

Equalities and Diversity Impact Assessment

Hackney Carriage and Private Hire Licensing Policy

**Published by Durham County Council
(Draft / Consultation Version)**



Durham County Council – Altogether Better equality impact assessment form

NB: Equality impact assessment is a legal requirement for all strategies plans, functions, policies, procedures and services. We are also legally required to publish our assessments.

You can find help and prompts on completing the assessment in the guidance from page 7 onwards.

Section one: Description and initial screening

Section overview: this section provides an audit trail.	
Service/team or section: Environment, Health and Consumer Protection – Public Safety – Licensing Services	
Lead Officer and Attendees - Screening	Start date: 5 July 2010, 17 Aug 2010
<p>Lead Officer: Licensing Manager, Public Safety, Environment, Health and Consumer Protection, Neighbourhood Services Durham County Council</p> <p>Attendees: Licensing Team Leader, Public Safety, Environment, Health and Consumer Protection, Neighbourhood Services Durham County Council Planning and Policy, Policy, Performance and Communications, Neighbourhood Services, Durham County Council</p>	
Lead Officer and Attendees: Full Impact Assessment	Start date: 31 Aug 2010
<p>Lead Officer: Licencing Manager</p> <p>Attendees: Planning and Policy Officer, Neighbourhoods Licensing Team Leader, Public Safety, Environment, Health and Consumer Protection, Neighbourhood Services Corporate Equalities Officer, Assistant Chief Executive's Office Corporate Equalities Officer, Assistant Chief Executive's Office Chairman, Blind Life In Durham Secretary, Durham Disability Voice</p>	
<p>Subject of the Impact Assessment: (please also include a brief description of the aims, outcomes, operational issues as appropriate)</p> <p>Hackney Carriage and Private Hire Licensing Policy 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</p>	

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.

Definitions:

- **Hackney carriage** (more commonly known as a taxi or cab) - is a public transport vehicle for no more than eight passengers which is licensed to 'ply for hire'. This means it can stand at ranks or hailed / flagged down by members of the public. Fares are regulated by the council and must be displayed on a meter fitted in the vehicle.
- **Private hire vehicle** - is a public transport vehicle for no more than eight passengers but must be 'pre-booked' in advance through an operator and cannot 'ply for hire'. Fares for private hire vehicles are not regulated by the council - the cost of a journey will normally be based on a rate per mile or should be agreed with the company before the journey.

Background

Prior to April 2009 the seven former district councils of Easington, Sedgefield, Durham, Chester-le-Street, Derwentside, Wear Valley and Teesdale were responsible for Hackney Carriage and Private Hire Licensing in County Durham. When they were amalgamated with Durham County Council to form Durham County Council Unitary Authority in April 2009 this function needed to be harmonised. After a lengthy consultation with interested parties including members of the hackney carriage and private hire licensing trade, the council adopted a Hackney Carriage and Private Hire Licensing Policy, which came into effect in April 2009.

Because of the complexity of the harmonisation of the seven different ways of working and the timescales involved it was agreed by the General Licensing and Registration Committee to postpone decision making on three major issues of zoning - which areas taxis can operate within, quantity regulation - the number of taxis allowed to operate in a zone and colour policy - whether taxis should have be of a specific colour until a further more extensive and detailed consultation had been carried out.

In addition to feedback on the three options above, the Hackney Carriage and Private Hire Licensing Policy 2009 is also being reviewed. Changes have been made to clarify elements of the policy mainly relating to safety including additional driver checks and tinted windows, as well as the inclusion of a complaints process. This policy will apply throughout the administrative area of Durham County Council from the date of adoption and overrides and supersedes any existing policy in relation to hackney carriage and private hire licensing in respect of applications, renewals, transfers and other areas connected to the following licences:

- Private Hire Vehicle
- Hackney Carriage Vehicle
- Private Hire Operator
- Hackney Carriage Driver
- Private Hire Driver
- Combined Hackney Carriage and Private Hire Driver

