



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Wednesday, 3 January 2024

Committee:
Strategic Licensing Committee

Date: Thursday, 11 January 2024
Time: 10.00 am
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting. The Agenda is attached

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

Tim Collard
Assistant Director - Legal and Governance

Members of the Committee

Roy Aldcroft (Chairman)
Nigel Lumby (Vice Chairman)
Jeff Anderson
Peter Broomhall
Garry Burchett
Mary Davies
David Evans
Richard Huffer
Simon Jones
Duncan Kerr
Christian Lea
Pamela Moseley
Kevin Pardy
Vivienne Parry
Edward Towers

Substitute Members of the Committee

Caroline Bagnall
Joyce Barrow
Ed Bird
Julian Dean
Paul Gill
Nigel Hartin
Vince Hunt
Ruth Houghton
Heather Kidd
Dan Thomas

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies

To receive apologies for absence

2 Minutes of Previous Meeting (Pages 1 - 4)

To approve the minutes of the previous meeting as a true record

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00pm on Friday 5 January 2024

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 Amendments to the Advertising Sections of the Hackney Carriage and Private Hire Licensing Policy 2023 - 2027 (Pages 5 - 36)

Report of the Head of Business and Consumer Protection is attached

Contact: Frances Darling 01743 251715

6 Date of Next Meeting

To note that the next scheduled meeting of the Strategic Licensing Committee will be held on Wednesday 13 March 2024 at 10.00am

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Strategic Licensing
Committee

6 December 2023

Item

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON 4
OCTOBER 2023
10.00 - 10.20 AM**

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillors Nigel Lumby (Vice Chairman), Jeff Anderson, Peter Broomhall, Garry Burchett, Mary Davies, David Evans, Simon Jones, Duncan Kerr, Christian Lea, Pamela Moseley and Kevin Pardy

8 Apologies

8.1 Apologies for absence had been received from Councillors Roy Aldcroft and Edward Towers

In the absence of the Chair the Vice-Chair Councillor Nigel Lumby took the meeting

9 Minutes of Previous Meeting

9.1 The minutes of the meeting held on 14 June 2023 had been circulated.

9.2 RESOLVED:

That the minutes of the meeting of the Strategic Licensing Committee held on 14 June 2023 be agreed as a true record and signed by the Chairman

10 Public Question Time

10.1 There were no public questions

11 Disclosable Pecuniary Interests

11.1 There were no interests declared.

12 Statement of Licensing Policy 2024 to 2029

12.1 Members received the report of the Transactional Management and Licensing – Team Manager which set out the proposed statement of licensing policy from 1 April 2024 to 31 March 2029.

12.2 The Transactional Management and Licensing – Team Manager reminded the meeting that following the last meeting a period of formal consultation had taken

place to which there had been no responses which reflected that there had been little changes to the policy and that the policy was sound.

12.3 A Member queried the wording in appendix C around the Public Spaces Protection Order in place in Shrewsbury. The Transactional Management and Licensing – Team Manager agreed to seek clarification and would contact the member outside of the meeting.

12.4 **RESOLVED:**

That the Committee recommends to the Council that the policy be published and advertised by the Transactional Management and Licensing Team Manager in accordance with the provisions of the Act and that the policy statement will take effect from 1 April 2024.

13 **Licensing Fees and Charges 2024-25**

13.1 Members received the report of the Transactional Management and Licensing – Team Manager which set out the revision of licensing fees where the authority has the discretion to determine the relevant fees for the financial year from 1 April 2024 to 31 March 2025.

13.2 The Transactional Management and Licensing – Team Manager reminded the meeting that this was an annual report, and that fees were calculated on a cost recovery basis.

13.3 The Transactional Management and Licensing – Team Manager reminded members that the Hackney Cab and Private Hire fees would be subject to a further period of consultation in the new year as required by law, and that all other fees would be included in the report that would be going to Council in the new year.

13.4 A Member commented that the percentage increase included in the calculation for staff salary increase seemed low. The Transactional Management and Licensing – Team Manager that the figure included had been agreed with colleagues in Finance.

13.5 A Member asked an explanation for the large increase in the fee for an application to reinstate a Family Entertainment Centre Premises Licence. The Transactional Management and Licensing – Team Manager explained that when they had looked at the work involved with the application it was very similar to the work involved with a new licence application so the decision had been taken to equalise the fees charged to reflect this.

13.6 **RESOLVED:**

1. That the Committee notes the statutory fees that Shropshire Council is required to charge in accordance with the Licensing Act 2003 as set out in Appendix A, in accordance with the Gambling Act 2005 as set out in Appendix B and in accordance with explosives and fireworks legislation as set out in Appendix C and recommends that the authority implements these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2024 and instructs the Transactional Management and Licensing Team Manager to

arrange for the fees to be included in the 2024/25 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Transactional Management and Licensing Team Manager to implement, as appropriate, any other statutory fees that may be brought into force during the 2024/25 financial year and to publish all relevant statutory fees on the licensing pages of the Council's website as soon as is practicable.

2. That the Committee implements, with any necessary modification and with effect from 1 April 2024, the proposed fees as set out in Appendices D, E, F, G, H and I that relate to those licences and licensing related activities where the authority has the discretion to determine the fees and instructs the Transactional Management and Licensing Team Manager to arrange for the fees to be included in the 2024/25 annual fees and charges reports that are presented to Cabinet and Council and further instructs the Transactional and Licensing Team Manager to publish the fees on the licensing pages of the Council's website as soon as is practicable.
3. That the Committee proposes to vary the fees relevant to driver, hackney carriage, private hire vehicle and operator licences as set out in Appendix F, with any necessary modification, and instructs the Transactional Management and Licensing Team Manager, in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to undertake the necessary work to consult and implement the fees.
4. That the Committee instructs the Transactional Management and Licensing Team Manager to arrange for the proposed fees as set out in Appendix F, with any necessary modification, to be included in the 2024/25 annual fees and charges reports that are presented to Cabinet and Council and, where necessary, in respect of those fees a note is recorded in the said annual reports stating 'Provisional fees under consultation fees to be confirmed by the Strategic Licensing Committee'.
5. That the Committee agrees the Relevant Protected Site fees policy as set out at Appendix J and instructs the Transactional Management and Licensing Team Manager is published the fees policy on the licensing pages of the Council's website.

