



Licensing Committee minutes

Minutes of the meeting of the Licensing Committee held on Wednesday 30 June 2021 in The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF, commencing at 6.30 pm and concluding at 8.10 pm.

Members present

D Barnes, T Green, C Jones, B Stanier Bt, D Town, G Wadhwa, H Wallace, D Watson and A Wood

Agenda Item

1 Apologies for absence

Apologies had been received from Councillor J Baum, R Gaster, P Griffin, N Rana, J Rush, N Southworth

2 Appointment of Vice-Chairman

The Chairman appointed Cllr Tony Green as her Vice-Chairman of the Licensing Committee for the ensuing year.

3 Declarations of interest

There were no declarations of interest.

4 Minutes of the previous meeting

The Minutes of the Meeting held on 14 April and 26 May 2021 were agreed as a correct record.

5 Taxi and Private Hire Vehicle Drivers: English language assessment

The Committee received a report on the licensing service's proposed arrangements to ensure that all licensed taxi and private hire drivers met the English language requirements stipulated in the Council's new Taxi and Private Hire Licensing Policy which was adopted by the Council on 24 February 2021.

The two appendices referred to in the report were tabled; firstly information on the Versant English test and secondly an equalities impact assessment. A letter from the Licensed Private Hire Car Association was also tabled.

The Principal Licensing Officer (Aylesbury Vale area) highlighted that the principal reason for assessing drivers' standard of English language skills was to ensure that they could converse effectively, particularly in emergency situations and where

there were safeguarding concerns. In accordance with new national statutory, which focused on safeguarding passenger safety, all licensed taxi and private hire drivers were expected to possess proficient English language skills. Councils have a legal duty to have regard to these standards and it was expected that they were adopted unless there is compelling local reason not to; this included both oral and written English language skills.

During the Principal Licensing Officer presentation the following points were noted:-

- the licensing requirements should be applied retrospectively to existing licence holders but 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.
- The new Council policy would take effect from 6 September 2021. Existing drivers who have not previously taken this assessment would be required to take and pass it. From 12 months after the date of the implementation of the policy, if the driver has not passed the assessment criteria the Council was unlikely to renew their licence until they have done so.
- The statutory standards did not specify a level of language proficiency. It was clear from the standards that drivers were expected to be able to read and understand documents relating to safeguarding matters.
- The Common European Framework of Reference for languages (CEFR,) published by the Council of Europe, was an internationally recognised scheme that described language proficiency in terms of one of six levels. These six levels were outlined in the report.
- The Councils current supplier, Pearson, have considerable experience delivering English language testing using the Versant system. They have recommended B1 to be a good level based on pass marks set by local authorities using the Versant system and taking a consistent approach.
- Transport for London have set a pass mark of B1 on the CEFR. In addition the Home Office state that skilled worker visa applicants were required to demonstrate that they met level B1 on the CEFR.
- Specifically taking into account the advice from Pearson and the approach of Transport for London and the Home Office, it was proposed that the pass criteria for English language testing for Buckinghamshire Council be set at B1 on the CEFR. It was considered that this would set the proficiency level at a sufficient standard to ensure that drivers can meet the council's requirements regarding the recognising and reporting of safeguarding concerns.
- It was proposed that this level be kept under review and pass levels closely monitored following implementation of the Policy.
- A number of local authorities, including the former Aylesbury Vale area of Buckinghamshire Council, used the Versant English Test which used speech processing technology to instantly assess applicant's linguistic skills via the telephone. The test was typically conducted at the council offices under the supervision of a member of staff. It was proposed that the licensing service

use the Versant system as the primary means of assessing driver's English language skills. The system provided an objective assessment of the candidate's level of English language proficiency and had proved fair and effective.

- There were currently approximately 3500 drivers licensed by Buckinghamshire Council. It was anticipated that approximately 3000 of the current licensed drivers would require an assessment. The Service was currently working with the Council's existing supplier to determine how the Versant system could be developed and used to implement the English language test assessment for new applicants and existing licensed drivers from 6th September 2021. The current proposal was that testing would be conducted remotely (in the main), with robust ID verification checks in place. The test would be taken via an app on a smart device, which the candidate downloaded in advance. There would be provision for candidates to take the test in person for those with limited access to online technology.
- The fee for the test would be paid directly by the candidate to the supplier and would be no more than £55 (this would be kept under review and could reduce depending on the level of demand for tests). The supplier would also take responsibility for re-testing arrangements and the provision of signposting and guidance to help candidates improve their test scores.
- It was proposed that drivers who had already successfully taken the Versant test with Aylesbury Vale District Council or the Aylesbury Vale area of Buckinghamshire Council (while legacy policies applied) would not be required to take the test again. Further exemptions were proposed for drivers who were able to provide evidence by way of certified qualifications which demonstrated English language proficiency to the same standard as the assessment level as shown in the report.

