

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated November 2021 – for LGR use)

North Yorkshire Council Hackney Carriage and Private Hire Policy 2023

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs it is good practice to publish them. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Please note: The decision has been made to complete EIAs at LGR programme level, workstream level and individual project level. The EIAs must be updated throughout the process of reorganisation and transformation.

Name of Workstream	Licensing
Lead Officer and contact details	Sharon Cousins, Licensing Manager Selby Council scousins@selby.gov.uk 01757 705101
Names and roles of other people involved in carrying out the EIA	John Laking, Senior Strategy and Performance Officer
How will you pay due regard? e.g. working group, individual officer	Officers working on the LGR Licensing Sub-group reviewed the consultation responses every 2 weeks during the consultation process and completed a final analysis after the consultation closed and updated the draft policy accordingly for the Executive to consider. Consideration was given to Government Guidance and Statutory Standards.
When did the due regard process start?	

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The taxi and private hire licensing policy is an important document that demonstrates 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 North Yorkshire Council presents an opportunity to create a new policy that incorporates the existing 7 District and Borough councils' policies and reflect the new statutory taxi and private hire vehicle standards, promoting the highest possible standards of public safety. Together with supporting the new Council's emerging key priorities of improving accessibility, protecting the environment, and promoting the local economy.

As part of Local Government re-organisation (LGR), the licensing sub-stream looked at the risks involved with retaining the existing seven hackney carriage zones and associated policies from day one of the new North Yorkshire Council. Officers supported by legal advice agree that the risks to the Council are too great to not implement a new hackney carriage and private hire licensing policy. This policy will cover the whole of the new Council area and, if the Council makes the decision to adopt the Local Government (Miscellaneous Provisions) Act 1976 ("the Act"), create a single hackney carriage zone allowing vehicles to operate freely.

The Executive approved the draft policy and gave permission to the consult on the document in October 2022. The consultation ran between the 28 October 2022 – 19 January 2023.

Officers have considered the responses to the consultation and updated the draft Policy accordingly.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

Following the review of the consultation responses the following minor amendments have been made to the draft policy since the Executive approved it, these are for clarification or correction only:

1. Clarified that full driving licences issued by EAA states will be accepted in respect of new driver applications (Section 309)
2. Emphasising the need to comply with all duties under the Equality Act 2010 and to clarify the likelihood of formal enforcement action in the event of a breach (Sections 331 and 332)
3. Replaced 'hackney carriage' with 'private hire' (Section 273)
4. Updated the Air Quality Management Areas across North Yorkshire.
5. Minor and inconsequential amendments to paragraph numbering.

Although general feedback to the consultation has been positive, three key issues have been identified concerning hackney carriages:

1. The proposal that the seven current geographical hackney zones should be removed and replaced with one single new hackney zone across the North Yorkshire Council area

Most local authorities allow licensed hackney carriages to ply and stand for hire throughout the entire Council area. Only a relatively small number of local authorities' areas are divided into separate hackney carriage zones. Wiltshire, Dorset, Cornwall, Cheshire East, East Suffolk, Northumberland still have zones. Northamptonshire have recently carried out a consultation about removing the zones.

Zones only exist because of changes to local authority boundaries in circumstances where two or more form Districts are brought together.

Of the authorities that have already gone through this process, namely, Buckinghamshire, Central Bedfordshire, East Riding, Shropshire and Durham the propensity to follow the DfT's recommendations and merge the hackney carriage zones have broadly been taken for economic reasons, specifically to allow market forces to determine supply levels and generate cost savings for the Council, and accessible reasons, to improve the availability of hackney carriages both generally and for passengers with a disability.

Abolishing hackney carriage zones will enable the licensing authority to apply the hackney carriage licensing regime consistently throughout North Yorkshire, in accordance with Best Practice Guidance.

2. The proposal to impose no quantity restrictions.

Harrogate and Scarborough have already deregulated so there is no requirement for any unmet demand surveys to be completed.

The Department for Transport advises that a limit on taxi numbers is unlikely to be in the best interest of consumers.

