

Licensing Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Tuesday, 17 June 2025 at 10.00 am
Council Chamber - South Kesteven House,
St. Peter's Hill, Grantham. NG31 6PZ

Committee Members: Councillor Paul Fellows (Chairman)
Councillor Robert Leadenham (Vice-Chairman)

Councillor Harrish Bisnauthsing, Councillor Pam Bosworth, Councillor Helen Crawford, Councillor Patsy Ellis, Councillor Jane Kingman, Councillor Philip Knowles, Councillor Rhea Rayside, Councillor Susan Sandall and Councillor Elvis Stooke

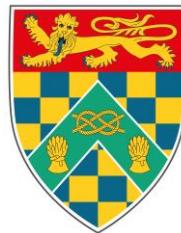
Agenda

- 1. Apologies for absence**
- 2. Disclosure of interests**
Members are asked to disclose any interests in matters for consideration at the meeting.
- 3. Minutes of the meeting held on 9 May 2025** (Pages 3 - 7)
- 4. Local Government (Miscellaneous Provisions) Act 1976 & Town Police Clauses Act 1847** (Pages 9 - 13)
To provide the Committee with an update following the implementation of the Hackney Carriage and Private Hire Licensing Policy as requested on 20 December 2024.
- 5. Any other business which the Chairman, by reason of special circumstances, decides is urgent.**

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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.

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Licensing Committee

Tuesday 17 June 2025

ENV 907

Report of Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 & TOWN POLICE CLAUSES ACT 1847

Report Author

Heather Green, Licensing Manager

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Purpose of Report

To provide an update following the implementation of the Hackney Carriage and Private Hire Licensing Policy as requested by the Licensing Committee on 20 December 2024.

Recommendations

That the Licensing Committee:

1. Notes the report and the impact of the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.
2. Considers any amendments to the existing Policy it may wish to recommend to Full Council for approval.

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective Council Sustainable South Kesteven Enabling Economic Opportunity
Which wards are impacted?	All wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no specific financial implications associated with this report, however, in the event of the applicant making an appeal against a decision which was then subsequently upheld the council may incur additional legal costs.

Legal and Governance

- 1.2 There are no significant legal or governance implications arising from this report which are not already referenced in the body of the report. Any amendments to the Council's Hackney Carriage and Private Hire Licensing Policy require approval by Full Council.

Community Safety

- 1.3 Community Safety implications will be considered in accordance with Section 17 of the Crime and Disorder Act 1998.

2. Background to the Report

- 2.1 The Department for Transport (DfT) issued updated Taxi and Private Hire Guidance in November 2023. The updated Hackney Carriage and Private Hire Licensing Policy ("the new policy") was reviewed and approved by Full Council on 23 May 2024.
- 2.2 Notification was issued to all licence holders outlining the main changes to the policy prior to its scheduled implementation date. The following six points reflect the main feedback received at that time:

- 1) The overall cost of both the new requirements and renewals could lead to drivers obtaining licenses elsewhere and result in competitive disadvantage.
- 2) The new testing requirements should only apply to new applicants and not existing drivers in relation to renewals.
- 3) A question as to why existing drivers, without any complaints about their driving, should be required to undertake a driver proficiency test when the DVLA do not require the same for a standard driving licence.
- 4) A question as to why someone who has lived in England all their life needs to demonstrate they have a qualification or undertake an English test.
- 5) Requests for compensation for those drivers who have invested in vehicles to match the previous age criteria associated with vehicles.
- 6) The environmental impact and requirement for daily walkaround checks.

2.3 A response to these points was considered at the meeting of the Licensing Committee on Friday 28 June 2024 and three drivers attended to outline their concerns.

2.4 A further update was provided to Committee on 20 December 2024 due to continued concerns expressed by some drivers regarding fees and a driver approaching the media about the English test. It was agreed by Committee that a further update would be provided outlining driver/vehicle numbers in June 2025.

2.5 Recently a further concern has been raised by some drivers regarding cross-border licensing and the potential impact on both business and potentially cheaper/less regulated or checks required by other Licensing Authorities, as there is no national taxi policy or charging regime.

