



**AGENDA PAPERS FOR
PUBLIC PROTECTION SUB-COMMITTEE**

Date: Thursday, 20 June 2019

Time: 6.30 pm

**Place: Committee Rooms 2 & 3 Trafford Town Hall, Talbot Road, Stretford,
Manchester, M32 0TH**

A G E N D A	PART I	Pages
1.	ATTENDANCES	
	To note attendances, including Officers and any apologies for absence.	
2.	QUESTIONS FROM MEMBERS OF THE PUBLIC	
	A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm on the working day prior to the meeting. Questions must be within the remit of the Committee or be relevant to items appearing on the agenda and will be submitted in the order in which they were received.	
3.	MINUTES	
	To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 18 th April 2019.	1 - 2
4.	GREATER MANCHESTER MINIMUM STANDARDS FOR TAXI LICENSING AND THE TRAFFORD LICENSING POLICY	
	To consider a report of the Head of Regulatory Services.	3 - 6
5.	IMPLEMENTATION OF REVISED POLICY ON A KNOWLEDGE TEST AND CHANGES TO THE CURRENT ENGLISH LANGUAGE TEST FOR ALL NEW HACKNEY CARRIAGE/PRIVATE HIRE DRIVER APPLICANTS	
	To consider a report of the Head of Regulatory Services.	7 - 26

6. **URGENT BUSINESS (IF ANY)**

Any other item or items (not likely to disclose “exempt information”) which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

7. **EXCLUSION RESOLUTION (REMAINING ITEMS)**

Motion (Which may be amended as Members think fit):

That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of “exempt information” which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as amended by The Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating to each such item respectively.

8. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION WHICH EXCEEDS THE SCHEME OF DELEGATION** **PART II**

To consider a report of the Head of Regulatory Services. Para. 1 27 - 58

9. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION WHICH EXCEEDS THE SCHEME OF DELEGATION** **PART II**

To consider a report of the Head of Regulatory Services. Para. 1 59 - 62

10. **URGENT BUSINESS (IF ANY)** **PART II**
Para. 1

SARA TODD
Chief Executive

Membership of the Committee

Councillors A. Duffield (Chair), D. Jarman (Vice-Chair), B. Brotherton, D. Bunting, D. Butt, Mrs. C Churchill, S. Taylor, S. Thomas and M.J. Welton.

Further Information

For help, advice and information about this meeting please contact:

Natalie Owen, Democratic & Scrutiny Officer
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Public Protection Sub-Committee - Thursday, 20 June 2019

This agenda was issued on **Wednesday, 12 June 2019** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

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PUBLIC PROTECTION SUB-COMMITTEE

18 APRIL 2019

PRESENT

Councillor A. Duffield (in the Chair).

Councillors B. Brotherton, D. Bunting, J. Holden, D. Jerrome and S. Thomas

In attendance

J. Boyle	Licensing Team Leader
A. Haddad	Licensing Officer
C. Manifold	Solicitor
N. Owen	Democratic and Scrutiny Officer

Also Present

Councillor E.W. Stennett (Substitute for Councillor D. Jarman)

APOLOGIES

Apologies for absence were received from Councillors D. Jarman and M. Whetton

31. MINUTES

RESOLVED: That the minutes of the meeting held on 21st March 2019 be approved as a correct record and signed by the Chair.

32. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were submitted.

33. EXCLUSION RESOLUTION (REMAINING ITEMS)

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified.

34. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION WHICH EXCEEDS THE SCHEME OF DELEGATION

The Head of Regulatory Services submitted a report requesting Members to consider an application for the grant of a Private Hire driver's licence.

The applicant attended the meeting to allow Members to give the matter their full consideration.

Public Protection Sub-Committee
18 April 2019

The applicant gave his version of the offence and answered questions from the Sub-Committee.

The Sub-Committee considered the report and the evidence given at the meeting and concluded that the applicant was a fit and proper person to hold a Private Hire driver's licence.

RESOLVED: That Mr. F.E's application for a Private Hire driver's licence be granted.

The meeting commenced at 6.30 pm and finished at 6.57 pm

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 20th June 2019
Report for: Decision
Report of: Head of Regulatory Services

Report Title

GREATER MANCHESTER MINIMUM STANDARDS FOR TAXI LICENSING AND THE TRAFFORD LICENSING POLICY

Summary

To provide members with details of proposals to introduce common, minimum standards for Private Hire and Hackney Carriages Vehicles, Drivers and Operators licensed by Licensing Authorities across Greater Manchester.

