

Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief

- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping

a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people’s different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

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| Directorate: | Chief Executive’s | Lead officer responsible for EIA | D Gell |
| Name of the policy or function to be assessed: | Hackney Carriage and Private Hire Licensing Policy | | |
| Names of the officers undertaking the assessment: | John Miley | | |
| Is this a new or an existing policy or function? | Existing | | |
| <p>1. What are the aims and objectives of the policy or function? The policy aims to provide standards and guidance for the Council in respect of its licensing function for hackney carriage (HC), private hire vehicles (PHV) and private hire operators (PHO). Also, it provides such guidance to applicants and the public. The policy is intended to uphold public safety and must therefore ensure</p> | | | |

that appropriate measures are in place to check that individuals providing HC and PHV services are suitable persons to do so and that the services they provide are safe.

2. What outcomes do you want to achieve from the policy or function?

The policy is intended to define how applications are made and dealt with under the relevant legislation. It also sets out matters that applicants must consider when making such applications and gives clear guidance on matters to be considered by the licensing authority when determining the applications.

- Transparency in the Council's decision making process
- Fit and proper HV and PHV service providers
- Clear guidance for applicants
- Protection of the travelling public, safeguarding children and vulnerable persons
- Prevention of crime and disorder
- Safety and health of the public and licensed drivers
- Vehicle safety and comfort standards

3. Who is intended to benefit from the policy or function?

The beneficiaries of the policy will be:

- Applicants
- Public
- Licensing authority

4. Who are the main stakeholders in relation to the policy or function?

The main stakeholders in relation to the policy are:

- The licensing authority
- All applicants
- Public

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?

According to the most recent Department for Transport (DfT) statistics published in 2019 the majority of drivers nationally are male 98%
The Council's policy does not exclude or discriminate against women.

However, we have only one female driver currently

Ethnically the two main groups of drivers nationally are, White (42%) and Asian or British Asian (40%).

Although we do not record ethnicity of drivers, knowledge of officers gives an indication that the Council's fleet of drivers is in the region of 55% White and 45% of various other ethnic groups.

The Council's policy does not discriminate against or exclude any ethnic group.

Adults with mobility issues rely upon HC and PHV more so than those without mobility issues averaging 21 trips per year as opposed to 10 for those without issues.

National figures indicate that woman make more trips than men in HC and PHVs with older women making more frequent use.

The Council's policy requires that drivers undertake safeguarding, disability awareness and equality training to ensure that they are aware of potential issues arising from such potentially vulnerable passengers.

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

The Licensing Authority and the Nottinghamshire Authorities Licensing Group (NALG) have worked together to develop the policy to address any potential impact any application may have.

The policy deals the Licensing Authorities grounds for refusal, the suitability of the applicant and vehicles

The policy reminds HV and PHV service providers of their duty under the Equality Act 2010 with regard to disabled and vulnerable passengers.

The policy also sets out a code of conduct and conditions to support the above.

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

Consultations continue to take place where substantial changes are made to the policy. There have been no adverse comments in respect of changes made in the past.

Following approval of the draft amendments, the revised policy will be sent out to consultation. Any comments received will be considered by the council's Licensing and Appeals Committee.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

The policy does not target or exclude any particular body.
The policy applies equally to all groups and does not discriminate.

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

The policy will apply equally across all groups and communities in the borough. The Council has an ethnically diverse fleet of drivers

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

There are no barriers in respect of the policy being accessed and utilised by any equality group or community. The policy is available for all to use.

There are requirements in terms of criminal convictions, driving ability and medical fitness. These are in place to safeguard the public and in particular vulnerable children and adults.

- **Could the policy or function promote or contribute to equality**

and good relations between different groups?

- **If so, how?**

There is no indication that the policy would contribute to equality and good relations between different groups.

The policy applies equally to all groups and does not discriminate against any group.

- **What further evidence is needed to understand the impact on equality?**

The policy has been in place for a number of years and is subject to constant review. The countywide Nottinghamshire Authorities Licensing Group (NALG) will continue to monitor and evaluate policies.

The Department of Transport (DfT) issues best practice guidance for licensing authorities. This is in the process of being updated and when published will require further consideration of the Council's policy.

The DfT has also recently published Statutory Taxi and Private Hire Vehicle Standards which has given rise to the current review of the policy.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age:

No adverse impact has currently been identified. The policy will remain under review and be subject to any statutory amendments.

Disability:

No adverse impact has currently been identified. The policy will remain under review and be subject to any statutory amendments.

Gender:

No adverse impact has currently been identified. The policy applies equally to all groups and does not discriminate against this group.

Gender Reassignment:

No adverse impact has currently been identified. The policy applies equally to all groups and does not discriminate against this group.

Marriage and Civil Partnership:

No adverse impact has currently been identified.

Pregnancy and Maternity:

No adverse impact has currently been identified.

Race:

No adverse impact has currently been identified.

Licensed drivers are however required to have an understanding of the english language to be able to communicate with their passengers.

Religion and Belief:

No adverse impact has currently been identified. The policy applies equally to all groups and does not discriminate against this group.

Sex:

No adverse impact has currently been identified. The policy applies equally to all groups and does not discriminate against this group.

Sexual Orientation:

No adverse impact has currently been identified. The policy applies equally to all groups and does not discriminate against this group.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.



Signature of Head of Service: D Gell