

TRAFFORD COUNCIL

Report to: Licensing Committee
Date: 22nd August 2013
Report for: Decision
Report of: Head of Public Protection

Report Title

**APPLICANTS FOR PRIVATE HIRE & HACKNEY CARRIAGE DRIVER LICENCES
- LANGUAGE AND NUMERACY ASSESSMENTS**

Summary

To invite the Licensing Committee to approve the introduction of a language and numeracy assessment as part of the application procedure for determining whether an applicant should be granted a private hire or hackney carriage driver's licence.

Recommendation(s)

That all new applicants for a private hire or hackney carriage driver's licence must meet the Council's required minimum standard in English and numeracy. The minimum standard for English and numeracy is Entry Level 2.

That all new applicants must undergo an English and numeracy assessment prior to applying for a private hire or hackney carriage driver's licence regardless of their first language, ethnic background or qualifications.

That existing private hire and hackney carriage drivers will not be required to undergo an English and numeracy assessment unless:

- their current licence expires for whatever reason, in which case their further application would be treated as a new application and the applicant would be subject to this requirement; or
- the Public Protection Sub-Committee considers it appropriate that an existing driver should undergo an English or numeracy assessment following receipt of complaints against the individual which relate to, or call into question their literacy or numeracy skills.

That the assessments be carried out by qualified ESOL (English for Speakers of Other Languages) teachers from Bolton College.

That the cost of the assessment is £35 which may be, from time to time, amended by the Head of Public Protection

That these requirements come into effect on the 23rd August 2013.

Contact person for access to background papers and further information:

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Background Papers:

Bolton College English and Maths Assessments – Proposal Document
Equality Impact Assessment

Relationship to Policy Framework/Corporate Priorities	<i>None</i>
Financial	<i>None – the cost of the assessments will be met by the applicant</i>
Legal Implications:	<i>The test will ensure that an applicant has the necessary literacy and numeracy to be a fit and proper person to hold a driver's licence.</i>
Equality/Diversity Implications	<i>No one particular group will be adversely affected by the introduction of this assessment as it will be applied to all applicants irrespective of their ethnic background, qualifications or if English is their first language. Those for whom English is not their first language or who have not already reached a basic level of literacy and numeracy may find the test more demanding but all applicants will only be required to reach a level of literacy and numeracy necessary to carry out their job. A copy of the Equality Impact Assessment is attached at Appendix A.</i>
Sustainability Implications	<i>None</i>
Staffing/E-Government/Asset Management Implications	<i>There will be additional administration involved in taking the assessment fee, booking the assessment room and supervising the group whilst the assessor conducts individual spoken tests.</i>
Risk Management Implications	<i>None</i>
Public Health Implications	<i>None</i>
Health and Safety Implications	<i>None</i>

1. BACKGROUND

- 1.1 The Committee will be aware that all drivers of private hire and hackney carriage vehicles must hold the relevant licences issued by the Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 1.2 In determining whether or not to grant a licence the Council must determine whether an applicant is a 'fit and proper' person to hold one and it has a wide discretion in making that judgement.
- 1.3 An important part of the process is to ensure that all applicants for a licence to drive a private hire or hackney carriage vehicle have appropriate skills to undertake such work and have sufficient knowledge about the local area, customer care and the law relating to driving a licensed vehicle.
- 1.4 Members, the public and representatives of the private hire and hackney carriage trades have all expressed concerns over the last few years about the poor language and numeracy skills displayed by some licensed drivers in Trafford.
- 1.5 Therefore, it is proposed that 'appropriate skills' should, in this context, also include an agreed standard of English and numeracy.

2. PROPOSAL

Assessment

- 2.1 It is proposed that all new applicants will be required to meet a required standard in English and numeracy before they may apply for a private hire or hackney carriage driver's licence in Trafford.
- 2.2 All applicants will be required to have completed an assessment, regardless of their first language, ethnic background or qualifications.
- 2.3 The assessments will be carried out by teachers from Bolton College and the cost of the assessment will be met by the applicant. The cost of individual assessments will be £35 which will be paid by the applicant to Trafford Council who will then be invoiced by Bolton College.
- 2.4 Applicants will be assessed on four skills:
 - Numeracy
 - Literacy
 - Spoken English
 - English Comprehension

- 2.5 All assessments will be carried out by experienced qualified English for Speakers of Other Languages (ESOL) teachers; and support will be available for applicants with, for example: learning difficulties or dyslexia.
- 2.6 Where applicants fail to meet the minimum standard, they will be provided with information, advice and guidance on English and Maths courses available in the Greater Manchester area. The advice they receive will be based on their individual needs.

