

LICENSING AND GENERAL PURPOSES COMMITTEE

23 October 2017

Minutes of the Licensing and General Purposes Committee held at the Town Hall, Bexhill-on-Sea on Monday 23 October 2017 at 6:30pm.

Committee Members present: Councillors C.J. Saint (Chairman), Lord Ampthill, A.K. Azad, R.K. Bird, G.S. Browne, Mrs D.C. Earl-Williams, S.D. Elford, K.M. Field, Mrs S. Hart, Mrs J.M. Hughes (Vice-Chairman) and I.G.F. Jenkins.

Advisory officers present: Executive Director of Business Operations, Service Manager – Environmental Services and Licensing, Deputy Legal Services Manager, Senior Environmental Health Officer and Democratic Services Officer.

LG17/05. **MINUTES**

The Chairman was authorised to sign the minutes of the meetings of the Licensing and General Purposes Committees held on 10 April and 15 May 2017 as correct records of the proceedings.

LG17/06. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P.R. Douart and the Executive Director of Resources.

PART I – RECOMMENDATIONS TO COUNCIL

LG17/07. **ENGLISH LANGUAGE PROFICIENCY TEST FOR DUAL DRIVERS**
(5.1)

Consideration was given to the report of the Executive Director of Business Operations detailing a proposal on the introduction of English language proficiency criteria for dual licensed drivers.

The Council had already adopted a policy that required drivers to demonstrate that they had sufficient ability to speak English and to understand spoken English in order to provide the standard of public and private hire service expected by the Council. The ability to communicate with passengers and other road users was important for safety, and the ability to be able to read English in terms understanding written information provided to them from the Council and other relevant authorities was also necessary e.g. conditions on their driver's licence. However, at present, there was no definitive standard or test adopted to satisfy the requirement should the need arise.

It was therefore proposed to introduce an assessment for every new applicant who wished to become a dual licensed driver to ensure that they had adequate skills in English – reading, writing, speaking and listening with the required level being identified as early years

secondary school or level B1 of the Common European Framework of Reference for Languages (CEFR) scale. Members discussed the required level and although some Members considered a B2 level would be more appropriate, they were mindful that this was a higher level required by a recent legal challenge and could be considered an unreasonable requirement should it be challenged.

Members noted that the test would not be required in the majority of cases as applicants would be able to provide information about their qualifications and a list of acceptable qualifications was appended to the report for consideration. It was anticipated that the requirement to undertake a test would only be required on a very small proportion of applications that were received by the Council. The cost of the test was understood to be approximately £180 – £200 and would be paid for by the applicant/driver.

Drivers who were already licenced would not be subject to the assessment unless, during an investigation and subsequent licensing panel, his/her conduct or behaviour was a cause of concern and it appeared that their ability to comprehend or communicate English was a contributory factor to the matter before the Members.

Members considered the proposal and agreed that it was important for public safety to ensure the Council's current requirements in respect of the English language were met and approved the recommendation for full Council's consideration.

RECOMMENDED: That the English language proficiency criteria or test be introduced for:

- 1) new applicants for licensed dual drivers; and
- 2) existing drivers, who through an investigation are found by a licensing panel that his/her conduct or behaviour is a cause of concern and it appears that their ability to comprehend or communicate English is a contributory factor.

LG17/08.
(5.2)

HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE LICENSING

The Committee received and considered the report of the Executive Director of Business Operations on Hackney Carriage and Private Hire Licensing which detailed a proposal to reintroduce a vehicle age restriction and provided an update to the Hackney Carriage and Private Hire Licensing Handbook.

A number of issues had arisen since the removal of the 8 year maximum vehicle age criteria in January 2013. These included:

- A significant number of licensed vehicles that were more than 9 years old.
- A steady increase in applications for older vehicles (including 2005 plate and older). Dealing with these applications took up a disproportionate amount of officer time and resources; officers had to reassess vehicles that were previously not licenced following

work being carried out and this could occur more than once on some vehicles.

- The condition of vehicles that were border line in terms of meeting vehicle specifications on licensing often deteriorated quickly, to the point that it reflected badly on the trade.
- In 2016, 45% of first applications for vehicles would have been outside the old age criteria of 8 years.
- Vehicles aged 7 years and older were less efficient in terms of emissions. Those 7 years and under had relatively modern engines and lower emissions and would meet at least Euro 4 standards.

A consultation on introducing a seven year limit on new vehicles and a maximum age limit of 12 years on vehicles originally licenced at seven years had been carried out with the trade between June and August 2017; the results of which were appended to the report for consideration. There had been a 6% return (including one response from a Hastings operator), the majority of which were in favour of introducing a 7 year age limit on new vehicles but against a 12 year age limit on existing vehicles.

Members noted that should the vehicle age restriction policy be agreed it would be introduced on the 1 January 2018. The policy would be a maximum 7 years old for a first licence and this vehicle would be re-licensed until it is nine years old with the exception of classic, novelty or vintage vehicles, which would not work from a taxi rank or carry out routine work. The age restriction policy would not apply to any vehicles licensed before the 1 January 2018.

It was further noted that Hastings Borough Council (BC) only licenced vehicles for up to five years old for two years and Eastbourne BC and Wealden District Council would only licence vehicles seven years old for two years.

Officers advised Members that one of the main issues with older vehicles tended to be the condition of the vehicles' bodywork. Some Members expressed concern on whether the current Vehicle Compliance Test (VCT) was being carried out correctly and whether an age restriction policy would be detrimental to the licenced drivers in the district, affecting their ability to provide a service to the public. Officers were continually reviewing the current providers of the VCT and their standards; however calls from VCT testing garages querying acceptable standards for older vehicles were increasing, which impacted on officer time.

The report also included an amended version of the Hackney Carriage and Private Hire Licensing Handbook which had been updated to include legislative changes, alterations to improve its layout and incorporated more detailed guidance. Significant changes were noted as Immigration Act 2016 – mandatory checks on rights to work before a licence was issued and spoken English, literacy and numeracy assessments. Additional driver guidance had also been provided for example, inappropriate communication with passengers, social media guidance and assistance to passengers entering or alighting the vehicle. Clarifications on a number of licensed vehicle requirements were also detailed within the updated handbook. Members noted that

the handbook would also be updated with details of vehicle age restrictions should this be agreed by Council.

RECOMMENDED: That the age restriction policy for licensed vehicles be introduced and adopted from 1 January 2018 and the Hackney Carriage and Private Hire Licensing Handbook be updated accordingly;

AND

It was **RESOLVED:** That the revised Hackney Carriage and Private Hire Licensing Handbook 2017 be noted.

CHAIRMAN

The meeting closed at 7:17pm

LGP171023.lec