

7. Introduction of English Language Requirement for Hackney Carriage and Private Hire Drivers

REPORT OF: Lynne Standing, Head of Housing, Environmental Health and Building Control
Contact Officer: Yvonne Leddy Business Unit Leader Environmental Health
Email: yvonne.leddy@midsussex.gov.uk Tel: 01444 477300
Wards Affected: ALL
Key Decision: No
Report to: Scrutiny Committee for Leisure and Community
9 February 2016

Purpose of Report

1. Following its consideration by the Licensing Committee on 9 December 2015, to seek the endorsement of the Scrutiny Committee for Leisure and Community to the introduction of a change to the conditions to licence for taxi and private hire drivers to ensure they are able to communicate effectively with their customers in spoken English.
2. If the Committee is content with the proposals these will be put out to public consultation from February to April prior to full Council considering the proposal at its meeting on 22 June 2016.

Recommendations

3. **The Committee is recommended to endorse the proposed English language requirements set out in this report as a condition of licence for future applications for licences to drive Hackney Carriages and Private Hire vehicles.**

Background

4. A number of concerns have been raised by Members of this Committee and the Licensing Committee about some licensed drivers' ability to communicate in English. This concern was echoed in some of the responses we received to our consultation in July and August 2015 on the Council's revised Hackney Carriage and Private Vehicle Hire Licensing Policy. Given the requirement to introduce that revised policy by October 2015 to enable the required changes to licence periods and the consequent changes to fees, changes relating to language proficiency were not able to be introduced to the policy at that time. Officers agreed to research the options and to revert to members with a proposal.
5. Paragraph 71 of the Department for Transport's Best Practice Guidance states that "Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties."
6. Adequate communication skills and language proficiency are considered essential for the work of a taxi or private hire driver, due to the need to correctly understand and follow directional instructions from a passenger, and to enable the driver to give and follow instructions in an emergency situation, which may be stressful.

7. As Members are aware, we already test drivers' knowledge of the area through a written test in English, and so our focus has been on whether and how a requirement to be able to communicate reasonably in spoken English could be fairly and effectively tested. Whilst no licensing authorities in West Sussex currently require drivers to undergo an English test, such requirements have been or are being introduced in some other licensing authorities.
8. To ensure consistency and fairness the same requirements would need to be applied to all those applying for a driver's licence. In assessing the options available therefore officers have been mindful of the need to ensure that our requirements are proportionate and do not impose an unreasonable burden or costs on drivers whose English may be acceptable but who are unable without undertaking a test to objectively evidence this.
9. The consistency and objectivity of the test are critical. A number of options exist for English language proficiency testing. However issues arise with the cost and time commitment of many of these, together with the need to ensure that the examining body is reputable, that the course is accredited by a recognised organisation, and that the result is of a sufficient level so as to indicate a suitable proficiency. Many also assess all elements of language skills, including reading and writing abilities, which may not be of such relevance to the work of taxi and private hire drivers.
10. A suitable option has now been identified for a spoken English test, which is being used successfully by Dacorum Borough Council. The Versant English Test, offered by Pearson Education, is taken by telephone and provides a near-instant, objective result, assessing the candidate's skills in vocabulary, sentence construction, fluency and pronunciation, as well as providing an overall score. Each of these sections is marked on a scale of 20 to 80, and is calculated immediately after the test, which lasts for around 15 minutes, is completed. Details of a sample test, including the instruction sheet and a results report, are appended at Annex 1. During the test the candidate carries out a number of spoken tasks, comprising:
 - reading sentences from a printed sheet,
 - repeating sentences played over the phone,
 - answering simple questions asked over the phone,
 - reconstructing sentences from multiple segments read to the candidate,
 - answering open questions (speaking for 20-30 secs) asked over the phone.
11. The test produces a score within a given range, which correlates to certain language proficiency levels. The levels also correlate to the Common European Framework of Reference for languages (CEFR), which allows the results to be accurately compared against other language-based qualifications. For the purposes of driver licensing, it is believed that candidates should have language proficiency equivalent to the threshold of levels B1 and B2 of the CEFR scale (an overall score on the Versant test of 55/80 or higher). Drivers will therefore be required to achieve this score to demonstrate their competence and be granted a licence. Level B2 is defined by CEFR as follows:

Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.