To provide members with details of proposals to consult across GM on the proposed GM minimum standards.

The report also provides members with details of proposals to introduce a new Licensing Policy for Trafford.

Recommendation(s)

It is recommended, that the Public Protection Sub Committee:

- Note the contents of the report; and
- Note the proposal to support TfGM in the administration of a consultation process on proposed GM Minimum Standards; and
- Approve the proposal to administer a consultation process on a new Licensing Policy for Trafford.

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: 4129

Background Papers: None

1.0 BACKGROUND

- 1.1 Changes to Hackney Carriage and Private Hire regulation, new technology and business models, and an outmoded legislative framework have all contributed to the current situation where the Taxi and PH trade is becoming increasingly problematic and difficult to regulate.
- 1.2 The key issues are around public safety, out-of-area operation, vehicle standards, poor air quality and congestion, particularly in specific city centre locations. The proposed approach looks to encourage consistently high standards for Hackney Carriage and Private Hire services in Greater Manchester, to encourage Government to pursue regulatory reform to ensure high safety standards, and to contribute to the vision of an improved integrated transport system for GM.
- 1.3 As a result of the recommendations made by the Department for Transport's (DfT) Task and Finish Group on 'Taxi and Private Hire Vehicle Licensing: a safer and more robust system' and in order to deal with the challenges set out above, GM's licensing authorities have agreed to adopt a two-track approach, and TfGM is supporting GM Licensing Authorities in this work.
- 1.3.1 Firstly GM's licensing authorities have agreed to collectively develop a common set of minimum standards for Private Hire Vehicles and Hackney Carriages licensed by Licensing Authorities across Greater Manchester. GM Licensing Authorities have been working closely with Transport for Greater Manchester (TfGM) on proposals around minimum standards.
- 1.3.2 Secondly, GMCA, TfGM and GM Licensing Authorities are working with other city-regions and local authorities to urge Government to take appropriate action to reform the legislative and regulatory framework to ensure it is fit for purpose.
- 1.4 The next step in respect of 1.3.1 is for TfGM to consult, on behalf of all GM Licensing Authorities, on the proposed GM minimum standards, as further detailed in this report below.
- 1.5 Trafford is currently drafting a new Licensing Policy. It is proposed that Trafford will introduce a new Licensing Policy which, once the GM minimum standards consultation has concluded and an agreed set of common standards have been agreed, will incorporate the new GM minimum standards.
- 1.5.1 It is proposed that Trafford will administer a consultation process, subject to the GM consultation process, on the new Licensing Policy for Trafford as detailed in this report below.

2.0 GM MINIMUM STANDARDS CONSULTATION

- 2.1 The GM Licensing Officers Group (GMLO Group) has identified the four key areas where common standards are required, namely: drivers, vehicles, operators and licensing authority standards.

- 2.2 The GMLO Group is currently developing a set of minimum standards for Hackney Carriage and Private Hire licensing and enforcement that can be incorporated within each Licensing Authorities own licensing policies.
- 2.3 The proposed minimum standards relate to the four key areas identified by GMLO Group and aim to raise standards across GM with a view to a more consistent approach to taxi licensing across the region.
- 2.4 A consultation on the proposed GM minimum standards will commence on the 16th August 2019. The proposed consultation process timescales will coincide with the start of the consultation on the Clean Air proposals.
- 2.5 TfGM will host the GM minimum standards consultation on behalf of all GM Licensing Authorities and will procure an outside agency to do the analysis of responses. The GMLO Group has requested that 10 separate reports be provided by TfGM to show local responses.
- 2.6 Trafford is fully supportive of the proposed minimum standards as it will lead to an improvement in our current standards in several areas e.g. the re-introduction of a taxi driver knowledge test; higher medical requirements.
- 2.7 It is proposed that Trafford support TfGM in its administration of the consultation process.
- 2.8 A further report will be compiled for Members once the TfGM consultation process has concluded and consultation response data will be shared with Members.

