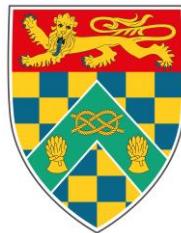


Minutes

Licensing Committee
Friday, 9 May 2025



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Pam Bosworth (Chairman)
Councillor Elvis Stooke (Vice-Chairman)
Councillor Harrish Bisnauthsing
Councillor Patsy Ellis
Councillor Paul Fellows
Councillor Jane Kingman
Councillor Philip Knowles
Councillor Robert Leadenham

Officers

Licensing Officers (Elizabeth Reeve, Chris Clarke)
Licensing Manager, Heather Green
Legal Advisor, Mark Brooke
Democratic Officer, Lucy Bonshor

62. Apologies for absence

Apologies for absence were received from Councillor Helen Crawford and Councillor Nikki Manterfield.

63. Disclosure of interests

None disclosed.

64. Minutes of the meeting held on 4 April 2025

The minutes of the meeting held on 4 April 2025 were proposed, seconded and **AGREED**.

65. Exclusion of the Press and Public

It was proposed, seconded and **AGREED** to exclude the press and public in accordance with Section 100(A) of the Local Government Act 1972 (as amended)

during consideration of the following item of business because of the likelihood that otherwise exempt information, as described in paragraph 1 and 2 of the Act (as amended) would be disclosed to them.

66. Local Government (Miscellaneous Provisions) Act 1976

Decision

Considering the individual circumstances of the applicant, and the absence of any concerns during their previous licence, the Committee was satisfied that the driver was a fit and proper person to hold a driver's licence and granted the application.

The Chairman introduced those present and confirmed the name of the applicant who was in attendance together with a family member.

The Licensing Officer presented exempt report ENV903 which asked the Committee to determine whether the Versant English Test pass required for renewing drivers should be adhered to in line with the Hackney Carriage and Private Hire Licensing Policy approved by Council in May 2024.

Following the issuing of the Department of Transport updated Taxi and Private Hire Guidance in November 2023, the Hackney Carriage and Private Hire Licensing Policy was updated and approved by Council on 23 May 2024.

One of the amendments was that all drivers renewing after 1 August 2024, who could not supply evidence of a relevant qualification as listed in Appendix C 3.2.4 of the Taxi Policy, were required to sit and pass the Versant English test.

The driver before the Committee had held a licence since May 2011. The driver's existing badge had expired in April 2025 and renewal was made in March 2025, all supporting documents and checks had been completed with no issues. However, as no qualification could be provided by the driver in respect of a relevant qualification, the driver was requested to sit the Versant English test.

The driver sat the test and a copy of the test was appended to the report, the pass mark was 47. The driver had confirmed that he was happy for officers to sit in the room where the test was being carried out. During the course of the test it became apparent to the Officer present that the driver had a speech impediment. The driver confirmed this and stated that some words and phrases still presented issues. The Officer contacted the organisation who ran the test and it was confirmed that the speech impediment had impacted the score received and that there were no alternative adjustments that could be made.

As there were no alternative test options or adjustments available to the driver and after discussions with the Licensing Manager and the Head of Service for Public Protection it was confirmed that the driver should be referred to the Licensing Committee due to the exceptional circumstances and the driver being

so close to the pass mark for the Committee to consider diverting away from the Hackney Carriage and Private Hire Licensing Policy.

The driver had been provided with temporary badge extensions to cover the interim period as all other aspects of the renewal had been in order and compliant.

Members questioned the Licensing Officer about the test and it was confirmed that the software used had a computer generated voice and that no adjustments could be made to the software. It was also confirmed that the provider could not provide any alternative software. A question was asked about the clarity and tone of the software and the Licensing Officer confirmed that the clarity was clear. Further comments were made to which the Licensing Manager responded. Following more discussion it was stated that no complaints had been received in respect of the driver's communication skills over the period that they had held a licence.

The driver's family member then spoke on the driver's behalf.

A comment was made to the driver directly to which they responded to clearly.

The Licensing Officer then gave their closing statement. The Hackney Carriage and Private Hire Licensing Policy was fundamental to protecting public safety and keeping people from harm. The Policy provided a framework upon which the Authority delivered its statutory functions relating to hackney carriage and private hire licensing.

Licensing Authorities were responsible for deciding their own policy and making decisions on individual licensing matters, applying the relevant law and any other relevant conditions and guidance. Licensing Authorities must also give due regard to the Statutory Taxi and Private Hire Vehicle Standards 2020 (updated 25 November 2022).

The change for the English Versant test to be sat by all renewal drivers as considered by the Licensing Committee as per the Department of Transport guidance which stated, "Any changes in licensing requirements should be followed by a review of the licences already issued". If a need to change licensing requirements has been identified, this same need is likely to apply to those already in possession of a licence. This resulted in the requirement for renewing drivers to meet the minimum language standard.

Licensing authorities must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, then they should consider doing so and record the reasons for any deviation from the policies that are in place.

The driver stated that there had been no communication problems with customers.

(10:28 the Licensing Officers, driver and family member left the meeting)

The Committee discussed the issue before them having regard to the content of the report, the representations made and all relevant policies and guidance. Some Members felt that the Council had let the driver down as there was nothing in place to account for the speech impediment and perhaps a delegation could be put in place. However, it was pointed out that each case needed to be looked at on its own merits and these were exceptional circumstances which was why it had been referred to Committee and Officers did not have delegated authority to go against the Hackney Carriage and Private Hire Licensing Policy. Further discussion followed and it was noted that there had been no complaints in respect of the driver or any comments made regarding their speech and understanding. It was proposed, seconded and agreed that the driver was a fit and proper person to hold a licence and that they should be granted their licence.

(10:44 the Licensing Officers , driver and family member returned to the meeting)

The Legal Advisor read out the Committee's decision. The Committee noted that the Council's Hackney Carriage and Private Hire Policy required all applicants to demonstrate a satisfactory level of spoken English in order to ensure passenger safety and effective communication. In the absence of qualifications this was assessed through the Versant English test.

The driver sat the test and achieved an overall score of 45. The pass mark, as set out in the Council's Policy is 47.

The Committee decided to depart from the Policy in this particular circumstance for the following reason:

The applicant had a known speech impediment which may have adversely affected their performance in the English language assessment, as noted by both the Licensing Officer and the provider of the test.

The Committee was concerned to note that no reasonable adjustments were made to accommodate this condition in the conduct of the test. The Committee considered that the strict application of the Policy, without making reasonable adjustments, would place the applicant at an unfair disadvantage and would be contrary to the principles of equality and fairness.

The Committee also noted that the applicant had held a Hackney Carriage drivers licence with South Kesteven District Council between May 2011 and April 2025, and there had been no record of any complaints or concerns in relation to their standard of communication during that period. The applicant had been clear when addressing the Committee which provided strong evidence that the applicant is capable of communicating effectively with passengers and other road users in the course of their work.

Taking into account the individual circumstances of the applicant, and the absence of any concerns during their previous licence, the Committee were satisfied that the applicant was a fit and proper person to hold a driver's licence and granted the application.

67. Any other business which the Chairman, by reason of special circumstances, decides is urgent.

None.

68. Close of meeting

The meeting closed at 10:52.