

**REPORT TO:** LICENSING COMMITTEE

**DATE:** 5 JULY 2022

**TITLE:** ENGLISH LANGUAGE PROFICIENCY FOR HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS

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**RECOMMENDED that:**

- A** The Licensing Committee recommends to Full Council that new applicants for hackney carriage and private hire drivers' licenses be required to complete an English Language Proficiency test or to show suitable qualification in the use of English.
- B** Qualifications set out in Appendix A are to be updated from time to time by the Licencing team and are to be deemed suitable for the purposes of recommendation A.
- C** Existing Licensed Hackney Carriage and Private Hire Drivers shall not routinely be subject to English Language Proficiency assessment. However, authority shall be delegated to the Assistant Director Environment to require any driver to attend English Language Proficiency assessment should it appear necessary whether due to any complaint or otherwise.
- D** The English Language Proficiency assessment provided by Green Penny as set out at paragraphs 8 to 18 of the report be deemed suitable for the purposes of recommendation A: other assessment tests may be deemed suitable by the Licensing team on consultation with representatives of the licensed trades.

**BACKGROUND**

1. The Council is responsible for licensing Hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
2. On 21 July 2020 the Department for Transport (DfT) published "Statutory Taxi and Private Hire Vehicle Standards." The publication of these standards has

been awaited for some time and follows an extensive period of consultation by the Department for Transport following a number of high-profile incidents and issues highlighting the risk to members of the public and to drivers. The standards reflect the significant changes within the industry in recent years, and lessons learned in respect of safeguarding children and vulnerable adults, and cases of child sexual abuse and exploitation (CSAE). The Policing and Crime Act 2017 made provisions for the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions, to protect children and vulnerable individuals who are over 18 from harm when using these services. Although the focus of the standards produced, is on protecting children and vulnerable adults, it is expected that any passengers of these licensed vehicles will benefit from the recommendations, which aim to better regulate the taxi and private hire vehicle sector as a whole. It is felt that these issues are, in part, a result of the significant differences in standards applied to the licensing of drivers and vehicles across the country.

3. At the Licensing Committee meeting on 19 January 2021 Members noted and agreed an action plan in relation to the implementation of the DfT standards. For the purposes of the action plan the DfT standards were grouped into the following categories;
  - **GROUP A- NO POLICY CHANGE REQUIRED; Standards with which the Council already complies, or for which only minor procedural changes that do not require changes in policy are required;**
  - **GROUP B- POLICY CHANGE CAN BE RECOMMENDED AT THIS TIME; Standards that require policy changes which are relatively straightforward and for which recommendations can be made at this stage;**
  - **GROUP C- REPORT TO BE BROUGHT TO A FUTURE MEETING; Standards that require policy changes which will take some time to develop, and thus will require further reports to be brought to future meetings of the Committee.**
4. This report specifically deals with Group C DfT standards as described above and will consider the introduction of English language assessment for hackney carriage and private hire driver applicants.

## **ISSUES/PROPOSALS**

5. At paragraph 6.14 of the Department for Transport's Statutory Taxi & Private Hire Vehicle Standards it states that *"a lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others."*

Paragraph 6.15 adds *“a licensing authority’s test of a driver’s proficiency should cover both oral and written English language skills to achieve the objectives stated above.”*

6. A person without an English Language qualification may already be proficient in the English Language. Therefore, the Licensing Team have researched into the availability of satisfactory English language proficiency assessors, thus reducing the need for an applicant to go through the additional time and cost of further education.
7. The Licensing Team have researched into the availability of satisfactory language proficiency assessments. There were two providers found who both offer very similar methods of assessment, namely Versant 4 and Green Penny. The Green Penny assessment is still being developed, but will be available by the end of 2022.
8. Despite the delay in implementation, the preferred choice of the Licensing Team is that provided by Green Penny. Green Penny provide a flexible set up and the assessment itself, particularly the Listening and Spoken element shall have a leaning towards questions that are more specific to the taxi and private hire industry.
9. The Licensing Team recognises the good work of Green Penny and their involvement with training drivers, Green Penny are one of our selected providers for driving assessments for new applicants or for current drivers where the need arises.
10. The Green Penny English Proficiency assessment will comprise of two main components:
  - a) Reading & Writing
  - b) Verbal Communication (Speaking & Listening)
11. The reading and writing assessment is online. There will be approx. 20 questions that vary from ‘what’s the missing word’ multiple choice questions to listening to a short audio clip and being asked questions on what they heard.
12. For the prevention of any malpractice by an applicant during the reading and writing assessment, the candidate is asked to enable the camera on their device. The system will take still photographs at regular intervals to ensure the correct candidate is sitting the test. The system can also recognise where the candidate has minimised the test and is looking at another window, if their mouse cursor has been used in another window and whether the test has been filled out previously from the same IP address. Where malpractice is suspected, this will be reported to the Council.
13. The verbal communication assessment will take place on Microsoft Teams and therefore the assessor will be able to view the candidate during the assessment. The candidate will be assessed on their ability to understand and formulate their answer, ensuring suitable and relevant answers are provided and that