Aims and objectives of the hackney carriage and private hire licensing functions include:

- To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who

require them

- To ensure that all licensed drivers and private hire operators are fit and proper persons
- To provide clarity for licensees with respect to the Council's requirements and the decision making process
- To promote a professional and respected hackney carriage and private hire trade. These objectives will be taken into account by the Council when making decisions.
- Setting the standards for the licensing of drivers, vehicles and operators
- The licensing and routine inspections of vehicles, with appropriate follow up action
- Routine inspection of insurance policies, with appropriate follow up action
- The assessment of applicants to ensure they are 'fit and proper' persons and thereby entitled to hold a licence. This may include consideration of the persons medical suitability, criminal record (if any), driving standards and knowledge of the relevant law and locations in County Durham
- Investigation of complaints with appropriate follow up action
- Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees
- Taking enforcement and / or disciplinary action including prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions
- When considering applications and taking enforcement action the Council as the Licensing Authority will have regard to Durham County Council's Enforcement Policy.

Who are the main stakeholders: **General public / Employees / Elected Members / Partners/ Specific audiences/Other** (please specify) –

A full consultation on the policy and the issues of zoning, quantity regulation and colour has been ongoing with the trade since last year (phases 1 and 2) and now phase three is consulting with the public. 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 workshop to be held on 9.09.2010
- 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 to be held on 8.09.2010
- Planning Authority

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

Is a copy of the subject attached? **No**

If not, where could it be viewed? www.durham.gov.uk or contact: Licensing Team, Public Health, Environment Health and

Consumer Protection.

Initial screening

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 have the appropriate equipment to be able to transport passengers in wheelchairs at all times. (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)

Prompts to help you:

Who is affected by it? Who is intended to benefit and how? Could there be a different impact or outcome for some groups? Is it likely to affect relations between different communities or groups, for example if it is thought to favour one particular group or deny opportunities for others? Is there any specific targeted action to promote equality?

Is there an actual/potential negative or positive impact on specific groups within these headings?

Indicate :Y = Yes, N = No, ?=Unsure

Gender	?	Disability	Y	Age	Y	Race/ethnicity	?	Religion or belief	N	Sexual orientation	N
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How will this support our commitment to promote equality and meet our legal responsibilities?

Reminder of our legal duties:

- Eliminating unlawful discrimination & harassment
- Promoting equality of opportunity
- Promoting good relations between people from different groups
- Promoting positive attitudes towards disabled people and taking account of someone’s disability, even where that involves treating them more favourably than other people
- 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 are able to 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.

What evidence do you have to support your findings?

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.

Decision: Proceed to full impact assessment – Yes

Date: 17.08.10

If you have answered ‘No’ you need to pass the completed form for approval & sign off.

Section two: Identifying impacts and evidence- Equality and Diversity

Section overview: this section identifies whether there are any impacts on equality/diversity/cohesion, what evidence is available to support the conclusion and what further action is needed.

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
Across all equality strands of:	Positive impact for all By adopting the licensing policy, the council recognises both the	All applications for taxi licenses follow the same procedure and are not discriminated upon by gender, disability, age, race,	N/A

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
<ul style="list-style-type: none"> • Gender • Age • Disability • Race/Ethnicity • Religion or belief • Sexual orientation 	<p>needs of residents for safe, healthy convenient and effective taxi transport and the importance of this provision to the local economy and vibrancy of the County. This results in a positive impact on the community, a reduction in fear of crime, an increased feeling of safety resulting in a positive feeling of community, safety and wellbeing</p>	<p>ethnicity, religion or belief and sexual orientation.</p>	
	<p>Positive impact for all Access, Website, Communications and leaflet.</p> <p>The taxi information leaflet includes different format availability statement for those where English is not their first language</p> <p>The Policy and other relating documents e.g. briefing note include different format availability statement for those where English is not their first language.</p>	<p>The public will be made aware of the revised Hackney carriage and private hire vehicles and it will be made available on DCC website along with this EqlA. The Taxi licensing pages on the website include all the necessary information that the public and trade need however it is important to ensure this is accessible and easy to understand</p>	<p>Licensing team to ensure information about this policy is clear, concise and in simple language. Information will be easily accessible and made available in different formats upon request. Ensure all literature includes 'available in different formats panel or statement' and that if requested a summary of the policy will be made available. Also that information on the</p>

