

Appendix B

Equality Impact Assessment – Ref 1192

Introductory Information

Budget/Project name

Hackney Carriage and Private Hire Driver's Licence Policy

Proposal type

- Budget
 Project

Decision Type

- Cabinet
 Cabinet Committee (e.g. Cabinet Highways Committee)
 Leader
 Individual Cabinet Member
 Executive Director/Director
 Officer Decisions (Non-Key)
 Council (e.g. Budget and Housing Revenue Account)
 Regulatory Committees (e.g. Licensing Committee)

Lead Cabinet Member

Entered on Q Tier

- Yes No

Year(s)

| | | | | | | | |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|
| <input type="radio"/> 14/15 | <input type="radio"/> 15/16 | <input type="radio"/> 16/17 | <input type="radio"/> 17/18 | <input type="radio"/> 18/19 | <input type="radio"/> 19/20 | <input type="radio"/> 20/21 | <input checked="" type="radio"/> 21/22 |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|

EIA date

22/02/2022

EIA Lead

- | | |
|---|---------------------------------------|
| <input type="radio"/> Adele Robinson | <input type="radio"/> Ed Sexton |
| <input checked="" type="radio"/> Annemarie Johnston | <input type="radio"/> Louise Nunn |
| <input type="radio"/> Bashir Khan | <input type="radio"/> Michelle Hawley |
| <input type="radio"/> Beth Storm | <input type="radio"/> James Henderson |
| <input type="radio"/> Diane Owens | |

Person filling in this EIA form

Craig Harper

Lead officer

Richard Eyre

Lead Corporate Plan priority

| | | | | |
|---|--------------------------------------|---|---|---|
| <input checked="" type="radio"/> An In-Touch Organisation | <input type="radio"/> Strong Economy | <input type="radio"/> Thriving Neighbourhoods and Communities | <input type="radio"/> Better Health and Wellbeing | <input type="radio"/> Tackling Inequalities |
|---|--------------------------------------|---|---|---|

Portfolio, Service and Team

Cross-Portfolio

- Yes No

Portfolio

Operational Services

Is the EIA joint with another organisation (eg NHS)?

- Yes No

Brief aim(s) of the proposal and the outcome(s) you want to achieve

The Licensing Authority is responsible for the regulation (administration and enforcement) of hackney carriage and private hire drivers in the district of Sheffield.

Primary legislation regulates the industry, namely:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976

Furthermore, the Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance in exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using such services.

The Department for Transport (DFT) therefore issued Statutory Taxi and Private Hire Vehicle Standards in July 2020, a copy of which can be found as an addendum to this document. The DFT requires all the recommendations to be implemented unless there is a compelling local reason not to.

The Authority must pay due regard to the guidance and in doing so, must:

- Take into account all the recommendations contained within the document
- Must not depart from it, just because it does not agree with it
- And if and where it does depart, must give clear reasons for doing so

Whilst the primary Acts themselves do not make provision for producing a policy within the regime, modern legislation recognises this as best practice, Additionally, the Statutory Guidance for Taxi and Private Hire Vehicle Standards places an obligation on the Licensing Authority to make publicly available a cohesive policy document, bringing together all procedures on taxi and private hire licensing.

The Licensing Authority is therefore reviewing the Hackney Carriage and Private Hire Driver's Policy, and in doing so, including all the recommendations contained within the guidance.

Licensees are expected to have read the Policy, Statutory Guidance, and other such strategies in the time they are licensed.

The policy, legislation and other such relevant materials will be considered and referred to when making a decision on applications, renewals and other such matters that are relevant.

The overarching aim of the policy is to ensure:

- Transparency
- Accountability
- Consistency

It is important to note that within this EIA the term 'customer' is not limited to those directly using hackney carriage and private hire services, but anybody and everybody who may be impacted – the public.

Impact

Under the Public Sector Equality Duty we have to pay due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

More information is available on the Council website including the Community Knowledge Profiles.

Note the EIA should describe impact before any action/mitigation. If there are both negatives and positives, please outline these – positives will be part of any mitigation. The action plan should detail any mitigation.

Overview

Briefly describe how the proposal helps to meet the Public Sector Equality Duty outlined above

The Public Sector Equality Duty applies to the consideration and determination of applications for licenses under the Acts. This EIA seeks to address issues that are explicit to the licensing of hackney carriage and private hire drivers.

In terms of the process of considering and deciding these issues, the policy refers to national and local strategies.

