

**AMENDMENT TO THE LICENSING STANDARDS FOR DRIVERS OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

Licensing, item 5

<b>Committee:</b>	<b>LICENSING</b>	<b>Agenda Item</b>
<b>Date:</b>	<b>27 June 2007</b>	<b>5</b>
<b>Title:</b>	<b>AMENDMENT TO THE LICENSING STANDARDS FOR DRIVERS OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES</b>	
<b>Author:</b>	<b>Murray Hardy, Licensing Officer, Extension 598</b>	Item for decision

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**Summary**

1. The Council’s Equalities and Diversity Working Group (EDWG) recently carried out an impact assessment of the Council’s licensing standards and application forms for private hire and hackney carriages.
2. As a result of the assessment a shortcoming was identified which can be easily corrected. However if the amendment suggested by the EDWG is adopted Members may wish to consider amending licensing standards to ensure that the convenience of the fare paying public is not affected.

**Recommendations**

The Committee amend the licensing standards required of drivers of hackney carriages and private hire vehicles to include a condition that the applicant must have sufficient command of the English language to be able to undertake the functions of a private hire/hackney carriage driver within the district.

**Background Papers**

None

**Impact**

Communication/Consultation	<b>The proposed amendment has been approved by the EDWG</b>
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Community Safety	<b>The current standards are designed to ensure the safety, comfort and convenience of the public.</b>
Equalities	<b>The suggested amendment to the forms is requested by the EDWG. I consider that while the amendment is appropriate it is important to ensure that passengers and drivers can communicate adequately.</b>
Finance	<b>There will be some small expense incurred in arranging for translation of documents if requested</b>
Human Rights	<b>None</b>
Legal implications	<b>None.</b>
Sustainability	<b>None.</b>
Ward-specific impacts	<b>None.</b>
Workforce/Workplace	<b>None.</b>

### Situation

- 1 The Council's licensing standards have been effective from 14<sup>th</sup> October 2003.
- 2 Following an impact analysis of application forms for private hire/hackney carriage drivers licences the EDWG noted that contrary to good practice and Council policy the application form and guidance notes did not state that the documents were available in other languages/formats if required. To add this statement to the forms is a relatively simple matter.
- 3 However the provision of a form and its completion in English demonstrates to some degree an understanding of that language. If forms were to be supplied in an alternative language the ability of the applicant to communicate with passengers may be in doubt.
- 4 I am therefore suggesting the inclusion of the following additional licensing standard which would ensure the convenience of the fare paying public.
  - The applicant must have sufficient command of the English language to be able to fulfil the role of a Hackney Carriage/Private Hire Driver.
- 5 All new applicants are required to attend an interview before a licence is issued. If I am not satisfied at that interview that the applicant has a sufficient knowledge of English to be able to communicate with passengers the applicant would not meet licensing standards. In those circumstances the applicant would be offered an interview with the Assistant Chief Executive. If he were satisfied that the applicant could communicate adequately with passengers the condition would be satisfied and a licence issued under

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delegated powers. If he were not satisfied he could refuse the licence under delegated powers or (if circumstances existed where he felt Members may be prepared to depart from policy) he could refer the case to the Committee. If an application is refused the applicant has the right of appeal to the magistrates court.

- 6 The alternative would be to require all new applicants to undergo an English test. Because of the equalities legislation and Council policy it would not be possible to limit this requirement to those whose first language is not English. Such a requirement would be discriminatory. There would be significant resource implications should Members prefer to adopt this course.
- 7 Members may wish to note that it is not intended that a stock of forms in different languages should be kept. As and when a request for documents in a language other than English is received a translation will be obtained and retained. In that way we are responding to individual needs as and when they arise and building an electronic library of translations for future use.

**Risk Analysis**

Risk	Likelihood	Impact	Mitigating actions
<b>Failure to adopt may result in confusion being experienced by the travelling public.</b>	<b>Low. Members are bound by the Code of Conduct which requires that they should not do anything which may cause their authority to breach equalities legislation.</b>	<b>Medium. It is relatively unlikely that applicants would secure employment without the ability to communicate in English</b>	<b>In the event that Members do not adopt the recommendation they require as an alternative that all applicants should take an English Language test</b>