

## PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
<b>Equality Analysis title:</b> Hackney Carriage and Private Hire Licensing Policy 2020-2023	
<b>Date of Equality Analysis (EA):</b> 27 <sup>th</sup> February 2020	
<b>Directorate:</b> Regeneration and Environment	<b>Service area:</b> Community Safety and Street Scene
<b>Lead Manager:</b> Tom Smith	<b>Contact number:</b> 01709 822025
<b>Is this a:</b> <input checked="" type="checkbox"/> <b>Strategy / Policy</b> <input type="checkbox"/> <b>Service / Function</b> <input type="checkbox"/> <b>Other</b>  <b>If other, please specify</b>	

**2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance**

Name	Organisation	Role (eg service user, managers, service specialist)
Ben Mitchell	RMBC	National Management Trainee
Tom Smith	RMBC	Assistant Director
Alan Pogorzelec	RMBC	Licensing Manager
Jackie Mould	RMBC	Head of Policy, Performance and Intelligence

**3. What is already known? - see page 10 of Equality Screening and Analysis Guidance**

**Aim/Scope (who the Policy/Service affects and intended outcomes if known)**

This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

The aim of the Hackney Carriage and Private Hire Licensing Policy (the policy) is to protect the public and promote public safety. The Council will carry out its functions under the policy to promote the following:

- Protection of the public, safeguarding children and the vulnerable, and the prevention of crime and disorder
- The safety and health of the public and drivers
- Vehicle safety comfort and access
- Encouraging environmental sustainability
- Promoting the vision of Rotherham.

The Council has an overall responsibility to licence holders and to the safety and well-being of service users and the wider public.

To promote these objectives, the Council expects that licence holders and applicants demonstrate that they meet or exceed the standards set by the Council in the policy.

The Council currently licence approximately 1,200 Hackney Carriage and/or Private Hire drivers. As part of the application process, the Council request the ethnicity and/or country of birth of an individual. As with all equality screening data, this is not a compulsory question. 82% of drivers have disclosed their ethnicity to the Council, which is detailed below:

<b>Disclosed ethnicity</b>	<b>Number of drivers</b>	<b>Percentage</b>
White UK	166	15.1%
White Other	5	0.5%
Black African	5	0.5%
Indian	5	0.5%
Pakistani	559	50.7%
Kashmiri	98	8.9%
Bangladeshi	3	0.3%
Other	66	6.0%
Not disclosed	195	17.7%
<b>Total</b>	<b>1102</b>	<b>100.0%</b>

The Council must have due regard to race, religion and belief when implementing this policy, ensuring that the policy ensures equality amongst different groups once implemented.

**What equality information is available? (Include any engagement undertaken)**

As shown above, there is a diverse range of drivers who are licensed in Rotherham. The majority of drivers come from BAME backgrounds, with the majority of these drivers having Pakistani or Kashmiri heritage.

The consultation needed to be accessible and as engaging as possible. This included meeting various informal groups, as well as representative forums. Drop-in sessions were arranged across the borough at various times and days. One of these sessions took place in Boston Castle ward, which has the highest BAME population in the borough.

It was agreed that the majority of the consultation should be conducted face-to-face, with officers attending as many groups and forums as possible. The Council attended the following sessions to engage with a wide range of communities:

**Community Reference Group**

This group is representative of all communities in Rotherham and can be used as a platform to disseminate information to communities. The proposed changes to the policy were well received by this group who understood the Council’s role in the protecting the public.

**Women’s Forum**

Two officers attended a women’s forum at the Unity Centre, Eastwood to consult directly with family members of licensed drivers from BAME backgrounds. This session was well attended and a number of concerns were raised, which formed part of the consultation and was considered when writing the final policy.

**Madrasa Session at Jamia Masjid, Masbrough**

Two officers also attended an educational class to consult directly with children from BAME backgrounds. 26 children were in attendance at this session and gave some very good suggestions as to how the drafted policy could be improved. The group were very supportive of setting conditions on operators to follow the Public Sector Equality Duty, but

also gave constructive comments regarding vehicle signage and driver identification.

### **Rotherham East Ward surgery**

Officers attended a ward surgery on request of two ward councillors in Rotherham East. This ward has the second highest BAME population in the borough. Two drivers attended this session to raise their concerns regarding the policy, and officers noted these concerns which were fed into the final policy. Both drivers were also encouraged to complete the online consultation.

### **Taxi Trade Liaison Committee**

The Council has a formal committee where representatives of the taxi trade are invited to present the views and opinions of those drivers that they represent. This also gives the Council the opportunity to disseminate messages to a large number of drivers who decide to be represented in this way.

Overall, officers spent over 50 hours in face-to-face sessions during the consultation.

### **Online consultation**

A total of 963 responses were received to the online consultation. This included 651 members of the taxi trade, alongside 312 members of the public. A large number of the public responses came from family members of drivers and some of these responses stated that they were responding based on a session that they have attended. This shows that the way in which the Council consulted did reach a large cross-section of the borough.

