



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Environment Overview and Scrutiny Committee

30 November 2021

Report of: Councillor Linda Wootten

Cabinet Member for Corporate Governance and Licensing



Review of Hackney Carriage and Private Hire Policy

This report presents information for consideration following feedback on the Hackney Carriage and Private Hire Policy that took effect from 1 April 2021.

Report Author

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Corporate Priority:	Decision type:	Wards:
Healthy and Strong Communities	Regulatory	All Wards
Reviewed by:	Anne-Marie Coulthard (Assistance Director Operations and Public Protection)	15 November 2021
Approved by:	Gary Smith (Director Commercial and Operations)	17 November 2021
Signed off by:	Councillor Linda Wootten (Cabinet Member for Corporate Governance and Licensing)	18 November 2021

Recommendation (s) to the decision maker (s)

1. Consider the report and

- a) whether the score required to pass the English language skills test as detailed in the Hackney Carriage and Private Hire Policy should be altered, and if so, recommend an alternative score to Cabinet.
- b) recommend to Cabinet that a minor amendment be made to the Hackney Carriage and Private Hire Policy to clarify the intent of the Policy in respect of the Certificate of Good Conduct.

1. The Background to the Report

1.1 The current South Kesteven District Council Hackney Carriage and Private Hire Policy (“the policy”) was adopted on 1 April 2021 (see **Appendix 1**). The policy is fundamental to protecting public safety and keeping people from harm and provides the framework upon which the Authority delivers its statutory functions in relation to hackney carriage and private hire licensing.

1.2 Since the Policy was adopted, feedback has been received regarding the standard that is required to be reached in the English language skills test to obtain a pass mark. In addition, now that the policy has been in place for over 7 months, a minor amendment is also proposed which provides clarification for applicants in respect of the certificate of good conduct.

English Language Skills Test

1.3 As part of the review of the Policy during 2020, the Environment Overview and Scrutiny Committee recommended that an English language skills test should be implemented for new driver applicants as recommended in the Department for Transport Statutory Taxi & Private Hire Standards (“the standards”) issued in July 2020.

1.4 While the standards do not set a level of language proficiency, they make it clear that a lack of language proficiency could impact on a driver’s ability to read and understand documents, such as policies and guidance. Drivers are also expected to be able to hold conversations, convey safety information and understand what is being said by passengers to identify indicators of concern, for example safeguarding issues. Whilst basic English language skills are essential for routine job-related functions such as understanding directions and discussing fares, the standards expect language skill levels to a higher level.

1.5 Following approval of the Policy by Cabinet on 12 January 2021, where an applicant is unable to demonstrate that they hold a relevant qualification taught and examined in English as detailed in Appendix 2 para 3.2 of the Policy, they must pass an English language skills test. To ensure an unbiased and consistent approach, the tests are purchased from Versant. The test is used by a number of local authorities, with the pass mark set by each authority.

1.6 The Versant English test is based on the Common European Framework of Reference for Languages (CEFR) which is an international standard for describing language ability, from A1 (basic) to C2 (proficient).

1.7 The current Policy sets the pass mark in South Kesteven at a Versant Score of 58 out of 80. This indicates that the candidate is a confident in English speaker (equivalent to level B2 on The Common European Framework of Reference for Languages (CEFR) scale). Speech is generally fluent and intelligible; the applicant is able to speak fluently on a range of everyday topics and give and understand most instructions. See **Appendix 2** for full explanation and definitions.

1.8 The table below shows a sample of Versant test pass marks set by other local authorities and the relevant CEFR level.

Local Authority	Pass Mark (Versant score)	CEFR Level
Bath & North East Somerset	46	A2
West Northants	46	A2
Dartford	56	Upper B1
Dacorum	56	Upper B1
Buckinghamshire (Aylesbury Vale area)	56	Upper B1
Mid-Sussex	58	Lower B2
South Kesteven	58	Lower B2
Stevenage	60	B2
East Devon	69	Lower C1

- 1.9 As of 12 November 2021, 5 applicants have attempted the English language skills test and only one has met the required score. Three have subsequently attempted the test again and failed.
- 1.10 While low numbers of applicants have been required to take the test to date, the failure rate is 80%, this, along with a request from an Operator who wishes to employ a prospective driver who has failed the test have prompted a review of the pass mark.
- 1.11 The Licensing Committee considered the pass mark of the English Language Skills test at their meeting of 12 November 2021. Following discussion, the Committee recommended that the score required be reduced to 54 out of 80. This is the equivalent to the upper end of a B1 Independent User.