The Office of Fair Trading and Competition and Markets Authority (CMA) considers that quantity regulation limits the number of taxis and reduces availability and lowers the quality of service to the public. That competition can exert downward pressure on prices and upward pressure on quality because greater competition means that firms must fight harder to attract and retain customers. It is the CMA's view that competition should only be restricted by regulatory rules to the extent that it is necessary to protect customers.

3. The consultation also received comments from the North Yorkshire Disability Forum. The group have the following concerns that the draft policy:

1. It doesn't confirm that there would be an increase in the number of wheelchair accessible taxis during the policy's 5-year duration.

2. It doesn't address the issue of operators sending a private hire vehicle in response to a call for a taxi

3. There were no measures in place to ensure that wheelchair users can obtain a wheelchair accessible vehicle from a taxi rank

4. The draft policy states that 'the Council is committed to fair treatment... if disabled people, but this is unsubstantiated'

5. The group have been unable to meet with officers to discuss the draft policy

It is accepted amongst officers that there is an insufficient number of wheelchair accessible hackney carriage vehicles on current district fleets and when the new North Yorkshire Council is created. As part of the decision on the policy, the Executive is being asked to approve a recommendation that an Inclusive Service Plan ('ISP') is created to look thoroughly into this area within 2 years. As part of this work the Council will seek that a survey is carried out by an external Transport Consultancy to provide the Council with a true picture of the provision and requirement for wheelchair accessible transport across the whole of the North Yorkshire Council area. Work can then be looked at how to improve the fleet accordingly.

The Licensing Authority is not able to dictate to operators what vehicles they can despatch. It can always be the case that a private hire vehicle is the only available vehicle to send to a booking. As it is for a non-wheelchair user to be sent a wheelchair accessible vehicle. They should still be no overcharge for a journey for carrying a wheelchair accessible.

The Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 covers both the drivers of private hire and hackney carriage vehicles. Requiring them to:

- Accept the carriage of a disabled person, provide them with reasonable assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled person.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

And Private Hire Operators are required to:

- Accept bookings for or on behalf of any disabled person if they have a suitable vehicle available.

The only way to ensure that a wheelchair accessible vehicle is available at a taxi rank is to mandate that all hackney carriage vehicles must be wheelchair accessible. The Department of Transport (DfT's) Taxi and Private Hire Licensing Draft Best Practice Guidance guides against this and states:

“Licensing authorities should understand the demand for a mixed fleet in its area and ensure that, when issuing licences, it has the right mix of vehicles”

If hackney carriage vehicles are mandated in the policy to be wheelchair accessible this does not necessarily mean that the numbers will increase. The consultation responses from the trade show their reluctance to purchase higher value wheelchair accessible vehicles. They state that this is due to the lack of requirement of these types of vehicles on the taxi ranks and additional time required to load a person in a wheelchair.

Another issue that is encountered is, if a wheelchair accessible vehicle is on the hackney carriage rank, there is no guarantee that a wheelchairs customer's wheelchair would fit in it. There are many different types, sizes, and weights of wheelchairs as there are limits on the weight capacity and maximum size on wheelchair accessible vehicles.

The Policy needs to provide inclusivity for people with all types of disabilities, the young and elderly and aims to provide this in a mixed fleet.

The removal of zones is inextricably linked to both the Public Sector Equality Duty (PSED) and Sections 165 and 167 of the Equality Act 2010 that gave the Council the power to publish a Designated List of Wheelchair Accessible Vehicles. Given the responsibilities that are placed on the Council in this regard, there is a clear need for the Council to enable vehicles licensed by the current districts (Selby, Craven, Hambleton, Scarborough, Harrogate, Ryedale and Richmondshire) to operate across the whole of the North Yorkshire Council administrative area to achieve the most effective outcomes for wheelchair users and, where relevant, their carers.

In practice, the removal of the zones will require existing proprietors to make a commercial decision based on whether they want to operate wheelchair accessible taxis, in which case the Council will support them to do so by publishing their contact details on the Designated List of Wheelchair Accessible Vehicles.

Licensing Officers met with group on the 26 September 2022. The group were keen to be involved in the creation of the new policy, but due to the short timescale for Local Government Reorganisation ('LGR') the draft policy had already been created and had started to go through the required Council governance to seek permission to consult by the Executive on the 18 October 2022. The Group were advised to respond to the consultation. An easy read version of the consultation was created as per the request from the group once the consultation was live.