### **Letters**

Finally, a letter was sent to all licensed drivers, vehicle owners and operators in the borough to inform them of the consultation and encourage them to take part in the consultation, either through the drop-in sessions and online consultation, through a trade representative, or to directly contact the Licensing Service. Over 1400 letters were sent out through this process.

### **Are there any gaps in the information that you are aware of?**

The Council was unable to provide translation services through the consultation, and the online consultation on the Council's website was only available in English, although the Council recognise that those who prefer to access the internet in different languages often do this through software packages, rather than translating individual webpages.

Furthermore, all drivers licensed by Rotherham must have an assessed level of English competency, meaning that their verbal English should be of a required standard. Although this does not take into account members of the public, drivers would have been able to understand the consultation and disseminate this to their family members, friends and wider communities.

The Council did endeavour to engage with as many communities and groups as possible, and where potential barriers to those groups were identified, the Council strived to engage with community representatives through various forums to request that these representatives distribute this information to members of the community.

### **What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?**

Currently, the Council monitor equality through the decision making powers of the policy, which are delegated functions of the Licensing Board. This information can be reported

upon at request. The preceding three years of revocations, split by ethnicity, is provided below:

White UK	6	9.1%
Black African	1	1.5%
Pakistani	43	65.2%
Kashmiri	3	4.5%
Other	7	10.6%
Not disclosed	6	9.1%
Total	66	

The Council recognises that this monitoring could be improved and reported more frequently, which will be incorporated into the Equality Impact Action Plan.

**Engagement undertaken with customers. (date and group(s) consulted and key findings)**

Online consultation. There is no requirement to consult under the Local Government (Miscellaneous Provision) Act 1976, although the Council recognise the importance of a wide-reaching consultation and actively wanted the views of customers and those impacted by the policy, to ensure that the Council are driving standards and protecting the public and drivers in the most appropriate way.

Specific customer groups such as older people and young adults have been consulted with through representative forums, as well as through the online consultation which was available to all.

**Engagement undertaken with staff (date and group(s) consulted and key findings)**

Staff and partner agencies were consulted with to ensure that their views were also heard. Members of the Safer Rotherham Partnership were requested to respond to the consultation. Licensing Board, which is responsible for determining licence applications, also provided a formal response. The borough's adult's and children's safeguarding boards also provided a response to the consultation after officers presented to these independently chaired panels.

#### 4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

**How does the Policy/Service meet the needs of different communities and groups?** (Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

The overall aim of this policy is to protect the public and apply the conditions within the policy in a fair and transparent way, to ensure that the public have equal access to services.

The Council recognises that many users of licensed vehicles will have protected characteristics. Within the policy, certain protected characteristics are addressed, such as disability. All drivers must complete training about protecting vulnerable passengers, which includes a module on disability awareness. The Council are recommending that drivers should refresh this training every three years, to ensure that drivers have the most up-to-date information available. Furthermore, the Council have recently added a module to this course on hate crime awareness, at the request of members of the trade. This shows the Council's commitment to reducing hate crime, and protecting drivers and service users based on their race, religion or beliefs.

Through consultation, many service users and members of the trade have commented on the added protection that taxi camera systems give. Although this part of the policy has not changed through the policy review, many groups commented on the importance of these cameras to protect the public, as well as drivers, from all forms of discrimination and abuse. The Council are clear in the policy that footage from these cameras can be provided to the police in all instances of crime, discrimination and abuse. Specifically, the Women's Forum at the Unity Centre, Youth Cabinet and the Older People's Forum were extremely supportive of the protection that these systems give to potentially vulnerable groups.

Furthermore, the Council have also recognised through the consultation that a number of groups would benefit from improved signage on licensed vehicles. Although the Council are not proposing to change the amount of signage, this will be redesigned to better identify a licensed vehicle to potentially vulnerable groups. This was a recommendation that came from the Older People's Forum and Youth Cabinet. As well as improved exterior signage, interior signage will also be redesigned to mark the audio activation button more clearly. This will help to protect vulnerable passengers who may not have been aware of this button, giving them added security when using a taxi.

These changes ensure that the policy will enable all groups, communities and those with protected characteristics to have equal access to licensed vehicles and will feel safe and confident when using them.

**Does your Policy/Service present any problems or barriers to communities or Groups?**

All drivers will be subject to the same changes that are proposed to be included in the revised policy. The higher prevalence of taxi drivers of Pakistani and Kashmiri origin than in the general Rotherham population does mean that residents from these communities are more likely than the general population to be affected by the policy.

The only proposal that has been identified as a potential problem for a protected group is the requirement for vehicle signage to be present on the vehicle at all times, unless the vehicle is parked outside the driver's permanently registered home address. Through the consultation, a number of drivers and trade representatives raised concerns about the need for vehicle signage when the car is being used for family purposes. Concerns were raised that drivers of certain groups were being targeted because of the signage on the vehicle, which reduces the safety of drivers and their families. The Council have had confirmation from the police of stone throwing in some areas of the borough.

The Council recognise this issue and have an important role to play in protecting drivers and reducing the impact of hate crime on residents in the borough. However, the Council must also balance this issue with the requirements of the legislation that it must adhere to, as well as the main objective of the policy which is to protect the public. Under legislation, a vehicle is always licensed, and therefore, must be identifiable as a licensed vehicle at all times, in order to maintain public safety.