3.0 TRAFFORD'S LICENSING POLICY

- 3.1 Trafford is currently reviewing all of its licensing policies and procedures with the aim of consolidating the existing documents, updating content and to incorporate the GM minimum standards, once they are agreed.
- 3.2 It is proposed that Trafford will administer a consultation process on its new Licensing Policy. The policy document will be consulted on separately but at the same time as the GM minimum standards consultation undertaken by TfGM.
- 3.3 A further report will be compiled for members once the policy consultation is concluded and the consultation response date will be shared with Members.
- 3.4 Members will be asked to consider the consultation response and the new Licensing Policy for Trafford, incorporating the approved minimum standards, and to recommend the policy to Council, if agreed.

4.0 Other Options

- 4.1 Proposal to consult on GM Minimum Standards

The only alternative option is to not support the aim of the other GM Authorities to harmonise hackney carriage and private hire standards across the region. This

would impact the establishment of a consistent approach to taxi and private hire licensing in Greater Manchester; an aim which is being supported by TfGM and has been endorsed by the Mayor of Greater Manchester.

4.2 Proposal to consult on Trafford Licensing Policy

The only alternative option is for the Council to adopt a Licensing Policy without consulting all those who may be affected by it. Whilst this in itself would not prevent the Council from carrying out its statutory taxi licensing functions, it would open up the possibility of legal challenges being made; and could affect the weight given to the policy in the event of appeals against decisions of officers or the Licensing Committee.

5.0 Consultation

5.1 The consultation requirements are as set out in this report.

6.0 Reasons for Recommendation

6.1 By agreeing to support consultation on GM Minimum Standards the Council is showing its commitment to working together with the other GM Authorities to achieve a single vision of consistently high standards for licensed vehicles, drivers and operators across Greater Manchester.

6.2 By agreeing to a consultation exercise on the proposed Trafford Licensing Policy the Council is showing its willingness to engage in an open and transparent way with the public, businesses and the hackney carriage and private hire trades on the development of the Policy.

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 20th June 2019
Report for: Decision
Report of: Head of Regulatory Services

Report Title:

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

Summary

On the 20th September 2018 the Public Protection Sub Committee approved the implementation of a Knowledge Test and a higher threshold for the English Language Test to be included as part of the application process for a Private Hire or Hackney Carriage driver's licence.

This report provides Members with details around the planned implementation of that Knowledge Test which, if approved, will require an amendment to the decision of the 20th September 2018 to allow the requirement of a Knowledge Test prior to applicants submitting their application for a Private Hire or Hackney Carriage driver's licence.

The report also confirms that the revised English language criteria adopted by the Public Protection Sub Committee on 20th September 2018 will have the same implementation date of 1st September 2019.

Recommendation(s)

It is recommended that the Sub-Committee: approves the following proposals:

- Approves the proposal to introduce the Knowledge Test as the initial stage before any other aspects of the application process are applied
- Approves the proposal to offer candidates failing the Knowledge test a chance of a re-sit after six months and that those failing the re-sit have to wait a further twelve months
- Subject to the approval of the above proposals, notes the implementation date of 1st September 2019 for such changes.

Contact person for access to background papers and further information:

Name: Graeme Levy

Extension: 3811

Background Papers

Appendix 1 - Report of Public Protection Sub-Committee from 20th September 2018

Relationship to Policy Framework/Corporate Priorities	None
Financial	In September 2018 the Sub-Committee resolved to introduce an additional fee in respect of the knowledge test that all new applicants will be required to pass. The fee set for an initial test and any subsequent re-sit is to be set at a level to cover the additional officer costs involved.
Legal Implications:	Hackney carriage and private hire licensing is the function of the Council. The statutory powers are contained within the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976. The Council is required to issue a hackney carriage or private hire driver's licence provided it is satisfied that the applicant is fit and proper to hold such a licence. It is for the Authority to determine the criteria by which it can 'measure' if an applicant is fit and proper to hold a licence.
Equality/Diversity Implications	An Equality Impact assessment was conducted prior to the original policy change in September 2018. No additional EIA has been conducted in relation to this subsequent proposal to fix implementation details.
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	It is proposed that the administration of the knowledge test will be carried out by a combination of existing staff and additional staff resource currently being sourced.
Risk Management Implications	None
Public Health Implications	None
Health and Safety Implications	None

1.0 Background

- 1.1 On 24th September 2015, the Public Protection Sub Committee resolved to remove the requirement for applicants for a private hire and hackney carriage driver's licence to pass a local area knowledge test and widen the criteria for acceptable proof of competence in English.
- 1.2 On the 20th September 2018 the Public Protection Sub-Committee reversed its earlier decision and resolved to re-introduce a requirement for those applying for a private hire/hackney carriage driver's licence to pass a local area knowledge test and to introduce a stricter criteria for acceptable proof of competence in English.
- 1.3 A copy of the report which was considered by the Sub-Committee on the 20th September 2018 is attached at Appendix 1.
- 1.4 This report requests that the Public Protection Sub Committee amends the decision of the 20th September 2018 to re-introduce the knowledge test as the initial stage of seeking a private hire/hackney carriage driver's licence, before any other aspects of the application process are applied.

