

The **Public Sector Equality Duty** (Section 149 of the Equality Act 2010 (the 2010 Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

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| Name or Brief Description of Proposal | Taxi licensing policy statement and associated conditions |
| Brief Service Profile (including number of customers) | |
| <p>Taxi and Private Hire Vehicle (PHV) licensing in Southampton is undertaken by Southampton City 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 PHV trade. Currently the Council grants over 3000 licences in the taxi trade amongst approximately 2,000 licence holders. There are more licences than licence holders because, for example, private hire vehicles are frequently owned by private hire drivers, with that individual holding both a proprietor and a driver licence.</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, vehicles 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). 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 when carrying out their functions.</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 on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.”

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 incorporate feedback from the taxi trades in Southampton.

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 DBS check every 6 months;
- meet the conditions of the Council’s suitability policy;
- produce documents (licence and/or certificate of insurance) for inspection 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 DBS check every 6 months;
- maintain a register of staff working with sensitive data (including staff making books and despatching vehicles);
- provide a policy to the Council on dealing with access to sensitive data by staff who are ex-offenders;
- 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 standard published by the DfT states 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 risks to 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.

Changed to the policy and conditions therefore reflect the importance of safeguarding and promoting the welfare of children and adults and ensure that all passengers are protected.

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| Responsible Service Manager | Phil Bates, Licensing Manger |
| Date | 25/01/2021 |
| Approved by Senior Manager | Rosie Zambra, Head of Service – Consumer Protection and Environmental Services |
| Date | 25/01/2021 |

Potential Impact

| Impact Assessment | Details of Impact | Possible Solutions & Mitigating Actions |
|--------------------------|---|--|
| Age | No identified impact | N/A |
| Disability | <p>Southampton City 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. The Council's suitability conditions for drivers provides for the optional inclusion of a requirement for drivers to attend disability awareness training. Section 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 section 165 of the 2010 Act. This exemption is subject to the provision of supporting evidence and the application 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</p> | N/A |

| Impact Assessment | Details of Impact | Possible Solutions & Mitigating Actions |
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| | <p>the policy) will lead it to refuse the granting of a licence, or to revocation. These include conditions affecting eyesight, those which may lead to inattentiveness (eg 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> | |
| Gender Reassignment | No identified impact | N/A |
| Marriage and Civil Partnership | No identified impact | N/A |
| Pregnancy and Maternity | No identified impact | N/A |
| Race | No identified impact | N/A |
| Religion or Belief | No identified impact | N/A |
| Sex | No identified impact | N/A |
| Sexual Orientation | No identified impact | N/A |
| Community Safety | <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 risks of exploitation (county lines are gangs known to use hire vehicles as a method of transportation).</p> | N/A |
| Poverty | <p>Prospective licensees will be subject to a small uplift in the overall cost of obtaining a licence due to additional costs associated with the greater frequency of submission of DBS</p> | <p>Signing up to the DBS live update service (approx. £13pa) will reduce the amount by which the cost of a licence will increase. Licensees will only</p> |

| Impact Assessment | Details of Impact | Possible Solutions & Mitigating Actions |
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| | checks. | have to pay for one DBS check (£40), following which the Council will perform instant online checks as required. |
| Health & Wellbeing | No identified impact | N/A |
| Other Significant Impacts | No identified impact | N/A |

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