

# Equality Impact Assessment

## Introduction

An Equality Impact Assessment (EIA) is required to ensure that equality is placed at the centre of policy development and review, as well as service delivery. The purpose of this EIA is to systematically analyse the likely impact of a service, policy or proposals on different community groups, and how the needs of such groups have been taken into account in developing those proposals.

The EIA can anticipate and recommend ways to avoid any discriminatory or negative consequences for a particular group, on the grounds of any protected characteristic. It provides the opportunity to demonstrate the potential benefits for equality target groups arising from a proposed policy or project.

The need for an EIA stems from the general duty placed on public authorities to eliminate unlawful discrimination in carrying out functions, and promote equality of opportunity. This is outlined in the Equality Act 2010, with specific public sector duties in place from April 2011.

1. Name of Policy or Service (existing or proposed)	
Proposed Statement of Policy relating to the relevance of previous convictions, cautions, complaints and other matters which may impact on the granting of a licence	
2. Responsible Manager	
Peter Haywood	
3. Date EIA completed	Review date
9 February 2017	
4. Description and aims of policy / service (including relevance to equalities)	
<p>The proposed Policy sets out revised guidance on the factors which should be taken into account when officers / members are required to determine whether a Hackney Carriage / Private Hire driver or operator (or applicant) meets the statutory “fit and proper” test to hold a licence with the authority. Officers have recently been seeking ways to strengthen the Policy and to reflect best practice. This latest version emphasises the importance of taking into account soft intelligence when determining whether a driver or applicant will meet the statutory “fit and proper” test. Traditionally, Licensing Authorities would rely on harder evidence (such as convictions or cautions issued) when making such decisions. However, it is increasingly recognised that a simple reliance on this harder evidence may not equip members with the full picture needed to make a fully-informed decision under the civil law burden of proof (ie that a driver or applicant is fit and proper on the balance of probabilities). The proposed revisions to the Policy will enable members to take all appropriate information into account when reaching their decision, as well as bringing the Council’s approach fully into line with the approach taken by other local authorities.</p>	
5. Who are the stakeholders?	
Council officers	

All Councillors including in particular the members of the Council's General Licensing Committee

All those who have or wish to have (i) Hackney Carriage drivers or vehicle licences, or (ii) Private Hire operator and driver licences

Various teams within the Council including Legal Services and Environmental Health (incorporating Licensing)

Other Borough Councils who may be consulted in respect of good practice

The Police

All local organisations that may have dealings with the Council

## **6. What outcomes do we want to achieve?**

Highest possible standards of public safety

Ensuring public confidence in the Council

Ensuring unfit persons are not licensed or continue to be licensed

Fair process for all current licence holders / applicants when the statutory "fit and proper" test is determined

Ensuring that the Council is able to defend its position with confidence should any decision be challenged in court

Ensuring total compliance with supporting legislation and regulations

## **7. How will performance be measured?**

Number of appeals to the Magistrates Court should the Policy be applied and a decision to refuse / rescind a licence be taken

Number of appeals upheld/overturned

## **8. Brief summary of research and background data**

There are 267 drivers currently licensed with the authority. Of these, 28 (10.5%) are from BAME background. The 2011 Census confirms that the overall population of South Ribble is 109057, of which 103890 (95%) are White British. As such, the Policy will have an increased impact on the BAME community as they constitute a larger proportion of the taxi trade than the overall community.

## **9. Methods and outcome of consultation**

At General Licensing Committee on 22 November 2016, members considered the proposed Statement of Policy relating to the relevance of previous convictions, cautions, complaints and other matters which may impact on the granting of a licence, and authorised officers to undertake a four week period of consultation.

On 21 December 2016, a letter was sent to all 267 Private Hire and Hackney Carriage drivers currently licensed with the authority, advising them of the period of consultation and telling them how to access a copy of the proposed Policy. On 22 December 2017, a similar e-mail was sent to all Private Hire operators currently licensed with the authority.

The 4 week period of consultation closed on 20 January 2017. No responses were received from either licensed drivers or licensed operators.

## 10. Results of initial screening

The following questions have been considered in order to evaluate the various equality groups:-

**Age** – Is there any concern that these proposals could cause differential impact on the grounds of age? All age groups.

**Disability** – Is there any concern that these proposals could cause differential impact on the grounds of disability? Disability is recognised under the Equality Act as ‘a physical or mental impairment which has a substantial and long term effect on a person’s ability to carry out normal day to day activities.’

**Gender Reassignment** – Is there any concern that these proposals could cause differential impact on the grounds of gender reassignment? The Equality Act recognises this where a person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for changing sex.

**Marriage / Civil Partnership** – Is there any concern that these proposals could cause differential impact on the grounds of marriage or civil partnership? Under the Equality Act, no such protection exists for single or unmarried people.

**Pregnancy / Maternity** – Is there any concern that these proposals could cause differential impact on the grounds of pregnancy or maternity?

**Race** – Is there any concern that these proposals could cause differential impact on the grounds of race? Race is recognised under the Equality Act as a person’s skin colour, nationality or ethnic origin.

**Sex** – Is there any concern that these proposals could cause differential impact on the grounds of gender? Including men, women and transgender people.

**Sexual Orientation** – Is there any concern that these proposals could cause differential impact on the grounds of sexuality? Including heterosexual, gay, lesbian and bisexual people.

**Religion or belief** – Is there any concern that these proposals could cause differential impact on the grounds of religion or faith? All faiths recognised in the European Convention of Human Rights are included.

A commentary has been provided for each policy where appropriate – see Appendix A

## 11. Links with the Council’s Safeguarding Policy (please outline any implications and actions that need to be taken)

The revised Policy is designed to support the important issue of Safeguarding in the following ways:

- Ensuring that matters such as unwanted / inappropriate sexual approaches and

- domestic violence are taken into account when determining the “fit and proper” test; and
- Ensuring that the views of victims (whatever their vulnerability) are fully heard and paid attention to

## **12. Decisions and / or recommendations (including supporting rationale)**

Should the Policy be implemented, the Council will be well-equipped to take incorporate the views of victims within its decision-making process and ensure that their views are heard. This will emphasise the importance of Safeguarding and ensure that the public is protected from exposure to drivers with a record of inappropriate (although not necessarily criminal) behaviour.

## **13. Is an Equality Action Plan required?**

No – see commentary in Appendix A below

**Appendix A – Results of initial screening**

Policy / service	Protected Characteristics									Commentary
	Age	Disability	Gender reassignment	Marriage / civil p'ship	Pregnancy / maternity	Race	Religion or belief	Sex	Sexual Orientation	
Proposed Statement of Policy relating to the relevance of previous convictions, cautions, complaints and other matters which may impact on the granting of a licence	○	○	○	○	○	○	○	○	○	<p>The impact of the proposed Policy is not considered to be disproportionate. In addition, efforts will be made to ensure the local trade understands the implications of the new Policy by briefing and working with trade representatives.</p> <p>In terms of disability, the Policy itself will have little impact. However, the Council's emphasis on having wheelchair accessible vehicles (85 licensed vehicles out of 246, or 35%) is a positive.</p>

<b>Symbol</b>	<b>Impact</b>
+	<i>Positive</i>
O	<i>Neutral / Negligible</i>
-	<i>Negative</i>
P	<i>Potential issue</i>