2.0 Implementation of Knowledge Test

- 2.1 A suitable knowledge test has been devised. The content has been approved by the Corporate Director, Place who has also approved the implementation date of the knowledge test and the revised English language requirements. The knowledge test will be administered from the 1st September 2019. At least four weeks before this implementation date all those currently in the queue will be contacted with an update. This update will confirm the changes in policy, the implementation date and will advise them of the format of the test and the type of questions that may be asked.
- 2.2 There is currently a very large queue of people who have expressed an interest in applying for a private hire/hackney carriage driver's licence. It is proposed that the knowledge test be introduced as a pre-filter. In other words applicants will be required to pass the knowledge test before other aspects of the application process are administered e.g. right to work, induction training, DBS checks etc.
- 2.3 It is further proposed that those taking the test and failing will be offered one chance to re-sit, after a period of six months. Those failing the re-sit will be advised that they will not be offered a further opportunity to take the test for a period of at least 12 months. These proposals are seen as a balance between fairness to the individual applicant but also to the range of other people who have yet to take their test

2.4 Charges will apply to both the original knowledge test and also to any subsequent re-sit. The fee for the first knowledge test will be in the region of £90.00, with the fee for the re-sit being a slightly reduced figure to reflect a reduced element of administration.

2.5 For the avoidance of any doubt, applicants who fail the knowledge test will still be able to submit an application as they are legally entitled to do so. However those applicants will be notified that their application will need to be considered and determined by the Public Protection Sub Committee.

3.0 Revised English Criteria

3.1 On the 20th September 2018 the Sub Committee approved the revised criteria for evidencing an acceptable level of English.

3.2 The following were confirmed as acceptable proof of the English language standard:

- Common European Framework of Reference for Languages (CEFR) – Level B1 Speaking & Listening (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, taught in the English language, (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 Language as a Foreign Language, IELTS (International English Language Testing System) or ESOL Qualification at a level which provides equivalence to the CEFR Level B1 speaking and listening

3.3 These revised English language criteria will be applied from the 1st September 2019 implementation date.

4. Recommendations

It is recommended that the Sub-Committee approves the following proposals:

- Approves the proposal to introduce the Knowledge Test as the initial stage before any other aspects of the application process are applied
- Approves the proposal to offer candidates failing the Knowledge test a chance of a re-sit after six months and that those failing the re-sit have to wait a further twelve months

- Subject to the approval of the above proposals, notes the implementation date of 1st September 2019 for both these changes to the Knowledge Test and the revised English language criteria

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App 1.

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 20th September 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 invite Members to consider re-introducing a local area taxi 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)

The Sub-Committee to consider whether to agree to the following proposals:

- That all those submitting an application for a private hire/hackney carriage driver's licence on or after the implementation date be required to pass a local area knowledge test as part of the application process and that there be a corresponding increase in the fee to cover associated costs.
- That those submitting an application for a private hire/hackney carriage driver's licence on or after the implementation date must satisfy the Council that they 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.

The following are acceptable as proof of the English language standard:

- Common European Framework of Reference for Languages (CEFR) – Level B1 Speaking & Listening (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, taught in the English language, (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 at a level which provides equivalence to the CEFR level B1 speaking and

listening.

- That delegated authority be granted to a nominated officer in Regulatory Services, in appropriate and limited circumstances which are to be determined by them, to conduct an individual assessment on an applicant's competence in English when there is a problem supplying proof by one of the above methods.
- That the Corporate Director for Place be authorised to approve the content of the knowledge test; and the implementation date of both the knowledge and the English Language tests.

