

**To: The Members of the Licensing Committee
(Councillors Jenns, Clews, Davey, N Dirveiks,
Hanratty, Henney, Ingram, Lewis, Morson,
Moss, Singh, Smith, Smitten, E Stanley and A
Wright)**

For the information of other Members of the Council

This document can be made available in large print and electronic accessible formats if requested.

For general enquiries please contact Jenny Price, Democratic Services Officer, on 01827 719450 or via e-mail jennyprice@northwarks.gov.uk.

For enquiries about specific reports please contact the officer named in the reports.

LICENSING COMMITTEE AGENDA

21 JUNE 2017

The Licensing Committee will meet in the Council Chamber, The Council House, South Street, Atherstone, Warwickshire on Wednesday 21 June 2017 at 6.30pm.

AGENDA

PART I - PUBLIC BUSINESS

- 1 Evacuation Procedure**
- 2 Apologies for Absence**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

- 4 **Minutes of the meeting of the Committee held on 31 January 2017**
– copy herewith to be approved as a correct record and signed by the Chairman.

5 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members. Questions should be submitted by 9.30am 2 working days prior to the meeting. Participants are restricted to five minutes each. If you wish to put a question to the meeting please contact David Harris on 01827 719222 or email democraticservices@northwarks.gov.uk.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPER)

- 6 **Local Government (Miscellaneous Provisions) Act 1976 – Fixing Of Fares For Hackney** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report asks the Committee to consider a request from the taxi trade for an increase in fares.

The Contact Officer for this report is Stephen Whiles (719326).

- 7 **Local Government (Miscellaneous Provisions) Act 1976 Taxi Driver Communication and Language Assessment – Public Consultation** -Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report is to provide Members with the result of the public consultation into the proposed taxi driver communication and language assessment policy and to ask members to make a final decision on the introduction of the proposed policy.

The Contact Officer for this report is Stephen Whiles (719326).

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
LICENSING COMMITTEE**

31 January 2017

Present: Councillor Jenns in the Chair

Councillors Clews, Davey, N Dirveiks, Gosling, Hanratty, Ingram,
Lewis, Morson, Smitten and E Stanley

Apologies for absence were received from Councillors Henney
and A Wright

8 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

9 Minutes

The minutes of the meeting of the Committee held on 6 June 2016,
copies having been previously circulated, were approved as a correct
record and signed by the Chairman.

10 Service Plan for the Licensing Section

The Assistant Chief Executive and Solicitor to the Council sought the
Committee's approval of the 2017/18 Service Plan for the Licensing
Section.

Resolved:

**That the Service Plan as set out in the Appendix to the report
of the Assistant Chief Executive and Solicitor to the Council,
be agreed.**

11 General Fund Fees and Charges 2017/2018

The Committee was asked to consider the fees and charges for 2016/17
and the proposed fees and charges for 2017/18.

Resolved:

**That the schedule of fees and charges for 2017/18, as set out in
the report be accepted.**

12 General Fund Revenue Estimates 2017/18

The revised budget for 2016/17 and an estimate of expenditure for
2017/18, together with forward commitments for 2018/19, 2019/20 and
2020/21 were presented to the Committee.

Resolved:

- a The revised budget for 2016/17, be accepted; and**

Recommendation to Executive Board:

- b That the Estimates of Expenditure for 2017/18, as submitted in the report of the Deputy Chief Executive be included in the budget to be brought before the meeting of the Board on 7 February 2017.**

13 Local Government (Miscellaneous Provisions) Act 1976 – Taxi Licensing – Policy Document and Guidance Relating to the Definition of ‘Fit and Proper’ Persons

The Assistant Chief Executive and Solicitor to the Council asked the Committee to consider the adoption of a policy relating to the definition of ‘fit and proper’ persons to hold a hackney carriage or private hire drivers licence or a private hire operators licence.

Recommended:

That the policy relating to the definition of ‘fit and proper’ persons to hold a hackney carriage or private hire vehicle drivers licence, or a private hire operators licence, as set out in Appendix A to the report of the Assistant Chief Executive and Solicitor to the Council, be adopted.

