



Equality and Safety Impact Assessment

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.

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 to over 2000 individuals.</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> <p>The DfT recommends: “all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and</p>	

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 basic DBS;
- 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 basic DBS check;
- 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; and,
- 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.

Changes to the policy and conditions therefore reflect the importance of safeguarding and promoting the welfare of children and adults and ensuring that all passengers are protected. The policy sets high standards of protection for the public by setting clear and proportionate conditions for individuals who wish to carry out the trade.

Responsible Service Manager	Phil Bates, Licensing Manger
Date	
Approved by Senior Manager	Mary D’Arcy, Executive Director, Communities, Culture & Homes
Date	

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	No identified impact	N/A
Disability	Barriers to accessing taxis or private hire vehicles faced by people with disabilities.	<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.. 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 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</p>

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		<p>drivers provide that certain medical conditions (specified in 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	Taxis and private hire vehicles are a high risk environment.	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

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		<p>exploitation (county lines are gangs known to use hire vehicles as a method of transportation).</p> <p>Camera requirements for all vehicles, DBS checks, booking records and checks on staff will reduce the risk of criminal activity associated with taxi and/or private hire vehicles.</p>
Poverty	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 checks.	Signing up to the DBS live update service (approx. £13pa) will in time reduce the cost. Generally licensees will only have to pay for one DBS check, 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