Contact person for access to background papers and further information:

Name: Joanne Boyle

Extension: 4129

Background Papers

Appendix 1 - Report of Public Protection Sub-Committee from 24th September 2015

Relationship to Policy Framework/Corporate Priorities	None
Financial	It is proposed to increase the existing taxi driver application fee as a result of the introduction of a knowledge test and this is in line with the need for the licensing service to be operated on a cost recovery basis. The fee was not decreased after the removal of the knowledge test, however, around that time the taxi induction course was supplemented by new input on CSE which was broadly comparable in terms of capacity. A new fee has not yet been set as this will be dependant on the format of the test and the officer time involved.
Legal Implications:	Hackney carriage and private hire licensing is the function of the Council. The statutory powers are contained within the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976. The Council is required to issue a hackney carriage or private hire driver's licence provided it is satisfied that the applicant is fit and proper to hold such a licence. It is for the Authority to determine the criteria by which it can 'measure' if an applicant is fit and proper to hold a licence.
Equality/Diversity Implications	An equality impact assessment was undertaken to assess if these proposals could result in less favourable treatment of some groups. Analysis does indicate that there is potential for indirect discrimination in relation to the protected characteristics of race. However, it is considered that the policy for requiring an adequate level of spoken English can be objectively justified as the pursuit of a legitimate aim on the grounds that there is a need to ensure that any health and safety risks to users of the service are addressed in relation to the duty the Council owes to the general public in terms of the licensing function.
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	It is proposed that the administration of the knowledge test will be carried out by existing staff.
Risk Management Implications	None
Public Health Implications	None
Health and Safety Implications	None

1.0 Background

Local Area Knowledge Test

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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. 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.
- 1.6 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.
- 1.7 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.

2.0 English Language Test

- 2.1 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.

2.2 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.

2.3 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 Entry 2) have confirmed that the candidates were legitimately passed; the problem is more to do with 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.

2.4 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.

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

- Common European Framework of Reference for Languages (CEFR) – Level B1 Speaking & Listening (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, taught in English, (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 at a level which provides equivalence to the CEFR level B1 speaking and listening.

3.0 Dual Private Hire/Hackney Carriage Driver's Licence

3.1 It was proposed that applicants for a private hire or hackney carriage driver licence will be granted a dual badge. This would then allow the applicant to drive both private hire and hackney carriage vehicles and would hopefully address the concerns raised by the hackney carriage trade of a lack of hackney carriage drivers licensed in Trafford. However, it is felt that further work is

required to consider the ramifications of this proposal. Therefore, this proposal will be considered as part of the wider AGMA common minimum standards project detailed below.

4.0 AGMA Approach

- 4.1 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.
- 4.2 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.
- 4.3 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, English and numeracy test and will issue dual hackney carriage and private hire badges. Trafford is currently the only Greater Manchester authority without a knowledge test, which gives further impetus to the need to review the current policy.
- 4.4 Four individual working groups have been formed to finalise the proposals in each of the four key areas – drivers, vehicles, operators and licensing authorities. The plan is for the four working groups to simplify the standards into a list of conditions or pre-application requirements which all authorities can benchmark against and which will make the consultation and governance process more straightforward. Licensing Managers will be meeting again in October to finalise these conditions. It is hoped that the proposals can be adopted by each authority by the end of the financial year but it has been recognised that this will depend on when the consultation can start and so no final date was yet been agreed.

5.0 Consultation

- 5.1 In order to ensure the views of stakeholders were considered the Public Protection Sub-Committee agreed at its meeting on the 18th January 2018 that officers could consult on the proposals.
- 5.2 The Licensing Section carried out a consultation exercise between the 1st May 2018 and the 29th June 2018. An email was sent to hackney carriage trade representatives; private hire operators; all persons on the current driver applicant waiting list; and all councillors. A message was also posted on the Council's Facebook page and via its twitter account.
- 5.3 The Council received a total of 729 responses to the consultation. A breakdown of all the responses will be available at the meeting.

- 5.4 Respondents were presented with the following questions and asked whether they strongly agreed, agreed, didn't know, disagreed or strongly disagreed; the form also allowed respondents to add free text comments to each question:

Q1. Do you agree with the proposal to introduce a local area knowledge test for all new applicants for a private hire/hackney carriage driver's licence?

- 5.5 Overall 49% of respondents either strongly disagreed or disagreed with the proposal. Those who gave justification for their response believed that new technology (satellite navigation systems) makes a knowledge test obsolete; that it was unfair for those already on the current waiting list and they should be exempted from any such requirement; and that the knowledge test was irrelevant because the cross border hiring rules made it possible for vehicles from all over the country to work in Trafford.