The Statutory Taxi and Private Hire Vehicle Standards, released July 2020, introduces a range of measures that Authorities are required to implement in the discharge of its licensing functions, covering:

- Administering the Licensing Regime
- Gathering and Sharing Information
- Decision Making
- Driver Licensing
- Vehicle Licensing
- Private Hire Vehicle Operator Licensing
- Enforcing the Licensing Regime

The overarching aim of the standards is the protection of children and vulnerable adults from harm, and in this regard, all the recommendations have been included within the policy. The policy also details how the Authority will implement the necessary checks and what is required of applicants and those who already hold a licence.

In establishing the Statutory Guidance, the DFT undertook its own Impact Assessment. A copy of this is available at [Impact assessment: statutory taxi and private hire vehicle standards \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk). This EIA will not therefore reference any of the requirements of the Guidance as these have already been considered at a national level.

Comments received as part of the consultation have helped to inform this EIA.

To help facilitate decision makers, Licensing Committee members undertake equality and diversity training and review their learning on a regular basis to ensure their knowledge and understanding of all matters concerning equality and diversity are at the highest standard to allow them to make decisions.

The Licensing Authority will always have regard to the Equality Act 2010, Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2018 and the Council's Equality Objectives 2019-2023.

This EIA will be kept up-to-date and reviewed on a regular basis.

Impacts

Proposal has an impact on

| | |
|---|--|
| <input type="radio"/> Health | <input type="radio"/> Transgender |
| <input checked="" type="radio"/> Age | <input type="radio"/> Carers |
| <input checked="" type="radio"/> Disability | <input checked="" type="radio"/> Voluntary/Community & Faith Sectors |
| <input type="radio"/> Pregnancy/Maternity | <input type="radio"/> Cohesion |
| <input checked="" type="radio"/> Race | <input type="radio"/> Partners |
| <input type="radio"/> Religion/Belief | <input checked="" type="radio"/> Poverty & Financial Inclusion |
| <input checked="" type="radio"/> Sex | <input type="radio"/> Armed Forces |
| <input type="radio"/> Sexual Orientation | <input type="radio"/> Other |

Age

Staff (Taxi and Private Hire Vehicle Drivers)

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Taxi and Private Hire Vehicle Statistics, England: 2021 indicates that the majority of drivers are men (93%) and that average age is 48, with 22% of drivers under the age of 40. This trend is broadly reflected in Sheffield, with the largest cohort of drivers in the 41-50 age bracket, and 30% of drivers under the age of 40. A breakdown of the driver age profile is shown below:

- 0-30 – 137 (5%)
- 31-40 – 716 (25%)
- 41-50 – 993 (36%)
- 51-60 – 676 (24%)
- 61-70 – 239 (9%)
- 70+ - 18 (1%)

The policy does not have disproportionate impact due to age.

An increased number of checks is necessitated by the introduction of the Statutory Standards and through local policy objectives; however, other than increased medical checks for those over the age of 65 for which there are associated costs, the policy is equal across all age groups – there is no detriment due to age.

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

The National Office of Statistics - 2011 Census data on 11 December 2012 (Demographics) shows Sheffield's overall age structure in a pyramid chart, this bulges out to around age 40-44 and then reduces to a curved point at the top (higher age range). There are more females than males in the older age groups from 65 upwards. The 20-24 age group stands out proud from this overall shape in Sheffield, as it represents the city's large student population. This pattern is typical of large university English cities and similar pyramids are seen in places such as Leeds or Birmingham.

Not all of Sheffield's wards follow this pattern, but many of the wards with large Council estates do, although with a less pronounced step at the 20-24 age group. These include Arbourthorne, Gleadless Valley, Richmond, Shiregreen and Brightside and Southey.

Taxi and Private Hire Vehicle Statistics, England: 2021 states that, on average, women made more taxi trips than men and that women aged 70+ made 61% more than men of this age (13 trips person per year compared with 8 trips per person per year respectively). Women take more taxi and/or private hire trips, but both men and women travelled 59 miles per person in 2019.

The overarching aim of the Statutory Standards is the protection of children and vulnerable individuals who are over the age of 18 from harm when using taxis and private hire services. Whilst the focus of the Statutory Standards is on protecting children and vulnerable adults, it is felt that all passengers will benefit from the recommendations and wider policy objectives, ensuring that those who are granted a licence are of an appropriate and approved standard.

