

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 22nd July 2015

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WARD(S): All

PART I **FOR DECISION**

PROPOSAL FOR MANDATORY ENGLISH LANGUAGE COMPETENCY TEST FOR NEW HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

1. **Purpose of Report**

A proposal to introduce a mandatory English Language Competency Test for all new applicants for hackney carriage and private hire driver licences.

2. **Recommendation(s)**

That the Committee recommend adoption of the of a mandatory English Language Competency test.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

As the report outlines, the Council does not currently have in place any policy or provision to ensure that new applicants for drivers licences have a sufficient understanding of the English language.

Some current drivers and private hire operators have recently made comment on the limited understanding and use of the English language by some new drivers.

The introduction of a mandatory English Language Competency Test will ensure that not only can drivers converse with the fare paying passengers and the public in general, but will also help in protecting the drivers own safety when dealing with awkward and problematic customers

3a. **Slough Joint Wellbeing Strategy Priorities –**

The proposal of this policy will contribute to the following wellbeing themes.

- Economy and Skills
- Safer Communities

Cross-Cutting themes:

The introduction will also promote the benefits of living and working

in Slough and will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The report outlines fully the reason for the proposal and will therefore contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

(a) **Financial**

There will be initial costs incurred in purchasing the test papers, currently at £25.50 plus VAT. This cost will be borne by the new applicants together with a nominal fee to cover officer time which is yet to be determined.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	There is currently a risk to the fare paying passengers as well as to the licensed driver where there is a communication barrier between both. The approval of the proposal once fully consulted upon will enhance the status of the licensed drivers in Slough.	It is important that a consultation is conducted with all current licence drivers and operators and with the public through the Council website, to assess the views and comments on the proposals.

(b) **Human Rights Act and Other Legal Implications**

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) **Equalities Impact Assessment**

An EIA will be undertaken following the conclusion of the consultation and of the final proposals to be put before the Licensing Committee.

5. **Supporting Information**

5.1 Currently the Council does not have any policy or process in place to ensure that

new applicants for hackney carriage and private hire driver licenses and private hire operator licenses have a sufficient understanding of the English language.

- 5.2 As with many other licensing authorities there has been an increase in the number of new applicants who have a very poor and / or limited use and understanding of the English language. This has been raised recently by some current drivers and Operators.
- 5.3 A large number of licensing authorities have introduced English Tests for all new applicants for driver licenses.
- 5.4 There are a number of varying types of English test, both verbal and written currently available. For example:
- There are various English tests available around the country with high test date availability however they are for applicants for naturalisation and visa applicants and a declaration that the test is being taken as part of a naturalisation or visa application is a requirement of the test. The cost of these tests for level B1 is generally £150.00.
 - Local adult education colleges, as used by Bournemouth Borough Council, in Slough offer various English courses for all levels at multiple venues in the borough including Thomas Grey Centre, Penn Road CC, Wexham Road CC, Pakistan Welfare Association with ESOL courses taught at Thomas Grey Centre and Britwell Centre. These courses are run in term time only and fees vary from £50.00 to 270.00 depending on which course is undertaken although people on certain benefits may be eligible for a fee discount or fee waiver. An initial assessment of the student's English level is undertaken at Thomas Grey Centre or Britwell Centre before enrolment to ensure the correct course is undertaken. Courses last between 20 and 45 weeks.
 - There are other ESOL providers offering online and in person courses but again the cost for these courses is generally £150.00.
- 5.5 All of the above options are costly in terms of finance and time, potentially significantly increasing the time from application submission to licence issue. Additionally, using external courses or accepting appropriate level qualification certificates removes an essential level of control from the Licensing Team thereby undermining the diligence of our duty of care to protect the public from persons who are not 'fit and proper' as we would have no definite knowledge of who took and passed these tests.
- 5.6 The Licensing team in discussion through the Licensing Guru Forum which is a national forum for all aspects of licencing, have identified an English Test being used by a large number of licensing authorities, certainly some for over 4 years. This test is known as the Versant English Test.
- 5.7 The Versant English test is an assessment instrument designed to measure how well a person understands and speaks English. The test takes approximately 15 minutes to complete and can be undertaken by phone or computer. The computerised scoring allows for immediate, objective and reliable results to measure spoken English.

5.8 One of the main advantages is that an attainment scoring level can be set to the 'Common European Framework of Reference for Languages' (CEFR) scale. The scale has 6 levels, which in summary are:

- A1 – correct usage and pronunciation of a few words in relevant language.
- A2 – correct usage and pronunciation of a range of words in the relevant language, basic sentence construction.
- B1. – ability to hold basic conversations on a range of topics, albeit with some broken sentences or misused words (N.B. a B1 – level language qualification is now required to apply for British Citizenship)
- B2 – ability to hold conversations on a range of everyday topics, with infrequent errors
- C1 – 'native' level of language ability, able to converse fluently and coherently on a range of everyday and advanced topics
- C2 – advanced ability, consistent with a post graduate qualification in the applicable language

5.9 A number of licensing authorities have set the scoring at CEFR level B2. The reason being that it is felt that the drivers need the confidence and ability to understand and give instructions when dealing with stressful and emergency situations which is sometimes the case.

5.10 Although the Versant system does not require an examiner to be present, in line with other licensing authorities it is proposed that the test will be conducted in Council premises with an officer present. The procedure for taking the Versant test is as follows:

- The English test will be a 'pre-application requirement' to be taken by all new applicants.
- The test will scoring will be set at CEFR B2.
- The test must be taken and passed before any other part of the application procedure is commenced to reduce unnecessary expense to the applicant.
- The applicant will be required to submit a completed application form (no fee to be paid at that time) together with proof of photographic identification i.e. passport and/or driving licence. A photograph will also be taken of the applicant.
- The test will be taken in Council premises in the presence of a Licensing Officer.
- When passed, the pass certificate can be downloaded direct from the Versant website the same day.
- Failure to pass the minimum CEFR level B2 will require a further test to be taken.

5.11 For information the link to the Versant English Test is:

<https://www.versanttest.com/>

5.11 If the Committee approve the recommendations, the next stage will be for a consultation to be conducted with all current hackney carriage and private

hire licence holders as well as the Police and members of the public through the Council website.

- 5.12 Once the consultation has closed officers will bring back a report with the outcome and final proposals.

6. Comments of Other Committees

None

7. Conclusion

The Committee is therefore requested to note and comment on the proposal.

8. Appendices Attached

None

9. Background Papers

Local Government (Miscellaneous Provisions) Act 1976