- 5.6 In contrast 40% of respondents either strongly agreed or agreed with a local area knowledge test. Those who gave reasons believed that all drivers should have an understanding of the local area and should not have to rely on technology. Others found it frustrating when the driver was not familiar with the area as this often led to the driver taking the fastest route eg. the motorway which can be more expensive rather than the shortest route. Also, not all customers know the postcode of their destination and the street name may be useless if the driver's English is poor. Those with visual impairments stated that it was often hard to give directions and they felt vulnerable when being driven by someone who didn't know where they were going.

Q2. Do you agree that the English language standard should be increased to that expected for those seeking naturalisation as a British Citizen?

- 5.7 There was strong support for this proposal with overall 73% strongly agreeing or agreeing and only 19% opposed to it. Even amongst those currently on the waiting list, of those who responded 68% supported the idea. All residents/customers who responded were in favour stating that they felt good communication was an essential part of being a driver as this could have an impact on passengers, particularly those who were more vulnerable eg. those who were deaf or blind. Of those who did not agree there was a belief that only a basic level of English was needed enough to ask for destination or give change and that the current standards were sufficient.

6.0 Recommendations

- 6.1 The Sub-Committee is asked to consider the report and consultation responses and decide whether to agree to the following proposals:

6.1.1 That all those submitting an application for a private hire/hackney carriage driver's licence on or after the implementation date be required to pass a local area knowledge test as part of the application process and that the relevant fee be adjusted to cover costs.

6.1.2 That those submitting an application for a private hire/hackney carriage driver's licence on or after the implementation date must satisfy the Council that they 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.

- 6.1.3 The following are acceptable as proof of the English language standard:
- Common European Framework of Reference for Languages (CEFR) – Level B1 speaking & listening (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, taught in the English language, (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 at a level which provides equivalence to the CEFR level B1 speaking and listening.
- 6.1.4 That delegated authority be granted to a nominated officer within Regulatory Services who, in appropriate and limited circumstances to be determined by them, 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.
- 6.1.5 That the Corporate Director for Place be authorised to approve the content of the knowledge test; and the implementation date of both the knowledge and the English Language tests.

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 24th September 2015
Report of: Head of Regulatory Services

Report Title

PROPOSED CHANGES TO THE HACKNEY CARRIAGE/PRIVATE HIRE DRIVER APPLICATION REQUIREMENTS

Summary

The report outlines the outcome of a review of the current taxi driver application procedure following an increase in the number of potential applicants for a licence.

It is proposed to change the current requirements in respect of English language skills; and local area knowledge and training, in order to reduce delays in the application process whilst maintaining driver standards.

Recommendation(s)

It is recommended that the Sub-Committee agrees to:

- extend the range of acceptable qualifications to prove English language skills;
- remove the requirement to pass a local area knowledge test but introduce a condition that all drivers must carry a working satellite navigation system; and
- extend the length and scope of the driver induction course.

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: 4129

Iain Veitch
Head of Regulatory Services

1. BACKGROUND

- 1.1 The Council's current hackney carriage/private hire driver licence application procedure consists of five stages:

Stage One – English, numeracy and verbal communication test

- 1.2 In October 2013 the Council introduced a requirement that any person wishing to apply for a hackney carriage/private hire driver's licence must pass an ESOL Entry 2 in English and Numeracy. The requirement applied to all persons irrespective of their educational background or if English was their first language.
- 1.3 The assessments are carried out once a month at the Town Hall by Bolton College. The cost is £40 which is paid in full to the College.
- 1.4 Bolton College are only able to supply an ESOL (English Speakers of Other Languages) assessor once a month. Each session takes fourteen candidates only.
- 1.5 There has been a recent increase in the numbers of people wishing to take the assessment in order to apply for a licence. This is primarily because of the decision by Rossendale Council to review its policy on intended use. The result is that the current waiting time for a place on the assessment is six months.

Stage Two – Application & DBS forms submitted

- 1.6 All applicants are required to submit an application form with supporting documents; a DBS disclosure form and the application fee.

Stage Three – Induction course

- 1.7 All applicants must complete an 'in house' induction course which consists of:

Licensing conditions and legislation framework
Customer Care
Disability Awareness

Stage Four – Knowledge Test

- 1.8 All applicants must pass a knowledge test which is delivered 'in house' and consists of a written test on places of interest, pubs, clubs and restaurants; routes; and private hire driver conditions and hackney carriage byelaws. The current pass rate is 25%.