12. There is a cost of around £30 per test undertaken. It is proposed that tests would be supervised and taken at the Council's offices, following an identification check, so as to ensure that tests are not taken by a person other than the candidate.
13. The requirement for any test of this type would need to be applied equally to all candidates, including those who may be expected to speak English as a first language by virtue of their country of birth. However, it is proposed to exempt a candidate from any adopted English test requirement if they can demonstrate that they have previously passed a relevant English language qualification at a suitable level, such as:
 - a GCSE, GCE O-level or GCE A-level issued by a recognised examining body in the UK (grade C or higher)
 - an NVQ, City & Guilds, or similar vocational qualification (level 2 or higher) issued by a recognised examining body in the UK
 - an equivalent qualification to either of the above, issued by a recognised examining body in an English-speaking country other than the UK
 - a TOEFL, IELTS or ESOL qualification at CEFR level B2 (or equivalent)
14. Members should be aware that if such a requirement is adopted, it would apply only to new applications for a driver's licence as drivers who already hold a licence have already been judged as fit and proper persons to hold a licence. This restriction on its use caused some concern when discussed at Licensing Committee and an amendment to the original proposal has therefore been proposed. This is that, where an existing driver is brought before Licensing Sub Committee, that Committee may, if they feel the driver's spoken English is inadequate, require that driver to take the Versant test. Each case would need to be considered on its merits.

Policy Context

15. The Licensing Policy is produced pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

Financial Implications

16. There are no budgetary implications for the Council. Drivers who are not exempted from the test by virtue of holding a relevant qualification would be required to spend a further £30 for the test, which is considered a reasonable sum.

Risk Management Implications

17. There is a risk that this additional requirement would deter some drivers from applying for a licence but, given the modest costs involved, the risk is considered to be low. As long as the test is objective and applied to all those applying for a driver's licence the risk of challenge against a refusal to grant a licence based on the results of the test is also considered to be low.

Equality and customer service implications

18. An equality impact assessment has been undertaken. It is considered that as long as the test is uniformly and consistently applied there are no equalities implications.
19. Ensuring that all drivers can communicate effectively when speaking to their passengers should help ensure a good and safe service for customers.

Background Papers

20. None

ANNEX C – VERSANT TEST – SAMPLE INSTRUCTIONS

((())) VERSANT™

Versant for English

Test Identification Number

1234 5678

Introduction:*Thank you for calling the Ordinate testing system.**Please enter your Test Identification Number on the telephone keypad.**Now, please say your name.**Now, please follow the instructions for Parts A through E.***Part A: Reading.** *Please read the sentences as you are instructed.*

1. When it comes to art, people's tastes vary widely.
2. Some enjoy pictures that look as real as a photograph.
3. Others prefer the forms and colors of abstract works.
4. A good art museum will include all types of art, including sculpture, painting, and photography.
5. Now that summer is here, our town has generally had a warm spring, et.
6. Once a week, local people sell fresh produce and flowers near the bank.
7. Not only are the vegetables there also entertainment for kids.
8. It's an enjoyable place for a family to spend a Saturday morning.
9. We received our electricity bill today.
10. I couldn't believe how high our electricity costs were.
11. It had more than doubled since a year ago.
12. We'll have to start using energy-efficient light bulbs.

Part B: Repeat. *Please repeat each sentence that you hear.*

Example: a voice says, "Leave town on the next train."
and you say, "Leave town on the next train."

Part C: Questions. *Now, please just give a simple answer to the questions.*

Example: a voice says, "Would you get water from a bottle or a newspaper?"
and you say, "a bottle" or "from a bottle".

Part D: Sentence Builds. *Now, please rearrange the word groups into a sentence.*

Example: a voice says, "was reading" ... "my mother" ... "her favorite magazine"
and you say, "My mother was reading her favorite magazine."

