Dartford	56	Upper B1/B2	40

Dacorum	56	Upper B1/B2	46.80
Mid-Sussex	56	B1/B2	53
Mid-Devon	58	B2	27.50
Stevenage	60	B2	45
East Devon	69	C1	30

- 3.8 The reason for the difference in pass mark is not clear but suggests that averaging scores between authorities is not a reliable pass mark setting option and that further guidance from the Department for Transport for licensing authorities would clearly be beneficial.
- 3.9 Transport for London (TfL) have a comprehensive policy in place in respect of English language assessment requirements for their licensed drivers. They have set a pass mark of B1 on the CEFR. Candidates are required to provide documentary evidence from an approved list of certified qualifications. Alternatively, candidates are required to undertake an assessment with an approved assessor, the cost of which ranges from £180 to £200.
- 3.10 The Home Office recently published guidance, “Assessing the English Language requirement”, April 2021, which sets out the required levels of English language for those applicants required to demonstrate their ability under immigration rules. The guidance sets levels from the CEFR according to the applicant’s particular application route for a visa. The “Skilled worker” category applies to a wide array of professions including mechanics, MOT testers and driving instructors. Skilled worker visa applicants are required to demonstrate that they meet level B1 on the CEFR.
- 3.11 On the basis of the above information, specifically taking into account the advice from Pearson and the approach of TfL and the Home Office, it is proposed that the pass criteria for English language testing for Buckinghamshire Council be set at B1 on the CEFR. It is considered that this would set the proficiency level at a sufficient standard to ensure that drivers can meet the council’s requirements regarding the reporting of safeguarding concerns. It is further proposed that this level be kept under review and pass levels closely monitored following implementation of the Policy.

Implementation

- 3.12 In practice it is predominantly the ability to comprehend and verbalise English language that are the most desirable skills. The challenge for the licensing authority is how to test this effectively and efficiently. Officers routinely conduct interviews with applicants but this is not always reliable and there are potential issues around objectivity and unconscious bias.

- 3.13 A number of local authorities, including the former Aylesbury Vale area of Buckinghamshire Council, use the Versant English Test which uses speech processing technology to instantly assess applicant's linguistic skills via the telephone. The test is typically conducted at the council offices under the supervision of a member of staff. The candidate is given a unique TIN (test identification number) which they enter via the telephone key pad. The candidate is asked to identify themselves and is then taken through a series of exercises which take around 15 minutes to complete. The exercises test the candidates' ability to:
- Read accurately a number of sentences from a test sheet/screen.
 - Repeat a series of sentences that are read out via the system.
 - Answer questions in order to test comprehension.
 - Rearrange words and phrases to form meaningful sentences.
 - Converse in free speech for 40 seconds in response to open questions.
- 3.14 The system produces a test report which is immediately available. Candidates are given an overall score, with a further breakdown of scores in the areas of sentence mastery, vocabulary, fluency and pronunciation. Scores are reported on both the Versant scoring system and the Global Scale of English with an indicator of equivalency levels on the CEFR. This allows the results to be accurately compared against other language-based qualifications. The score report provides descriptors which give written summaries of the candidate's ability and advice on how skills can be improved in each of the scored areas. Examples of recent test score reports for candidates demonstrating C1, B1 and A2 user abilities are shown in Appendix 1.
- 3.15 It is proposed that the licensing service use the Versant system as the primary means of assessing driver's English language skills. The system provides an objective assessment of the candidate's level of English language proficiency and has proved fair and effective. It is also being used by an increasing number of other local authorities and government departments which provides assurance on the test type and process, and ultimately should aid consistency across the wider public sector. The test does not include an assessment of the candidates' ability to write English but this is not considered necessary for the purposes of promoting passenger safety and is not generally a skill required by drivers in their day to day duties.
- 3.16 Since the system was introduced in Aylesbury Vale in March 2019, over 400 drivers have successfully passed the test. Drivers who are able to demonstrate that they meet the assessment criteria by way of appropriate qualification certificate are exempt from the requirement to take the assessment, although this is rare.
- 3.17 An analysis of test results from the Aylesbury Vale area between March 2019 and April 2021 show that that of 779 tests taken, 50% were deemed as passes. However approximately 20% of the total tests taken were repeat tests by returning candidates