If signage was not required on the vehicle except for when being used for hire and reward, it would be much more difficult for a member of the public, as well as enforcement authorities, to identify a licensed vehicle, which could undermine the Council's policy and put the public at risk. This position is consistent with neighbouring authorities. However, in acknowledgment of the issues that some drivers in Rotherham have faced, the Council have sought to be as flexible as possible, whilst still ensuring compliance with the law. This is detailed in the 'Vehicle Signage' section below.

**Does the Service/Policy provide any positive impact/s including improvements or remove barriers?**

A number of changes to the policy will have positive impacts on protected groups and equality.

**Public Sector Equality Duty**

A key change within the policy is that the Council are proposing that all operators should have due regard to the Public Sector Equality Duty. Those businesses licensed by the Council should be seen to act in accordance with this duty. Those who fail to comply could be seen to no longer be 'fit and proper' and have their licence reviewed.

This duty could also be applied to drivers who discriminate against protected groups, or do not foster or encourage good relation between those who share a protected characteristic and those who do not. Furthermore, the Council have a duty to protect drivers where they are being discriminated against and can use this duty to deal with any incidents which may occur between a driver with a protected characteristic, and a user who does not share this.

**Improved signage**

Through the consultation, a number of groups, including the Women's Forum, discussed the need for signage within a vehicle which states that abuse towards drivers is not tolerated. The Council agree with this view, and through a redesign process, signage will be updated to ensure that this statement is visible in every licensed vehicle in the borough.

**Vehicle Signage**

Although exterior vehicle signage may not be removed when not working, as outlined in the section above, the Council have tried to strike a balance in order to protect drivers from hate crimes and incidents that have been expressed. Therefore, the Council will allow vehicle signage to be removed outside of the driver's registered home address, to ensure the safety of a driver, their family and their home. The Council hope that this addresses some of the most serious concerns that drivers have raised.

**What affect will the Policy/Service have on community relations?** (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

The Council strive to implement the revised policy in a fair and transparent way, with further and ongoing engagement from trade representatives. The Council believe that a robust and effective Hackney Carriage and Private Hire Licensing Policy will help to further rebuild the trust between residents of the borough and the licensed trade, indirectly building relations between diverse communities.

The Council hope that by implementing this policy in the way described, communities will trust and engage with the Council in a more meaningful way, around issues relating to vehicle licences but also other priorities for those communities and the Council, such as incidents of hate crime.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.



## 5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

<b>Title of analysis:</b> Hackney Carriage and Private Hire Licensing Policy
<b>Directorate and service area:</b> Regeneration and Environment, Community Safety and Street Scene
<b>Lead Manager:</b> Tom Smith, Assistant Director, Community Safety and Street Scene
<b>Summary of findings:</b>
<p>This Equality Impact Assessment shows the in-depth and wide ranging consultation that has been undertaken by the Council in relation to the revised Hackney Carriage and Private Hire Licensing Policy. The Council's main aim must be to protect the public, but the changes introduced will help to foster good relations between those who share a protected characteristic, and those who do not. Although the Council have learned lessons from the consultation process, the engagement received has surpassed expectation which is due to the wide-ranging design of the consultation, along with full engagement from trade representatives, forums and committees.</p> <p>The Council do understand that this policy may present challenges for some drivers, but the Council have attempted to mitigate this in the most appropriate way, under the existing legislation. The Council will continue to work with the trade, it's representatives and the wider community to ensure that the policy is implemented in the best way possible.</p>

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
To regularly monitor and report on the protected characteristics of drivers licensed by the Council	All	

To regularly monitor and report on the protected characteristics of drivers where disciplinary measures (e.g. suspensions/ revocations) are taken	All	
To improve the way in which protected characteristics are stored in the application process for a licensed driver.	All	

\*A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups

6. Governance, ownership and approval		
Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.		
Name	Job title	Date
Tom Smith	Assistant Director, Community Safety and Street Scene	28 <sup>th</sup> February 2020
Paul Woodcock	Strategic Director, Regeneration and Environment	4 <sup>th</sup> March 2020
Cllr Emma Hoddinott	Cabinet Member for Waste, Roads and Community Safety	3 <sup>rd</sup> March 2020.

7. Publishing	
The Equality Analysis will act as evidence that due regard to equality and diversity has been given.	
If this Equality Analysis relates to a <b>Cabinet, key delegated officer decision, Council, other committee or a significant operational decision</b> a copy of the completed document should be attached as an appendix and published alongside the relevant report.	
A copy should also be sent to <a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a> For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.	
<b>Date Equality Analysis completed</b>	27/02/20

<b>Report title and date</b>	Hackney Carriage and Private Hire Licensing Policy
<b>Date report sent for publication</b>	04/03/20
<b>Date Equality Analysis sent to Performance, Intelligence and Improvement</b> <a href="mailto:equality@rotherham.gov.uk">equality@rotherham.gov.uk</a>	02/03/20