The Principal Licensing Officer then addressed each point made in the letter from the Licensed Private Hire Car Association which were as follows:-

(1) Compliance Deadline for Current Licence-Holders: The report did not provide clarity for licence-holders on the exact date for compliance (Response: The policy referred to an implementation date of 6 September 2021 and a year from that would be September 2022 for existing drivers).

(2) Policy Review Deadline/s: The report did not commit to a timeline for scrutiny over the effects of the policy (Response: It would be reviewed on an annual basis unless Members wished it to be more frequent).

(3) Test Pass / Fail Results Review Deadline/s: The report, subject to (2) above, did not provide a definitive timeline for the production of test results and scrutiny on the effects of the initial pass mark levels (etc)(Response: Annually or more frequently if Member would prefer).

(4) Medical Exemption/s: The report did not accommodate medical exemptions for individuals with learning and speech difficulties (E.g., dyslexia, etc). A Member commented that dyslexia would not fall under the category of a medical exemption. (Response: Exemptions would be addressed on a case by case basis. They would require evidence from their medical/professional practitioner on the

way they may be disadvantaged).

(5) Acceptable Alternative Qualification/s: The report provided a limited list of example qualifications which will be considered suitable (at para. 3.22). (Response: The report did set out a comprehensive list of qualifications but the officers would consider each application on a case by case basis if the applicant's qualification showed that they met the assessment criteria).

(6) Pearson Assistance on Test Failure: The report indicated Pearson will " ... take responsibility for retesting arrangements ... " (at para. 3.20). No details are offered, for example, on re-test fees (etc). (Response: The cost for taking a retest would remain the same of taking the test for the first time as they incurred the same expense).

(7) Pearson Testing Capacity: The report indicated up to 3000 of 3500 current licence-holders would require a test (at para. 3.18). Assurances were sought that Pearson will be able to meet this need and, if delays due to high demand occur, that BC will not take punitive action against licence-holders for matters outside their control. (Response: This had been factored in by looking at monthly renewal rates so the service area had a good idea of the current cohort of drivers and when their licence would come up for renewal and they would need a test. Pearson were confident that they could deliver and this would be built into the contract).

(8) Proof of Compliance: The report did not appear to confirm applicants and licence-holders were only required to present proof of compliance on a single occasion. Whilst it is understood BC will digitally record such information, and thereby not require repeated presentation of certificates, confirmation is requested of this practice. (Response: Candidates would only be required to take the test once and it would be recorded on their licence record).

(9) Trade representative and Workshops – the LPHCA have stated that they were not invited to attend the workshop. (Response: Most of the work carried out was part of the taxi policy consultation where they contacted all drivers and operators who were invited to workshops and the service area have also developed a good working relationship with LPHCA).

(10)LPHCA and Pearson Engagement – The LPHCA welcomed engagement with Pearson and Buckinghamshire Council on the test. (Response: The arrangements would be in a contract so would require approval from the Council).

During discussion by Members the following points were made:-

- Clarification was sought on the level of written skills that were required by drivers as opposed to oral skills and also whether a local college or other provider could provide support in this area e.g TEFAL. A Member expressed concern about drivers being anxious about going back to the classroom and also cultural challenges that they may face in having to pass the test. Therefore the right support was crucial including the ability of the teacher to speak the driver's first language and also IT skills. The Member commented that Pearson were a good provider but local colleges could also be utilised. The Transition Head of Licensing, Cemeteries & Crematoria Services reported that much research had gone into this report and a lot of work behind the scenes to come forward with this