who had previously failed. The actual pass rate per candidate was 62% based on the current pass mark. The proposed pass criteria for English language testing for the Buckinghamshire Council policy is B1 on the CEFR. Analysis shows that when assessed against B1 pass criteria a further 76 drivers who previously failed in the Aylesbury Vale area, would now pass the test. This means that the overall pass rate at B1 level would have been 73%, an increase of 11% on current actual pass rates.

- 3.18 While it is not possible to know precisely how many existing licensed drivers would pass the English language test, these figures give an indication of the likely pass rate if testing started immediately. Pass rates in the Aylesbury Vale area have remained consistent since the test was introduced, which indicates that applicants are not deterred by the test, and the results do not appear to be skewed by candidates only applying when they believe they can pass the test.
- 3.19 There are currently approximately 3500 drivers licensed by Buckinghamshire Council. It is anticipated that approximately 3000 of the current licensed drivers will require an assessment. In accordance with the new Taxi and Private Hire Licensing Policy, from September 2022 drivers will no longer be able to renew their licence unless they can demonstrate that they meet the council's English language proficiency requirements. The Licensing Service understands that many working in the trade are apprehensive about this assessment. The Service is currently working with Buckinghamshire Adult Learning who are developing two dedicated courses for drivers to assist them with preparing and passing the test. The first is a workshop to prepare drivers for the Versant assessment. The second is a more comprehensive ESOL (English for Speakers of Other Languages) qualification that can be run at either Entry level 3 (equivalent to B1) or Level 1 (equivalent to B2), and is aimed at those drivers who may need more help than just the workshop to prepare for the test.
- 3.20 The Service is currently working with the Councils existing supplier to determine how the Versant system can be developed and used to implement the English language test assessment for new applicants and existing licensed drivers from the 6th September 2021. During the Covid-19 pandemic the Service has focused on improving and developing robust digital solutions to support service users, customers and staff. The current proposal is that testing will be conducted remotely (in the main), with robust ID verification checks in place. The test will be taken via an app on a smart device, which the candidate downloads in advance. The app also has a practice mode so that the candidate can try a sample test in advance of taking the assessed test. Results will be immediately digitally available to the Licensing Service and shared with the candidate. There will be provision for candidates to take the test in person for those with limited access to online technology. The fee for the test will be paid directly by the candidate to the supplier and will be no more than £55 (this will be kept under review and could reduce depending on the level of demand for

tests). The supplier will also take responsibility for re-testing arrangements and the provision of signposting and guidance to help candidates improve their test scores.

Exemptions

- 3.21 It is proposed that drivers who have already successfully taken the Versant test with Aylesbury Vale District Council or the Aylesbury Vale area of Buckinghamshire Council (while legacy policies applied) will not be required to take the test again.
- 3.22 Further exemptions are proposed for drivers who are able to provide evidence by way of certified qualifications which demonstrate English language proficiency to the same standard as the assessment level. Examples of the type of qualification that will be considered suitable are as follows:
- UK GCSE/O level (or equivalent) certificate.
 - UK AS-Level/A level certificate
 - UK NVQ*/BTEC/City & Guilds qualification, along with confirmation from the awarding body that the qualification provided is equivalent to GCSE or above (for example, a Blue Badge Guide qualification)
 - UK BA Hons, BSc Hons degree or higher i.e. master's, PhD
 - UK HNC/HND qualification
 - ESOL, SELT and IELTS qualifications.
- 3.23 *The Licensing Service will need to be satisfied that any qualification has been taught in English. The UK ENIC, (National Information Centre for the recognition and evaluation of international qualifications and skills) will supply a recognised 'statement of comparability' for qualifications awarded overseas. In addition, if the qualification was obtained from a non-majority English speaking country Ecctis <https://www.ecctis.com/> will provide English Language Proficiency Statements (ELPS) confirming that the subject was taught in English.