After careful consideration of the consultation responses received on these issues, no amendments to the draft Policy are proposed (other than the minor amendments outlined above) and the recommendation that as part of the Executives decision that is approves an ISP to be carried out within 2 years. The creation of the one hackney carriage zone will enable a wider distribution of wheelchair accessible vehicles, available for booking and hire.

At present, 89 WAVs are licensed by the seven district authorities distributed as follows:

Craven 2
Hambleton 6
Harrogate 2
Ryedale 6
Richmondshire 17
Scarborough 25
Selby 10

Selby District Council is the only authority of the seven that requires all new and replacement hackney carriage vehicles to be wheelchair accessible.

Section 3. What will change? What will be different for customers and/or staff?

The adoption of one Council hackney carriage and private hire licensing policy will be of benefit to, licence holders and members of the public. Having one policy as opposed to 7 different policies to work from, will show consistency across the whole of the Council area and make it easier for the traveling public to understand what is available. There will be no confusion by the trade or public as to what policy is in place in what area. The Council's minimum standards will be clear for all under the one policy.

The policy has been created by amalgamating, as much as possible, the 7 different policies currently in place. Although there will be some minor changes, affecting some individual licence holders across the county, most of the requirements are similar and appropriate adoption arrangements have been addressed in the policy to support transition for current licence holders.

Following the adoption of the provisions of part II of the Local Government (Miscellaneous Provisions) Act 1976, one hackney carriage zone will be created. Hackney carriage drivers will be able to work across the whole of the Council area, removing dead mileage, as stated under section 2 above. Providing wheelchair users with increased choice of wheelchair accessible vehicles they have access too. The removal of the zones will mean that a wheelchair accessible vehicle will be able to drop off a passenger and pick up a fare across the Council area, making the likelihood of a wheelchair accessible vehicle waiting at a rank on occasion more likely. The adoption of a single charging level across all North Yorkshire will implement consistency and fairness for all passengers.

Concerns have been raised in the consultation responses that the wider distribution of the vehicles is unlikely to happen. However, there will be times when wheelchair accessible vehicles from one area in North Yorkshire will travel to another area of the Council area. E.g., for school runs, hospital drop offs. It is on these occasions that the driver may choose to go to the nearest hackney carriage rank and pick up further work to avoid dead mileage back. Additionally, the driver can accept bookings if telephoned and again they are able to carry out work in the area of the booking.

The Executive are being asked to approve and adopt the draft policy for the whole of the North Yorkshire Council area. As part of its decision the Executive is asked to approve a recommendation that an Inclusive Service Plan (ISP) to be implemented within 2 years.

The ISP will include:

- The demand for accessible services in their area, from wheelchair users and non-wheelchair users, and from people with both visible and less-visible impairments, and an assessment of the extent to which that need is currently being met.
- The authority's strategy for making transport more inclusive, and specifically in relation to taxi and private hire vehicle provision.
- The steps that the authority will take to improve the inclusivity of the taxi and private hire vehicle services it supports, including timescales for their completion.

That the courses or assessments authorities require applicants to undertake are suitable for a range of participants e.g., including older drivers.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The consultation on the draft policy took place between 28 October 2022 and 19 January 2023. Information on the consultation, including how to comment through the online survey was provided to key stakeholders including the taxi trade via email and letter. In addition, each local authority included the consultation on their respective websites and social media channels. Regular reminders were also sent to the taxi trade throughout the consultation period to encourage a good response

Officers met with North Yorkshire Accessible Transport Group on the 26 September 2022. The Group have submitted a response to the consultation, following the creation of an easy read version of the consultation questions at their request.