The Statutory Guidance and local policy objectives put in place measures to protect children and the vulnerable. As an example, these include, but are not limited to:

- Frequent Disclosure and Barring Service (DBS) Checks for licensees (every 6-months)
- The requirement for licensees to undertake Safeguarding Training
- The requirement of Licensing Authorities to operate a means to facilitate the objectives of a Multi-Agency Safeguarding HUB (MASH)
- The Training of Decision Makers – Officers and Licensing Committee

The requirement to undertake mandatory safeguarding training, in addition to language proficiency assessments (where required) will help the Authority in ensuring that individuals are equipped with the skills and aptitude to spot and report abuse, exploitation and/or neglect of children and vulnerable adults.

As referenced in the Statutory Documents, it is understood that those working in the industry are best equipped and can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults, helping to:

- Provide a safe and suitable service to vulnerable passengers of all ages
- Recognise what makes a person vulnerable
- Understand how to respond, including how to report safeguarding concerns and where to get advice

With those measures noted above, as well as all others contained in the policy, it is expected that it will have a positive impact for all customers of all ages. It is expected that both drivers and passengers will benefit from a safer environment in which to travel. It may also increase user confidence and may facilitate higher passenger demand from more vulnerable groups such as older or disabled people.

The Licensing Authority has consulted with Sheffield Safeguarding Children’s Board throughout the review of this policy document.

The policy has a positive impact for all age groups, especially younger and vulnerable people.

Disability

Staff (**Taxi and Private Hire Vehicle Drivers**)

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Taxi and Private Hire Vehicle Statistics, England: 2021 informs that there several authorities that require disability awareness training for taxi and private hire drivers. The number of authorities requiring disability training for taxi drivers has increased from 44% in 2019 to 49% in 2021, while the number of authorities requiring disability training awareness training for private hire drivers has increased from 41% to 46%.

The policy places an obligation on all new applicants to undertake the Certificate in Introduction to the role of the Professional Taxi and Private Hire Driver as the first stage in applying for a licence. The qualification includes several key modules, including - Providing Assistance, including loading and unloading wheelchair passengers.

In addition, new applicants are required to undertake specific Disability Awareness Training before making a full application.

The policy stipulated existing licensees must complete training with 12 months, but as a result of comments received through the consultation, the timeframe has been increased to 3 years, coinciding with the maximum length of a licence. Where licensees have already undertaken training to the required standard and can evidence this, will not be no required to undertake this again.

Comments received as part of the consultation reference the need for refresher training every 2 years. At present this will not be a requirement, but the Licensing Service will keep under review, especially in circumstances where there are major national changes.

Those drivers who are unable to provide assistance due to medical conditions etc. can apply for an exemption certificate through their GP, by way of the Equality Act 2010. Each application for an exemption will be judged on case-by-case basis.

The policy does not have a disproportionate impact on drivers due to disability.

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

A Census report carried out by the Office of National Statistics (23rd March 2011 - Sheffield Wards - Health and Wellbeing) showed that 19% of Sheffield residents reported that they have a long-term health problem or disability that limited their daily activity to some extent. The results show there are seventeen wards in the city that have at least 1 in 5 residents with a health problem or disability that limits their daily activities. In Woodhouse, this applies to nearly a quarter of all residents. It also shows that there are six wards that have significantly lower numbers of people with a limiting disability or health problem, in particular Broomhill and Central, where this applies to less than 1 in 10 residents. This is linked to the relatively high numbers of students and younger average age of residents in these wards.

The policy places an obligation on all new applicants to undertake the Certificate in Introduction to the role of the Professional Taxi and Private Hire Driver as the first stage in applying for a licence. The qualification includes several key modules, including - Providing Assistance, including loading and unloading wheelchair passengers.

In addition, new applicants are required to undertake specific Disability Awareness Training before making a full application.

The policy stipulated existing licensees must complete training with 12 months, but as a result of comments received through the consultation, the timeframe has been increased to 3 years, coinciding with the maximum length of a licence. Where licensees have already undertaken training to the required standard and can evidence, there will be no requirement to undertake again.

Comments received as part of the consultation reference the need for refresher training every 2 years. At present this will not be a requirement, but the Licensing Service will keep under review, especially in circumstances where there are major national changes.

Those drivers who are unable to provide assistance due to medical conditions etc. can apply for an exemption certificate through their GP. Each application for an exemption will be judged on case-by-case basis, in line with the Equality Act 2010.