14 Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage And Private Hire Drivers’ Qualifications

The Assistant Chief Executive and Solicitor to the Council sought approval to change the qualification requirements for making an application for a hackney carriage or private hire drivers’ licence.

Recommended:

That the Council change the existing policy, substituting Blue Lamp Trust taxi driver assessment for DVSA standard taxi driving test.

15 Local Government (Miscellaneous Provisions) Act 1976 - Taxi Driver Communication and Language Assessment

The Assistant Chief Executive and Solicitor to the Council asked the Committee to consider the introduction of mandatory assessments of taxi driver applicants for evidence of satisfactory communication and language skills.

Resolved:

That the Council consult interested parties on the introduction of mandatory taxi driver communication and language assessments for all new applicants.

A Jenns
Chairman

Agenda Item No 6

Licensing Committee

21 June 2017

Report of the
Assistant Chief Executive and Solicitor to
the Council

Local Government (Miscellaneous
Provisions) Act 1976 – Fixing Of
Fares For Hackney Carriages

1 Summary

- 1.1 The report asks the Committee to consider a request from the taxi trade for an increase in fares.

Recommendation to the Committee

That the Committee allow an increase in Hackney Carriage fares as set out in the proposed table of fares contained in this report.

2 Consultation

- 2.1 Councillors Jenns (Chair) and Morson (Vice Chair) have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Report

- 3.1 A request has been made by the local taxi trade to be allowed to increase fares (Appendix 1). Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to fix the rates or fares within the district as well as all other charges in connection with the hire of a hackney Carriage by means of a table known as a 'table of fares'. It has been three years since the last fare increase.

- 3.2 The following is the current table of fares:

FARES FOR DISTANCE OR TIME	DAYTIME RATE	NIGHT TIME RATE	CHRISTMAS & NEW YEAR RATE
	6am to 12 Midnight	12 Midnight to 6am and all day Sunday and bank Holiday	From 6pm on 24 th December to 6am on 27 th December and from 6 pm on 31 st December to 6am on 2 nd January
To hire this taxi for the first quarter mile	£2.40	£3.30	Double day rate
For the first mile	£3.80	£5.40	Double day rate
For each mile after	£1.90	£2.70	Double day rate

Waiting time per 1 minute	20p	30p	Double day rate
PRICE GUIDE			
1 Mile	£3.80	£5.40	£7.60
2 Miles	£5.70	£8.10	£11.40
3 Miles	£7.60	£10.80	£15.20
5 Miles	£11.40	£16.20	£22.80
10 Miles	£20.90	£29.20	£41.80
Soiling Charge	£25.00	£25.00	£50.00

3.3 The following is the proposed table of fares;

FARES FOR DISTANCE OR TIME	DAYTIME RATE	NIGHT TIME RATE	CHRISTMAS & NEW YEAR RATE
	6am to 12 Midnight	12 Midnight to 6am and all day Sunday and bank Holiday	From 6pm on 24th December to 6am on 27th December and from 6 pm on 31st December to 6am on 2nd January
To hire this taxi for the first quarter mile	£2.60	£3.90	Double day rate
For the first mile	£4.10	£6.15	Double day rate
For each mile after	£2.00	£3.00	Double day rate
Waiting time per 1 minute	30p	45p	Double day rate
PRICE GUIDE			
1 Mile	£4.10	£6.15	£8.20
2 miles	£6.10	£9.15	£12.20
3 Miles	£8.10	£12.15	£16.20
5 miles	£12.10	£18.15	£24.20
10 miles	£22.10	£33.15	£44.20
Soiling Charge	£30.00	£30.00	£60.00

3.4 Should the Committee agree to the proposed increase, a notice must be published in a local paper and made available at the Council offices stating the proposed variation of fares. This notice must specify a date, not less than fourteen days from the date of publication of the notice for objections to be made and is the date on which, if no objections are received the revised fares will come into force.