14 Exercise of Delegated Powers

- 14.1 Members received the report of the Transactional Management and Licensing – Team Manager which gave details of the licences issued and the variations that have been made between 20 May 2023 and 31 August 2023, and a summary of applications considered by the Committee.
- 14.2 The Transactional and Licensing Team Manager reminded Members that the report was brought to each meeting of the committee and that it updated them on the number and types of licences that had been issued since the last meeting.
- 14.3 In response to a question the Transactional and Licensing Team Manager stated that there were a number of reasons where a hackney carriage or a private hire driver's licence application may not be granted, the majority being concerns arising from the results of the DBS check which is carried out.

14.4 **RESOLVED:**

That Members note the position as set out in the report

15 **Date of Next Meeting**

15.1 Members were advised that the next meeting of the Strategic Licensing Committee would be held on 6 December 2023 at 10.00am

Signed (Chairman)

Date:

	Strategic Licensing Committee 11 January 2024	Item
		Public



Amendments to the Advertising Sections of the Hackney Carriage and Private Hire Licensing Policy 2023 – 2027

Responsible Officer:	Frances Darling Head of Business and Consumer Protection		
email:	frances.darling@shropshire.gov.uk	Tel:	01743 251715
Cabinet Member (Portfolio Holder):	Cllr Chris Schofield		

1. Synopsis

To amend the advertising sections of the current Hackney Carriage and Private Hire Licensing Policy 2023 – 2027 to permit the national flag of the United Kingdom to be displayed on hackney carriages and private hire vehicles and to be used in the promotion of any private hire operator business or any other business offering a hackney carriage or private hire vehicle service.

2. Executive Summary

- 2.1. The Shropshire Plan, under the Healthy Economy priority, sets out a strategic objective that we will work with businesses in a fair and proportionate way, balancing regulatory requirements with business support viewed from our overriding objective of safeguarding public health and public safety.
- 2.2. The fundamental purpose of the Hackney Carriage and Private Hire Licensing Policy 2023 – 2027 ('the Policy') is to protect the safety and welfare of the public who live, work and visit Shropshire. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Shropshire's local economy

is recognised; however, this is balanced against the need to protect the safety and welfare of the public. The Policy makes it clear that the latter is the over-riding principle that must be considered when matters are dealt with under the Policy. It is also a requirement of the Government's (Department for Transport) Statutory Taxi and Private Hire Vehicle Standards ('the Statutory Standards') that when formulating a taxi and private hire vehicle policy, the primary and over-riding objective must be to protect the public.

- 2.3. To maintain a neutral position in relation to all countries/nations, religions, beliefs and movements, the Policy currently prohibits the use of any flags in advertising or branding on hackney carriages and private hire vehicles or in the advertising of any private hire operator's business.
- 2.4. The current prohibition on the use of all flags may be considered a disproportionate regulatory requirement on hackney carriage and private hire vehicle proprietors and on private hire operators. As a result, it is held not to be unreasonable that consideration is given to amending the Policy to permit proprietors to display flags on their vehicles where this forms part of their business plan to promote their hackney carriage and private hire activities and to also permit private hire operators to use flags to promote and advertise their businesses.
- 2.5. It is, however, acknowledged that under the Policy and the Statutory Standards the safety and welfare of the public is the over-riding priority. For this reason, it remains a necessity to continue to regulate the extent to which flags may be displayed on hackney carriages and private hire vehicles. This is to ensure visibility through windows is not restricted, the public and enforcement officers can clearly see inside vehicles, and important licensing information, including licensing plate details, which identify vehicles and drivers are not obscured.
- 2.6. Consequently, whilst it may appear more reasonable to permit the display/use of any flag, it is considered proportionate to permit the display of only the national flag of the United Kingdom, the Union Flag; no other flags or emblems will be allowed. The display of the Union Flag will not be mandatory; it will be for each hackney carriage and private hire vehicle proprietor and private hire operator to determine whether to display the flag on their vehicle or in any advertising/promotion of their business. However, if the Union Flag is displayed on a vehicle, it will be restricted to one and subject to positioning and dimension specifications for the purposes of ensuring public safety.
- 2.7. Despite the proposed restrictions on the display of the Union Flag, it should also be acknowledged that potential passengers may be concerned for their own safety should they find that a hackney carriage or private hire vehicle they intend to hire is displaying the Union Flag. This is due to its known appropriation by those with nationalist and right-wing sentiments. It may also lead to an economic impact in that passengers may decide to cancel their original booking and look to find a different driver/vehicle to fulfil their transport needs. Given the hackney carriage and private hire trade already face an ongoing challenge to fulfil demand, (which is a national, as well as a local problem), there is a risk that passengers may be unable to readily secure a replacement driver/vehicle at short notice. This may increase safeguarding risks and adversely impact public safety if, for example, passengers are vulnerable through inebriation or unable to attend medical appointments. In addition, the economic impact may extend beyond individual

drivers into the wider local economy if, for example, passengers are unable to reach their destinations to shop or access leisure and hospitality services.

3. Recommendation

- 3.1. That the Committee approves, with any necessary amendments, the changes to the advertising sections of the Hackney Carriage and Private Hire Licensing Policy 2023 – 2027, as set out at **Appendix 1 (column C)**, to take effect from 12 January 2024, and instructs the Head of Business and Consumer Protection to arrange for the amendments to be made and to publish the Policy containing the revised provisions as soon as is reasonably practicable.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. Shropshire Council's Licensing Officers work in partnership with their counterparts at Telford & Wrekin Council, City of Wolverhampton Council and South Staffordshire Council. There is an active Joint Local Authority Partnership Group with senior officer representation from each local authority. The Partnership is mindful of variation between individual local authority policies as this can increase the risk that vehicle proprietors and drivers may choose to be licensed by a local authority where they prefer the conditions that one authority offers above those offered by the local authority where the driver/proprietor is likely to undertake most of their journeys. This can lead to less effective and inefficient enforcement in each local authority area, which then increases the challenges for all in terms of driving up compliance with standards that are aimed at protecting the safety of the public.
- 4.2. There are legitimate reasons for neighbouring local authority hackney carriage and private hire licensing policies not to completely align due to specific local factors; however, generally, where it is feasible, alignment of policy requirements is a positive step. It is a factor that can influence the choice made by vehicle proprietors and drivers in terms of which local authority they seek to apply for a licence.
- 4.3. Shropshire Council's current prohibition relating to the display of flags on hackney carriages and private hire vehicles and in relation to the use of flags to advertise any private hire operator's business is explicitly clear and aligned with the position maintained by Telford & Wrekin Council. Alignment with the policy adopted by the City of Wolverhampton Council (which is also the policy that applies in South Staffordshire) is not as clear with the wording that relates to advertising being such that the display of flags may be a consideration depending on individual circumstances.
- 4.4. By permitting the Union Flag to be displayed on vehicles licensed by Shropshire Council, thereby removing the blanket prohibition, there is a risk that proprietors