recommendation. The requirement to test for English Language came from the Department for Transport under the new statutory standards so it was non-negotiable. The priority was because of public safety and safeguarding concerns. Predominantly the skills that were required were verbal and the previous Licensing Committee had agreed that a written test was not required. However, there was more of a requirement for written skills in drivers supporting home to school transport and the Client Transport Team dealt with this as a separate issue under the school contract provision. Bucks Adult Learning had a huge range of experience in providing support in learning English as a second language and the service area have worked closely with them to draw up a package of support specifically for taxi and private hire vehicle drivers with input from the trade. The Principal Licensing Officer reported that there was a three hour bespoke workshop that the drivers could sign up to prepare themselves for the test and a more comprehensive bespoke course which was six to eight weeks. Pearson had allocated one hour per candidate even though the test was only 15 minutes long to ensure that the driver was put at ease during the process to go through the test. The Member asked for an up to date Ofsted report on Pearson.

- There was some concern from drivers about the introduction of an English language test but this was part of the consultation on the taxi policy which was agreed by Council in February this year. There had been feedback from passengers on the need for an English language test and the LPHCA had also encouraged this. The lead in time of one year should also help drivers.
- Questions were asked whether £55 was a reasonable fee for the test as some areas had not experienced a rise in fares for some considerable time. In the app drivers would have the advantage of taking one free test before the paid test. They could also take the test as many times as they wished at a cost of £55 before the licence needed to be renewed. Transport for London costs were £180-200. Taxi licensing had to be cost neutral to the Council. A Member asked if a lower price could be given for the second test. The Transition Head of Licensing, Cemeteries & Crematoria Services commented that as it was a private provider they had told them that £55 was the cost of providing the test. The figure was also based on the current demand level which could be reduced if there was an increase in demand. The demand level needed to be kept under review. A comment was made that some Councils charged a lower price for the test but the Transition Head of Licensing, Cemeteries & Crematoria Services responded that this would depend on the model of delivery and the support provided. It was important that this service was organised by a private provider to show independence from the Council. In the next year 400 drivers could apply for a licence and it would be helpful to undertake a review in a year once the service had an idea of demand and data on test results. A Member asked for data after three months to obtain early information on implementation of this policy.
- Members were reminded that the new Buckinghamshire Taxi Licensing

Policy brought together the legacy policies of all the Councils before they became a unitary authority to a single policy and this was where a timescale was agreed for implementation. It was a locally set policy. Buckinghamshire Council was one of the largest taxi licensing areas in the Country and therefore there was a considerable risk in not updating the policy. The Cabinet Member for Regulatory Services saw this as a priority to bring forward a new taxi licensing policy for Buckinghamshire. The DfT published the statutory standards in July 2020 and local authorities were told that they must introduce them unless they had a compelling reason not to do so. An update on this had to be given to Government by January 2021 and all Councils were being monitored on their implementation of these statutory standards. The new Policy would come into effect this September but some elements were deferred such as the English language test to allow the existing taxi trade to plan ahead for their licence renewal.

- A comment was made with regard to the LHPCA letter where it stated a reduction in standards to B1. The Transition Head of Licensing, Cemeteries & Crematoria Services reported that the legacy Aylesbury Vale area had already been operating an English language test and the threshold was set higher than what was being recommended in this report. Therefore, a single system was proposed as B1. The standard would be kept under review. In accordance with the statutory standards, the Policy would be reviewed every five years. Parts of the Policy would be reviewed on an ongoing basis to understand the impact it was having on the trade and passengers, with annual reports presented to the Licensing Committee.
- In terms of implementation of the standards Buckinghamshire Council was at the forefront compared with other local authorities as they had to complete a review of the policy having become a unitary council on 1 April 2020. There was an increase in administrative cost in terms of monitoring the requirements set out in the new Government standards. Some other authorities costs had not gone up yet as they had not undertaken a recent review. Costs would level out once other authorities completed their reviews.

It was proposed by Cllr Green, seconded by Cllr Jones and (on a vote eight for the motion and one abstention) **RESOLVED that**

- 1. 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 be noted.**
- 2. the proposed minimum assessment level of B1 on the Common European Framework Reference of languages (CEFR) be agreed.**

6 Hackney Carriage Fares

The Committee received a report on Hackney Carriage Fares. 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 would be implemented from the 6th September 2021. The Policy removed the current legacy area hackney carriage zones thereby leaving one single operating zone. As a result it was now necessary to produce a single set of tariffs for drivers of hackney carriage vehicles in Buckinghamshire. The setting and approval of taxi tariffs was an executive, rather than a non-executive, function and therefore rested with Cabinet. This report was provided to the Committee for information purposes and to update the Committee on the progress that had been made to date in this area.