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
			website is in plain English and easy to understand.
	<p>Positive impact for all Any applicants can request additional help and advice with reading, understanding and completion of applications.</p>	<p>Licensing Team have procedures in place to help applicants understand the policy, procedures, completion of application forms and relevant documentation but no help is given with the actual test itself.</p> <p>Every applicant is treated equally and must complete this test themselves.</p> <p>If an applicant fails the test they are allowed to re-sit at a reduced fee and the number of re-sits is not limited.</p>	N/A
	<p>Positive impact for all Equalities monitoring of applicants including gender and disability although available is not performed as routine process. It is recognised that the development of database will improve service delivery.</p>	<p>The Licensing Team are aware of the need to collect and collate this information and are planning to do so in the future.</p>	<p>Licensing team will consider including equalities monitoring details on applications. This will be used to develop databases for improved service delivery</p>
Gender	<p>No negative impacts identified Gender of applicants is not considered a barrier to the issuing of taxi licenses and Durham County Council is aware of the need for fair and equal employment opportunities,</p>	<p>Safety, lone working and traveling at night for both female drivers and female passengers have been identified as an issue. Some female passengers request female drivers and taxi companies do accommodate this demand. Licensing team have access to details of female drivers and can make this</p>	<p>Licensing team to consider preparing database of female drivers to be made available upon request. However will not promote or</p>

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	however numbers of female taxi drivers is still low but this is a national trend.	information available on request.	recommend any one driver above another.
Age	<p>No negative impact identified on issuing of taxi licenses</p> <p>Age restrictions are included in applications for taxi drivers however these follow national advice (The House of Commons Transport Select Committee on taxis and private hire vehicles recommended in February 1995 that taxi licence applicants should pass a medical examination before a licence could be granted) and Guidelines: "Fitness to Drive: A Guide for Health Professionals" published on behalf of the Department by The Royal Society of Medicine Press Limited (RSM) in 2006.</p> <p>Following the receipt of a complete application the council will issue a driver's licence to an applicant provided he or she has held a full driving licence for at least 12 months and is considered to be a fit and proper person</p>	<p>When approving applications the council will consider, amongst other things: the applicant's relevant skills, knowledge, experience, qualification, medical fitness, criminal record and previous history as a licence holder in accordance with Appendix 1 and Appendix 2. This is in accordance with the Local Government Miscellaneous Provisions Act 1982 and current best practice advice "</p> <p>It is recommended that the group 2 medical standards applied by DVLA in relation to bus and lorry drivers should also be applied by local authorities to taxi drivers.</p>	N/A

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	<p>When renewing a license applicants are expected to produce a valid medical certificate:</p> <ul style="list-style-type: none"> • Upon first application • Upon reasonable request • On their 45 birthday • Every fifth year after the 45 birthday • On their 65 birthday and then annually 		
	<p>No negative impact identified for taxi users. There is no age restriction on passengers however their differing needs will need to be considered. For example older people may need assistance in both accessing the taxi and reading and understanding the tariff whilst for the safety of younger people, child locks will be used and children will not be carried as front seat passengers.</p>	<p>Customer care and service standards included in policy. Taxi drivers are aware of Durham County Council's equality and diversity aims.</p>	<p>Licensing team to contact Integrated Transport Unit (ITU) Regeneration and Economic Development to discuss their arrangements for customer care training for taxi drivers who are contracted by Durham County Council to pick up school children during term time</p>
	<p>Older people may find it difficult to read hackney carriage plates</p>	<p>The design of hackney carriage plates across the former district areas is confusing</p>	<p>Work is ongoing in partnership with taxi</p>