and drivers who do not generally operate in Shropshire may decide to apply for a licence from Shropshire Council if they specifically want to be able to display the Union Flag on their vehicles. The consequence of this is that there is additional work for Shropshire Council's Licensing Team to administer the licensing process and the local authority in whose area the vehicles/drivers actually operate is unable to take enforcement action, without the intervention of Shropshire Council, as there is no contravention of that other authority's conditions of licence. In addition, it potentially undermines the work of the Joint Local Authority Partnership Group and is likely to lead to an increase in workload across all the local authorities involved, impacting upon staffing resources.

- 4.5. It is clearly good practice to consult on any changes that the Council plans to make and this has been the approach adopted over the previous decade on any hackney carriage and private hire related policy changes. This has achieved an increasingly positive and collaborative approach with the trade (and other key stakeholders), which has made the implementation of revised policies more effective and efficient.
- 4.6. Under the Statutory Standards, there is an obligation to consult on proposed changes to licensing rules that may have significant impacts on passengers and/or the trade. There is no existing evidence to guide the Council in determining whether the proposed change to permit the Union Flag to be displayed on licensed vehicles is one that would or would not have significant impacts, whether they are negative or positive. This is compounded by the fact that there has currently been no formal consultation in respect of the proposed change, which, if undertaken, would give some indication of the level of any impact.
- 4.7. There has been engagement with Cabinet elected members and the Chair of the Strategic Licensing Committee, together with the hackney carriage proprietor who raised the initial concern about the prohibition on the display of flags; however, no formal public consultation has been undertaken with the wider hackney carriage and private hire trade, the public/passengers or other key stakeholders. Consultation was undertaken in relation to the current Policy, during which no feedback was received about the introduction of the provisions relating to the prohibition on displaying flags on licensed vehicles or in relation to the advertising of private hire operator businesses.
- 4.8. The hackney carriage and private hire trade has been notified that the proposed change would be presented to the Strategic Licensing Committee and directed towards the web page link for this meeting. In addition, a press release was issued in an attempt to raise wider awareness of the proposed change and to highlight the opportunity for individuals to ask public questions at the Committee meeting.
- 4.9. An Equality, Social Inclusion and Health Impact Assessment (ESHIA) has been carried out with regard to the proposed service change and is produced at **Appendix 2**. The key outcomes of the ESHIA are set out in paragraphs 4.10 to 4.14 below.
- 4.10 For six out of the nine Protected Characteristic groupings defined in the Equality Act 2010, the impact is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact.

- 4.11 However, with respect to Race the impact is likely to be medium negative and for both Religion or Belief and our tenth category in Shropshire of Social Inclusion, the impact is likely to be low negative. There is also intersectionality between these groupings, which may mean that for people in the grouping of Religion or Belief, and Social Inclusion, the impact may overall be medium negative. The Union Flag has, unfortunately, been appropriated at national level by people and organisations exhibiting and representing nationalistic and/or right-wing sentiments. For people in these groupings who are potential passengers, there may be a perceived threat to their personal safety, were they to be passengers in vehicles displaying the Union Flag. There is also potential for families and households who have settled in Shropshire, as a consequence of their refugee status, to feel alienated rather than welcomed. This would mean that overall, the Council could be considered as acting against the national equality aims, which are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.
- 4.12 With respect to the Race and Religion or Belief Protected Characteristics, there will be ongoing dialogue, as required, with West Mercia Police, particularly around any hate crime allegations/incidents linked to the display of the Union Flag or where prohibited flags are displayed in contravention of the Policy and conditions of licence. This will also occur as a result of the ongoing role that Police Officers play in the review process applicable to new licence applications and existing licences.
- 4.13 Applicants and licence holders, including any who may not already be aware of the change to the Policy, will be made aware through normal licensing processes. It is considered that there is the potential for people who are in this grouping to themselves articulate a desire to visibly demonstrate their race, religion or belief through the use of flags of other nations or other symbols of religious and/or national observations. They may consider themselves to be facing a negative equality or human rights impact if they cannot display such flags or symbols.
- 4.14 Proactive and visible enforcement of the revised requirements of the Policy and in relation to the conditions of licence applicable to both hackney carriages and private hire vehicles will help to mitigate the anticipated negative impacts relating to race, religion or belief and social inclusion.

5. Financial Implications

- 5.1. There are no direct financial implications relating to the recommendation in this report.
- 5.2. There will be staffing resources required to make the changes to the Policy and to enforce the revised requirements across the licensed hackney carriage and private hire vehicle fleet. It is anticipated that this will be managed within the current Business and Consumer Protection Service budget.

6. Climate Change Appraisal

- 6.1. There are no anticipated climate change outcomes expected as a result of the proposed change to the Policy insofar as it relates to:
- energy and fuel consumption;
 - renewable energy generation;
 - carbon offsetting or mitigation; or
 - climate change adaptation.

