



Equality Impact Assessment (EqIA) Screening Template

EqIA – Full Equality Impact Assessment

Step 1: Introduction

Policy or Service to be assessed: Taxi and Private Hire Licensing Policy

Service and lead officer: Licensing Service, Lindsey Vallis, Transition Head of Licensing, Cemeteries & Crematoria

Officers involved in the EqIA: Simon Gallacher, Principal Licensing Officer, Aylesbury area, Caroline Steven, Licensing Team Leader, Wycombe and Chiltern and South Bucks area.

What are you impact assessing?

- Existing
- New/proposed

- Changing/Update revision

Other, please list:

-
-

Step 2: Scoping – what are you assessing?

What is the title of your service/strategy/policy/project?

Buckinghamshire Council Taxi and Private Hire Licensing Policy

What is the aim of your service/strategy/policy/project?

The Council's taxi and private hire licensing policy is an important document that demonstrates the Council's commitment to securing public safety, provides clarity for applicants and licence holders, assists decision making, facilitates enforcement activities and helps safeguard against legal challenge. The creation of Buckinghamshire Council presents an opportunity to create a new policy that incorporates the new statutory taxi and private hire vehicle standards, promotes the highest possible standards to secure public safety, supports the Council's key priorities of protecting the vulnerable and improving the environment and promotes the local economy. A new policy has been prepared with a view to adoption and implementation in 2021.

The purpose of licensing private hire and hackney carriage (taxi) operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety should always be the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators. The Council's taxi and private hire licensing policy plays an integral part in both securing and demonstrating the Council's commitment to this important objective.

The creation of Buckinghamshire Council has brought together four separate licensing authorities, each formerly designated to administer the licensing arrangements in respect of private hire and hackney carriage operations. To support this licensing function, each former District adopted distinct policies, procedures, fee structures, conditions and Byelaws.



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Legal advice provided prior to vesting day, confirmed that in accordance with the provisions of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (SI 2008/2867) (“the 2008 Regulations”), while licensing functions are now administered by Buckinghamshire Council, the functions and systems of the former District Councils continue to apply to the respective geographic areas of the former Councils. As a consequence, until such time as the new Council exercises its discretion to amalgamate these areas, the local licensing arrangements will continue to apply in the geographic areas of the former Districts.

Legal opinion further confirmed that Buckinghamshire Council was not required to have new unified policies in place to cover its geographical area immediately for vesting day. However, it is clearly desirable that Buckinghamshire Council moves to align policies and procedures in respect of taxi and private hire licensing matters. It is important that decision making is consistent and drivers, vehicles and operators are held to the same standards across the Council and, as far as possible, that they are subject to the same fee and tariff levels.

Who does/will it have an impact on? E.g. public, visitors, staff, members, partners?

The purpose of licensing private hire and hackney carriage (taxi) operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety should always be the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators. The Council’s taxi and private hire licensing policy plays an integral part in both securing and demonstrating the Council’s commitment to this important objective. Taxis provide a source of transport to a wide range of residents including vulnerable adults and children as well as disabled people. The new Policy will impact the travelling public and the existing taxi licensing trade. Staff working within the Licensing Service will need training on the new policy requirements and associated back office processes at the point of implementation to ensure that it is applied consistently.

Will there be an impact on any other functions, services or policies? If so, please provide more detail

The Policy has been benchmarked against the Council’s developing Climate Change & Air Quality Strategy. Environmental aspirations are reflected within the taxi and private hire licensing policy in relation to the reduction of vehicle emissions and the development of a less environmentally polluting taxi fleet over time.

Are there any potential barriers to implementing changes to your service/strategy/policy/project?

Taxi and private hire licensing is governed by statute and some Policy changes are the result of statutory requirements which means that there is limited opportunity for change in these areas. Policy changes generally require public consultation. The Licensing Committee agreed that the draft Policy should go out for public consultation on the 9th November 2020. Consultation feedback has been considered and incorporated where prior to the Licensing Committee making a decision as to whether to recommend adoption of the Policy to Full Council.

Step 3: Information gathering – what do you need to know about your customers and making a judgement about impacts



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What data do you already have about your service users, or the people your policy or strategy will have an impact on, that is broken down by equality strand?