4. Summary

- 4.1 In accordance with the council's new Taxi and Private Hire Licensing Policy and to meet the Statutory Standards obligations, the Licensing Service is required to ensure that all licensed taxi and private hire drivers meet a minimum level of English language proficiency. The primary motive for this requirement is to safeguard travelling members of the public, particularly children and vulnerable adults by ensuring that drivers have adequate skills to recognise and report instances of concern. Based on research and enquiries made in this area, the Licensing Service believes that this objective can be achieved with the introduction of a minimum proficiency level equivalent to B1 on the CEFR of languages. In order to assess in the region of 3000 current drivers, as well as the ongoing assessment of new drivers, it is

proposed that the work be provided by the Councils existing supplier, who are specialists in the field of education and assessment. They will make use of the Versant test system which has proved efficient, reliable and effective in the Aylesbury Vale area and is widely used across both the private and public sector. The Licensing Service will facilitate and promote ongoing training to assist drivers to prepare for the test. Pass rates under the new proposed testing arrangements will be closely monitored and kept under review.

5. Other options considered

- 5.1 The implementation of the assessment requirements for existing drivers is likely to place additional burdens on the taxi and private hire trade both in terms of time and financial resources. The Secretary of State has made it clear to local authorities that there is an expectation that the statutory standards be implemented forthwith and there is no compelling reason to delay the introduction of the assessments. However, they also recognise that it is reasonable to provide drivers with time for a training course or qualification to be gained. Licensed drivers will have until at least September 2022 to prepare for the tests, with some drivers having up to a further three years to prepare, dependent on their licence expiry date.
- 5.2 The council could consider setting either a lower or higher assessment level than B1. However, based on the user criteria of the CEFR, candidates with proficiency levels lower than B1 are not likely to be equipped with sufficient language skills to identify and report safeguard concerns. Setting a level higher than B1 would clearly be advantageous in promoting higher standards of English language skills, but based on research and experience to date this is not necessary to meet the council's safeguarding objectives and could unnecessarily disadvantage existing licensed drivers. Clearly in local authority areas where the majority of applicants are native English language speakers, pass marks can be set at higher levels without detriment to the pass rate. In Buckinghamshire a significant number of applicants have English as their second language. Of the 495 hackney carriage and private hire drivers that responded to the Taxi and Private Hire Licensing Policy consultation in December 2020/January 2021, 58% said English was not their first language. A balance needs to be struck between implementing the Standards and potential impacts on the existing licensed trade. It is proposed that setting a pass criteria of level B1 will achieve that balance.

6. Legal and financial implications

- 6.1 Under section 177(1) of the Policing and Crime Act 2017, the Secretary of State for Transport may issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. Under section 177(4), licensing authorities

“must have regard” to this guidance when exercising their functions. These functions include reference to English language proficiency and the retrospective assessment of existing licence holders. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion. “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards, without sufficient justification could be detrimental to the authority’s defence.

- 6.2 Furthermore, the High Court has held that it is reasonable for a licensing authority to require private hire drivers to demonstrate that they are competent in spoken (and written) English, *R (on the application of Uber) v Transport for London (2017)*. In addition, provided the English test is required for genuine reasons and applied universally, i.e. to all applicants, there is no discrimination under the Equalities Act 2010.
- 6.3 If the proposed arrangements are adopted there will be no significant cost implications for the council. Drivers will pay the cost of the tests directly to the supplier. Some officer time will need to be allocated to monitoring contractual arrangements and updating back office systems with test results. This cost has been factored into the proposed taxi and private hire fees and charges that are currently advertised for consultation purposes

7. Corporate implications

- 7.1 Protecting the vulnerable – taxi and private hire vehicles play a valuable role in transporting vulnerable members of the community such as children and those with physical disabilities. Many children, including those with special educational needs, rely on taxis and private hire vehicles for school transport. The implementation of English language assessments for all licensed drivers will help further promote the safety of children and vulnerable adults using licensed vehicles.
- 7.2 Property – N/A
- 7.3 HR – N/A
- 7.4 Climate change – N/A
- 7.5 Sustainability – N/A
- 7.6 Equality – a full equalities impact assessment has been carried out and published and accompanied the Licensing (Regulatory) Committee Report of the 3rd February 2021. The most recently updated copy is shown as Appendix 2.