7. Background

- 7.1. The current version of the Policy was adopted by Cabinet on 30 November 2022 and implemented on 1 April 2023. This introduced a provision prohibiting the display of flags in any advertising or branding displayed on a hackney carriage and private hire vehicle and in relation to the advertising of private hire operator businesses.
- 7.2. In drawing up the Policy, comparisons with neighbouring local authority comparable policies were undertaken and there was a short period of informal engagement directly with the hackney carriage and private hire trade from 10 to 18 May 2022, which informed the draft upon which the full formal public consultation was based. The formal consultation was undertaken between 27 June 2022 and 4 September 2022, which included a face-to-face 'Taxi Forum' meeting held on the 18 August 2022. The process was overseen by the Strategic Licensing Committee and is set out in the Committee reports that were presented on 22 June 2022 and 5 October 2022, together with the final report that was presented to Cabinet on 30 November 2022. The links to the relevant meeting and reports are listed below:
- [Agenda for Strategic Licensing Committee on Wednesday, 22nd June, 2022, 10.00 am — Shropshire Council](#) – see Agenda Item 9
 - [Agenda for Strategic Licensing Committee on Wednesday, 5th October, 2022, 10.00 am — Shropshire Council](#) – see Agenda Item 18
 - [Agenda for Cabinet on Wednesday, 30th November, 2022, 10.30 am — Shropshire Council](#) – see Agenda Item 90
- 7.3. During the engagement and consultation process, no feedback was received about the provisions relating to the display of flags on vehicles or the use of them to advertise a private hire operator's business.
- 7.4. In November 2023, a concern about the prohibition on the display of flags was raised by one hackney carriage proprietor who was found to be displaying several flags/emblems on their vehicle, which was in direct contravention of their hackney carriage vehicle conditions of licence and the Council's Policy.

- 7.5. The actions taken by the Council's Licensing Team to address the contravention led to significant media attention, and as a result, complaints were received. The majority of the complaints came from individuals who had no connection with Shropshire or the hackney carriage/private hire trade. The one contact that did come from a Shropshire licensed driver indicated support for the prohibition on the display of flags on licensed vehicles. A Shropshire Member of Parliament also contacted the Council expressing support for the individual proprietor who had been found in contravention of their conditions of licence and requested that the Council amend its Policy to permit the displaying of flags on vehicles.
- 7.6. It is reported that a number of verbal reports have been made supporting a change in the Policy to allow flags to be displayed on hackney carriage and private hire vehicles. Officers are given to understand that these are with regard to the Union Flag and to the England national flag (St George's Cross); however, it is acknowledged that that this is anecdotal and may extend to other national flags such as those for Ukraine and Wales.

8. Conclusions

- 8.1. It is strongly advised that this policy is kept under review for any anticipated or unforeseen negative impacts.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

[Hackney Carriage and Private Hire Licensing Policy 2023 - 2027](#)

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

Local Member: The proposed Policy change is applicable to the whole of Shropshire.

Appendices

Appendix 1 - Current policy wording and proposed changes

Appendix 2 - Equality, Social Inclusion and Health Impact Assessment

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Appendix 1 – Current policy wording and proposed changes

A	B	C
Policy Section	Current Policy Wording	Proposed Changes
Contents Appendices	Appendix L - Advertising on Hackney Carriage and Private Hire Vehicles	Appendix L - Use of information on and in relation to Hackney Carriages and Private Hire Vehicles
3b. Hackney Carriages	<p>Advertising</p> <p>3b.87 Proprietors may advertise on hackney carriages in accordance with the conditions set out at Appendix L. This is subject to prior written approval from the Council.</p> <p>3b.36 (c) Proprietors are encouraged to consider only using vehicles where the entire external bodywork of the vehicle is of a uniform black colour. This does not prohibit the display of advertisements as authorised by the Council.</p>	<p>Use of information on and in relation to Hackney Carriages</p> <p>3b.87 Proprietors may display advertisements, information, images and other material on hackney carriages in accordance with the conditions set out at Appendix L. This is subject to prior written approval from the Council.</p> <p>3b.36 (c) Proprietors are encouraged to consider only using vehicles where the entire external bodywork of the vehicle is of a uniform black colour. This does not prohibit the display of advertisements, information, images or other material as authorised by the Council.</p>
3c. Standard Private Hire Vehicles	<p>Advertising</p> <p>3c.85 Proprietors may advertise on private hire vehicles in accordance with the conditions set out at Appendix L. This is subject to prior written approval from the Council.</p> <p>3c.35 (c) Vehicle owners and operators are encouraged to use vehicles where the entire external bodywork of the vehicle is NOT black in colour. This does not prohibit the display of advertisements authorised by the Council.</p>	<p>Use of information on and in relation to Private Hire Vehicles</p> <p>3c.85 Proprietors may display advertisements, information, images and other material on private hire vehicles in accordance with the conditions set out at Appendix L. This is subject to prior written approval from the Council.</p> <p>3c.35 (c) Vehicle owners and operators are encouraged to use vehicles where the entire external bodywork of the vehicle is NOT black in colour. This does not prohibit the display of advertisements, information, images or other material authorised by the Council.</p>
3d. Executive Private Hire Vehicles	<p>Advertising</p> <p>3.d32 Advertising in or on an executive vehicle is prohibited.</p> <p>3d.93 Proprietors must not advertise on executive private hire vehicles.</p>	<p>Use of information on and in relation to Executive Private Hire Vehicles</p> <p>3.d32 The advertising or display of information, images and other material in or on an executive vehicle is prohibited.</p> <p>3d.93 Proprietors must not display advertisements, information, images and other material on executive private hire vehicles.</p>
3e. Novelty Private Hire Vehicles	<p>Advertising</p> <p>3e.42 (c) Vehicle owners and operators are encouraged to use vehicles where the entire external bodywork of the vehicle is NOT black in colour. This does not prohibit the display of advertisements authorised by the Council.</p>	<p>Use of information on and in relation to Novelty Private Hire Vehicles</p> <p>3e.42 (c) Vehicle owners and operators are encouraged to use vehicles where the entire external bodywork of the vehicle is NOT black in colour. This does not prohibit the display of advertisements, information, images and other material authorised by the Council.</p>