Age/Disability:

Any decision on the retention or removal of hackney carriage zones will likely influence the provision of wheelchair accessible vehicles (WAVs) for the travelling public. The legacy district areas currently have different requirements in relation to vehicle specifications and wheelchair accessible vehicles:

Current vehicle specification:

Vehicle type	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	Purpose built (black or white 'London cab' type or similar), all must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs

Current wheelchair accessible vehicles by type:

% or vehicles that are WAVS	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	100%	48.3%	1.4%	1.2%
Private Hire Vehicle	4.4%	6.7%	1.4%	1.25%

In England in 2019, 16% of all licensed vehicles were wheelchair accessible. 58% of all hackney carriages were wheelchair accessible while 2% of private hire vehicles were wheelchair accessible.

In Buckinghamshire in 2019 7.2 % of all licensed vehicles were wheelchair accessible 24.7% of all hackney carriages were wheelchair accessible and 4.5% of private hire vehicles were wheelchair accessible.

As a benchmark, according to the Disabled Persons Transport Advisory Committee (DPTAC), a proportion of less than 25% WAVs within the fleet would be unlikely to meet the necessary levels of service. A mixed fleet of WAVs and other vehicle types is most likely to meet the needs of disabled passengers.

The Policy also contains a section on the approach on licensed vehicles transporting assistance dogs.

Race:



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Nationally those from BAME backgrounds make up a large percentage of the total number of taxi drivers with those from White and Asian/Asian British, making up 42% and 40% of drivers respectively in 2018/19 (Taxi and Private Hire Vehicle Statistics 2019: England). 25% of taxi drivers working in England in 2018/19 were non-UK nationals. These trends are likely to be broadly reflected within the Buckinghamshire Council area taxi trade. In 2016 BAME people made up 14% of the working age population and people from BAME backgrounds are disproportionately represented within the taxi trade when compared to this figure. Government statistics (Ethnicity facts and figures Gov.uk) show that those from Asian backgrounds are more likely to be employed in the distribution, hotels and restaurants sectors and that people living in Asian (or Other) ethnic group households are most likely to be living in persistent low income (less than 60% of the UK's median average income for 3 out of 4 years, this was £28k for a couple with no children in 2016-17). The median annual earnings in the UK in April 2019 for taxi and cab drivers and chauffeurs was £21,167 per annum (ONS: Employee earnings in the UK:2019).

The implementation of the new Policy will require a review of the fees and charges for the taxi licensing service and existing fees will likely change as a result of the additional requirements placed on the Service by the new statutory taxi and private hire vehicle standards and by other Policy changes. Changes made within the Policy that increase the work required within Licensing Services will be reflected in the licensing fees charged to the trade and could result in increases in the fees charged for some services. However, this must be balanced alongside the overriding Policy objective of protecting public safety. Case law judgments indicate that Licensing Committee's should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of fee impacts on the taxi trade, this cannot take precedence in decision making.

It is not currently possible to provide an indication of the financial impact that these policy changes may have on the taxi trade ahead of the approval and adoption of the Policy but this should be kept under review as the decision making process continues. Most changes to taxi licensing fees and charges also require public consultation and as such any proposed changes to the existing charging structures will be presented to Licensing (Regulatory) Committee to review ahead of a further public consultation process. It is proposed that this separate report will come forward subsequent to the approval process for the Policy itself.

It is currently proposed that some of the Policy changes are delayed to enable the existing licensed trade to plan and prepare for them. This recognises the need to balance the possible cumulative financial impacts on the taxi trade as well as the need to promote the highest possible standards to secure public safety, including through the incorporation of the new statutory taxi and private hire vehicle standards into the Policy. A key area where changes are proposed that may result in financial impacts on the existing licensed trade is vehicle age limits and an emissions policy. The Policy states the intention to delay the implement of these changes for the existing licensed taxi trade enabling them an opportunity to plan and prepare for a change in fleet (where necessary).

Once the new Policy is adopted a single maximum hackney carriage tariff will be set for the Buckinghamshire Council area. Currently the tariffs vary across the legacy district council areas and the tariffs in the Aylesbury area are some of the lowest in England. The setting of a single maximum tariff should provide greater uniformity and parity for the travelling public and may also be beneficial



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to some members of the existing hackney carriage trade where tariffs are currently lower than other areas.

