

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee **DATE:** 17<sup>th</sup> November 2015

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**WARD(S):** All

### **PART I**

#### **FOR COMMENT AND DECISION**

#### **SPOKEN ENGLISH ASSESSMENT TEST FOR ALL NEW HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER APPLICANTS**

1. **Purpose of Report**

For the Committee to note and comment on the proposed requirement / procedure for a Spoken English Assessment Test for all new applicants for Hackney Carriage and Private Hire Driver licences.

2. **Recommendation(s)**

That the Committee approve the proposed Spoken English Assessment Test requirement and procedure for new Hackney Carriage and Private Hire Driver applicants, with immediate effect.

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 an adequate or reasonable level of English language.

Some current drivers and private hire operators have previously made comment on the standard and level of spoken English and understanding of the English language by some new drivers.

The proposals of the report will ensure that not only drivers are able to converse with 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 or situations.

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

The proposal will contribute to the following wellbeing themes.

- Economy and Skills

- Safer Communities

Cross-Cutting themes:

The approval of the proposed requirement and procedure will 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 tests. The cost will be offset by a fee of £40.00 borne by the new applicants to cover the cost of each test together with a nominal fee to cover officer time.

### 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 will enhance the status of the licensed drivers in Slough.	A consultation on a mandatory English test has previously been conducted with no formal objections or responses. The alternative proposal as detailed in the report is considered to be a reasonable and proportionate approach.

### (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 initial EIA has been completed following the original proposals of a mandatory English test and following the consultation with the licensed trade which indicates that there is no negative or adverse impact on any individual or

any equality group.

## **5. Supporting Information**

- 5.1 As the Council does not currently have in place any policy or provision to ensure new applicants for driver licenses have an adequate or reasonable level of spoken English, on 22<sup>nd</sup> July 2015 a report was put before the Licensing Committee to approve a Mandatory English Language Competency Test for all new Hackney Carriage and Private Hire Drivers and the Committee resolved, that the adoption of a mandatory English Language Competency Test for all new Hackney Carriage and Private Hire Drivers be approved.
- 5.2 Following the Committee resolution a consultation was carried out between 4<sup>th</sup> August and 4<sup>th</sup> September 2015 with all current holders of driver and operator Licenses on the original proposals to which there were no comments or responses.
- 5.3 In addition, during and after the consultation period, a number of other Local Authorities were also contacted who have implemented similar tests. In light of discussions with those Local Authorities the report now details an alternative proposal for a Spoken English Assessment Test requirement and procedure, rather than a Mandatory English Competency Test for all new applicants. The reason for this being that opinion is there needs to be a criteria where if necessary new applicants may or will be required to undertake the Spoken English Assessment Test.
- 5.4 Therefore the Committee are asked to approve the Spoken English Assessment Test procedure attached at **Appendix A**.
- 5.5 The proposed procedure for approval will provide officers the opportunity to make an assessment at the time of speaking with a prospective applicant, either in person or on the telephone of them being able to demonstrate an adequate and reasonable level of spoken English. The priorities being that in the applicant's role as a licensed driver, they will be able to converse with fare paying passengers, the public in general, as well as protecting the drivers own safety when dealing with awkward and problematic customers or situations.
- 5.6 The proposed procedure has been prepared as guidance for both officers and new applicants to clearly detail:-
- The criteria for all new applicants, where there may be or will be a requirement for an assessment test to be undertaken, which will be explained in full to the prospective applicant.
  - That where necessary, a second assessment will be made by the Licensing Manager, whose decision will be final.
  - What is involved in taking the test, in that it is a pre-application requirement, the necessity of submitting an application form with no fee and proof of identification of the applicant to be provided.
  - Clear instructions of the procedure for the testing process.
- 5.7 The proposed procedure is considered to be a reasonable and proportionate approach, to ensure that all new applicants are able to demonstrate an adequate and reasonable level of spoken English in carrying out their role as a licensed driver with each application will be considered on its own merits.

**6. Comments of Other Committees**

On 22<sup>nd</sup> July 2015 the Licensing Committee resolved that the adoption of a Mandatory English Language Competency Test for all new Hackney Carriage and Private Hire Drivers be approved.

**7. Conclusion**

The Committee is requested to comment on and approve the new proposal.

**8. Appendices Attached**

‘A’ - Spoken English Language Test Procedure.

**9. Background Papers**

Local Government (Miscellaneous Provisions) Act 1976