conversation can flow freely, with both parties able to understand each other without any significant difficulty. E.g. What type of car are you going to be using as a taxi or private hire driver?

14. Before the verbal communication assessment starts, the candidate shall provide a copy of their photo ID. The camera and sound will remain on for the duration of the test.
15. Both components of the test can take place from any location, therefore suitable computer equipment, a tablet device or mobile phone is required.
16. The fee for the Green Penny English Language Proficiency Assessment will be £45 which the applicant can pay direct to the provider.
17. To assist applicants who may not have access to the necessary IT equipment or Microsoft Teams to suit their personal needs. The Council will be able to provide a desktop computer and earphones to carry out the assessment.
18. It is proposed that where an applicant fails the Proficiency Assessment, they must wait a minimum one calendar month before resitting the assessment. This is to allow time for the applicant to source additional support in English language where necessary.
19. It is proposed that the Council offers a flexible approach to English Proficiency assessments, that where an applicant has a suitable qualification in English or a subject where an understanding of the English language is required an English Proficiency assessment will not be required. The list entitled 'Acceptable qualifications that demonstrate English Language Proficiency' is set out in Appendix A to the report.
20. The list of qualifications may be updated by the Licensing Team where necessary.
21. ACL Essex (Adult Community Learning) provides various English qualifications to adults should any applicant who struggles with an English Language Proficiency assessment require further support. ACL Essex provide GCSE English, functional skills in English and for those where English may not be their first language the 'English for Speaker of Other Languages (ESOL)' course. Harlow College also provide courses in English but due to funding can only provide for persons under the age of 23.
22. It is proposed that the Council offer a flexible approach to English Proficiency assessments for licensed drivers. To be licensed in Harlow, as applicants they have already read the terms, policies and conditions placed on licences as part of the licensing process and are tested on these as part of the knowledge test. Once licensed they are also provided with their licence conditions on each subsequent renewal and have attended or due to attend training on Child Sexual Exploitation (& Safeguarding) and Disability Awareness.

23. The Licensing Team have checked complaint records of licensed drivers and there are no complaints in the last two years where a grasp of the English language may have been a contributing factor.
24. However, it is recommended that where any future complaints from a passenger are of a concern, authority be delegated to the Assistant Director Environment to consider the benefits of the individual driver attending the Green Penny English Language Proficiency assessment.

## **IMPLICATIONS**

### **Strategic Growth and Regeneration**

None specific.

**Author: Andrew Bramidge, Director of Strategic Growth and Regeneration**

### **Finance**

None specific.

**Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance**

### **Housing**

As outlined in the report.

**Author: Andrew Murray, Director of Housing**

### **Communities and Environment**

As contained within the report.

**Author: Jane Greer, Director of Communities and Environment**

### **Governance and Corporate Services**

A full Equality Impact Assessment will be required before implementation to ensure the process meets the requirements under the Act.

**Author: Simon Hill, Director of Governance and Corporate Services**

## **Appendices**

Appendix A - Accepted Qualifications that demonstrate English Language Proficiency

## **Background Papers**

[Statutory Taxi and Private Hire Vehicle Standards July 2020](#)

[Common European Framework of Reference for Languages CEFN Grading](#)

## **Glossary of terms/abbreviations used**

ACL – Adult Community Learning

CSAE – Child Sexual Abuse and Exploitation

DfT - Department for Transport

ESOL - English for Speaker of Other Languages