3.5 If objections are made then the Council must consider those objections. In light of those objections (although it must consider them, it does not have to vary the proposed fare as a result of them) the Council then sets a second date, which cannot be more than two months after the first date specified, when the new fares come into force.

3.6 The Committee are asked to consider the request from the taxi owners.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 There are no finance or value for money implications in the report.

4.2 Safer Communities Implications

4.2.1 A well regulated taxi service is important in providing safe transport for many vulnerable people. If it is not possible to make a reasonable living it is unlikely that suitable people will be attracted to taxi driving.

4.3 Legal and Human Rights Implications

4.3.1 There are no material legal implications arising from the proposals provided the relevant statutory procedures are followed.

4.4 Environment and Sustainability Implications

4.4.1 There are no adverse environmental implications in the report.

4.5 Health, Wellbeing and Leisure Implications

4.5.1 A well regulated taxi service will allow more people to access health and leisure opportunities which will increase general wellbeing.

4.6 Human Resources Implications

4.6.1 There are no human resource implications contained in the report.

4.7 Risk Management Implications

4.7.1 There are no risk management implications contained in the report.

4.8 Equalities Implications

4.8.1 There are no negative impacts of opportunity for any known group.

4.9 Links to Council's Priorities

4.9.1 Supporting employment and business
Promoting sustainable and vibrant communities
Improving leisure and wellbeing opportunities

The Contact Officer for this report is Stephen Whiles (719326).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act,
2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

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NWBC
Hackney Carriage Department
South Street
Atherstone
Warks
CV9 1DE

Date: 23/03/2017

FAO Mr P Wortley

Dear Sir

As you may be aware it has been three years since our last fare increase. I have spoken to most of the owner drivers of my company Triple A Taxis & Atherstone Taxis, and they are in agreement that a fare increase is overdue. We would like to propose a meter rate rise of .20 pence on the start price from £2.40 to £2.60 & .10 pence extra per mile for day rate. Also Night rate to increase by 50% of day rate & the Christmas rate to be double of the new day rate. We would also like an increase to the waiting time of .10 pence per minute on day rate & plus 50% of the new day rate for the night rate waiting time. The rise in the waiting time for the Christmas rate would be double the new day rate price.

I hope this will meet with your approval.

Yours faithfully


PC Wagstaff
Director
Triple A Taxis

Agenda Item No 7

Licensing Committee

21 June 2017

Report of the
Assistant Chief Executive And
Solicitor to The Council

Local Government (Miscellaneous
Provisions) Act 1976
Taxi Driver Communication And
Language Assessment – Public
Consultation

1 Summary

- 1.1 The report is to provide Members with the result of the public consultation into the proposed taxi driver communication and language assessment policy and to ask members to make a final decision on the introduction of the proposed policy.

Recommendation to the Committee

That Members consider the introduction of mandatory taxi driver communication and language assessments for all new applicants for Hackney Carriage/Private Hire Drivers licences.

2 Consultation

- 2.1 Councillors Jenns (Chair) and Morson (Vice Chair) have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Report

- 3.1 Members will recall that a report was brought to their meeting of 31 January 2017 regarding the introduction of a mandatory communication and language assessment for all new applicants for taxi driver licences (Appendix 1).

...

- 3.2 Your Committee resolved to consult interested parties and to receive a further report.

- 3.3 The consultation produced only one response, from Mr Phil Wagstaff of Triple A Taxis (Appendix 2)

...

- 3.4 The Environmental Health Manager (Commercial & Licensing) responded to Mr Wagstaff's letter (Appendix 3). However Mr Wagstaff would still like his comments to be considered by your Committee

...

3.5 The Committee are asked to consider the introduction of the proposed policy having regard to the consultation response.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 The fee for the assessment would be paid directly to ACL so there would be no financial implications for the Council.

4.2 Safer Communities Implications

4.2.1 It is essential that taxi drivers have good English language skills for the safety of passengers and their own safety.