Stage Five – Medical

- 1.9 All applicants must undergo a Group 1 medical with their own doctor.

1.10 Should a candidate pass the knowledge test on the first occasion it would on average take eight months to be granted a driver's licence due to the current waiting times and volume of potential applicants.

2. PROPOSED CHANGES TO THE DRIVER APPLICATION PROCESS

2.1 Officers have been asked to propose changes to the current requirements in respect of English language skills; local area knowledge and training, in order to reduce delays in the application process whilst maintaining driver standards.

English Language Skills Assessment

2.2 The current system requires that all applicants, irrespective of education or background, must pass an assessment undertaken by the Council's specific provider Bolton College. This requirement is extremely restrictive meaning, for example, a person with a degree in English must currently wait six months to take the assessment before they can apply for a licence. Also, the Council is currently reliant on Bolton College to provide an assessor who is only available once a month which limits the number of candidates who can be assessed at any one time.

Proposal 1

It is proposed to extend the range of acceptable qualifications to prove English language skills as follows:

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

Qualification certificate to be produced on application for a hackney carriage/private hire driver's licence

Local Area Knowledge Test

2.3 Anecdotal evidence suggests that one of the reasons for the increase in out of area drivers working in Trafford is the lack of available licensed Trafford drivers. The main reason for the lack of Trafford drivers is that few applicants pass the Council's current knowledge test the first time; and many take several attempts to pass resulting in long delays.

2.4 Officers have received complaints from both the hackney carriage and private hire trades that the knowledge test is simply a memory test and is out of date.

2.5 The Law Commission in its recent review made a series of far reaching recommendations in respect of taxi and private hire services. It recommended that private hire services should not be subject to locally imposed topographical knowledge tests.

'Satellite navigation technology is widely if not universally used. The Law Commission suggests that local topographical knowledge tests for private hire drivers is an unnecessary regulatory requirement and they see no need for licensing authorities to require them.'

- 2.6 It could be argued that the Council's current requirement to pass a local area knowledge test in its current format has had a detrimental effect on the quantity of hackney carriage and private hire drivers in Trafford.
- 2.7 In the light of technological advances, it is suggested that a knowledge test is no longer necessary to determine the 'fit and proper person test' for both hackney carriage and private hire drivers.

Proposal 2

It is proposed to remove the requirement for applicants to pass a local area knowledge test but introduce a condition that all drivers must carry a working satellite navigation system.

Hackney Carriage/Private Hire Induction Course

- 2.8 The Council currently requires that all applicants attend an induction course which focuses on the roles and responsibilities of being a taxi or private hire driver. It is proposed that a greater emphasis be placed on training applicants on customer care and disability awareness; how to work within local authority guidelines and national legislation; and a greater awareness of child sexual exploitation and how to report any concerns.
- 2.9 It is suggested that delivering 'in house' would give the Council greater control over course content, delivery and effectiveness, and post-course reinforcement; and would also allow the Council to tailor the course content to address localised practice, policy, procedures and conditions.

Proposal 3

It is proposed to require all applicants to complete a driver induction course consisting of:

Licensing conditions and legislation framework
Customer care
Wheelchair access and disability awareness
Child sexual exploitation awareness

3. CONSULTATION

- 3.1 At its meeting on the 20th August 2015 the Sub-Committee agreed that officers should undertake a four week consultation with the trade on these proposals. It

also agreed that the proposals and the results of the consultation should be reported back to the Sub-Committee for consideration at this evening's meeting.

- 3.2 Officers wrote to all 950 licensed drivers to invite them to take part in the consultation by completing an on-line survey. The last date to complete the survey or submit comments is the 22nd September 2015. A full analysis of the results of the survey will be available at the meeting. An analysis of the survey results received at the time of writing is attached at Appendix A together with respondent's comments and separate email responses.

4. RECOMMENDATIONS

- 4.1 The Sub-Committee is invited to consider the report and the responses received following the consultation exercise, and decide whether to:
- extend the range of acceptable qualifications to prove English language skills;
 - remove the requirement to pass a local area knowledge test but introduce a condition that all drivers must carry a working satellite navigation system; and
 - extend the length and scope of the driver induction course.
- 4.2 The Sub-Committee is also invited to agree the implementation date for any proposed changes to the application procedure. Officers are currently working on an appropriate effective date which will allow for additional training of staff; and a review of the need for any additional resources in the short-term to deal with a possible increase in demand.

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