

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

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Wards Affected: ALL
Key Decision: No
Report to: Council
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Purpose of Report

1. Following its consideration and endorsement by the Scrutiny Committee for Leisure and Community on 9th February 2016, to seek Council's approval for a change in the Taxi Licensing Policy to include the Introduction of an English Language Test Requirement for new Hackney Carriage and Private Hire Drivers.

Summary

2. The Scrutiny Committee for Leisure and Community endorsed the introduction of an English Language Test for all new applicants for a Private Hire Driver and Taxi Driver licence. The proposal has been subject of an 8 week public consultation during which responses were received from two Parish Councils supporting the change.

Recommendations

3. **The Committee is recommended to endorse the proposed English Language Test requirements appended to this report for inclusion in the MSDC Taxi Licensing Policy 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.

Consultation Responses

15. Following an 8 week consultation the Council received responses from two Parish Councils who supported the idea.

Policy Context

16. 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

17. 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

18. 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

19. 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.
20. Ensuring that all drivers can communicate effectively when speaking to their passengers should help ensure a good and safe service for customers.

Background Papers

21. None

Wording of condition for MSDC Taxi Licencing Policy regarding the introduction of a English Language Proficiency Test.

The following sections (identified as a-e) under the heading of English Language Proficiency Test to be added to the MSDC Taxi Licensing Policy at;

Section 5 Drivers and to be numbered 5.11

and at

Conditions relating to Private Hire Drivers Licences Section 23

English Language Proficiency Test

New Applicants

- a. All new applicants for a Hackney or Private Hire Drivers Licence will be required to undergo a proficiency test to demonstrate their ability to communicate effectively in the English Language.
- b. The test will be conducted in a form approved by Mid Sussex District Council.
- c. An outline of the test requirements can be found at appendix (10)

Current Drivers

- d. Current drivers appearing before the Licensing Committee may be required to take the aforementioned test should the Committee consider that the drivers's spoken English is inadequate. Each case will be considered on its merits.

Exemptions

- e. This test will apply to all applicants, 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
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Changes to Appendices –

- 1. Renumber current Appendix 10 to Appendix 11 (Mid Sussex Taxi Service Charter)**
- 2. Add new Appendix 10 (Sections 1-4 below) headed English Language Proficiency Test as approved by Mid Sussex District Council**

Appendix 10

English Language Proficiency Test as approved by Mid Sussex District Council

1. The Versant English Test, offered by Pearson Education, is taken by telephone and provides a near-instant, objective result, assessing the applicants 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. During the test the applicant carries out a number of spoken tasks, comprising:
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2. 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:

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3. There will be a cost for the test, details of which can be found separately on the council website. Tests will 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.

4. These arrangements may be changed upon review of the Taxi Licensing policy or at any time the Council decides to be appropriate.