Part E: Open Questions. *You will have 20 seconds to answer each of three questions. The questions will be about family life or personal choices. Each question will be spoken twice, followed by a beep. When you hear the beep, you will have 20 seconds to answer the question. At the end of the 20 seconds, another beep will signal the end of the time you have to answer.*

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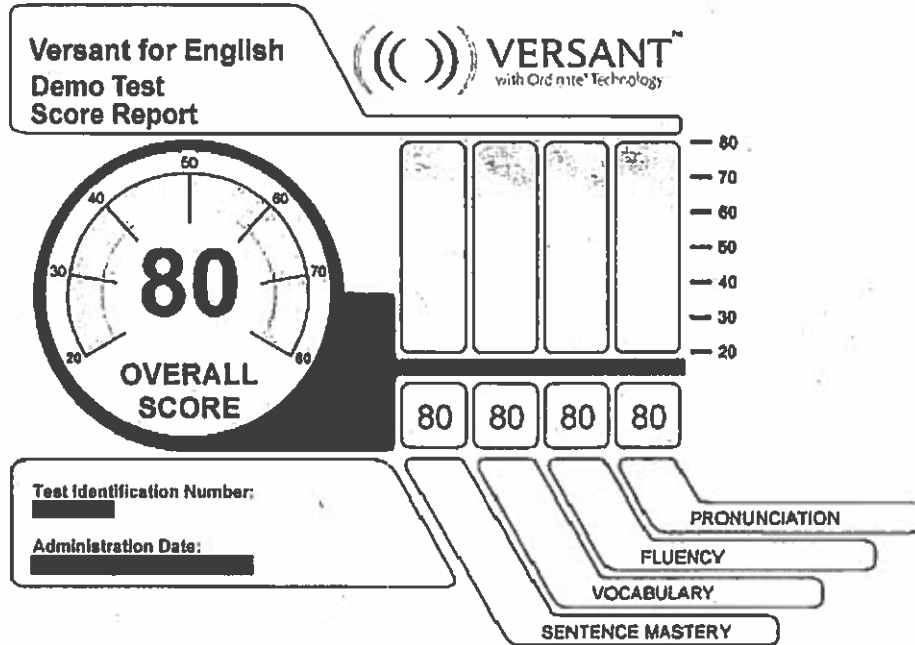
ANNEX D – VERSANT TEST – SAMPLE REPORT

Score Report

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English

See All Score Ranges



Overall (80)

The Overall Score of the test represents the ability to understand spoken English and speak it intelligibly at a native-like conversational pace on everyday topics. Scores are based on a weighted combination of four diagnostic subscores. Scores are reported in the range from 20 to 80.

- 72 - 80** Test-taker speaks and understands effortlessly at native-speaker speeds, and can contribute readily to a native-paced discussion at length, maintaining the colloquial flow. Speech is completely fluent and intelligible; test-taker has consistent mastery of complex language structures.
- 63 - 71** Test-taker easily handles a wide variety of discourse and speaking styles, and can contribute to a native-paced discussion. Speech is fluent, smooth and intelligible; test-taker controls appropriate language structure for speaking about complex material.
- 46 - 62** Test-taker can handle many utterances using a variety of words and structures, and can follow and sometimes participate in a native-paced conversation. Pronunciation is generally intelligible; test-taker can express some composite information on familiar topics to a cooperative listener.
- 37 - 45** Test-taker can handle short utterances using common words and simple structures, but has difficulty following a native-paced conversation. Pronunciation may sometimes not be intelligible; test-taker speaks slowly and pauses, but can convey basic information to a cooperative listener.
- 28 - 36** Test-taker can manage some slow, short, isolated utterances, or spoken formulas, but has difficulty following any native conversation; test-taker may often pause to search for words and may be difficult to understand.
- 20 - 27** Test-taker has very limited speaking and listening skills in English.

Sentence Mastery (80)

Sentence Mastery reflects the ability to understand, recall and produce English phrases and clauses in complete sentences. Performance depends on accurate syntactic processing and appropriate usage of words, phrases and clauses in meaningful sentence structures.