4.3 Legal and Human Rights Implications

4.3.1 There are no legal or human rights implications provided the correct procedures are followed and all applicants are treated the same.

4.4 Environment and Sustainability Implications

4.4.1 There are no adverse environmental or sustainability implications from the report.

4.5 Health, Wellbeing and Leisure Implications

4.5.1 An efficient and effective taxi provision will assist people in accessing health and leisure facilities.

4.6 Human Resources Implications

4.6.1 The proposals can be accommodated within existing resources.

4.7 Risk Management Implications

4.7.1 There is a risk that if taxi drivers do not have good English and maths skills conflict situations could arise in respect of wrong destination, incorrect charging etc.

4.8 Equalities Implications

4.8.1 There are no known negative impacts of opportunity for any known group. The proposed consultation on the option for carrying out communication and language assessments is a positive proposal which would help ensure that the risk of any discriminatory practices would be minimised.

4.9 Links to Council's Priorities

4.9.1 Creating safer communities

Improving leisure and wellbeing opportunities
Promoting sustainable and vibrant communities
Supporting employment and business

The Contact Officer for this report is Stephen Whiles (719326).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act,
2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Agenda Item No 11

Licensing Committee

31 January 2017

**Report of the
Assistant Chief Executive And
Solicitor To The Council**

**Local Government (Miscellaneous
Provisions) Act 1976
Taxi Driver Communication And
Language Assessment**

1 Summary

- 1.1 The report asks Members to consider consulting on the introduction of mandatory assessments of taxi driver applicants for evidence of satisfactory communication and language skills.

Recommendation to the Committee

That the Council consult interested parties on the introduction of mandatory taxi driver communication and language assessments for all new applicants.

2 Consultation

- 2.1 Councillors Jenns (Chair) and Lewis (Vice Chair) have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Report

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976, Section 51, states that the Council shall not grant a licence to drive a Private Hire/Hackney Carriage vehicle to a person unless they are satisfied that the person is a 'fit and proper person' to hold a licence.
- 3.2 The Council has a policy on the interpretation of 'fit and proper person' and one of the clauses states that such a person must have 'the ability to read, speak and understand English, together with a working knowledge of arithmetic in giving the correct change etc.'
- 3.3 Over the recent past the Council has seen a rise in the number of people wishing to become taxi drivers for whom English is not their first language. Many of these people have very good English skills however some have a very poor standard of spoken and/or written English.
- 3.4 Applicants with poor English skills are advised by Officers that they will have to go before Licensing Sub-Committee to have their applications considered. Members are then asked to make an assessment. This is inevitably a very

subjective assessment. The current process could be challenged for being discriminatory and lacking in objectivity.

3.5 A nearby local authority have engaged Adult and Community Learning from Warwickshire County Council (ACL) to carry out taxi driver communication and language assessments. The assessments are carried out by qualified trainers and anyone that fails is signposted to suitable courses run by ACL. The scheme has run very successfully.

... 3.6 A brief outline of the assessments is attached at Appendix A. The fee for the assessment is £10 which would be payable directly to ACL. The assessments for our applicants would be held locally (Camp Hill, Nuneaton).

3.7 In order to avoid any suggestion of discrimination it would be necessary that all applicants for taxi driver licences undertake the assessment and not just those with obviously poor English skills.

3.8 Members are asked to consider consulting with interested parties with a further report following the consultation to consider whether or not to introduce the scheme.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 The fee for the assessment would be paid directly to ACL so there would be no financial implications for the Council.

4.2 Safer Communities Implications

4.2.1 It is essential that taxi drivers have good English language skills for the safety of passengers and their own safety.

4.3 Legal and Human Rights Implications

4.3.1 There are no legal or human rights implications provided the correct procedures are followed and all applicants are treated the same.

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4.4.1 There are no adverse environmental or sustainability implications from the report.