- 7.7 The implementation of English language assessments for existing drivers has been delayed until September 2022 to give candidates sufficient time to prepare. Additional resources, including dedicated training and guidance, will be provided to assist candidates to meet the assessment requirements.
- 7.8 Data – measures will be in place to ensure relevant personal data is managed in accordance with the Data Protection Act and GDPR requirements.
- 7.9 Value for money – fee levels will be kept under review and could reduce depending on the level of demand for tests.

8. Consultation and communication

- 8.1 The council's intention to introduce mandatory English language assessments for all drivers has been widely communicated to the taxi and private trade as part of the extensive consultation exercise on the council's new Taxi and Private Hire Licensing Policy. Licensed drivers, operators and vehicle owners were invited to respond to surveys, which included specific questions on this issue, prior to the first draft of the policy being prepared and once again during the full policy consultation exercise. Invitations were sent via SMS and individual emails and the surveys were also publicised on the council's webpages. Trade representative attended workshops and question and answer sessions with council officers where the matter was also discussed. The views of the trade and other interested stakeholders responding to the consultations were considered by the Licensing Committee, the Cabinet and Full Council prior to final adoption of the Policy.
- 8.2 Subject to approval by the Licensing Committee on the proposed approach to implementing the assessments, and agreement of the minimum standard required, the licensing service will commence further communication with the trade. Details of the assessment requirements will be publicised on a web page dedicated to the new policy and communicated directly with the licensed trade by email and SMS. Information will also be provided about various support options to assist drivers to prepare for the test. This will include information about the Buckinghamshire Adult Learning workshops and courses, tips and advice on preparing for the assessment and links to other resources available. It is also intended to publicise the new assessment requirements more widely through the council's various media channels, this will help demonstrate the council's commitment to safeguarding the community and provide assurance to the travelling public.

Key documents:

DfT Statutory Taxi & Private Hire Vehicle Standards, July 2020

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

Buckinghamshire Council Taxi and Private Hire Policy, 2021

<https://buckinghamshire.moderngov.co.uk/documents/s18132/Appendix%201%20draft%20policy.pdf>

Home Office, Assessing the English Language Requirement, 6 April 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975254/english-language-requirement-v3.0-ext.pdf

TfL, Private Hire Drive – English language requirement guidance, 16 Sept 2020

<https://content.tfl.gov.uk/english-language-requirement-guidance-16-09-20.pdf>

Council of Europe, Common European Framework of Reference for Languages (CEFR)

<https://www.coe.int/en/web/common-european-framework-reference-languages/table-1-cefr-3.3-common-reference-levels-global-scale>

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Report to Licensing (Regulatory) Committee

Date: 30 June 2021

Title: Hackney Carriage Fares

Author: Caroline Steven (Licensing Team Leader, Wycombe area)

Recommendations: That the Committee note the progress made in relation to the production and approval of a single set of Hackney Carriage fares for the Buckinghamshire Council area, which are due to come into effect with the implementation of the new Hackney Carriage and Private Hire Licensing Policy from the 6th September 2021.