	<p>3e.92 Proprietors may advertise on novelty private hire vehicles in accordance with the conditions set out at Appendix L. This is subject to prior written approval from the Council.</p>	<p>3e.92 Proprietors may display advertisements, information, images and other material on novelty private hire vehicles in accordance with the conditions set out at Appendix L. This is subject to prior written approval from the Council.</p>
<p>3f. Private Hire Operators</p>	<p>Advertising</p> <p>3f.34 • Provide the proposed company advertisements (branding/logo)</p> <p>3f.70 Operators may advertise on private hire vehicles in accordance with the conditions set out at Appendix L. This is subject to prior written approval from the Council.</p> <p>3f.72 Any advertising of the operators business must be approved in writing by the Council and artwork should be submitted with the application. The advertisement must not contain any political, racial, cultural, sexual or potentially offensive language, symbols, flags or emblems.</p>	<p>Use of information on and in relation to Hackney Carriages and Private Hire Vehicles</p> <p>3f.34 • Provide the proposed company advertisements, information, images and other material, including branding/logo</p> <p>3f.70 Operators may display advertisements, information, images and other material on private hire vehicles in accordance with the conditions set out at Appendix L. This is subject to prior written approval from the Council.</p> <p>3f.72 Any advertising/promotion of the operator's business must be in accordance with the conditions set out in Appendix L. This is subject to prior written approval from the Council. Artwork must be submitted with the application.</p>
<p>Appendix C Hackney Carriages</p>	<p>Advertising</p> <p>1.20 Proprietors must obtain approval from the Council prior to carrying advertisements on their hackney carriage.</p> <p>1.21 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.</p> <p>1.22 Advertising signs must not be illuminated.</p> <p>1.24 Advertisements may be affixed directly onto the exterior and/or internal body of the vehicle and must be in such a position as not to obscure Council issued plates and all other required signs.</p> <p>1.25 Advertisements must comply with the relevant requirements as set out in Appendix L of the Council's Policy.</p>	<p>Use of information on and in relation to Hackney Carriages</p> <p>1.20 Proprietors must obtain approval from the Council prior to displaying any information, advertisements, images or other material on their hackney carriage.</p> <p>1.21 Materials that are used to display any information, advertisements, images or other material must be of a quality not easily defaced, soiled or detached.</p> <p>1.22 Signs used to display any information, advertisements, images or other material must not be illuminated.</p> <p>1.24 Information, advertisements, images or other material may be affixed directly onto the exterior and/or internal body of the vehicle and must be in such a position as not to obscure Council issued plates and all other required signs.</p> <p>1.25 Information, advertisements, images or other material must comply with the relevant requirements as set out in Appendix L of the Council's Policy.</p>

<p>Appendix D Standard Private Hire Vehicles</p>	<p>Advertising</p> <p>1.24 Proprietors must obtain approval from the Council prior to carrying advertisements on their private hire vehicle.</p> <p>1.25 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.</p> <p>1.27 Advertising signs must not be illuminated.</p> <p>1.28 Advertisements may be affixed directly onto the exterior and/or internal body of the vehicle and must be in such a position as not to obscure Council issued plates and all other required signs.</p> <p>1.29 Advertisements must comply with the relevant requirements as set out in Appendix L of the Council's Policy.</p>	<p>Use of information on and in relation to Private Hire Vehicles</p> <p>1.24 Proprietors must obtain approval from the Council prior to displaying any information, advertisements, images or other material on their private hire vehicle.</p> <p>1.25 Materials that are used to display any information, advertisements, images or other material must be of a quality not easily defaced, soiled or detached.</p> <p>1.27 Signs used to display any information, advertisements, images or other material must not be illuminated.</p> <p>1.28 Information, advertisements, images or other material may be affixed directly onto the exterior and/or internal body of the vehicle and must be in such a position as not to obscure Council issued plates and all other required signs.</p> <p>1.29 Information, advertisements, images or other material must comply with the relevant requirements as set out in Appendix L of the Council's Policy.</p>
<p>Appendix E Executive Private Hire Vehicles</p>	<p>Advertising</p> <p>1.13 Executive private hire vehicle must not display any company advertising.</p> <p>1.20 Advertising in or on an executive private hire vehicle is prohibited.</p>	<p>Use of information on and in relation to Executive Private Hire Vehicles</p> <p>1.13 Executive private hire vehicles must not display any company advertising, information, images or other material.</p> <p>1.20 Displaying advertisements, information, images or other material in or on an executive private hire vehicle is prohibited.</p>
<p>Appendix F Novelty Private Hire Vehicles</p>	<p>Advertising</p> <p>1.21 Proprietors must obtain approval from the Council prior to carrying advertisements on their novelty private hire vehicle.</p> <p>1.22 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.</p> <p>1.24 Advertising signs must not be illuminated.</p> <p>1.25 Advertisements may be affixed directly onto the exterior and/or internal body of the vehicle and must be in such a position as not to obscure Council issued plates and all other required signs.</p>	<p>Use of information on and in relation to Novelty Private Hire Vehicles</p> <p>1.21 Proprietors must obtain approval from the Council prior to displaying any information, advertisements, images or other material on their novelty private hire vehicle.</p> <p>1.22 Materials that are used to display any information, advertisements, images or other material must be of a quality not easily defaced, soiled or detached.</p> <p>1.24 Signs used to display any information, advertisements, images or other material must not be illuminated.</p> <p>1.25 Information, advertisements, images or other material may be affixed directly onto the exterior and/or internal body of the vehicle and must be in such a position as not to obscure Council issued plates and all other required signs.</p>

