

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)

Activation of elements of section 165 and 167 of the Equalities Act 2010 relating to wheelchair users –implications for Licensing Authorities

2. Responsible Manager

Peter Haywood

3. Date EIA completed

6 March 2017

Review date

4. Description and aims of policy / service (including relevance to equalities)

The government has stated its intention to make public transport more accessible for all members of the community, including disabled people. As part of this process, since 2010 the Equalities Act of that year has placed a duty on hackney carriage and private hire drivers to carry guide and other assistance dogs at no extra cost. Drivers that cannot carry assistance dogs are obliged to carry a certificate of exemption confirming they have permission to refuse on medical grounds.

The government has indicated that it now wishes to extend this policy further. Accordingly, from 6 April 2017 it wants similar protections to apply to wheelchair users. This will be achieved by activating the remaining parts of sections 165 and 167 of the Equality Act 2010. Section 167 of the Act provides licensing authorities with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs; to provide assistance to those passengers; and prohibits them from charging extra for their services.

The Council is in the process of determining whether it would want to compile a designated list as it is entitled to do from 6 April 2017.

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

All local organisations with an interest in supporting disabled users of public transport.

6. What outcomes do we want to achieve?

Appropriate support for disabled users of public transport (specifically Hackney Carriage and Private Hire drivers).

7. How will performance be measured?

Number of drivers included on the designated list, if adopted

Number of drivers exempted

Number of drivers trained in the legislative provisions, if adopted

Number of drivers subjected to enforcement action for non-compliance

8. Brief summary of research and background data

There are 267 drivers currently licensed with the authority, and around 240 licensed vehicles. It is estimated that around one-third of these vehicles are wheelchair –accessible to some degree.

The 2011 Census confirms that the overall population of South Ribble is 109057. It is not known how many of these are disabled, although the Census confirms that by 2039 the population aged 65 or over in South Ribble is projected to increase to 32,300. Many of these will be wheelchair users.

9. Methods and outcome of consultation

No consultation has yet been undertaken. Should members wish, local disability groups (such as the Chorley and South Ribble Disability Forum) could be approached for their views on whether local implementation of the legislation should take place.

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?*

As stated above, the population of South Ribble is expected to age in the coming years, with the likely result of an increase demand for wheelchair accessible vehicles.

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.’*

If adopted, the legislative provision would provide real support for disabled groups in terms of promoting their access to public transport.

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.*

N/a

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.*

N/a

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

N/a

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.*

There is no information available on the number of wheelchair users amongst ethnic minority groups

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

There is no information available on the number of wheelchair users amongst genders.

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.*

There is no information on the prevalence of being a wheelchair user given one’s sexual orientation.

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.*

N/a

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)

Safeguarding matters relating to users of licensed hackney carriage / private hire vehicles (whether disabled or not) is a prime concern for the Licensing Authority.

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

Members are asked to consider whether they wish to ask officers to explore implementation of the proposed policy.

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	
Activation of elements of section 165 and 167 of the Equalities Act 2010 relating to wheelchair users –implications for Licensing Authorities	+	+	O	O	O	O	O	O	O	<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>

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