1. Background

- 1.1 Where tariffs are set by the local authority, drivers of hackney carriage vehicles (taxis) cannot charge more to passengers than the fare specified on the meter apart from in certain exceptional circumstances, although they can charge less.
- 1.2 The legacy areas currently use different tariffs for taxis which were originally implemented under the relevant legislation and have been periodically reviewed and amended following advertisement and consultation.
- 1.3 The new Buckinghamshire Council Taxi and Private Hire Licensing Policy was approved by Full Council on the 24th February 2021 on the recommendation of Licensing Committee and will be implemented from the 6th September 2021. The Policy removes the current legacy area hackney carriage zones thereby leaving one single operating zone. As a result it is now necessary to produce a single set of tariffs for drivers of hackney carriage vehicles in Buckinghamshire.
- 1.4 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 sets out the process and requirements for the fixing of fares, which includes the requirement for advertising and a statutory 14 day consultation period.
- 1.5 The setting and approval of taxi tariffs is an executive, rather than a non-executive, function and therefore rest with Cabinet. This report is provided to the Committee for information purposes and to update the Committee on the progress that has been made to date in this area.

2. Main content of report

- 2.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives local authorities the power to fix maximum fares or rates for taxis for both time and distance travelled. Local authorities can also set charges for any additional matters such as the collection of passengers away from a taxi rank or the soiling of a vehicle.
- 2.2 Once a tariff of fares has been set, the driver cannot charge more to the passenger than the charge shown on the meter apart from in certain exceptional circumstances, such as where a journey ends outside of the council area and a fee has been agreed in advance.
- 2.3 There are no national guidelines or guidance for the setting of fares and each local authority uses different methods and information in order to produce their local rates. However, it is accepted that any proposed tariff of fares should provide the driver with an acceptable income, whilst also providing an affordable transport option for the passenger(s).
- 2.4 Fares should be simple to understand, not able to be bypassed and set at a level which is competitive with the local private hire trade to avoid effectively pricing the taxi service out of the local market.
- 2.5 Local authorities are not required by law to set fares for taxis but the Office for Fair Trading conducted a market study in 2003 which found that passengers are in a relatively weak position to compare offers and negotiate prices when hailing taxis or using their services at a rank. The report further stated that this finding reinforced the need for fare regulation of taxis and so it is considered to be good practice to set fares.
- 2.6 The Department for Transport's Best Practice Guidance 2010 specifies that it is good practice not only to set fares, but also for local authorities to carry out a regular review of fares and to adopt a simple formula for deciding any fare revisions.
- 2.7 Various options have been considered in relation to the most appropriate method to be used to produce a single set of tariffs, including using either an average or the highest of the current legacy tariffs or producing an entirely new set of charges.
- 2.8 A tariff "calculator" has also been produced by Guildford Council, which uses various data sets to calculate appropriate levels. Officers have spent time reviewing the calculator and considering whether it could be used to assist with tariff setting for Buckinghamshire. Unfortunately the calculator does not suit our local market and the resulting tariffs were disproportionately high, both locally and nationally. As a result they would not have been appropriate for passengers or hackney carriage drivers.

- 2.9 Given that tariffs in some of the legacy areas have not been reviewed for a number of years it was also considered inappropriate to use existing charges as a basis for producing a new set of fares.
- 2.10 Any tariff used must be able to be programmed into hackney carriage vehicle meters and so the setting of tariffs is usually carried out in conjunction with representatives of the companies who produce, programme and update meters.
- 2.11 Work has been carried out with a representative from Pulsar, who are one of the two main companies that carry out this work, and a set of proposed tariffs has been produced with their input and assistance. A tariff card containing the proposed new tariffs is at Appendix A. A comparison of existing legacy tariffs and the proposed Buckinghamshire Council tariffs is at Appendix B.
- 2.12 The proposed tariffs have been benchmarked both locally and nationally and compare favourably in both respects. The usual standard used for the benchmarking of tariffs is a two mile journey on Tariff 1 which is considered to be the most common journey on average. The national average cost for this journey, as calculated from the figures provided within Private Hire and Taxi Monthly publication which are regularly updated, is £6. The local average cost for this journey is currently calculated to be £5.93. The proposed cost of this journey for the new Buckinghamshire Council tariff is £5.94. A benchmarking comparison with neighbouring local authorities is provided at Appendix C.
- 2.13 The proposed tariffs will also provide an increase in earning potential for hackney carriage drivers across all of the legacy areas. The only exception to this increase relates to longer journeys for the current Aylesbury Rural Tariff, although drivers who previously were restricted to working in this area will now have the benefit of being able to work across the Buckinghamshire Council area and in town centres, with greater potential for both work and earnings. The tariffs are higher for shorter journeys which are generally considered to be more common.
- 2.14 The proposed tariffs are also simpler to understand for both drivers and passengers compared with some previous legacy tariffs, with a reduced number of tariff bands and different applicable times and dates.
- 2.15 With regard to future tariff reviews and amendment, it is suggested that a simple formula should be adopted in this respect as per the DfT's Best Practice Guidance. It is considered that this should be based on continuing local and national benchmarking whilst also taking into consideration the impact of inflation, both in terms of the Consumer Price Index and the Retail Price Index.
- 2.16 Informal pre-consultation with the taxi trade has taken place, including an online meeting with trade representatives to discuss the proposed new tariffs. It was clear from the discussion that there is concern about the removal of the zones and that different areas have different concerns about the proposals. This is not unexpected

