

Licensing Committee

11 DECEMBER 2018

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

IN ATTENDANCE: Sakie Awan (Aylesbury Hackney Carriage Association)

APOLOGIES: Councillors S Lambert and B Russel

1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 10 September 2018 be approved as a correct record.

2. REVISED HACKNEY CARRIAGE FARE PROPOSAL

The current tariff for hackney carriage fares operating in Aylesbury Town had last been reviewed in April 2010. Rural hackney carriage fares had been reviewed in November 2016. The Aylesbury Carriage Taxi Association, the organisation that represented taxi drivers operating in Aylesbury Town, had proposed a new tariff. Saki Awan from the Aylesbury Hackney Carriage Association was also in attendance to provide further information and answer questions on the proposed tariff. The rationale behind the increase was based on annual increases in fuel and insurance costs to off-set some losses. The Association felt the increases were reasonable and were mindful of not overcharging customers. Research had also been carried out to compare the proposals with nearby local authorities; they were still cheaper than Oxford, Milton Keynes and High Wycombe. Aside from Tariff 4, the rest were beneath RPI. The Committee report outlined the details of the proposed new fare structure including journey distance, waiting time and passenger numbers. Further tariffs were proposed based on the time of year e.g. Christmas Day, Bank Holidays etc. Members were advised that Tariff 4 only applied to Christmas Day and that passing trade in the town centre was limited.

Local authorities had the power to set fares for hackney carriages under section 65 of the Local Government (Miscellaneous Provisions) Act 1976. When making changes to the fares, the Council must publish in at least one local newspaper the proposed tariff for a period of 14 days minimum and invite objections. A copy of the notice would also be available for inspection at the council offices. Any objections received and not withdrawn during this period would be reported to the Committee for consideration. The ultimate decision was made by the Cabinet Member, however historically the Licensing Committee were consulted on this.

Officers advised that an increase in fares in the town centre would still mean Aylesbury Vale had one of the cheapest fares for an average two mile journey compared to other authorities nationally.

Members sought clarity on the issue of rural boundaries and whether or not these were defined. The advice was that rural boundaries were unofficial however they were commonly understood by the driving trade and the licensing service. On balance, the Committee saw merit in these boundaries being firmly defined and so an undertaking was made that this would be picked up in the next policy review. Regarding the fare

proposal, the Committee felt that further information was required and agreed that this come back to Committee in January 2019 for consideration.

RESOLVED –

That the revised hackney carriage fare proposal come back to Committee with further information.

3. ENGLISH LANGUAGE AND KNOWLEDGE ASSESSMENT FOR TAXI DRIVERS

In September 2017, the Committee had resolved that a functional English language test and knowledge test for all new and existing hackney carriage and private hire drivers be introduced, and that the Principal Licensing Officer be authorised to agree and confirm the content of the test and bring back to Committee. The English language and topographical test had also been a recommendation from the All-Party Parliamentary Group on Taxis in March 2017. Members had been advised that the test would be carried out online and hosted by a trusted third party organisation at their premises. Once the examination was passed and completed, a certificate would be provided which would then need to be submitted by the applicant along with their Application for a License for to AVDC. This was in keeping with current taxi drivers providing their proof of driving standards training.

Since then there had been significant restructuring and staff changes within the Licensing Service which meant the testing arrangements resolved by the Committee had not been implemented. The Service had concerns regarding the practicalities and implications of requiring roughly 3,000 drivers and new applicants to take the test. Moreover, there were serious concerns over a driver failing the test as the service would need to decide whether to suspend, refuse to renew or revoke the driver's licence. Such a decision could be appealed against in a Magistrates Court and potential case numbers would be extremely resource intensive in terms of officer workload and resource.

To maintain the principle of the English language testing, it was proposed that testing be an imposed requirement on all new applicants and existing drivers where there were reasonable grounds to request it. Reasonable grounds included examples where authorised officers identified a training need through enforcement activity or substantiated complaint. It was felt that this approach would ensure standards were raised and that efforts were targeted to where it was needed, while avoiding the risk of using resources in protracted legal action. In terms of numbers, it was expected 80-100 tests would be carried out per month. The telephone test was automated and facilitated by officers in The Gateway building. The Committee report contained the various options to be explored in the delivery of the testing and an audio demonstration of the Versant telephone test was played to the Committee. For this test, each applicant was given a unique test identification number and followed instructions on various questions from Part A – E. Officers advised that drivers with relevant qualifications or certificates in English Language would be exempt from the test and that these documents were checked by officers during the application process. Officers would reserve the right to ask an applicant to carry out the test.