- 72 - 80** Test-taker can understand, recall and produce a wide range of English phrases and clauses in sentence context. Test-taker can consistently produce accurate and meaningful

- complex sentences.
- 60 - 71 Test-taker can understand, recall and produce a variety of English phrases and clauses in sentence context. Test-taker generally produces accurate and meaningful sentences.
- 47 - 59 Test-taker can understand, recall and produce many English phrases and clauses in sentence context. Test-taker produces a range of meaningful sentences.
- 31 - 46 Test-taker can understand, recall and produce some English phrases and clauses in sentence context. Test-taker produces some simple meaningful sentences.
- 21 - 30 Test-taker has difficulty understanding, recalling or producing English sentences, even with simple phrases and/or clauses.
- 20 Test-taker provided few if any correct spoken responses to the relevant items; or the test-taker was silent or spoke too softly in response to these items.

Vocabulary (80)

Vocabulary reflects the ability to understand common everyday words spoken in sentence context and to produce such words as needed. Performance depends on familiarity with the form and meaning of everyday words and their use in connected speech.

- 69 - 80 Test-taker understands and produces a wide range of everyday English words as they are used in fluent colloquial speech.
- 57 - 68 Test-taker generally understands and can produce most everyday English words as they are used in clear colloquial speech.
- 45 - 56 Test-taker usually understands and can produce everyday English words when they are used in clear speech.
- 33 - 44 Test-taker has a limited understanding of basic spoken English words, even when they are used in clear, simple speech.
- 21 - 32 Test-taker may understand some very basic words in spoken English, especially if the words are used in slow, clear, simple speech.
- 20 Test-taker provided few if any correct spoken responses to the relevant items; or the test-taker was silent or spoke too softly in response to these items.

Fluency (80)

Fluency reflects the rhythm, phrasing and timing evident in constructing, reading and repeating sentences.

- 75 - 80 Test-taker speaks with good rhythm, phrasing, and overall timing. Speech is generally smooth with few, if any, hesitations, omissions, or repetitions.
- 56 - 74 Test-taker speaks with acceptable rhythm and generally appropriate phrasing; some units may be too fast or too slow. Occasional hesitation, repetition, and/or imperfect word-linking may produce an uneven phrasing.
- 38 - 55 Test-taker speaks with adequate rhythm and some inappropriate phrasing and pausing. Hesitations and possible repetitions or omissions of words result in an irregular speech rate and some disconnected phrases.
- 20 - 37 Test-taker speaks in a slow manner with hesitations, false starts, long pauses, and/or omissions. Spoken words are often not linked and/or not grouped according to their sense.

Pronunciation (80)

Pronunciation reflects the ability to produce consonants, vowels and stress in a native-like manner in sentence context. Performance depends on knowledge of the phonological structure of everyday words.

- 75 - 80 Test-taker produces vowels and consonants that are clear and unambiguous; any minor irregularities do not affect intelligibility. Stress is placed correctly in all common words, and sentence level stress is reasonable. Pronunciation is consistent with fluent speech patterns.
- 55 - 74 Test-taker produces most vowels and consonants in a clear manner, although an occasional word may be unclear. Stress is placed correctly in most words, although some unreduced vowels may render stress placement unclear. Speech is generally intelligible.
- 38 - 54 Test-taker consistently mispronounces certain consonants and vowels. Speech is mostly intelligible, but some listeners will need to adjust to the accent. Stress may be placed incorrectly in some words, or stress placement may be ambiguous.
- 25 - 37 Test-taker mispronounces many consonants and vowels, resulting in a strong, intrusive non-English accent. Listeners may have difficulty understanding a significant portion of the words. Stress placement is often unclear, and syllables may sometimes be added or skipped.
- 20 - 24 Test-taker's pronunciation is strongly non-English in character. Many consonants and vowels are mispronounced, misplaced, or omitted, and some listeners may find the speech

mostly unintelligible. Stressed and unstressed syllables are not clearly distinguished and words may have the wrong number of syllables.



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