Other amendments

- 1.12 A minor amendment is proposed to provide clarity of intent on the existing Policy in respect of the Certificate of Good Conduct as detailed in paragraph 1.12 of this report. The proposed amendment is shown as “track changes” in the Policy at Appendix 1.
- 1.13 Certificate of Good Conduct (residency outside the UK) – Part 3, para 3.10 of the Policy. Wording to be amended to clarify that this requirement will only apply at renewal if the applicant has spent 6 continuous months or more living outside the United Kingdom during the currency of their licence.

2 Consultation and Feedback Received, Including Overview and Scrutiny

- 2.1 The Licensing Committee, at their meeting on 12 November 2021, considered the English language skills test and provided feedback recommending that the Versant English Test Score be reduced to 54, which would remain within the Independent User category but is at the higher end of the B1 level.
- 2.2 The Licensing Committee made no comments in respect of the Certificate of Good Conduct.

3 Available Options Considered

- 3.1 The Environment Overview and Scrutiny Committee may consider that the English language skills test score requires revision and recommend an alternative score.
- 3.2 The Director for Commercial and Operations, in consultation with the Cabinet Member, has delegated authority to make minor amendments to the Policy which do not alter the intent of the policy. This would include the amendment to the Certificate of Good Conduct requirements should no amendments relating to the English language skills test be recommended.
- 3.3 The Authority could continue with the existing Policy without amendments.

4 Preferred Option

- 4.1 That the Environment Overview and Scrutiny Committee review the English language test element of the Policy and recommend whether the English language test score be revised and if so, what the score should be set at.
- 4.2 That the paragraph relating to the Certificate of Good Conduct is amended to reflect the intent of the Policy.

5 Reasons for the Recommendation (s)

- 5.1 The Policy supports the Authority in fulfilling its statutory duties and must be clear and transparent. The pass mark of the English language skills test is set by the Authority and following a period of implementation and feedback it is appropriate to review this element of the Policy.

6 Next Steps – Communication and Implementation of the Decision

Following recommendations from the Committee, the proposed amendments will go to cabinet for agreement.

7 Financial Implications

There are no direct financial implications associated with the recommendations in this report. The costs associated with delivering the Licensing service are recovered through licensing fees which are reviewed annually by the Council.

Financial Implications reviewed by: Alison Hall-Wright, Head of Finance & ICT

8 Legal and Governance Implications

- 8.1 Whilst each individual licensing application or enforcement decision will be judged on its own merits, a Policy ensures a transparent and consistent approach to licensing that will reduce the opportunity for challenge through the Courts.
- 8.2 It is good practice for a policy to be reviewed to ensure it remains accurate. Any departure from the Policy should be based on material evidence and documented giving clear and compelling reasons.

Legal Implications reviewed by: Mandy Braithwaite, Legal Executive

9 Equality and Safeguarding Implications

- 9.1 An equality impact assessment has been undertaken and is at **Appendix 3**. It has not identified significant negative impacts.

10 Risk and Mitigation

10.1 No specific risks have been identified.

11 Community Safety Implications

11.1 It is important that someone using a hackney carriage or private hire vehicle can do so safely. The licensing process ensures that drivers and operators are “fit and proper” persons to hold a licence and the policy aims to reflect this requirement by being updated as and when appropriate.

12 How will the recommendations support South Kesteven District Council’s declaration of a climate emergency?

12.1 Any changes to the policy as described above would have no impact on the Council’s declaration.

13 Other Implications (where significant)

13.1 No other significant implications identified.

14 Background Papers

14.1 [Minutes of Cabinet, 12 January 2021](#)

14.2 [Minutes of the Environment Overview and Scrutiny Committee, 23 June 2020](#)

15 Appendices

15.1 Appendix 1 – Hackney Carriage and Private Hire Licensing Policy

15.2 Appendix 2 - Versant and CEFR levels of proficiency

15.3 Appendix 3 – Initial Equality Impact Assessment