

Durham County Council Equality Impact Assessment

NB: The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have ‘due regard’ to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

Section One: Description and Screening

Service/Team or Section	Licensing Services, Community Protection, Neighbourhood Services/ Regeneration and Local Services
Lead Officer	Craig Rudman
Title	Hackney Carriage and Private Hire Licensing Policy
MTFP Reference (if relevant)	
Cabinet Date (if relevant)	
Start Date	20 th February 2020
Review Date	Prior to Adoption by Council by end of 2021

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):

The Hackney Carriage and Private Hire Licensing Policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing and also in accordance with relevant government guidance. In formulating this policy, the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, Human Rights Act 1998, Crime and Disorder Act 1998, and the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 and the Equality Act 2010. – All previous and current policy versions have been subject to screening following the initial full EIA. This screening assessment has taken into consideration the current policy and the proposed changes pre-consultation. A further screening assessment will take place once the final draft of the proposed revised policy is available in December 2020 prior to reporting to GLRC and in February 2021 prior to reporting to full Council. The following

proposed changes/amendments have been considered and subjected to the screening process:

SM Report Appendix 3: Table of Pre-Consultation Proposals

1 New Licences - An age restriction policy to be adopted with a 4-year vehicle age policy with effect from April 2020 for all newly licensed vehicles. This means the EURO 6 emissions standard applies from April 2020 to all new licences
Existing Vehicles - From April 2023, to adopt an 8-year age policy so vehicles older than 8 years will not be licensed. From April 2023 all diesel and petrol engine vehicles must be Euro 6. The taxi trade therefore has 4 years to comply (3 years from April 2020).

Wheelchair accessible vehicles - Existing vehicles will have an extra 2 years added to the age restriction meaning that April 2025 is the compliance date. Therefore, it is possible that a relatively low number of wheelchair accessible vehicles will be Euro 5 between April 2023 to April 2025.

'Full electric' and 'zero emission at source' vehicles would be exempt

2 Reference that the licence plate cannot be altered or defaced in any way

3 Reference to post-accident testing requirements

4 Reference 'reported for an offence' in addition to 'charged with'

5 Addition of wording associated with the section of guidance that states: "We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running"

6 Terrorism and hate crime offences to be added to appendix 2

7 Possibility that we would also propose the use of an agreed formula to enable an annual tariff review to be implemented, this formula would be based on industry costs from across the county. Taking into consideration the cost of fuel, tyres, wages, licensing fees, insurance premiums Garage costs etc.

8 Vehicle defect book – addition of minimum timescale for keeping records and maximum time periods for vehicle checking i.e. once a week, daily or other specific period

9 Consideration of acceptance of weekly insurance cover

10 Amendment of the wording on the advertising condition regarding location of advertising to be restricted to rear doors, rear panels and boot

11 Amendment and clarification of 'fit and proper' and 'safe and suitable' tests

12 Addition of other offences to Appendix 2 including local authority enforced statutes and regulations

13 Consideration of inclusion of a Drivers Code of Conduct

14 Preventing the use of e-cigs and vaping in a licensed vehicle

15 Additions to Operator Conditions re use of base (e.g. parking and maintenance of licensed vehicles etc)

16 Addition to Appendix 2 of Equality Act offences

17 Addition of changes to categories of write-off vehicles

18 Additional information on applications to the Council for medical exemptions

19 Clarification of prohibition on duplication of vehicle licences

20 Additional explanatory information regarding passenger transport contracts e.g. home to school

21 Consideration of time locked meters - also all meters set with maximum tariffs

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- 22 Reference in 'fitness' to suicidal threats / attempts, not a fit state of mind as per DVSA or other relevant guidance
- 23 Adopt the IOL suitability guidance
- 24 Transfers of vehicles - specify time frame when a transfer should be received and explain process
- 25 NAFN register needs to be referenced
- 26 Need to incorporate into the policy that all tyres on the vehicle must be the same size and ratings etc
- 27 Information and guidance on conduct and behaviour when using social media sites
- 28 Reference electric vehicles
- 29 Under appendix 1 continuing suitability need to refer under medical that they need to inform us of any changes to their health. Need to reference that drivers always need to meet Group 2 standards. Could list some of the major illnesses i.e. stroke, heart attack, diabetes etc
- 30 Clarification on where a licence is refused / revoked, that it is 5 years from that date during which the council wouldn't normally grant a licence - Make clear re refusals / revocations that a licence will not be granted unless 5 years has elapsed
- 31 More clarification on who is required to carry out the vehicle checks
- 32 Clarification on use of taxi meters in private hire vehicles
- 33 Suggestion to refresher CSE training every 2 to 3 years (time to be decided at consultation stage)
- 34 Randomised and targeted drug testing for drivers
- 35 Policy to reference the need for licence holders to be respectful etc to other drivers
- 36 Clarification on illumination of top signs
- 37 Look at trailers - should we include a test? Page 471 of button book para 9.46
- 38 Clarify DBS update service needs to be live with a valid certificate - upon renewal
- 39 Amend transfer of a vehicle application - refer to section 49 LGMPA re 14 days
- 40 Inclusion of a definition of a special vehicle
- 41 Explanation of transfer of ownership - quote section 49 of LGMPA 1976
- 42 Changes to the PHO to require other persons associated with the application to be fit and proper not just the applicant
- 43 Suggestion that for new applicants having 6 points or more to go to committee for licensing decision
- 44 Explanation in policy re why we do not allow surrender of a drivers badge but allow vehicle licence surrenders
- 45 Greater explanation of why a proprietor may be referred to committee.
- 46 Greater explanation of what we require for a medical exemption - i.e. blood tests, skin prick etc refer to guidance issued from guide dogs
- 47 Approved tests for fitness and propriety for operator and vehicle licences - refer to the Ann Harris case
- 48 Take 'annual' out from continuing suitability point a) DVLA check
- 49 Top sign - make it clearer that HCV vehicles must always have a top sign
- 50 Consideration of first aid kits – the one we currently require is for up to 10 persons – need to state applicable to the number of persons people can carry. Also, if not sealed then unsterile and needs to be replaced