considering the changes that the new Policy introduces and these views were considered by the Licensing Committee following the consultation process on the Taxi and Private Hire Licensing Policy.

- 2.17 The trade in Aylesbury town centre, who would benefit the most from the proposed fares in terms of increase, are concerned that the proposed tariffs are set too high and that it will inevitably price them out of the market compared with private hire vehicles. The representative was reminded that any fixed fares are maximum prices and that drivers are able to charge less than the metered fare if they choose to do so. It is necessary to set the tariffs at a level that is appropriate for drivers across the whole council area and provides a consistent maximum tariff for passengers travelling in Buckinghamshire.
- 2.18 The trade in the rural area of Aylesbury requested that the tariff card be amended to include all journeys where more than four passengers are carried in Tariff 2, as opposed to having separate charges for additional passengers. It is considered that this is reasonable in the circumstances and will not greatly adversely affect passengers. The tariff card has been amended accordingly as a result of this feedback.
- 2.19 The trade in High Wycombe were concerned that the majority of their journeys are very short and that they may accordingly lose financially on these journeys due to the increase in the incremental yardage, although they accept that they will benefit from the higher flag price and also for any journeys which are longer than one mile. This issue has been clarified with the meter company representative who has confirmed that the trade had misunderstood how the new tariff would work in practice and that this will not be the case even for shorter journeys. There will be no reduction in fares for shorter journeys or journeys of any length. This information has been fed back to the trade.
- 2.20 Concern was also expressed about the removal of the additional 40p charge for any journey commencing from the High Wycombe railway station. The rank in this station is located on land owned by Chiltern Railways and drivers are required to pay for a permit at an annual cost of £600 to ply for hire from this rank. It should also be noted that these permits are in very high demand within the trade and that no additional payments are given to drivers in other areas who are required to buy permits to work from railway stations (e.g. Aylesbury Parkway).
- 2.21 It is considered that this issue is largely a commercial decision and it would be unfair and inconsistent to passengers using any other railway stations throughout the council area for this additional tariff charge to apply at only one station. However, Officers will explore the possibility of providing a rank at the railway station in the longer term which is on land recently purchased by the council and for which no permit would be required.

2.22 The Chiltern trade representative was unable to attend the meeting but was asked to provide any concerns in writing. The Service also spoke to the representative from Chiltern by telephone and no concerns have yet been raised. There isn't a formal representative for the South Bucks area hackney carriage trade and the hackney carriages in this area tend to be used as private hire vehicles, partly due to the demographics of the area but also due to the lack of rank space.


3. Next steps and review

3.1 A report has been submitted to the Cabinet Member for Regulatory Services seeking approval for statutory advertisement of the proposed tariffs for the required 14 day consultation period. This decision is scheduled on the forward plan on or after the 28th June 2021. A verbal update will be provided to the Committee on progress with this decision.

3.2 Following the formal advertisement and consultation period, if there are no objections the proposed tariffs will become effective from the implementation of the new Taxi and Private Hire Policy on the 6th September 2021. Should objections be received, a further report will be submitted to the Cabinet Member for Regulatory Services providing an update on the feedback received, and requesting approval of the tariffs with any appropriate amendments, also to become effective on the 6th September 2021.