3. Key Considerations

3.1 Below is a table showing the yearly averages for the number of licensed Drivers, Vehicles and Operators within the South Kesteven. For information, the 2025 average (April and May) has been included:

Drivers		Vehicles		Operators	
2021/2022	356	2021/2022	308	2021/2022	22
2022/2023	361		314	2022/2023	22
2023/2024	366		323	2023/2024	24
2024/2025	367		321	2024/2025	31
April/May 2025	352		316	April/May 2025	33

3.2 As outlined in the December 2024 report, the Licensing Team do not have discretion to deviate from the approved Policy. Whilst a Hackney Carriage and Private Hire Licensing Policy may make definite statements, known as 'bright lines' it can never fetter a Licensing Committees discretion when making an individual determination. Licensing authorities can depart from their own policy where they consider there are exceptional circumstances which warrant the departure. Since the current policy was implemented, there have been referrals to Licensing Committee where drivers have not met the updated policy requirements:

- 2 x Wheelchair accessible vehicles not meeting the Euro 6 Standard

- 1 x Driver not wishing to take the driver proficiency test
- 1 x Driver failed the English proficiency test due to a medical impairment

3.3 Following the report in December 2024 below is an update taking into account the new policy requirements from 1 August 2024 on renewing drivers:

- 2 x renewal drivers have failed the driver proficiency test (both have not renewed their licence)
- 1 x renewal driver has failed the English language test (passing on the 2nd attempt) of the 6 undertaken since January 2025
- 35 x drivers renewed their badge
- 16 x drivers have not renewed - we do not require drivers to inform us as to why they choose not to renew
- 7 x new drivers applied and issued with licences
- Net loss of 9 drivers between December 2024 – May 2025

3.4 With regard to this issue of cross-border licensing there are no restrictions within taxi legislation or regulations outlining where a private hire journey or pre-booked hackney carriage journey starts or finishes. As long as the vehicle, driver and operator (if applicable) are licensed by the same licensing authority. It is acknowledged at Governmental levels that the Deregulation Act 2015 potentially exacerbated this issue, by creating a loophole within England and Wales allowing operators to subcontract booking to operators licensed in a different district (previously this had to be within the same licensing authority area). Whilst there is current lobbying of Government about the impacts of this, at this time SKDC, as the licensing authority, are unable to stop this practice.

3.5 Whilst a driver may choose to cross border licence, they need to weigh up the operating restrictions and potential impact on their business that come with this. Wolverhampton City Council Taxi licensing is often referred as a comparator to SKDC's fees however cheapness can bring potential drawbacks:

- To work within SKDC an out of area licensed taxis must work on a prebooked basis. If they are licensed as a private hire vehicle, they would need to use an operator licensed by wherever the driver and vehicle badge was issued. They licence elsewhere as a hackney carriage however they cannot operate as one outside the area they are licensed ie they cannot use our ranks or ply for trade within South Kesteven.
- Service provided - looking at Wolverhampton's website (as of 28 May 2025), their guidance on applications is:

New private hire driver licence applications:

New private hire vehicle licence applications:

16/01/2025

17/02/2025



Please do not contact the Council about your application if you applied after the above dates. Your application is in the queue and will be dealt with as soon as possible. Thank you for your patience.

- Whilst there are those, primarily from within the trade, who disagree with how things have changed over the years, our service provision is not subject to such delays even with a much smaller team.
- If an application has been submitted, we are contactable at any stage of the process unlike that stated in the message above.

3.6 As part of annual fee setting, the Council reviews each category of licence to ensure that the hourly rate and time spent per activity is reflective of the above charging elements. For 2025/2026 the decision was taken to retain the current fees. The proposed fees were approved by Council in line with procedure.

4. Other Options Considered

- 4.1 The Licensing Committee may decide to take on board the feedback but agree to leave the Policy as currently implemented.
- 4.2 The Licensing Committee may wish to request that the Policy be reviewed again after an agreed period of time to understand whether the changes have had any further impact on new and/or renewal applications.
- 4.3 The Licensing Committee may wish to provide recommendations to Full Council to amend all or some of the changes implemented.

5. Reasons for the Recommendations

- 5.1 The policy supports the Council in fulfilling its statutory duties associated with the licensing of hackney carriage and private hire trades and takes into account the latest government guidance from the DfT.

6. Consultation

- 6.1 No consultation has taken place.

7. Background Papers

- 7.1 [Taxi Policy June 2024.pdf \(southkesteven.gov.uk\)](#)
- 7.2 [Department for Transport Statutory Taxi and Private Hire Vehicle Standards](#)
- 7.3 [Taxi and Private Hire Vehicle Licensing Best Practice Guidance](#)
- 7.4 [Councillor Handbook: Taxi and PHV Licensing](#)
- 7.5 [Licensing Committee on Friday, 28th June, 2024, 10.00 am | South Kesteven District Council](#)
- 7.6 [Licensing Committee on Friday, 20 December 2024, 10.00 am | South Kesteven District Council](#)

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