	<p>1.26 Advertisements must comply with the relevant requirements as set out in Appendix L of the Council's Policy.</p>	<p>1.26 Information, advertisements, images and other material must comply with the relevant requirements as set out in Appendix L of the Council's Policy.</p>
<p>Appendix G Private Hire Operators</p>	<p>Advertising</p> <p>Use of the words 'taxi', 'cab and 'hire' in advertisements</p> <p>1.85 No operator shall cause or permit any advertisement in respect of their business on their private hire vehicles used for that purpose the words 'taxi' or 'cab' in the singular or plural or 'hire' unless the word 'hire' forms part of the company name or any word or similar meaning (e.g. 'kab') or appearance to any of these words, whether alone or as part of another word.</p> <p>1.86 Advertisements must comply with the relevant requirements as set out in Appendix L of the Council's Policy.</p> <p>1.88 Any change to an operators advertising must be approved in writing by the Council. The branding must not contain any political, racial, cultural, sexual or potentially offensive language, symbols, flags or emblems.</p>	<p>Use of information on and in relation to Hackney Carriages and Private Hire Vehicles</p> <p>Use of the words 'taxi', 'cab and 'hire'</p> <p>1.85 No operator shall cause or permit any advertisement, information, images or other material to be displayed in respect of their business in or on their private hire vehicles used for that purpose the words 'taxi' or 'cab' in the singular or plural or 'hire' unless the word 'hire' forms part of the company name or any word or similar meaning (e.g. 'kab') or appearance to any of these words, whether alone or as part of another word.</p> <p>1.86 Advertisements, information, images and other material must comply with the relevant requirements as set out in Appendix L of the Council's Policy.</p> <p>1.88 Any change to an operator's advertising/promotion must comply with the conditions set out in Appendix L. This is subject to prior written approval from the Council.</p>
<p>Appendix L Advertising on Hackney Carriage and Private Hire Vehicles</p>	<p>Advertising on Hackney Carriage and Private Hire Vehicles</p> <p>1.0 Advertisements will not be permitted by Shropshire Council if, in Shropshire Council's reasonable opinion, the advertisement falls within any of the following categories:</p> <p>o) Depicts any political, racial, cultural, sexual or potentially offensive language, symbols, flags or emblems</p>	<p>Use of information on and in relation to Hackney Carriages and Private Hire Vehicles</p> <p>1.0 Information in any form, including advertisements, images and other material, displayed on Hackney Carriage and Private Hire Vehicles or contained in any advertising/promotion for a Private Hire Operator's business or in relation to any advertising/promotion for any other business offering a Hackney Carriage or Private Hire Vehicle service will not be permitted by Shropshire Council if, in Shropshire Council's reasonable opinion, the information falls within any of the following categories:</p> <p>o) Depicts directly or indirectly any political, racial, cultural, sexual or potentially offensive language, symbols or emblems</p> <p>p) Depicts directly or indirectly any reference to national flags or other flags/emblems, except the national flag of the United Kingdom, the Union Flag</p> <p>q) Where the Union Flag is displayed, it is limited to one such flag in rectangular format with dimensions no greater than 210 mm x 297 mm [equivalent to A4 paper dimensions with</p>

		landscape orientation] and positioned only on the bonnet of the vehicle
Appendix M Conditions Applicable to the use of Trailers	1.19 The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.	1.19 The trailer shall not display any form of sign, advertisement, information, image or other material not required or approved by the Council or Road Traffic legislation.

For the avoidance of any doubt, all sections of the Hackney Carriage and Private Hire Licensing Policy 2023 – 2027 not referred to in the table above remain unchanged.

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Appendix 2

Shropshire Council
Equality, Social Inclusion and Health Impact Assessment (ESHIA)
Stage One Screening Record 2023

A. Summary Sheet on Accountability and Actions

Name of proposed service change
Amendments to the Advertising Sections of the Hackney Carriage and Private Hire Licensing Policy 2023 - 2027

Name of the officer carrying out the screening
Frances Darling, Head of Business and Consumer Protection

Decision, review, and monitoring

Decision	Yes	No
Initial (Stage One) ESHIA Only?	✓	
Proceed to Stage Two Full ESHIA or HIA (part two) Report?		✓

If completion of a Stage One screening assessment is an appropriate and proportionate action at this stage, please use the boxes above, and complete both part A and part B of of this template. If a Full or Stage Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality and social inclusion considerations
<p>The proposed service change is to the advertising sections of the current Hackney Carriage and Private Hire Licensing Policy 2023 – 2027 to permit the national flag of the United Kingdom, the Union Flag, to be displayed on hackney carriage and private hire vehicles and to be used in the promotion of any private hire operator business or any business offering a hackney carriage or private hire vehicle service.</p> <p>For six out of the nine Protected Characteristic groupings defined in the Equality Act 2010, the impact is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact.</p> <p>However, with respect to Race the impact is likely to be medium negative and for both Religion or Belief, and our tenth category in Shropshire of Social Inclusion, the impact is likely to be low negative. There is also intersectionality between these groupings, which may mean that for people in the grouping of Religion or</p>

Belief, and Social Inclusion, the impact may overall be medium negative. The Union Flag has been appropriated at national level by people and organisations exhibiting representing nationalistic and/or right-wing sentiments. For people in these groupings who are potential passengers, there may be a perceived threat to their personal safety, were they to be passengers in vehicles displaying the Union Flag. There is also potential for families and households who have settled in Shropshire, as a consequence of their refugee status, to feel alienated rather than welcomed. This would mean that overall, the Council could be considered as acting against the national equality aims, which are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

Applicants and licence holders, including any who may not already be aware of the change to the Policy, will be made aware through normal licensing processes. It is considered there is the potential for people who are in this grouping to themselves articulate a desire to visibly demonstrate their race, religion or belief through the use of flags of other nations or other symbols of religious and/or national observations. They may consider themselves to be facing a negative equality or human rights impact if they cannot display such flags or symbols.

The Policy, containing the revised advertising provisions, will be available on the Council's website and promoted through appropriate social media channels. This will ensure that the hackney carriage and private hire trade, together with the public and other relevant stakeholders, have ongoing access to the Policy that clearly sets out the Council's expectations for applicants and licence holders until the end of March 2027.

Proactive and visible enforcement of the revised requirements of the Policy and in relation to the conditions of licence applicable to both hackney carriages and private hire vehicles will help to mitigate the anticipated negative impacts relating to race, religion/belief and social inclusion.

Any complaints/information that indicate licensed drivers or vehicle proprietors are breaching their conditions of licence relating to the display of flags on vehicles or private hire operators in relation to advertising their business will be fully investigated by the Licensing Team, and, where sufficient evidence exists and it is in line with the Council's Better Regulation and Enforcement Policy, appropriate licensing sanctions will be applied. The full range of licensing sanctions, including licence revocation, where this is proportionate, will be utilised.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of health and wellbeing considerations

In relation to health and wellbeing both in respect of individuals and communities, impact is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact.

Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations

The Policy will be formally reviewed in 2026 as part of the normal cyclical process that applies to this particular Policy. However, it will also continue to be the subject of evaluation and, if necessary, reviewed at any time in advance of the formal review. At the time of review all relevant stakeholders will again be consulted. Any driver, proprietor, operator or any other person may request a review of the Policy at any time. This is made clear in the Policy itself.

There will be ongoing dialogue with the trade through direct contact and 'Taxi Forums' or similar meetings that will provide the opportunity for the trade to provide feedback to the Licensing Team. A dedicated telephone number and email address is and will continue to be generally publicised on the Council's website for other stakeholders, including members of the public (both those with and without disabilities), to provide feedback on the impact of the changes that have been made to the advertising sections of the Policy. In addition, these contacts, together with social media contacts, will be publicised in hackney carriage and private hire vehicles to encourage passengers to provide feedback to the Council. All feedback will be recorded either on the Idox/Uniform system (and any subsequent replacement system) used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

With respect to the Race and Religion or Belief Protected Characteristics, there will be ongoing dialogue, as required, with West Mercia Police, particularly around any hate crime allegations/incidents linked to the display of the Union Flag or where prohibited flags are displayed in contravention of the Policy and conditions of licence. This will also occur as a result of the ongoing role that police officers play in the review process applicable to new licence applications and existing licences.

For the purposes of enhancing the administration and enforcement of the revised requirements of the Policy, the Licensing Team will continue to work in partnership with all relevant local authorities, in particular with Telford & Wrekin Council, the City of Wolverhampton Council and South Staffordshire Council. This will include multi-agency enforcement exercises.

It is also the intention that managers and professional leads will continue to engage in hackney carriage and private hire licensing developments at a regional and national level. This will include responding to relevant consultations and participating in events/workshops to ensure that Shropshire Council's position and the impact on the local community and the trade of any national proposals to update, amend or change the hackney carriage and private hire licensing regimes are fully understood by Government before any legislative changes are implemented or guidance introduced.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees as appropriate.

Associated ESHIAs

Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 (completed September 2022)

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of climate change considerations and any other impacts with regard to economic and societal implications

Climate change

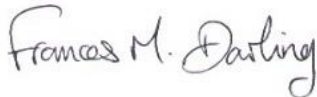
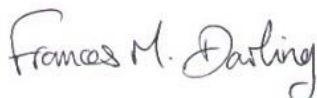

There are no anticipated climate change impacts.

Economic and societal/wider community

In addition to the Council's corporate approach towards prioritising and measuring the overall outcomes that are set out The Shropshire Plan (<https://www.shropshire.gov.uk/shropshire-council/corporate-plan/>), the Licensing Team will continue to utilise the expertise within the Economic Growth Team to assess the impact of the relaxation of the prohibition on the display of flags on vehicles and in the advertising of private hire operator businesses insofar as it relates to any commercial/trading impacts on the local economy.

There is potential for those displaying the Union Flag to experience a reduction in trade, should people decide not to be passengers in their vehicles due to personal safety perceptions. This is due to its known appropriation by those with nationalist and right-wing sentiments. Given the hackney carriage and private hire trade already face an ongoing challenge to fulfil demand, (which is a national, as well as a local problem), there is a risk that passengers may be unable to readily secure a replacement driver/vehicle at short notice. This may increase safeguarding risks and adversely impact public safety if, for example, passengers are vulnerable through inebriation or unable to access medical appointments. In addition, the economic impact may extend beyond individual drivers into the wider local economy if, for example, passengers are unable to reach their destinations to shop or access leisure and hospitality activities.

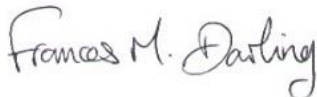
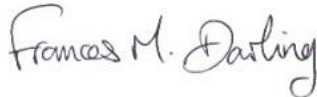
Scrutiny at Stage One screening stage

People involved	Signatures	Date
<i>Lead officer for the proposed service change</i> Frances Darling, Head of Business and Consumer Protection		7 December 2023
<i>Officer carrying out the screening</i> Frances Darling, Head of Business and Consumer Protection		7 December 2023
<i>Any other internal service area support*</i>		
<i>Any external support**</i> Mrs Lois Dale Rurality and Equalities Specialist		12 th December 2023

**This refers to other officers within the service area*

***This refers to support external to the service but within the Council, e.g, the Performance and Research Specialist for Rurality and Equalities, Public Health colleagues, the Feedback and Insight Team, performance data specialists, Climate Change specialists, etc.*

Sign off at Stage One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Frances Darling, Head of Business and Consumer Protection		15 December 2023
<i>Service manager's name</i> Frances Darling, Head of Business and Consumer Protection		15 December 2023

**This may either be the Head of Service or the lead officer*

B. Detailed Screening Assessment

Aims of the service change and description

To amend the advertising sections of the current Hackney Carriage and Private Hire Licensing Policy 2023 – 2027 to permit the national flag of the United Kingdom, the Union Flag, to be displayed on hackney carriage and private hire vehicles and to be used in the promotion of any private hire operator business or any business offering a hackney carriage or private hire vehicle service.

The Shropshire Plan, under the Healthy Economy priority, sets out a strategic objective that we will work with businesses in a fair and proportionate way, balancing regulatory requirements with business support viewed from our overriding objective of safeguarding public health and public safety.

The fundamental purpose of the Hackney Carriage and Private Hire Licensing Policy 2023 – 2027 ('the Policy') is to protect the safety and welfare of the public who live, work and visit Shropshire. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Shropshire's local economy is recognised; however, this is balanced against the need to protect the safety and welfare of the public. The Policy makes it clear that the latter is the over-riding principle that must be considered when matters are dealt with under the Policy. It is also a requirement of the Government's (Department for Transport) Statutory Taxi and Private Hire Vehicle Standards ('the Statutory Standards') that when formulating a taxi and private hire vehicle policy, the primary and over-riding objective must be to protect the public.

To maintain a neutral position in relation to all countries/nations, the Policy currently prohibits the use of any flags in advertising or branding on hackney carriages and private hire vehicles.

The current prohibition on the use of all flags on hackney carriages and private hire vehicles may be considered a disproportionate regulatory requirement on hackney carriage and private hire vehicle proprietors and on private hire operators. As a result, it is held not to be unreasonable that consideration is given to amending the Policy to permit proprietors to display flags on their vehicles where this forms part of their business plan to promote their hackney carriage and private hire activities and to also permit private hire operators to use flags to promote and advertise their businesses.