3.3 Approval will also be sought regarding the mechanism for calculating any future tariff amendments following review.

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BUCKINGHAMSHIRE COUNCIL PROPOSED HACKNEY CARRIAGE MAXIMUM AUTHORISED FARES AND CHARGES From 6th September 2021		 BUCKINGHAMSHIRE COUNCIL <small>est. 2020</small>
Tariff 1: 06:00 – 23:00 Monday to Saturday (i) At any time when Hackney Carriage is carrying five or more passengers use Tariff 2 <i>By Distance:</i> For the first 700 yds (640.1 metres) or part thereof: £3.00 For every other 192 yds (175.6 metres) or part thereof: .20 Waiting time. For every 40 seconds or part thereof: .20	EXTRA CHARGES Hiring commencing away from Hackney Carriage Rank/Stand: £1.00 Soiling of vehicle: £50.00 (not shown on taximeter)	
Tariff 2: 23:00 – 06:00 Monday to Saturday plus: (i) Any hiring on a Sunday or on a Bank Holiday (other than those specified elsewhere) (ii) Any hiring between the hours 16:00 and midnight on Christmas Eve and New Year's Eve (iii) At any time when Hackney Carriage is carrying five or more passengers use Tariff 3 <i>By Distance:</i> For the first 1331 yds (1217.1 metres) or part thereof: £4.50 For every other 160 yds (146.3 metres) or part thereof: .30 Waiting time. For every 40 seconds or part thereof: .30		
Tariff 3: (i) Any hiring on Christmas Day, Boxing Day and New Year's Day <i>By Distance:</i> For the first 700 yds (640.1 metres) or part thereof: £6.00 For every other 192 yds (175.6 metres) or part thereof: .40 Waiting time. For every 40 seconds or part thereof: .40		
Rates will change between tariff bands at relevant times or dates as specified above		
If you have any complaints or comments about this vehicle or driver please contact the Licensing team at licensing@buckinghamshire.gov.uk		

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Appendix B: Comparison of existing legacy area tariffs and proposed Buckinghamshire Council tariffs

Authority	Tariff 1					Tariff 2					Tariff 3					Tariff 4				
	Flag	1 mile	2 miles	5 miles	10 miles	Flag	1 mile	2 miles	5 miles	10 miles	Flag	1 mile	2 miles	5 miles	10 miles	Flag	1 mile	2 miles	5 miles	10 miles
Aylesbury Vale Town	3.00	3.00	4.30	8.20	16.20	3.75	3.75	5.38	10.25	20.25	4.50	4.50	6.45	12.30	24.30					
Aylesbury Vale Rural	3.00	3.00	5.60	13.40	29.40	3.75	3.75	7.00	16.75	36.75	4.50	4.50	8.40	20.10	44.10					
Chiltern District	3.00	3.60	5.39	10.78	19.76	4.50	5.40	8.09	16.17	29.64	4.50	5.10	6.89	12.28	21.26	6.00	7.20	10.79	21.57	39.52
Wycombe	2.40	3.96	5.74	11.07	19.96	3.00	4.94	7.14	13.74	24.74	3.55	5.90	8.56	16.56	29.90	4.75	7.88	11.43	22.10	39.88
Age of surrounding authorities	£2.85	£3.39	£5.26	£10.86	£21.33	£3.75	£4.46	£6.90	£14.23	£27.85	£4.26	£5.00	£7.58	£15.31	£29.89	£5.38	£7.54	£11.11	£21.84	£39.70

Proposed BC Tariff	3.00	4.10	5.94	11.44	20.60	4.50	6.16	8.91	17.16	30.91	6.00	8.21	11.88	22.88	41.21					
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National Average			6.0																	
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Appendix C: Local area benchmarking existing legacy area tariffs and proposed Buckinghamshire Council tariffs