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- 51 A licence, when granted, will be valid for a period of three years, (or less as the Council may decide is necessary in certain circumstances). - make it clearer as there is the option of 1 2 and 3 years. Addition of the word 'up to' 3 years
- 52 Additional information and clarification on the decal exemptions associated with executive / luxurious vehicle
- 53 Additional information clarifying and explaining the policy and processes followed in relation to late renewal applications (application of Exeter v Sandle)

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):

The Council has taken into account the views of the following when preparing this policy:

- ☐ Service users
- ☐ Current licence holders
- ☐ Elected members of the Council including members ☐ Durham Constabulary
- ☐ Local businesses and their representatives (trade associations)
- ☐ Residents and their representative bodies
- ☐ Local transport providers
- ☐ Disability Groups including Durham County Council Disability Partnership
- ☐ Planning Authority

A full list of those consulted in preparing this Policy is available from the Licensing Section.

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?

Initial screening (Reviewed) CR

Durham County Council is responsible for the licensing of hackney carriage and private hire vehicles, drivers and operators.

No overall impacts have been identified across the equality strands.

The policy applies to all regardless of gender, age, disability, religious belief, race or ethnic minority or sexual orientation. However, there are implications for the following strands, but these have been explained and addressed within the policy and the full impact assessment.

- Gender
Gender of applicants is not considered a barrier to the issuing of taxi licenses and Durham County Council.
- Age
Age restrictions are included in applications for taxi drivers however these follow national guidelines. All members of the community can use taxis, and no one should be refused.
- Disability

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<p>It is a condition of a vehicle licence that wheelchair accessible vehicles always have the appropriate equipment to be able to transport passengers in wheelchairs . (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).</p> <ul style="list-style-type: none"> • Race/Ethnicity <p>Applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy and will be required to pass the Council's knowledge and locality test. (as will all applicants)</p>		
Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	N	N
Disability	N	N
Marriage and civil partnership (workplace only)	N	N
Pregnancy and maternity	N	N
Race (ethnicity)	N	N
Religion or Belief	N	N
Sex (gender)	N	N
Sexual orientation	N	N
Transgender	N	N

<p>Please provide brief details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.</p>

<p>How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:</p> <ul style="list-style-type: none"> • eliminate discrimination, harassment and victimisation, • advance equality of opportunity, and • foster good relations between people from different groups?
<p>Reminder of our legal duties:</p>

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- o Eliminating unlawful discrimination & harassment
- o Promoting equality of opportunity
- o Promoting good relations between people from different groups
- o Promoting positive attitudes towards disabled people and taking account of someone's disability, even where that involves treating them more favourably than other people
- o Involving people, particularly disabled people, in public life and decision making

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They can provide services in situations where other forms of public transport are not available in rural areas and for those with mobility difficulties. The council recognises it is important that hackney carriage and private hire licensing powers are used appropriately to ensure that licensed vehicles of the council are safe, comfortable, properly insured and available where and when required.

Evidence

What evidence do you have to support your findings?

Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

The legislation, guidance and policy are for the benefit of all taxi license applications that meet the statutory and policy criteria. The licensing authority holds a neutral stance in relation to all matters providing the application criteria are met by the applicant. The only reasons for rejecting an application stem from the statutory and policy requirements of the application process. The only objections that may be considered by the licensing authority that may lead to a decision not to grant a licence relate exclusively to aspects associated with the applicant being a fit and proper person in law. To ensure best practice it was decided to continue with a further full impact assessment of the Hackney Carriage and Private Hire Licensing Policy due to the complexity of the harmonisation of the seven different districts former processes and the impact this would have on delivery of this function.

Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	N

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No evidence of actual or potential impact on some/all of the protected characteristics?	N
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Sign Off

Lead officer sign off: Craig Rudman	Date: 20 th February 2020
Service equality representative sign off:	Date:

If carrying out a full assessment please proceed to section two.

If not proceeding to full assessment please return completed screenings to your service equality representative and forward a copy to equalities@durham.gov.uk

If you are unsure of potential impact please contact the corporate research and equalities team for further advice at equalities@durham.gov.uk

Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: Age		
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.	What further action or mitigation is required?

Protected Characteristic: Disability		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Marriage and civil partnership (workplace only)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Pregnancy and maternity		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

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Protected Characteristic: Race (ethnicity)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Religion or belief		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Sex (gender)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Sexual orientation		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Protected Characteristic: Transgender		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?

Section Three: Conclusion and Review

Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.

Will this promote positive relationships between different communities? If so how?

Action Plan

Action	Responsibility	Timescales for implementation	In which plan will the action appear?

Review

Are there any additional assessments that need to be undertaken? (Y/N)

When will this assessment be reviewed?
Please also insert this date at the front of the template

Sign Off

Lead officer sign off:

Date:

Service equality representative sign off:

Date:

Please return the completed form to your service equality representative and forward a copy to equalities@durham.gov.uk