Furthermore, national legislation and policy requirements place a legal duty, mandated under the Equality Act 2010, to carry guide, hearing, and other prescribed dogs in their vehicles without additional charge. Where there are breaches, the Licensing Service will take appropriate action, including prosecution.

Likewise, the Equality Act 2010 mandates licensees of designated vehicles to carry passengers in a wheelchair, provide them with appropriate assistance and not charge them extra for doing so.

The policy should have a positive impact for disabled customers.

Race

Staff (Taxi and Private Hire Vehicle Drivers)

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Taxi and Private Hire Vehicle Statistics, England: 2021 states that the two main ethnic groups of drivers are White and Asian or Asian British in 2020/21, making up 43% and 44% of drivers respectively. There is also an increase of non-UK nationals working as drivers in England, rising from 13% in 2009/10 to 25% in 2020/21.

Available figures for Sheffield indicate that the top four ethnic groups are Black African (5%), White British (12.7%), Asian British (23%) and Pakistani (48%). These figures may not be entirely representative due to incomplete data - 699 individuals have not disclosed their ethnicity or the information has not been recorded.

There may be some aspects of the policy, such as English language proficiency (as stipulated in the statutory standards) that disproportionately impact this group. 48% of drivers identify as Pakistani and it can be assumed that English is therefore not their first language. The policy sets out various ways in which individuals can demonstrate that they meet the required standard, but some may require additional tuition.

The policy refers to local standards, but also those imposed at a national level through the introduction of the Statutory Taxi and Private Hire Vehicle Standards, released July 2020.

The Statutory Taxi and Private Hire Vehicle Standards introduces a range of measures that Authorities are required to implement in the discharge of its licensing functions alongside its local measures.

Any additional costs incurred through policy requirements – many of which are as a result of the Statutory Standards - will be borne by the licensee through a potential increase in licensing fees.

The Department for Transport (DFT) have estimated that the increase in fees may be as much as £62.24 per year per driver.

Many drivers are self-employed.

The policy therefore has a disproportionate impact on race, in particular Asian British and Pakistani drivers due to the proportion of drivers represented in these groups. The new and existing standards are a requirement of all individuals and are not limited to one particular group.

Also see Sex and Poverty & Financial Inclusion sections for further information.

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Sex

Staff (Taxi and Private Hire Vehicle Drivers)

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

According to the 2016 Mid-Year Population Estimate (Office of National Statistics) Sheffield's population indicate 286,199 males and 289,225 females. According to the projections, there will be more males than females in Sheffield from 2023 onwards.

Taxi and Private Hire Vehicle Statistics, England: 2021 show that the majority drivers are male – 93%.

Local figures indicate that males make up 99.6% of licensed drivers.

The policy refers to local standards, but also those imposed at a national level through the introduction of the Statutory Taxi and Private Hire Vehicle Standards released in July 2020.

The Statutory Taxi and Private Hire Vehicle Standards introduces a range of measures that Authorities are required to implement in the discharge of its licensing functions alongside its local measures.

Any additional costs incurred through policy requirements – many of which are as a result of the Statutory Standards - will be borne by the licensee through a potential increase in licensing fees.

The Department for Transport (DFT) have estimated that the increase in fees may be as much as £62.24 per year per driver.

Most drivers are self-employed.

The policy therefore has a disproportionate impact on sex, as most licensees are male. All drivers are subject to the same checks, tests, and assessments throughout the time they are licensed.

Also see Race and Poverty & financial inclusion sections for further information.

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Poverty & Financial Inclusion

Staff (Taxi and Private Hire Vehicle Drivers)

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

The policy refers to local standards, but also those imposed at a national level through the introduction of the Statutory Taxi and Private Hire Vehicle Standards released in July 2020.

The Statutory Taxi and Private Hire Vehicle Standards introduces a range of measures that Authorities are required to implement in the discharge of its licensing functions alongside its local measures.

Any additional costs incurred through policy requirements – many of which are because of the Statutory Standards - will be borne by the licensee through a potential increase in licensing fees.

The Department for Transport (DFT) have estimated that the increase in fees may be as much as £62.24 per year per driver. The Licensing Service will review its fees in accordance with any new tests and checks, with the aim of keeping costs to a minimum. Certain requirements, such as safeguarding and disability training will be undertaken by a third-party provider, therefore costs will be paid directly to the provider and not form part of the licence fee.

