

Minutes of the meeting of the Licensing Committee held on 9 December 2015 from 7.00 pm to 7.35 p.m.

Present: Jim Knight (Chairman)
Ginny Heard (Vice-Chairman)

Kevin Burke*
Richard Cherry
David Dorking*
Bruce Forbes*

Steven Hansford
Christopher Hersey
Margaret Hersey
Jacqui Landriani

Gary Marsh
Howard Mundin
Geoff Rawlinson
Peter Reed*
Mandy Thomas-Atkin

* Absent

Also Present: Councillor Norman Mockford.

5. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE RULE 4

The Committee noted that, in accordance with Council Procedure Rule 4, Councillor Norman Mockford replaced Councillor Peter Reed.

6. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dorking, Forbes and Reed.

7. DECLARATION OF INTERESTS

None.

8. MINUTES

The Minutes of the meeting of the Committee held on 20 May 2015 were confirmed as a correct record and signed by the Chairman.

9. INTRODUCTION OF ENGLISH LANGUAGE REQUIREMENT FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Lynne Standing, Head of Housing, Environmental Health & Building Control introduced the report outlining a proposal for the adoption of a telephone test to assess new drivers' spoken English skills. She advised that the issue had been raised previously at the Licensing Committee and the Scrutiny Committee for Leisure and Community and had also been raised during the recent public consultation.

It had been agreed at the Scrutiny Committee for Leisure and Community that due to the pressing timescale to adopt the new licence changes into the existing policy in time for 1 October 2015, officers would go away and investigate all options further and report back to the Licensing Committee. She advised that this report presented officers' research and the best option for testing English Language skills for taxi drivers.

The Head of Housing, Environmental Health and Building Control said that they had looked at the tests currently in use by other local authorities and it was proposed that

the Versant Telephone Test would be the most reasonable and proportionate test to adopt. It is proposed that all new drivers who wish to apply for a licence and do not have formal qualifications to prove their command of Spoken English would be required to undertake this test. The test is run by an independent and high standing organisation and would not be too onerous for the driver or officers and is a reasonable cost at £30.

She advised that if the test is adopted then it would only be used for new drivers applying for a licence and existing drivers cannot be made to take the test as they have already been deemed a “fit and proper person” to hold a licence.

The Chairman advised Members that other local authorities were currently exploring these options and one Council was already using the Versant English test.

One Member asked what safeguards were in place to ensure that the identity of the person taking the test was in fact the applicant for the licence. The Head of Housing, Environmental Health and Building Control confirmed that applicants would need to come to the Council offices with sufficient identification and then they would take the test over the phone under officer supervision.

Another Member said that he supported the proposals in the report but asked if the Licensing Sub-Committee A would be able to require certain drivers to take the test if they displayed a lack of spoken English during the meetings where their licences were reviewed. He moved for the recommendations to be amended to incorporate this proposal. This was seconded by the Chairman of the Scrutiny Committee for Leisure and Community.

The Chairman requested Franca Currall, Solicitor to draft the wording of this recommendation for approval.

The Head of Housing, Environmental Health and Building Control said that in instances when there have been complaints then this could be a reason to test if the driver was a “fit and proper” person to hold a licence and that potentially they could be required to take the Versant test. She advised that this would have to be on a case by case basis.

The Solicitor confirmed that there would need to be assessment on a case by case basis and only if there were grounds to doubt that the driver was able to effectively communicate or be understood.

A Member asked what identification checks officers carry out on drivers applying for licences. Yvonne Leddy, Business Unit Leader for Environmental Health & Building Control stated that all applicants attending the Taxi Knowledge test had to produce a passport as ID and, where relevant, documentation stating they were eligible to work in the UK.

She responded to follow up enquiries by advising Members that their Taxi Licensing Officer was an ex Police Officer and therefore trained to spot forged ID documents. With regards to qualification documents, she said that officers would predominantly take these on trust but common sense checks would be made and if officers had any suspicions they would check with the relevant Education Authority. She added that during the application process, potential drivers are required to attend a 30 minute DBS interview and officers will be able to determine their level of English from these meetings.

Another Member asked if they needed to implement, alongside this new test, an additional test to assess drivers' written English skills. The Head of Housing, Environmental Health and Building Control advised that the emphasis was on Spoken English from other authorities and said that applicants had to undertake a written Knowledge test in English.

One Member asked whether a policy of persuasion could be adopted with regards to existing drivers and encouraging them to take the Versant test so that they could assess themselves. The Vice-Chairman noted that this might cause problems if existing drivers opted to take the test and then failed and lost their licence.

The Solicitor advised that the Council could encourage drivers to build up their English skills, possibly by undertaking an English as a second language course, however legally the Council would be open to challenge if they forced existing licence holders deemed "fit and proper" to undertake an additional test to judge their suitability.

The Chairman agreed with the comments raised about encouraging existing licence holders to improve their English but advised that this would not form part of the recommendations.

A Member asked what arrangements would be in place to test spoken English during the interim before the adoption of the new Versant test comes into force. The Solicitor advised that the Council would be obliged to operate under the current policy until it was amended.

Another Member questioned if the cost of £30 for the test was a reasonable amount to request drivers to pay and whether it would be best to say that all drivers, existing and new, had to undertake the test in order for a level playing field. The Head of Housing, Environmental Health and Building Control advised that there were approximately 600 drivers with licences and reminded Members that the Council could not require existing drivers to take the test as they had already been judged to be fit and proper persons. She also advised that officers had assessed all the various tests and concluded that the Versant test was the most reasonable with regards to cost and time and resources for applicants and officers.

One Member sought clarification on the pass/fail parameters of the Versant test as outlined in paragraph 11 of the report. The Head of Housing, Environmental Health and Building Control clarified that the Versant test does not produce a pass or fail test but rather a score out of 80. She advised that officers are proposing that for the purposes of assessing the spoken English of a driver the pass score should be 55 or over which is equivalent to a level B1 or B2 of the Common European Framework of Reference of languages. It was noted that this would be stated more clearly in the report to the Scrutiny Committee for Leisure and Community.

In response to a question raised, the Head of Housing, Environmental Health and Building Control advised that the test would be conducted by a member of staff at Pearson Education and would be focusing on vocabulary, sentence construction and consistent pronunciation. She also advised that applicants were able to retake the test but they would have to pay the same fee of £30.

The Chairman thanked Members for their comments and asked the Solicitor for further clarification on the additional recommendation. The Solicitor suggested that the wording of the additional recommendation would be agreed with the Chairman

and Vice-Chairman after the meeting and recorded in the minutes. This was agreed by the Committee.

As there were no further comments, the Chairman took Members to the recommendation, subject to the additional recommendation to be agreed after the meeting, and this was agreed unanimously.

RESOLVED

- (1) The Committee endorses the proposed English language requirements set out in the report as a condition of licence for future applications for licences to drive Hackney Carriages and Private Hire vehicles.
- (2) The Committee further requests that the policy allows Licensing Sub Committee A to require drivers who come before the Committee to take the Versant language test where it is evident from the hearing that the driver is unable to communicate clearly in spoken English.

10. LIQUOR LICENSING PANEL MINUTES

The Committee received and noted the minutes of the following meetings of the Liquor Licensing Panels held on:-

- (a) 20 October 2014;
- (b) 13 April 2015;
- (c) 23 April 2015;
- (d) 3 June 2015; and
- (e) 7 July 2015.

RESOLVED

That the Minutes of the meetings of the Liquor Licensing Panels listed above be received and noted.

Chairman.