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	on taxi due to small font and print	for everyone not only the elderly, this issue is under discussion and a redesign is ongoing.	owners and interested parties to redesign plates so that they are easier to read and understand
Disability	<p>No negative impact identified for disabled passengers</p> <p>The DDA 1995 contains statutory regulations which mean that all new hackney carriages will be required to take wheelchairs by 2004 and all existing vehicles by 2012.</p> <p>It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment to be able to transport passengers in wheelchairs at all times. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).</p> <p>The Act also means that if the council doesn't have enough wheelchair accessible taxis in its area it cannot refuse a license to such a vehicle solely because it</p>	<p>New legislation contained in the Equalities Act 2010 reinforces access for disabled people and regulates the specification of vehicles used as taxis to ensure that it is possible for disabled persons:</p> <ul style="list-style-type: none"> • to get into and out of taxis in safety; • to do so while in wheelchairs; • to travel in taxis in safety and reasonable comfort; • to do so while in wheelchairs <p>It also states in the Policy that licensed drivers are under a duty to carry a passenger's guide, hearing and other prescribed assistance dog in their vehicles without additional charge.</p> <p>A driver of a designated or private hire vehicle who refuses to carry a wheelchair user commits an offence punishable by a fine of up to £1,000.</p>	<p>To encourage best practice the Licensing team will consider preparing a database of disabled access taxis to be made available upon request. However will not promote or recommend any one driver above another.</p> <p>They are also considering creating an 'excellence rating for taxi drivers' to be published on the website.</p>

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	<p>has a policy of controlling the overall number of taxis.</p> <p>However, a particular licensing authority can apply for an exemption order if it considers that requiring all taxis to comply with the accessibility requirements would mean that licensed taxi drivers in an area would transfer from being hackney carriage drivers to private hire vehicles, because of the cost of purchasing accessible taxis would make their business unprofitable. The Secretary of State can agree to make an exemption order but, in doing so, can require a certain number of accessible taxis available in the area.</p>		
	<p>Possible negative impact on disabled taxi drivers There is no special provision for</p>	<p>If an application is received and the person is deemed fit for the issue of a licence by a medical practitioner a licence will be granted</p>	<p>N/A</p>

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	a person with disabilities to allow them entry into the taxi trade.	if all other criteria can be met.	
	Positive impact on disabled taxi drivers. The policy also ensures that the wellbeing of the taxi driver is also taken into account.	Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted.	N/A
	Customer care and training The need to ensure drivers understand individual requirements of disabled passengers was highlighted during the impact assessment.	Taxi drivers need to have had training and understand the individual needs of users.	Licensing team to contact Integrated Transport Unit (ITU) Regeneration and Economic Development to discuss their arrangements for customer care training for taxi drivers who are contracted by Durham County Council to pick up school children during term time
	Although adopting and approving a colour policy may make a taxi distinguishable and easily recognisable	Colour is one of the issues that is under consultation and everyone's views will be taken into account before a final decision is made by Members.	N/A

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	consideration should be taken for vision impaired passengers.		
Race/Ethnicity	<p>No negative impact identified</p> <p>All applicants need a CRB check and applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy. The council requires all such applicants who have resided in the country for less than five years to obtain a CRB or equivalent and a Certificate of Good Conduct from their relevant Embassy or Consulate, at the applicant's expense, authenticated, translated and sealed by the Embassy or Consulate. Additional information will be considered as appropriate.</p> <p>The applicant will be required to pass the Council's knowledge and locality test.</p>	<p>Applicants who request additional help and advice with reading and writing are guided by members of staff; this includes help understanding the policy, procedures, completion of application forms and relevant documentation but not the actual test itself. Every applicant is treated equally and must complete this test themselves.</p> <p>If an applicant fails the test they are allowed to re-sit at a reduced fee and the number of re-sits is not limited.</p>	N/A
Religion or belief	No negative impact identified		
Sexual orientation	No negative impact identified		

