



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Cabinet

13 January 2022

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	Key Decision	All Wards
Reviewed by:	Anne-Marie Coulthard (Assistance Director Operations and Public Protection)	13 December 2021
Approved by:	Gary Smith (Director Commercial and Operations)	14 December 2021
Signed off by:	Councillor Linda Wootten (Cabinet Member for Corporate Governance and Licensing)	21 December 2021

Recommendation (s) to the decision maker (s)

1. Approves the amendment of the pass mark for the English language skills test as detailed in the Hackney Carriage and Private Hire Policy, to a Versant test score of 47 out of 80, for a period of 6 months with immediate effect.
2. Subject to the approval in 1 above, delegates to the Director for Commercial and Operations, in consultation with the Cabinet Member for Corporate Governance and Licensing, to undertake a review at the 6-month period, and either:
 - a) Maintain the score of 47 out of 80; or
 - b) Revert to the original score of 58 out of 80.

3. Approves the minor amendment 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. 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 8 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 polices 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 can give and understand most instructions. See **Appendix 1** 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 considered that the score required be reduced to 54 out of 80. This is the equivalent to the upper end of a B1 Independent User definition.
- 1.12 The Environment Overview and Scrutiny Committee considered the pass mark at their meeting of 30 November 2021. Following discussion and consideration of the comments of the Licensing Committee the Environment Overview and Scrutiny Committee recommended that the score required be reduced to 47 out of 80. This is equivalent to the entry level for a B1 Independent User. The Committee also recommended that the score be reviewed in 6 months to consider the impact of the score change.

Other amendments

- 1.13 A minor amendment is proposed to provide clarity of intent on the existing Policy in respect of the Certificate of Good Conduct.
- 1.14 It is proposed that the wording is 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.

- 2.3 The Environment Overview and Scrutiny Committee considered the pass mark of the English language test at their meeting of 30 November 2021. The Committee considered the comments of the Licensing Committee and recommend that the score required be reduced to 47 out of 80, which is equivalent to the entry level for a B1 – Independent User.
- 2.4 The Environment Overview and Scrutiny Committee recommended that the change, as outlined, be made to the Policy in respect of the Certificate of Good Conduct.
- 2.5 An extract of the relevant part of the Policy, taking into account the above proposed amendments, is attached at **Appendix 2**.

3 Available Options Considered

- 3.1 Cabinet may consider that the English language skills test score requires revision and either agree with the recommendation of the Environment Overview and Scrutiny Committee or consider that some other score may be appropriate.
- 3.2 In respect of the Certificate of Conduct, a minor amendment to the wording to clarify the intent of the policy is considered necessary.
- 3.3 Cabinet could decide to continue with the existing Policy without any of the outlined amendments.

4 Preferred Option

- 4.1 That Cabinet consider the recommendation of the Environment Overview and Scrutiny Committee and reduce the English language test pass mark.
- 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

- 6.1 Any changes will be implemented, with the existing Hackney Carriage and Private Hire Licensing Policy being amended accordingly.

7 Financial Implications

- 7.1 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 the Environment Overview and Scrutiny Committee, 30 November 2021](#)

- 14.2 [Minutes of the Licensing Committee, 12 November 2021](#)

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

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

15 Appendices

- 15.1 Appendix 1 – Versant and CEFR levels of proficiency
- 15.2 Appendix 2 – Extract of the relevant section of the Hackney Carriage and Private Hire Policy
- 15.3 Appendix 3 – Initial Equality Impact Assessment