Members also heard more about an alternative approach to implementing the additional knowledge assessments for hackney carriage and private hire drivers. Greenpenny, currently the sole company approved by the Council to carry out driver assessments, had already agreed in principle to incorporate these new arrangements within their existing procedures. Another recognised driver assessment company, Mann Fleet Services, had also agreed to incorporate these new assessment measures. It was proposed that both companies be considered approved, with the advantage of providing drivers greater choice, faster testing times and potential savings through increased competition.

Members sought more information on the English language test and knowledge test and were advised that:-

- i. English language was gauged to some extent currently through the face-to-face element of the application process officers undertook for new licenses and renewals. The proposal would keep this in place as officers facilitated the telephone-based test at the office. The test itself would be an objective way of measuring language competency and the Committee agreed with the need for standardisation particularly in light of deregulation.
- ii. Feedback from other local authorities that use the Versant language test was positive. The Committees of these local authorities had also been complimentary of the service.
- iii. The service would be mindful of borderline test failures and give the benefit of the doubt where appropriate. Members appreciated this given some of the accents and lexical choice heard during the audio demonstration.
- iv. Those that fail either the language or knowledge test would likely be subject to re-taking both tests at the prescribed costs. Advice could potentially be provided to re-sitting applicants upon request.
- v. Both test providers would have assessors available outside Aylesbury Vale to accommodate private hire applicants operating or living outside the area. For private hire vehicle drivers, it was important that they had the skills to navigate around the area where they work, which may not necessarily be Aylesbury Vale. However, the hackney carriage driver's test would be based on knowledge of Aylesbury Vale because of the local nature of their work.
- vi. The Association felt that the removal of the knowledge test previously had led to an increase in drivers and thereby devalued them. By reinstating the knowledge test, driver quality would be expected to increase.

RESOLVED –

That the Committee agree the recommended arrangements for the introduction of an English Language test and the additional knowledge tests for licensed taxi and private hire vehicles.

4. SAFEGUARD TRAINING FOR TAXI DRIVERS

The Licensing service was now in a position to move forward with implementing safeguarding awareness training for licensed drivers. The Committee received a report which outlined three options that were available from three organisations and also information of the activities of other authorities. Of all the options considered, it was felt that the Cyp First child exploitation training programme presented the message in a clear, memorable and empathic way. The trainers had first-hand experience of working with both the victims of abuse and the driving trade. The Chairman and officers in attendance endorsed the recommendation as they had attended one of the sessions and found that it was relatable, particularly to parents, and that it empowered drivers with a sense of safeguarding responsibility.

Members were asked to consider what their preferred option was out of those presented in the report. During the discussion, the Committee noted that Cyp did offer the best value for money. Members sought additional information and were advised that the certificate obtained through participating in the course would be a mandatory requirement for new applicants and license renewals.

RESOLVED –

That arrangements are put in place to ensure all licensed taxi and PHV drivers undergo CSE safeguarding training.

5. REVISED TAXI POLICY PROPOSAL

An extensive review on AVDC's licensing policy on taxi and private vehicle hire had taken place in 2016 which resulted in important areas being identified and updated. Following the review, several key policy decisions had been made. The Committee received a report which detailed how the Taxi Policy landscape had changed since 2016 and asked Members to consider whether it was necessary to conduct a complete review of the current policy arrangements in respect of taxi and private hire vehicle licensing. Officers felt that the current policy was not reflective of the reality of the trade.

Reviewing the policy now would lead to the creation of a new policy that set the latest and highest standards to safeguard the travelling public. If Members were minded to this option then consideration needed to be given on whether to produce a unilateral policy or whether to work collaboratively on a policy review with the other District authorities in Buckinghamshire. The Principal License Officers at each authority were in favour of collaborative work and, with this route, a draft policy would be ready mid-2019.

Alternatively, officers advised the Committee that they may wish to take no action regarding the current policy and allow for unitary in Buckinghamshire to come into effect or await further publication of Government guidance.

Members considered the options and agreed that a policy review was needed and saw strong merit in collaborative work with the other District authorities.

RESOLVED –

That a full and complete review of the current Taxi and Private Hire Policy be undertaken in conjunction with the other District authorities in Buckinghamshire.