

Equality Impact Assessment (EqIA)

<p>Title of EqIA:</p>	<p>Taxi Licensing Policy Statement and Associated Conditions</p>
<p>Brief description of the Proposal:</p>	<p>Taxi and Private Hire Vehicle (PHV) licensing in Eastleigh is undertaken by Eastleigh Borough Council (the Council) as the licensing authority, which has the responsibility for ensuring the public travel in safe, well maintained vehicles driven by competent drivers, while providing a fair and reasonable service for the taxi and private hire trade. Currently the Council grants over 1200 licences.</p> <p>To deliver its responsibilities, the Council’s core functions in taxi and PHV licensing are:</p> <ul style="list-style-type: none"> • Setting the local framework, which can include safeguarding standards, fares, vehicle standards and limits on vehicle numbers; • Considering licence applications and safeguarding the public by issuing, reviewing or revoking licences; and • Undertaking inspection and enforcement activities to ensure the required standards are being maintained. <p>In July 2020 the Department for Transport (DfT) issued new statutory guidance under the Policing and Crime Act 2017, setting new standards for the regulation of taxis and PHVs (the new statutory guidance).</p> <p>The new statutory guidance makes clear that local authorities must have regard to the framework therein when formulating their licensing policy. It reminds local authorities of their duty to ensure they safeguard and promote the welfare of children and vulnerable adults when carrying out their functions.</p> <p>The DfT recommends: “all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.”</p> <p>The Council’s policies and conditions for Hackney Carriages and Private Hire trades have been reviewed to address the recommendations in the DfT standards document and to</p>

	incorporate feedback from the taxi trades in the Borough of Eastleigh.
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Assessment:

Summary of Impact and Issues

The driver and proprietor policy and conditions reflect changes to legislation and the new guidance, as well as minor technical amendments and clarifications. The most significant change is a requirement for drivers to provide a criminality check (DBS check) which is no more than 6 months old (the current limit is 3 years). This requirement can be met by registering for the DBS update service (enabling the Council to perform an instant online check), or by obtaining and submitting checks manually. This change is in line with the recommendations in the DfT document.

Amendments to the existing licence conditions for proprietors include requirements to:

- Provide a basic DBS;
- Meet the conditions of the Council's suitability policy;
- Produce documents (licence and/or certificate of insurance) for inspections upon or within 5 days of request by the Council; and
- Notify the Council of any conviction(s).

Additional conditions for operators include the requirement to:

- Provide a basic DBS check;
- Maintain a register of staff working with sensitive data (including staff making bookings and despatching vehicles);
- Provide a policy to the Council on dealing with access to sensitive data by staff who are ex-offenders; and
- Hold annual DBS checks for staff handling sensitive data.

The conditions for operators are further updated to specify the records which must be kept for every booking, pursuant to s.56 of the Local Government (Miscellaneous Provisions) Act 1976.

Potential Positive Impacts

The statutory taxi and private hire vehicle standards published by the DfT state that licensing authorities must use their licensing powers to protect children and vulnerable adults.

There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risk of passengers, this can be seen in abuse and exploitation of children and vulnerable adults and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.

Changes to the policy and conditions therefore reflect the importance of safeguarding and promoting the welfare of children and vulnerable adults and ensuring that all passengers are protected. The policy sets high standards of protection for the public by setting clear and proportionate conditions for individuals who wish to carry out the trade.

For all of categories below please consider:

- 1. Does this proposal eliminate unlawful discrimination?**
- 2. Does this proposal advance equality of opportunity between people who share a protected characteristic and those who do not share it?**
- 3. Does this proposal foster good relations between people who share a protected characteristic and those who do not share it?**

Statutory Considerations: Please highlight what impact could there be on people with protected characteristics.	
Age:	No identified impact
Disability:	Barriers to accessing taxis or private hire vehicles faced by people with disabilities May mean that applicants/licensed drivers with health issues will not meet the fit and proper test required to meet the Group 2 medical standard and not be granted a licence or their licence could be suspended or revoked if they don't meet the criteria.
Gender:	No identified impact
Gender reassignment:	No identified impact
Pregnancy and	No identified impact

Maternity:	
Race:	<p>Identified impact language barrier for completing maths and English test which could impact on employment income if not able to obtain a licence.</p> <p>The ability to require licenced drivers to pass a maths and English test will ensure that drivers can communicate with the public. This will also reduce the risk of misunderstandings and that licence holders are able to fully understand the requirements of the policy and conditions which is vital to passenger safety.</p> <p>The delayed implementation date will allow time to explore education resource support that may be required to be put in place to assist drivers that may need support with these skills.</p>
Religion or belief:	No identified impact
Sexual Orientation:	No identified impact
Marriage and civil partnership:	No identified impact
Non statutory considerations: Please highlight what impact could there be on people experiencing social deprivation.	
Social deprivation:	<p>Prospective licensees may be subject to a small uplift in the overall cost of obtaining a licence due to additional costs associated with safeguarding training, plus the greater frequency and submission of DBS checks unless they are already signed up to the update service.</p> <p>Signing up to the DBS live update service will in time reduce the costs. Generally licensees will only have to pay for one DBS check, following which the Council will perform instant online checks as required.</p>

<p>What engagement or consultation has been carried out?</p>	<p>Letters have been sent to all drivers licensed by Eastleigh Borough Council, Department for Transport, Hampshire Licensing Teams, Hampshire Police, Hampshire School Transport, Publicity has been achieved through social media posts, Borough News and Borough Council Website</p>
<p>What could reduce any adverse impact on these groups?</p>	<p>Disability</p> <p>Eastleigh Borough Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. The licensing framework embodies the provisions of the 2010 Act in prohibiting the refusal of carriage because of a disability. The Council maintains a public list of wheelchair accessible vehicles. S.166 of the 2010 Act permits the Council to provide for drivers who cannot assist wheelchair users on medical grounds to be exempt from their duty to do so under s.165 of the 2010 Act. This exemption is subject to the provision of supporting evidence and is made at the driver's expense.</p> <p>It is recognised that medical standards for taxi and PHV drivers, as vocational drivers, are higher than ordinary vehicle drivers. The Council's medical requirements for drivers provide that certain medical conditions (specified in the policy) will lead to it to refuse the granting of a licence, or to revocation. These include conditions affecting eyesight, those which may lead to inattentiveness (e.g. Obstructive Sleep Apnoea) and other conditions set out in relevant national guidelines and replicated in the policy. The Council's application of the relevant national guidelines in determining medical suitability is considered appropriate and necessary to protect the safety of drivers, passengers and the wider public.</p> <p>Community Safety</p> <p>Enhanced safeguarding via more stringent suitability requirements will protect vulnerable adults and children. The requirement for licensees to attend safeguarding training raises awareness of the risk of exploitation (county lines are gangs known to use hire vehicles as a method of transportation).</p> <p>DBS checks, booking records and checks on staff will reduce the risk of criminal activity associated with taxi and/or private hire vehicles.</p>

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Action Plan

Activity	Outcome	Timeframe	Person responsible
Draft policy to Administration Committee	Completed	Ended on July 2021	Andy Jeffery
Consultation	Completed	ended on 08/11/2021	Andy Jeffery
Proposed policy to Administration Committee	22/11/2021		Andy Jeffery/Nicki Moorhouse

Lead Officer:	Andy Jeffery/Nicki Moorhouse
Manager:	Helen Devereux
Corporate Director:	Sarah King
Date completed:	9th November 2021