The Licensing Team Leader (Wycombe area) updated the Committee as follows:-

- Once a tariff of fares had been set, the driver could not charge more to the passenger than the charge shown on the meter apart from in certain exceptional circumstances, such as where a journey ended outside of the council area and a fee had been agreed in advance.
- There were no national guidelines or guidance for the setting of fares and each local authority used different methods and information in order to produce their local rates. However, it was 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).
- Fares should be simple to understand, not able to be bypassed and set at a level which was competitive with the local private hire trade to avoid effectively pricing the taxi service out of the local market.
- The Office for Fair Trading conducted a market study in 2003 which found that passengers were 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 was considered to be good practice to set fares.
- Given that tariffs in some of the legacy areas had 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.
- Work had been carried out with a representative from Pulsar, who were one of the two main companies that carry out this work, and a set of proposed tariffs has been produced.
- 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 was a two mile journey on Tariff 1 which was 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 were regularly updated, was £6. The local average cost for this journey was currently calculated to be £5.93. The proposed cost of this journey for the new Buckinghamshire Council tariff was £5.94.
- The proposed tariffs would provide an increase to drivers across all of the legacy areas. The only exception to this increase related to longer journeys for the current Aylesbury Rural Tariff, although drivers who previously were

restricted to working in this area would 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 trade in the rural area of Aylesbury requested that the tariff card be amended to include all journeys where more than four passengers were carried in Tariff 2, as opposed to having separate charges for additional passengers. It was considered that this was reasonable in the circumstances.
- The trade in Aylesbury town centre, who would benefit the most from the proposed fares in terms of increase, were concerned that the proposed tariffs were set too high and that it would inevitably price them out of the market compared with private hire vehicles. The representative was reminded that any fixed fares were maximum prices and that drivers were able to charge less than the metered fare if they choose to do so. It had also been confirmed to the Aylesbury town centre trade that individual drivers could continue to use their existing tariffs so long as both tariff cards were displayed in the vehicle and passengers were aware of what rate was being charged.
- Following a concern from the trade in High Wycombe a response has been given that there would be no reduction in fares for shorter journeys or journeys of any length.
- 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 was located on land owned by Chiltern Railways and drivers were required to pay for a permit at an annual cost of £600 to ply for hire from this rank. This did not apply to any other railway stations in Buckinghamshire. Officers would therefore explore the possibility of providing a rank at the railway station in the longer term which would be on land recently purchased by the council and for which no permit would be required.
- A report had 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 was scheduled on the forward plan on or after the 28th June 2021. If approved the tariffs would be advertised for formal consultation. If there were no objections the new tariffs would be implemented across the Council area on 6 September 2021 alongside the new Taxi and Private Hire Policy. If any objections were received a further report would be submitted to the Cabinet Member for consideration. The tariffs would be kept under review on an annual basis.

During discussion by Members the following points were made:-

- A query was raised about the flag price whether there were different prices for different bands but in the appendix there was a rate chart which referred to extra charges when the hackney carriage was away from the rank of £1. The Licensing Team Leader reported that the flag price related to the starting price and the first price that came up on the meter. The additional charge for picking up passengers away from a rank was not often used by taxi drivers.

- A Member commented that having an alternative rank at High Wycombe would cause confusion for passengers. It was confirmed that this was being investigated further to a request from the trade. The permits were restricted by Chiltern railways. If any changes were made there would be a full consultation on this.
- A Member asked when the legacy councils last reviewed the fares. The Licensing Team Leader reported that in Wycombe they were reviewed annually with no increase since 2019; Aylesbury 2018 and Chiltern and South Bucks 2016/ 2014. The Member suggested it would be helpful to include this information in the Cabinet Member report.
- Members commented that they supported these changes which would help taxi drivers who also had more additional costs to contend with such as training requirements and it was a fair increase.

Members welcomed the standardisation of fares across Buckinghamshire.

RESOLVED 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 if approved and subject to consultation were due to come into effect with the implementation of the new Hackney Carriage and Private Hire Licensing Policy from the 6th September 2021.

7 Date of next meeting

22 July at the Oculus at 6.30pm.