
Appendix 4: Equality Impact Screening Assessment

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	8 th September 2023 (Prior to Adoption by Council)

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 took place the draft of the proposed revised policy in December 2020 prior to reporting to GLRC. A further screen assessment took place in February 2021 and on 8th September 2023 prior to reporting to full Council.

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

- (a) the introduction of vehicle updated engine emission standards.
- (b) changes to the policy on the determination of suitability of applicant and licence holders for vehicle, driver and operator licences associated with the adoption of standards developed and promoted by the Institute of Licensing (IOL).
- (c) introduction of disability awareness training and subsequent refresher training for this subject and for the existing safeguarding awareness training including child sexual exploitation (CSE) awareness.
- (d) changes to officer delegations to enable immediate revocation of hackney carriage and private hire driver licences by senior officers subject to specific criteria and control measures.
- (e) the incorporation of newly published statutory taxi and private hire vehicle standards.
- (f) intelligence led and random drug and alcohol testing.

(g) The introduction of driver improvement schemes.

(h) Contract exemptions.

Specifically:

(a) introduce revised engine emission standards for new applications and renewals.

(b) that locality testing should continue for Hackney Carriage drivers but should be discontinued for Private Hire Drivers, with both being kept under review.

(c) disability awareness training should be included as a requirement in the policy for new drivers and that refresher training should be a requirement for existing drivers before their licence was renewed.

(d) that authority be delegated to Officers to immediately revoke licences with the introduction of a fast-track re-application process for reinstatement where appropriate

(e) the IOL standards should be included in part but not in relation to the section on minor motoring offences or motoring offences involving disqualification.

(f) intelligence led and drug and alcohol testing should be included in the Policy.

(g) introduction of driver improvement schemes.

(h) exemption from displaying a licence plate would remain within the policy but the exemption period be agreed in consultation with the Chair and Vice-Chair of the Committee on receipt of an application.

(i) the requirement to carry a fire extinguisher and first aid kits in licensed vehicles would remain within the policy.

(j) consideration of fee/charging arrangements for electric vehicles be deferred.

(k) include the requirement for refresher awareness training every three years.

(l) drivers and vehicle owners would be not mandated to install CCTV.

Further screening assessment in relation to the final proposals concerning emission standards:

- (a) Introduction of new emission standards for:
- (i) New applications for vehicle licences will only be accepted for vehicles manufactured to the emissions standard “EURO 6” or higher
 - (ii) Renewal Applications (Existing Vehicles / Continued Licensing):
 - after 1 April 2024, we will not accept renewal applications for licensed vehicles* manufactured to the emissions standard Euro 4 or lower.
 - after 1 April 2026, we will not accept renewal applications for licensed vehicles* manufactured to the emissions standard Euro 5 or lower.
- *Renewal applications for wheelchair accessible vehicles will not be subject to the above vehicle emission requirements.
- (b) requirements for carrying fire extinguishers and first aid kits would be optional and not mandatory.

And screening of the following later amendments:

- 7 Recognising the wider use of satellite navigation units in taxis following advancements in technology over recent years, a recommendation to remove the requirement for hackney carriage driver licence applicants to have to sit a locality test as part of the application process was moved, seconded, and agreed following a vote.
- 8 Members of GLRC have not recommended any other measures to replace the removal of the locality testing but this matter will be kept under regular review.

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

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).

- Race/Ethnicity

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)

Renewal applications for wheelchair accessible vehicles (WAVs) will not be subject to the above vehicle emission requirements. This is a positive impact of the proposed policy. This means that taxi firms will not be forced to remove the older wheelchair accessible vehicles even though they may be more polluting than newer vehicles. This will encourage the maintenance and renewed licensing of WAVs helping the provision of such licensed vehicles in the county.

Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No? = unsure	Positive Impact Indicate: Y = Yes, N = No? = unsure
Age	N	N
Disability	N	Y see above in relation to WAVs
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

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

Negative impact in terms of equality is not anticipated.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment, and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

Reminder of our legal duties:

- 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. Renewal applications for wheelchair accessible vehicles (WAVs) will not be subject to the above vehicle emission requirements. This is a positive impact of the proposed policy. This means that taxi firms will not be forced to remove the older wheelchair accessible vehicles even though they may be more polluting than newer vehicles. This will encourage the maintenance and renewed licensing of WAVs helping the provision of such licensed vehicles in the county.

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

Sign Off

Lead officer sign off: Craig Rudman	Date: 08/09/2023
Service equality representative sign off: Mary Gallagher	Date: 08/09/2023

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