4.5 Health, Wellbeing and Leisure Implications

4.5.1 An efficient and effective taxi provision will assist people in accessing health and leisure facilities.

4.6 Human Resources Implications

4.6.1 The proposals can be accommodated within existing resources.

4.7 Risk Management Implications

4.7.1 There is a risk that if taxi drivers do not have good English and maths skills conflict situations could arise in respect of wrong destination, incorrect charging etc.

4.8 Equalities Implications

4.8.1 There are no known negative impacts of opportunity for any known group. The proposed consultation on the option for carrying out communication and language assessments is a positive proposal which would help ensure that the risk of any discriminatory practices would be minimised.

4.9 Links to Council's Priorities

4.9.1 Creating safer communities
Improving leisure and wellbeing opportunities
Promoting sustainable and vibrant communities
Supporting employment and business

The Contact Officer for this report is Steven Whiles (719326).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

EB024

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Date:21/03/17

Dear Sir

I have read your letter re- Consultation-Proposed Taxi Drivers Communication, and Language Assessment.

As you are aware in the last few years the council has made the whole process of applying to become a taxi driver more expensive and the time period from start to finish is considerable longer.

This is putting off many new applicants at the job interview stage, thus making the recruitment of new drivers very difficult.

With that in mind there are a few questions I would like answers to.

- 1, Will the council make more appointment times available per week?
- 2, Will the applicant have to take this before applying for his badge?
- 3, How soon after the appointment with the council will applicant have to wait for this test?
- 4, Will the applicant still be able to get an appointment for this new test with an "English Teacher" during school holidays?
- 5, Would it be possible for Taxi Company owners to make the decision when interviewing prospective new drivers as to whether they are suitable candidates as we have been doing for years?

We could then give them a letter to take to the council as recommendation.

It would follow that applicants applying direct to the council would follow council procedures.

And lastly I would like the Taxi licensing department at NWBC to come up with some ideas of how they could speed up the application procedure for new drivers.

Yours Faithfully
PC Wagstaff



Director
Triple A Taxis Ltd

Harris, David

From: Whiles, Stephen <StephenWhiles@NorthWarks.gov.uk>
Sent: 24 March 2017 15:14
To: 'tripleataxisltd@aol.com'
Cc: Wortley, Phil
Subject: RE: taxi assessment

Dear Phil,

Thank you for your letter of 21/03/17 in response to the Council proposal to introduce a taxi driver communication and language assessment as part of the requirement to obtain a HC/PH driver licence.

The measures that have been brought forward by the Council over the recent past are bringing us in line with almost every other authority in the Country. We were far behind in our requirements and as you know this led to us attracting people who only applied to us because word got around that North Warwickshire was a place where it was easy to obtain a licence. Most of these people then used their licences to work in neighbouring areas where enforcement was very difficult for us, putting the public at risk.

I understand your concerns and that the new measures do put you to some inconvenience. However when you weigh this up against the protection of the public and the reputation of the local taxi industry I think it is worth it.

In answer to your specific questions:

1. No. The assessment will not take place at the appointment it will be a separate process to be carried out at Adult and Community Learning (ACL) at Camp Hill, Nuneaton.
2. Yes, passing this test will be a prerequisite of obtaining a licence.
3. Test are run continuously so there will be no waiting time.
4. Yes – ACL is nothing to do with schools
5. No – the purpose of the test is to ensure an objective standard is met. In addition if everyone takes the same test there can be no suggestion of discrimination.

I hope this answers your queries.

Please let me know if you wish any or all of the points in your letter to be put to the Licensing Committee in due course.

Kind Regards

Steve

Stephen Whiles
Environmental Health Manager (Commercial & Licensing)
North Warwickshire Borough Council
South Street
Atherstone
Warwickshire
CV9 1DE

01827 719326

www.northwarks.gov.uk

From: tripleataxisltd@aol.com [<mailto:tripleataxisltd@aol.com>]

Sent: 21 March 2017 13:54

To: licensing

Cc: Whiles, Stephen

Subject: taxi assessment

Hi

Please find attached letter.

Kind regards

Phil

Triple A Taxis
01827 713637