

**Body:** General Licensing Committee  
**Date:** 12<sup>th</sup> June 2007  
**Subject:** Hackney Carriage and Private Hire Matters –  
Communication Skills

**Report Of:** Licensing Manger  
**Wards;** All  
**Purpose;** To seek the committee’s approval for the adoption of a policy applicable to Hackney Carriage and Private Hire Drivers to include the requirement to attain a specified standard of English language associated Communication skills and disability awareness training commensurate with the skills required by a licensed driver.

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**Recommendation:** To seek approval to the recommendations as set out in paragraph 5.1 of the report.

## **1. Introduction**

- 1.1 The Council currently licences approximately 500 private hire and hackney carriage drivers. Prior to being licensed, drivers must:
- Have held a full DVLA driving licence for at least 12 months.
  - Undertake a Driving Standards Agency Test
  - Satisfy Group 2 Medical Standards and supply a duly certified medical certificate
  - Undertake a topographical knowledge test
  - Subject to an enhanced Criminal Records Bureau Test and DVLA Check
- 1.2 As part of the process, the Licensing Authority must establish that persons wishing to be licensed drivers in the Borough must be “fit and proper.” Whilst there is no judicially approved test of what is “fit and proper, ” a range of factors can be considered.
- 1.3 This includes a driver’s ability to communicate effectively in both written and verbal form with passengers, Council Officers and other enforcement partners.
- 1.4 There have been instances when individuals, whose first language is not English, have failed the knowledge test because they are unable to either read or understand the questions posed. This has meant that the individuals concerned have not been tested appropriately on their knowledge of the area and that communication skills may be found wanting.

- 1.5 It is important that any new applicant wishing to become a licensed driver should demonstrate effective communication skills and have attained an agreed level of English language ability in order to complete the licensing process. Effective communication skills and a competent standard of English is essential in order to ensure that drivers and passengers can converse effectively. Where challenging situations present, drivers can use these skills to extricate themselves from conflict and/or aggression.
- 1.6 Committee is asked to consider a policy which requires all new drivers to undertake an appropriate Communication skills and English test, which will include a customer service skills focus.
- 1.7 Officers have liaised with other Councils and asked an open question to members of the National Association of Licensing and Enforcement Officers (NALEO.) This research shows that many areas including Edinburgh, Hambledon, Wolverhampton, Birmingham, Bridgnorth, Oxford, Swansea, Worthing, Brighton, Swansea and St Albans have already devised some form of communication test.
- 1.8 Furthermore, the results of the unmet demand survey undertaken by MCL Limited recommend that the Authority approve some form of Disability Awareness Training for all new drivers, extended to existing drivers as appropriate.
- 1.9 It is apparent following feedback from various Disability Forums, complaints from members of the public and members of the trade that there are varying degrees of understanding regarding disability issues. This needs to be addressed as soon as possible.

## **2.0 Overview**

- 2.1 Contact was made with the following English teaching establishments:
  - Eastbourne Open Centre
  - St Giles College,
  - Cambridge English for Students Of Other Languages (ESOL)
  - ] -English Centre Eastbourne
  - International Centre School of English,
  - Eastbourne School of English
  - Meads School of English
  - YES Education Centre
- 2.2 The consensus of opinion from members of the English teaching profession suggests that the qualifications indicated in the following table are of a standard that would enable an applicant to converse in English appropriately as a licensed taxi or private hire driver.

Table 1

Qualification	Level of Attainment
Cambridge First Certificate	FCE Exam
Skills for Life	English Examination Level 1 in Listening & Speaking
International English Language Testing System (IELTS)-general or academic	IELTS examination score of six in both listening and speaking

- 2.3 There are a large number of service providers in Eastbourne and Sussex wide who can cater for the needs of potential applicants whose first language is not English.
- 2.4 Additional training components will need to be added to incorporate a broader range of communication skills and disability awareness training.
- 2.5 Many local colleges now provide a formal qualification in the form of the Taxi and Private Hire BTEC, which enables new drivers to equip themselves appropriately for the role. A formal qualification will provide a benchmark standard.

### **3. Human Rights Act 1998 and Other Legal Implications**

- 3.1 The provisions of the Human Rights Act, 1998, must be borne in mind by the Committee when taking licensing decisions. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property. The term possessions is given to include a licence.
- 3.2 Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

- Has a basis in law;
- Is intended to pursue a legitimate purpose
- Is necessary and proportionate; and
- Is not discriminatory.

### **4.0 Conclusion**

- 4.1 A revision to the current policy to incorporate a specified English, Communication and Disability Awareness Training. The inclusion of such as a policy requirement as suggested does not preclude persons from obtaining a licence, but that they will be required to satisfy by way of appropriate

qualification that they are “fit and proper,” and are able to meet Authority specified standards in terms of communication and customer service skills.

- 4.2 It is the Council’s priority to enhance the quality of service to passengers, as an aide to promote public safety, and that drivers are properly equipped to deal with a diverse range of situations presented. This in turn should help boost the professional image of the trade, raising standards throughout.

## **5.0 Recommendation**

5.1 Committee is asked to agree the following:

- Adoption of a formal policy which requires all new drivers to attain a minimum standard of English to a standard specified by the Council.
- Adoption of a formal policy which requires all new drivers and as appropriate, current drivers upon the direction of the Licensing Manager to attend a Customer Service and Communication Skills Course to a standard specified by the Authority.
- Adoption of a formal policy which requires all new drivers, and as appropriate, current drivers upon the direction of the Licensing Manager to attend a Disability Awareness Training Course to a standard specified by the Authority.
- A course(s) incorporating the above is identified by the Licensing Manager, and is agreed as being the accepted standard by the Chair of the Licensing Committee on behalf of the Full Licensing Committee as soon as possible.

## **Background Papers**

- Local Government (Miscellaneous Provisions) Act 1976
- Taxis- Licensing Law & Practice, James TH Button
- Disability Discrimination Act 1995/2006 as revised