Authority	Tariff 1					Tariff 2					Tariff 3					Tariff 4				
	Flag	1 mile	2 miles	5 miles	10 miles	Flag	1 mile	2 miles	5 miles	10 miles	Flag	1 mile	2 miles	5 miles	10 miles	Flag	1 mile	2 miles	5 miles	10 miles
Aylesbury Vale Town	3.00	3.00	4.30	8.20	16.20	3.75	3.75	5.38	10.25	20.25	4.50	4.50	6.45	12.30	24.30					
Aylesbury Vale Rural	3.00	3.00	5.60	13.40	29.40	3.75	3.75	7.00	16.75	36.75	4.50	4.50	8.40	20.10	44.10					
Bracknell Forest	3.00	4.06	5.82	11.10	19.90	4.50	6.09	8.73	16.65	29.85	6.00	8.12	11.64	22.20	39.80					
Central Beds	3.60	4.12	6.09	12.02	21.90	5.40	6.17	9.14	18.03	32.84	7.20	8.23	12.18	24.04	43.79					
Cherwell	2.20	3.63	5.54	11.28	20.83	3.30	5.45	8.32	16.92	31.25	4.40	7.27	11.09	22.56	41.67					
Chiltern District	3.00	3.60	5.39	10.78	19.76	4.50	5.40	8.09	16.17	29.64	4.50	5.10	6.89	12.28	21.26	6.00	7.20	10.79	21.57	39.52
Dacorum	2.80	4.30	6.30	12.30	22.30	4.20	6.45	9.45	18.45	33.45	5.60	8.60	12.60	24.60	44.60					
Guildford Borough	3.00	4.80	6.80	12.80	22.80	3.50	6.20	9.20	18.20	33.20	6.00	9.60	13.60	25.60	45.60					
Milton Keynes	3.00	4.40	6.00	10.80	18.80	4.50	6.60	9.00	16.20	28.20										
Reading Borough	2.60	4.61	7.04	14.58	27.16	3.60	5.46	7.72	15.15	28.19	3.90	6.92	10.56	21.88	40.73					
Slough	3.40	5.39	7.73	14.72	26.37	5.20	7.19	9.53	16.52	28.17	5.10	8.09	11.59	22.08	39.56	6.80	10.79	15.45	29.44	52.75
South Bucks	3.00	3.60	5.39	10.78	19.76	4.50	5.40	8.09	16.17	29.64	4.50	5.10	6.89	12.28	21.26	6.00	7.20	10.79	21.57	39.52
South Northants(NB Not raised since 2008)	3.40	3.40	5.00	9.80	17.80	5.10	5.10	7.50	14.70	26.70	6.80	6.80	10.00	19.60	35.60					
Three Rivers	2.80	3.43	5.12	10.19	18.66	4.20	5.14	7.68	15.29	27.98	5.60	6.85	10.23	20.39	37.31					
Vale of White Horse	4.60	4.60	6.90	13.80	25.30	5.70	5.70	8.70	17.70	32.70	6.20	6.20	9.60	19.80	36.80					
Windsor and Maidenhead	3.00	3.76	5.78	11.85	21.96	4.50	5.64	8.67	17.77	32.95										
Wokingham Borough	3.00	4.11	6.21	12.54	23.08	4.50	6.16	9.32	18.81	34.61	6.00	8.21	12.43	25.08	46.15					
Wycombe	2.40	3.96	5.74	11.07	19.96	3.00	4.94	7.14	13.74	24.74	3.55	5.90	8.56	16.56	29.90	4.75	7.88	11.43	22.10	39.88
Average of surrounding authorities	£3.04	£3.99	£5.93	£11.78	£21.77	£4.32	£5.59	£8.26	£16.30	£30.06	£5.27	£6.87	£10.17	£20.08	£37.03	£5.89	£8.27	£12.12	£23.67	£42.92

Proposed BC Tariff	3.00	4.10	5.94	11.44	20.60	4.50	6.16	8.91	17.16	30.91	6.00	8.21	11.88	22.88	41.21					
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National Average			6.0																	
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