

<p><b>Department</b></p> <p>Licensing</p>	<p><b>Division</b></p> <p>Environmental Enforcement and Protection</p>	<p><b>Officers involved in the assessment</b></p> <p>Diane Croucher - Environmental Enforcement and Protection Manager                  John Newcombe – Licensing Team Leader                  Rebecca Pordage – Licensing Enforcement Officer                  Susan Herivel – Senior technical Support Officer (Licensing)                  Mary Venables – Corporate Support Officer                  Louise May – Senior Solicitor</p>
<p><b>Name of the policy or service provision to be assessed:</b></p> <p>REVISED HACKNEY CARRIAGE &amp; PRIVATE HIRE LICENSING POLICY</p>	<p><b>Date of assessment:</b></p> <p>September 2012</p>	<p><b>Is this a new, revised or existing policy or service provision?</b></p> <p>Revised</p>
<p><b><u>Overview</u></b></p> <p>The Public Sector Equality Duty is designed to support decision making by ensuring public bodies consider how different people will be affected by their activities. It applies not only to public bodies themselves but also applies to anyone carrying out public functions on their behalf, such as contractors.</p> <p>The duty states that they must have due regard to the need to: -</p> <ul style="list-style-type: none"> <li>a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;</li> <li>b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.</li> <li>c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>We need to show in a consistent way, that not only have people got equal access to everything we do, but just as importantly, that we are advancing equality of opportunity for people from the protected groups.</p> <p>Financial and other outside pressures mean that sometimes expensive changes can't be made, but we must be able to show that due regard has been given to people's varying needs and a reasonable adjustment has been considered to accommodate those needs.</p>		

**1. Describe the item you are assessing and the outcomes you want from it?**

REVISED HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY – This assessment seeks to consider whether the revised policy is discriminatory in any respect, whether it promotes equality of opportunity, fosters good relations and is consistent.

**2. Who is intended to benefit, what is the full scope of the item and who is it aimed at?**

The travelling public, service users, licence holders and member of the taxi trade.

The policy has been revised to enhance safety for passengers, protect licence holders and ensure fair and consistent treatment of licence holders, complainants and the travelling public.

**3. Do the anticipated outcomes meet or hinder any other things that the authority is doing?**

The policy promotes safety and equality for service users and licence holders.

**4. Who defined the policy, function or service provision and who are the main stakeholders?**

The policy was defined by the Licensing Unit. The main stakeholders are the travelling public, licence holders and partner law enforcement agencies.

**5. Who implements it and who is responsible for delivery ?**

The responsibility for the delivery of the functions relating to the Licensing of hackney carriages and private hire vehicles sits with the Regulatory Committee. However, the day-to-day implementation of the policy is delegated to the Licensing Team Leader. Some decisions will be referred to the Regulatory Committee and these are set out in the policy.

**6. What do you already know about people you expect to benefit or people who already benefit? What consultation have you done and how are you going to monitor feedback?**

A comprehensive consultation exercise was undertaken when the draft policy was published, including posting a printable version on the Council's website and sending out letters outlining the key changes to key stakeholders and recognised interested parties.

The initial consultation ran for a period of 12 weeks, from 1<sup>st</sup> May 2012 to 25<sup>th</sup> July 2012 and letters were sent to the following:

- Dover Federation of Licensed Taxi Operators
- Taxi and Private Hire Drivers & Proprietors
- Private Hire Vehicle Operators

- Kent Police
- Kent County Council
- East Kent Coastal PCT
- Department for Transport
- Network Rail
- Disability Groups
- Transport User Groups
- Area Forums
- Local transport providers
- Dover, Deal & Sandwich Town Councils
- Parish Councils
- Dover Harbour Board
- Age Concern
- Centres for the Retired

A total of 24 printed copies of the revised policy were sent out to individuals and organisations who requested them following receipt of the consultation letter. As a result of the responses a number of significant changes were made to the draft policy and the revised draft policy was published for a further 6 week consultation to allow further consideration of the amendments by interested parties.

The second consultation ran for a period of 6 weeks from 8<sup>th</sup> October 2012 to 19<sup>th</sup> November 2012 with any further comments and / or amendments to be considered at the meeting of the Cabinet on 7<sup>th</sup> January 2012.

A number of potential areas of adverse impact have been highlighted which were explored during the additional consultation period.