How will this promote positive relationships between different communities?
In adopting this Hackney Carriage and Private Hire Licensing Policy, the Licensing Authority recognises that residents need to live

and work in a safe and healthy environment. Also, that it is important taxis are safe and taxi companies are well run, and that they add both to the local economy and vibrancy of the County. The aim of licensing the hackney carriage and private hire vehicle trades is to protect and safeguard the public and to ensure that the public have reasonable access to Hackney Carriage and Private Hire services.

Section three: Review and Conclusion

Summary: please provide a brief overview, including impact, changes, improvements and any gaps in evidence.

Durham County Council is passionate about promoting a just society that gives everyone an equal chance to learn, work and live free from discrimination and prejudice. As a Service Environment Health and Consumer Protection takes action to ensure all aspects of service delivery addresses equality and diversity issues. The Hackney Carriage and Private Hire Licensing Policy does not seek to undermine the rights of any person to apply under the policy for a variety of permissions, or have their application considered on its individual merits. The Licensing Authority will only depart from the Policy if the individual circumstance of any case merits such a decision in the interests of the promotion of the licensing objectives. The Licensing service works almost exclusively with, through and for people and delivery of the licensing function and significantly contributes towards the following council priority themes

- **Altogether safer**, ensuring the wellbeing of residents, workers and visitors to County Durham will help create a safer and more cohesive community.
- **Altogether Better Council**, consultation with residents and all interested parties to inform service improvements and delivery.

Action to be taken	Officer responsible	Target Date	In which plan will this action appear
All information produced will be simple and easy to understand. A copy of this policy and the EqIA will be made available on DCC website.	Licensing Manager Planning and Policy Officer	November 2010	Environment Health and Consumer Protection Service Delivery Plan
Different Format panel to be included in all publications	Licensing Manager	Ongoing	Environment Health and Consumer Protection Service Delivery Plan
Different Format panel forwarded to Licensing team	Planning and Policy Officer	Forwarded example of standard format panel to Licensing Manager on 7.09.2010	
Undertake equalities monitoring of applicants and consider preparing database of female drivers and disabled access taxis to be made available	Licensing Manager	April 2011	Environment Health and Consumer Protection Service Delivery Plan

upon request.			
To include equalities monitoring on application forms	Licensing Manager	Ongoing	Environment Health and Consumer Protection Service Delivery Plan
Forwarded copy of equalities monitoring questions to Licensing team	Planning and Policy Officer	Forwarded example of standard question Licensing Manager on 7.09.2010	
Will consider creating an 'excellence rating for taxi drivers' to be published on the website.	Licensing Manager	August 2011	Environment Health and Consumer Protection Service Delivery Plan
To contact Integrated Transport Unit (ITU) to discuss their arrangements for customer care training for taxi drivers	Licensing Manager	December 2010	Environment Health and Consumer Protection Service Delivery Plan
Redesign Hackney Carriage Plates so that they are easier to read and understand	Licensing Manager	Completed	Environment Health and Consumer Protection Service Delivery Plan
When will this assessment be reviewed? This policy will be kept under continuous review and where revisions (either technical or strategic) which support the licensing objectives are required, an appropriate level of consultation will be undertaken			Date: 2013
Are there any additional assessments that need to be undertaken in relation to this assessment?			
Lead officer - sign off: Joanne Waller Head of Service			Date: 10.10.2010
Service equality representative - sign off: N/A			Date: N/A

Please email your completed Impact Assessment to the Equality team - equalities@durham.gov.uk.

Please ask us if you would like this document summarised in another language or format.

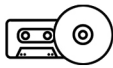
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