Fixed costs, such as the DBS update service are out of the control of the Licensing Service. However, signing up to the service is the cheaper option compared with the traditional paper applications.

Most drivers are self-employed.

The policy therefore has a financial impact on those groups (see Race and Sex) that are disproportionately represented. All licensees are subject to the same checks, tests, and assessments throughout the time they are licensed.

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Cumulative Impact

Proposal has a cumulative impact

Yes No

| | |
|---|---|
| <input type="radio"/> Year on Year | <input type="radio"/> Across a Community of Identity/Interest |
| <input type="radio"/> Geographical Area | <input type="radio"/> Other |

Local Partnership Area(s) impacted

All Specific

If Specific, name of Local Partnership Area(s) impacted

| |
|--|
| |
|--|

Action Plan and Supporting Evidence

Action Plan

The following amendments have been made to policy as a result of comments received through the consultation:

Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver

Wording amended, to make it clear that only new applicants or those who have not held a licence for more than 12 months are required to undertake.

Disability Awareness Training

Timeframe for undertaking training increased from 12 months to 3 years.

Action - Working with the Transport4All sub group on the standards of the disability awareness training.

Language Proficiency

Requirement changed from all applicants needed to undertake, to only new applicants, with the Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver the required standard.

Knowledge Test

Wording amended, to make it clear that only new applicants or those who have not held a licence for more than 12 months are required to undertake.

Removed 6 month delay for reapplication, if failed 3 times.

Motoring Convictions

Deletion of rehabilitation periods; replaced with automatic referral to Licensing Sub-Committee.

Medical Assessments

Amendment to allow the use of own GP, as well as those registered with the Licensing Service.

Plying for Hire

Rehabilitation period reduced from 7 years to 12 months.

Deletion of subsequent offence consideration.

Supporting Evidence (Please detail all your evidence used to support the EIA)

[Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Impact assessment: statutory taxi and private hire vehicle standards \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

<https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2021>

The National Office of Statistics - 2011 Census data on 11 December 2012

2016 Mid-Year Population Estimate (Office of National Statistics)

Sheffield City Council - Sheffield Population:

<http://www.sheffield.gov.uk/content/sheffield/home/your-city-council/population-in-sheffield.html>

Consultation responses via Citizenspace survey or email directly to the service. In addition, briefings to Transport4All group and working with sub group on details of policy and disability awareness training.

Consultation

Consultation required

Yes No

If consultation is not required please state why

The Statutory Taxi and Private Hire Vehicle Standards document states that Licensing Authorities should “consult on proposed changes that may have a significant impact on passengers and/or the trade”.

In addition, the standards inform that it is not only the taxi and private hire trades that should be consulted, but groups who are likely to be the trades’ customers, such as:

- Groups representing disabled people
- Chambers of Commerce
- Organisations with a wider transport interest
- Women’s Groups
- Local Traders
- Local Multi-agency Safeguarding Arrangements
- Night-time economy groups

Furthermore, the Licensing Authority is obliged to engage with neighbouring authorities where proposed changes may cause concerns and/or issues.

The Licensing Authority has undertaken a full 10 week consultation in regard to the proposals.

Amendments have been made to the policy as a result of comments received through the consultation, these can be found in the Actions section, above. A copy of all results will be made available to the Licensing Committee when determining the policy.

A full list of the consultees is attached to the policy document.

Are Staff who may be affected by these proposals aware of them

- Yes No

Are Customers who may be affected by these proposals aware of them

- Yes No

If you have said no to either please say why

Summary of overall impact

Summary of overall impact

Fundamentally this policy is of universal positive benefit to all local people and should protect children and vulnerable adults from potential harm through the use of licensing authorities' powers. There should be a positive impact for disabled customers due to the qualification requirements for drivers to complete disability training.

There may be certain aspects of the policy, specifically those imposed by the statutory standards, that have a slight disproportionate impact on male and Asian British and Pakistani drivers, due to the proportion of drivers represented in these groups. There is also a potential impact on poverty and financial inclusion due to the additional costs.

Escalation plan

Is there a high impact in any area?

- Yes No

Overall risk rating after any mitigations have been put in place

- High Medium Low None

Sign Off

EIAs must be agreed and signed off by the equality lead in your Portfolio or corporately. Has this been signed off?

- Yes No

Date agreed

31/05/2022

EIA Lead: Annemarie Johnston

Review Date

30/11/2022