The Licensing Team Leader met with the Dover District Disability Forum on 8<sup>th</sup> October 2012 and gave a presentation about the revised policy and its aims and objectives. Valuable feedback was gained from this meeting and a number of issues raised which require further investigation. These include issues surrounding access to wheelchair accessible vehicles, especially during peak periods and also in rural areas and working practices of some Private Hire drivers with regards to carrying passengers with Guide Dogs which requires further investigation.

**7. Taking each strand of equality, explain how are you going to address the aims of the duty for each of these groups? Does your proposal positively or negatively impact on protected groups? If you conclude that it will negatively impact, explain how you have reached this conclusion and what you are going to do to mitigate this impact.**

**a. Race**

All applicants will be required to pass the Council's knowledge test, basic communications test and DSA Driving test. All applicants will also have to provide 5 years address history and apply for a CRB enhanced disclosure. Where an applicant has not lived in the UK for the last 5 years then he/she must provide a certificate of good conduct from the embassy of their home country or place of residence covering the full period of 5 years. There may be adverse impact on those applicants whose first language is not English, however, help will be offered in cases of genuine need with application forms available in other formats etc.

**b. Disability**

Whilst it is not currently proposed to make it a requirement of licensing that hackney carriage or private hire vehicles are wheelchair accessible, financial incentives are offered for proprietors and operators who wish to licence wheelchair accessible vehicles. Where wheelchair accessible vehicles are licensed by the authority, they must conform to the licensing conditions in relation to wheelchair carrying facilities. There may be adverse impact from this policy decision and further consultation with disability groups and other key stakeholders is necessary during the additional consultation period.

**c. Gender**

Gender of applicants or passengers is not considered a barrier to the issuing of licenses. However, safety considerations for lone females, whether passengers or drivers is an important consideration and measures have been proposed to ensure high levels of safety for both groups. No adverse impacts on gender considerations are anticipated.

**d. Age**

Age restrictions are included in the application process for drivers and more frequent medical reports required for drivers approaching retirement age. However, drivers will not face discrimination provided satisfactory medical reports are received at the required times. The age of passengers is an important factor in hackney carriage and private hire licensing and the cost of licences has an impact on the cost of fares, which can preclude the elderly from affording taxi fares. It is therefore imperative that the council keeps the costs for licence holders down in order to maintain a low level of fares for service users.

**e. Religion**

Religion is not considered to be a factor for consideration in Taxi licensing

**f. Sexual orientation.**

Sexual orientation is not considered to be a factor for consideration in Taxi licensing

**g. Gender re-assignment**

Gender re-assignment is not considered to be a factor for consideration in Taxi licensing

**h. Pregnancy and Maternity**

Pregnancy or maternity is not considered to be a factor for consideration in Taxi licensing

**i. Marriage and Civil Partnership**

Marriage and civil partnership is not considered to be a factor for consideration in Taxi licensing

**8. If there is nothing you can do about any adverse impact can the reasons be justified?**

Further exploration of the potential adverse impact of this revised policy is required in order to minimise any risks.

**9. If you've had to make changes because of adverse impact, have you made sure these don't have a further adverse effect on any other group?**

The imposition of wheelchair accessible vehicle requirements has the potential to impact on all service users through higher charges and thus higher fares. It is essential that proper and meaningful consideration is given to the impact of any such imposition prior to its adoption. It is therefore proposed to carry out further consultation on the issue during the additional consultation period and to delay further policy decisions until a full impact assessment has been carried out during the term of this 3 year policy.

**10. What lessons have been learnt from completing the assessment?**

That there are potential issues which require further consideration.

**11. Who will be the owner of the action plan?**

Licensing Team Leader

**Completing Officer Name .....** **Lead Officer Name .....**

**Action Plan to Remedy Areas of Concern**

<b>Description of Concern</b>	<b>Action Required</b>	<b>Date Due</b>	<b>Date Completed</b>	<b>Responsible Officer (Job Title Only)</b>
Availability of wheelchair accessible taxis	Continued use of financial incentives for proprietors and operators who wish to licence wheelchair accessible vehicles. Full impact assessment in relation to wheelchair accessible vehicles within 3 years	By 2015		
Assistance for applicants whose first language is not English	Availability of assistance to applicants whose first language is not English. Application forms and guidance to be available in alternative formats.			
Further areas of concern may be added as part of the wider study to be conducted during the three year period of the revised policy.				

Appendix 1