Prior to consultation there was no data describing demand and demographic characteristics of users; however, the consultation document obtained this information from those who submitted a response.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

There is no cost to the Council for adopting the one hackney carriage and private hire licensing policy. However, there is a financial risk to the Council if the Council chooses not to adopt the one policy and work from seven separate policies. This risk will take the form of potential legal challenges based on inconsistent decision making across the Council area.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	X			
Disability		X	X	<p>The adoption of the Act will mean that wheelchair accessible vehicles currently licensed in each district will be available for hire across the whole of North Yorkshire and will be included on the Councils wheelchair accessible list of vehicles</p> <p>The policy does not require all hackney carriages to be wheelchair accessible, however a mixed fleet ensures that all types of disabilities are catered for, including larger wheelchair accessible vehicles which some elderly and people with other mobility issues may have difficulty getting into.</p> <p>Selby District currently requires all new hackney carriages to be wheelchair accessible. This will change with this policy.</p> <p>The policy provides a mixed fleet as in accordance with the DfT's Taxi and Private Hire Vehicle Licensing Best Practice Guidance:</p> <p><i>"Licensing authorities should understand the demand for a mixed fleet in its area and ensure that, when issuing licences, it has the right mix of vehicles"</i></p> <p>The report is asking that Executive approve that an ISP is carried out to cover the points raised in section 3 of this assessment.</p>
Sex	X			
Race	X			

Gender reassignment	X			
Sexual orientation	X			
Religion or belief	X			
Pregnancy or maternity	X			
Marriage or civil partnership	X			

Section 7. How will this proposal affect people with the following characteristics	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Live in a rural area		X		The removal of hackney carriage zones would mean that more vehicles are available for bookings in more rural areas.
Have a low income		X		Common and published charging arrangements will make it easier to plan with confidence journeys that need to be made
Carers (unpaid family or friend)	X			
Health and wellbeing issues		X		The provision of a wider fleet will mean more choice for all customers.

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)	
North Yorkshire wide	X
Craven district	X
Hambleton district	X
Harrogate district	X
Richmondshire district	X
Ryedale district	X
Scarborough district	X
Selby district	

X
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.
<p>The adoption of a single policy, together with the creation of a single zone will result in changes for the taxi trade across North Yorkshire. However, all the standards and requirements proposed have been included in-line with legislation and government guidance, thereby ensuring that the Council is achieving its key aim of protecting the public.</p> <p>The removal of hackney carriage zones will require some time to allow the trade to adjust. The work with other Councils who have already been through this process shows that any unrest usually settles in a short period of time, and there is no negative impact on the local trades.</p>

<p>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</p> <p>N/A</p>

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	X
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p>Explanation of why option has been chosen. (Include any advice given by Legal Services.)</p> <p>The number and type of licensed vehicles on the road on vesting date will be the same as the day before, but the hackney carriage fleet would be in a better position to work anywhere within the county, which is of benefit to all customers including the disabled.</p> <p>However, it has been seen that there is a lack of data on usage, and that early engagement with Accessible Transport Group suggests some dissatisfaction with the provision of wheelchair accessible vehicles. It is proposed that specific engagement on potential measures to attain acceptable numbers of accessible vehicles continues moving forward after vesting date.</p>	

<p>Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)</p> <p>The Councils policy will always be under review, with a commitment to formally review no later than 2028. The Licensing team will continue to monitor the impact of the policy prior to this time and will consider any feedback received.</p>
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Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Following the completion of the Equality Impact assessment it was noted that wheelchair users would still have limited access to a fully accessible vehicle which would allow them to remain seated in the vehicle. The introduction of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 amended Section 167 of the Equality Act 2010 requires Licensing Authorities to publish a list of wheelchair accessible vehicles licensed in the district. The adoption of the Act, which would make the whole of North Yorkshire one area for hackney carriages to work in will enable the Council to publish a single comprehensive list of wheelchair accessible vehicles, creating more choice for wheelchair users.

Additionally, the Executive are being asked as part of the recommendation to adopt the policy to resolve that approval should be given to carry out a ISP as shown in section 3 of this assessment.

There is a requirement for applicants to complete a written English test. This helps provide public safety by ensuring that drivers are fully able to understand what their customers are telling them and conform with statutory standards.

Section 14. Sign off section

This full EIA was completed by:

Name: Sharon Cousins
Job title: Licensing Manager, Selby District Council

Signature: 

Completion date: 20 January 2023

Authorised by relevant senior officer (signature):

Date:

