

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 18th January 2018
Report of: Head of Regulatory Services

Report Title

Introduction of a Knowledge Test and changes to the current English Language Test for all new Hackney Carriage/Private Hire Driver Applicants

Summary

To seek approval to consult on a proposal to re-introduce a local area knowledge test and a proposal to raise the level of the English language test for all new hackney carriage/private hire driver applicants.

Recommendation(s)

To recommend that the Sub-committee agree that officers consult on the following proposals:

- That all those submitting an application for a private hire/hackney carriage driver's licence on or after the 'Knowledge Test' introduction date be required to pass a local area knowledge test as part of the application process.
- That those submitting an application for a private hire/hackney carriage driver's licence on or after the introduction date are able to meet the language level which has been set for those seeking to apply for naturalisation as a British citizen; or have passed a relevant qualification at an equivalent level.
- That those submitting an application for a private hire or hackney carriage driver's badge on or after the introduction date be granted a dual private hire/hackney carriage driver's licence (on the basis that the test requirements will now be the same)
- That the Director of Growth and Regulatory Services be authorised to determine the introduction date and content of the knowledge test; and the introduction date of the English Language test.

Contact person for access to background papers and further information:

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1.0 Background

Local Area Knowledge Test

On the 24th September 2015 the Public Protection Sub-Committee resolved to remove the requirement for applicants for a private hire/hackney carriage driver's licence to pass a local area knowledge test and widen the criteria for acceptable proof of competence in English.

A copy of the report which was considered by the Sub-Committee on the 24th September 2015 outlining the background and reasons for the recommendation is attached at Appendix 1.

In October 2015 the Deregulation Act introduced an amendment to the Local Government (Miscellaneous Provisions) Act 1976 which changed the regulation in relation to sub-contracting work outside of the controlled district i.e. local authority area. Previously, operators could only sub-contract bookings within their controlled district. However, the Deregulation Act now allows operators to sub-contract bookings to licensed operators outside of the controlled district.

Historically, prospective drivers submitted applications to the district in which they intended to work. However, recent case judgments, together with the introduction of the Deregulation Act, has resulted in persons applying to their neighbouring authorities for a licence; and increasingly to local authorities some distance from their own authority because it may be cheaper and/or less onerous to apply there.

Since Trafford introduced its policy of no local knowledge test and basic English language test it has received several thousand expressions of interest in acquiring a licence from Trafford. Significant numbers of these are from persons living out of the area. In the absence of a local knowledge test there appears to be a perception with applicants that it is easier to obtain a licence in Trafford than other authorities.

The original recommendation to remove the knowledge test was based on the concept that the development of new technology (sat navs), negated the need for a test. However, the current market conditions and changes to the profile of the taxi trade has led to a large waiting list with a large number of persons on the list living a significant distance outside the area.

It is now felt that re-introducing a local area knowledge test together with a higher English language test will result in a better system for assessing the suitability of applicants to be licensed by Trafford and ultimately a better customer experience.

English Language Test

Adequate communication skills and language proficiency are considered essential for the work of a hackney carriage or private hire vehicle driver. Drivers need to correctly understand and follow directional instructions from a passenger, to effectively handle fare disputes and be able to give and follow instructions in an emergency situation

which may be stressful. It is also vital that licensed drivers understand and adequately communicate when they are the subject of complaint or enforcement interventions.

The Council's current English language requirement is:

- Any UK qualification – Degree, A/O Level, GCSE; or
- A non- UK degree in English; or
- ESOL qualification at Entry 2 from any accredited UK college.

Since the introduction of this requirement the Council has received feedback from members of the public that some drivers are not able to communicate in English to an adequate level. Enforcement officers have also experienced difficulties communicating with drivers when undertaking enforcement action, even where the drivers have previously provided the above qualifications. Investigations with the awarding body for the qualification (ESOL Level 2) have confirmed that the candidates were legitimately passed; the problem is more to do the fact that this is a very basic level qualification. Officers have reviewed the current requirements and would recommend that the Sub-Committee consider increasing the current basic standard to that expected for those seeking to apply for naturalisation as a British citizen.

The requirement for any test of this type would need to be applied equally 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 an applicant from the proposed English test requirement if they can demonstrate that they have previously passed a relevant English language qualification at a suitable level.

It is proposed that the following form the basis of an English language test:

- Common European Framework of Reference for Languages (CEFR) – Level B1 (Citizenship test); or
- GCSE, GCE, O level, or A level issued by a recognised examining body in the UK; or
- An NVQ, City and Guilds or similar vocational qualification (level 2 or higher) issued by a recognised examining body in the UK; or
- A degree taught or researched in English; or
- A TOEFL (Test of English as a Foreign Language), IELTS (International English Language Testing System) or ESOL qualification to relevant CEFR level; or
- That delegated authority be granted to nominated officers within the Licensing Team who, in appropriate and limited circumstances, will conduct an individual assessment on an applicant's competence in English when there is a problem supplying proof by one of the above methods.

Dual Private Hire/Hackney Carriage Driver's Licence

It is proposed that if a local area knowledge test is introduced the content will be equivalent to the level previously expected of hackney carriage driver applicants. Therefore, it is proposed that applicants for a private hire or hackney carriage driver

licence will be granted a dual badge. This will allow the applicant to drive both private hire and hackney carriage vehicles and will hopefully address the concerns raised by the hackney carriage trade of a lack of hackney carriage drivers licensed in Trafford.

AGMA Approach

The AGMA Wider Leadership Team, under the auspices of the Greater Manchester Clean Air Action Plan, has agreed to the development of a more co-ordinated approach to taxi and private hire licensing practice and policy across Greater Manchester.

As part of this approach it has been agreed that the GM Licensing Managers group work towards introducing common minimum standards across Greater Manchester in respect of the taxi and private hire regime.

Where authorities find their standards fall short of the agreed minimum standards, each authority will be expected to undertake a process of amending and updating their policies and procedures. The list of common minimum standards has now been agreed and includes a standard that each GM authority has a local area knowledge test and an English and numeracy test. Trafford is currently the only Greater Manchester authority without a knowledge test, which gives further impetus to the need to review the current policy.

Consultation

It is proposed to carry out an eight week public consultation between March and April 2018, to include the general public, the existing private hire/hackney carriage trades and those persons on the current waiting list. The results of the consultation will be reported back to the Sub-Committee at its meeting in May 2018.

Recommendations

That the Sub-committee agree that officers consult on the following proposals:

- That all those submitting an application for a private hire/hackney carriage driver's licence on or after the 'Knowledge Test' introduction date be required to pass a local area knowledge test as part of the application process.
- That those submitting an application for a private hire/hackney carriage driver's licence on or after the introduction date are able to meet the language level which has been set for those seeking to apply for naturalisation as a British citizen; or have passed a relevant English language qualification at a suitable level.
- That those submitting an application for a private hire or hackney carriage driver's badge on or after the introduction date be granted a dual private hire/hackney carriage driver's licence.

That the Sub-Committee also agree:

- That the Director of Growth and Regulatory Services be authorised to determine the introduction date and content of the knowledge test; and the introduction date of the English Language test.