Minimum Standard

- 2.7 In every day interactions drivers may only need minimal skills. For instance, they may only need to be able to understand the passenger's request to go to a particular location; to ask questions to clarify that location if necessary; to read in-car computer screens; and to fill out forms which, in most cases, can be filled out with the assistance of other drivers. However, at the opposite extreme, they may need to use appropriate language to calm down aggressive or drunken passengers; to understand what might be said in a great variety of accents; and to know whether a group of passengers are merely excited or threatening.
- 2.8 The Committee must determine what it considers the appropriate minimum standard of English and numeracy necessary to meet the general public's expectations. The Committee needs to set a level that reflects the language and numeracy needs of drivers to carry out their role.
- 2.9 The ESOL system has several levels each requiring greater skill:
- Entry Level 1
 - Entry Level 2
 - Entry Level 3
 - Level 1
 - Level 2
- 2.10 Attached at Appendix B is a detailed explanation of each ESOL level. The Home Office currently requires applicants for citizenship to meet Entry Level 3 in English. Bolton Council, which also undertakes language and numeracy assessments, require applicants for hackney carriage and private hire driver licences to meet Entry Level 2 in both English and numeracy.
- 2.11 Peter Griffiths from Bolton College, who will supervise the assessments, has expressed the view that if the minimum requirement is set at Entry Level 2 he would expect 5-10% of applicants to fail. If it was set at Entry Level 3 he would expect around 20-30% of applicants to fail. His general view is that Entry Level 3 would help improve the overall level of customer service. Entry Level 2 would be sufficient to cover health and safety concerns but the level of service might still be compromised.

- 2.12 It is recommended that in Trafford the minimum standard for both English and numeracy should be in line with Bolton Council's requirement which is Entry Level 2.

3. CONSULTATION

- 3.1 During June 2013 private hire operators and hackney carriage representatives were consulted on the proposal. The GMB and the Taxi Drivers and Owners Association both confirmed in writing their support for the introduction of an English assessment – see the attached Equality Impact Assessment at Appendix A. Private Hire Operators did not respond to the consultation.

4. LEGAL ISSUES

- 4.1 Under Section 149 of the Equality Act 2010 a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, and victimisation, advance equality of opportunity and foster good relations. Although the new requirement being proposed may have a disproportionate impact on those for whom English is not a first language; or for some disabled people for example those with dyslexia, it is clearly sensible that drivers have the necessary literacy and numeracy skills to carry out their role. A large proportion of drivers come from ethnic minorities for whom English is not the first language. Ensuring that they have the requisite skills for the job should help to reduce the potential prejudice they might otherwise face and help foster good relations between people of all communities.
- 4.2 Section 19 of the Act deals with indirect discrimination. It says that a person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's. In this case that protected characteristic is likely to be race. A provision, criterion or practice is discriminatory if, although it is applied generally it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it AND A cannot show it to be a proportionate means of achieving a legitimate aim.
- 4.3 Officers consider that the proposed introduction of a basic literacy and numeracy test is a proportionate means of ensuring that drivers have the basic communication and numeracy skills necessary to do their job.
- 4.4 Section 53 of the Act says that a qualifications body (A) must not discriminate against a person (B) in the arrangements A makes for deciding upon whom to confer a relevant qualification, (b) as to the terms on which it is prepared to confer a relevant qualification on B and (c) by not conferring a relevant qualification on B. As all applicants to be drivers will have to undertake the same test there will be no discrimination under this section.

5. RECOMMENDATIONS

5.1 The Licensing Committee is invited to approve the following:

- 5.1.1 That all new applicants for a private hire or hackney carriage driver's licence must meet the Council's required minimum standard in English and numeracy. The minimum standard for English and numeracy is Entry Level 2.
- 5.1.2 That all new applicants must undergo an English and numeracy assessment prior to applying for a private hire or hackney carriage driver's licence regardless of their first language, ethnic background or qualifications.
- 5.1.3 That existing private hire and hackney carriage drivers will not be required to undergo an English and numeracy assessment unless:
 - § their current licence expires for whatever reason - a further application would be treated as a new application and the applicant would be subject to this requirement; or
 - § the Public Protection Sub-Committee considers it appropriate that an existing driver should undergo an English or numeracy assessment following receipt of complaints against the individual which relate to, or call into question their literacy or numeracy skills.
- 5.1.4 The assessments will be carried out by qualified ESOL teachers from Bolton College.
- 5.1.5 That the cost of the assessment is £35 which may be, from time to time, amended by the Head of Public Protection.
- 5.1.6 That all these requirements will come into effect on the 23rd August 2013.