A percentage of those working within the taxi trade as drivers speak English as a second language. Consultation responses indicate that 60% of hackney carriage and private hire drivers do not have English as their first language. All licensed taxi and private hire drivers are expected to be able to speak, understand and read English, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. Drivers also need to be able to follow instructions or directions from passengers and be able to identify and report situations where there may be safeguarding concerns about a passenger.

From July 2020 this is also a requirement within the new DFT taxi and private hire vehicle standards. The Policy requires that drivers must undertake an assessment of their English language communication skills. Whilst the legacy district policies have previously required a good standard of English language, this has been assessed in different ways and with different levels of rigour. The Policy proposes the implementation of a single test with a consistent pass mark and requires that all drivers must pass the test. Existing drivers who have not previously taken this assessment will be required to take and pass it within 12 months from the date of implementation of the Policy. If they have not passed the assessment criteria by this date (or provided evidence of a suitable alternative qualification), the Council will not be able to renew their licence until they have done so. The delayed implementation of this requirement is designed to give the existing taxi trade time to plan and prepare for this change and to enable them to access English language support and training where required. Applicants that do not meet the required pass mark will be signposted to the Council's ESOL adult learning provision.

Rural isolation

Taxis play a role in the provision of transport for those living in rural and semi-rural areas of Buckinghamshire where access to public transport service provision can be poor. The Policy recommendation is to remove existing legacy district council area hackney carriage and private hire zones enabling taxi and private hire vehicles to operate freely across the Buckinghamshire Council area. This may positively increase provision and the availability of taxis for these areas, or may not impact it at all. It is not considered that this will create a negative impact.

Gender re-assignment: N/A

Religion or belief: N/A

Sex: N/A

Sexual orientation: N/A

Pregnancy and maternity: N/A

Marriage & Civil Partnership: N/A

Do you need any further information broken down by equality strand to inform this EqIA?

Yes



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X No

If yes, list here with actions to help you gather data for the improvement plan in Step 5

Is there any potential for direct or indirect discrimination?

Yes

X No

If yes, please provide more detail on how you will monitor/overcome this

Conclusion:

There is the potential for the implementation of the Policy, if adopted as currently proposed, to disproportionately affect some groups.

Nationally the taxi trade are disproportionately from BAME backgrounds and likely to be on lower incomes. The implementation of the new Policy will require a review of the fees and charges (as well as tariffs) for the taxi licensing service and existing fees will likely change as a result of the additional requirements placed on the Service by the new statutory taxi and private hire vehicle standards and by other Policy changes. However, any possible financial impacts must be balanced alongside the overriding Policy objective of protecting public safety. Case law judgements indicate that Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of financial impacts on the taxi trade, this cannot take precedence in decision making.

Changes proposed may affect disabled passengers as a decision on the retention or removal of hackney carriage zones will likely influence the provision of wheelchair accessible vehicles (WAVs) for the travelling public. This may be advantageous in some legacy areas where provision has been historically low but this will be dependent on market forces, following removal of the existing zones, and will need to be kept under review to determine whether further Policy intervention may be required in the future.

The Taxi and Private Hire Licensing Policy has not been finalised and the policy is currently progressing through the Council's decision making process. The EQIA position will continue to be reviewed and updated at regular intervals as the Policy progresses through the review and decision making process.



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Step 4: Improvement plan – what are you going to change?

Issue	Action	Performance target (what difference will it make)	Lead Officer	Achieved
English language testing	Delayed implementation date and ESOL provision available	Provide existing drivers with time to prepare for change in requirements and to seek support and learning aids if needed	Lindsey Vallis	Recommended in final draft Policy
Provision of WAVs across legacy district areas	Removal of hackney carriage zones	Hackney carriage WAVs able to travel and work across the whole Buckinghamshire Council area should enable better provision in some areas	Lindsey Vallis	Recommended in final draft Policy
Introduction of new vehicle age limits, emission policy	Delayed implementation dates	Enable the existing taxi trade to plan and prepare for changes to fleet	Lindsey Vallis	Recommended in final draft Policy
Differing levels of hackney carriage tariffs between legacy district areas	Review and reset of hackney carriage tariffs	Parity and consistency for the taxi trade and the travelling public. Increase earning potential in some areas where tariffs are currently very low	Lindsey Vallis	Will come forward separately to Committee for decision to consult following approval of new Policy

EqIA approved by: Martin Dickman

Date: 25th January 2021

Next review date: 12th February 2021