It is, however, acknowledged that under the Policy and the Statutory Standards the safety and welfare of the public is the over-riding priority. For this reason, it remains a necessity to continue to regulate the extent to which flags may be displayed on hackney carriages and private hire vehicles. This is to ensure visibility through windows is not restricted, the public and enforcement officers can clearly see inside vehicles, and important licensing information, including licensing plate details, which identify vehicles and drivers are not obscured.

Consequently, whilst it may appear more reasonable to permit the display/use of any flag, it is considered proportionate to permit the display of the national flag of the United Kingdom, the Union Flag; no other flags or emblems will be allowed. The display of the Union Flag will not be mandatory; it will be for each hackney carriage and private hire vehicle proprietor and private hire operator to determine whether to display the flag on their vehicle or in any advertising/promotion of their business. However, if the Union Flag is displayed on a vehicle, it will be limited to one and subject to positioning and dimension specifications for the purposes of ensuring public safety.

Intended audiences and target groups for the service change

- Persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences
- Persons who hold existing licences, including those that are the subject of review
- The Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees and the internal licensing panel (or other relevant decision-making bodies)
- Licensing consultants, solicitors and barristers advising and/or representing applicants/license holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public, particularly those with disabilities, who use/rely on hackney carriage/private hire services, irrespective whether this is because they live, visit or work in Shropshire
- Locally elected councillors
- Other local authorities, particularly Telford & Wrekin Council, City of Wolverhampton Council and others that border the Shropshire Council area
- Shropshire Safeguarding Children Board
- Shropshire Council Children Services
- Keeping Adults Safe in Shropshire Board
- Shropshire Council Adult Services
- Shropshire Council Highways and Transport (Passenger Transport and Environmental Maintenance Teams)
- Shrewsbury Business Improvement District
- Oswestry Business Improvement District
- Shropshire Voluntary and Community Sector Assembly
- Voluntary Groups/Organisations, particularly those who represent, work with or provide services for people with disabilities
- Shropshire Tourist Board, Shropshire Tourism and other tourism bodies
- Police forces, in particular West Mercia Police
- West Mercia Police Crime Commissioner
- Shropshire located Town and Parish Councils
- Shropshire MPs
- Government Departments
- Competitions and Markets Authority

Evidence used for screening of the service change

Evidence for the Policy change is limited.

The current version of the Hackney Carriage and Private Hire Licensing Policy 2023 - 2027 was adopted by Cabinet on 30 November 2022 and implemented on 1 April 2023. This introduced a provision prohibiting the display of flags in any advertising or branding displayed on a hackney carriage and private hire vehicle and in any advertising of a private hire operator's business.

In drawing up the current Policy, comparisons with neighbouring local authority comparable policies were undertaken. Shropshire Council's prohibition relating to the display of flags on hackney carriages and private hire vehicles was included to make the requirement explicitly clear and to align it with the position maintained by Telford & Wrekin Council. Alignment with the policy adopted by the City of Wolverhampton Council (which is also the policy that applies in South Staffordshire) is not as clear with the wording that relates to advertising is such that the display of flags may be a consideration depending on individual circumstances.

In November 2023, a concern about the prohibition on the display of flags was raised by one hackney carriage proprietor who was found to be displaying several flags/emblems on their vehicle, which was in direct contravention of their hackney carriage vehicle conditions of licence and the Council's Policy.

The actions taken by the Council's Licensing Team to address the contravention led to significant media attention and, as a result, complaints were received. The majority of the complaints originated from individuals who had no connection with either Shropshire or the hackney carriage/private hire trade. The one contact that did come from a Shropshire licensed driver indicated support for the prohibition on the display of flags on licensed vehicles. A Shropshire Member of Parliament also contacted the Council expressing support for the individual proprietor who had been found in contravention of their conditions of licence and requested that the Council amend its Policy to permit the displaying of flags on vehicles.

It is alleged that a number of verbal reports have been made supporting a change in the Policy to allow flags to be displayed on hackney carriage and private hire vehicles. Officers are given to understand that these are with regard to the Union Flag and to the England national flag (St George's Cross); however, it is acknowledged that that this is anecdotal and may extend to other national flags such as those for Ukraine and Wales.

Specific consultation and engagement with intended audiences and target groups for the service change

There has been engagement with Cabinet elected members and the Chair of the Strategic Licensing Committee, together with the hackney carriage proprietor who

raised the initial concern about the prohibition on the display of flags; however, no formal public consultation has been undertaken with the wider hackney carriage and private hire trade, the public/passengers or other key stakeholders.

In relation to the current version of the Policy, there was a short period of informal engagement directly with the hackney carriage and private hire trade from 10 to 18 May 2022, which informed the draft upon which the full formal public consultation was based. The formal consultation was undertaken between 27 June 2022 and 4 September 2022, which included a face-to-face 'Taxi Forum' meeting held on the 18 August 2022. The process was overseen by the Strategic Licensing Committee and is set out in the Committee reports that were presented on 22 June 2022 and 5 October 2022, together with the final report that was presented to Cabinet in November 2022. The links to the relevant meeting and reports are listed below:

- [Agenda for Strategic Licensing Committee on Wednesday, 22nd June, 2022, 10.00 am — Shropshire Council](#) – see Agenda Item 9
- [Agenda for Strategic Licensing Committee on Wednesday, 5th October, 2022, 10.00 am — Shropshire Council](#) – see Agenda Item 18
- [Agenda for Cabinet on Wednesday, 30th November, 2022, 10.30 am — Shropshire Council](#) – see Agenda Item 90

During the engagement and consultation process, no feedback was received about the provisions that were introduced into the Policy relating to the prohibition on displaying flags on licensed vehicles or in relation to the advertising of private hire operator businesses.

Under the Government's (Department for Transport) Statutory Taxi and Private Hire Vehicle Standards ('the Statutory Standards'), there is an obligation to consult on proposed changes to licensing rules that may have significant impacts on passengers and/or the trade, whether they are negative or positive. There is no existing evidence to guide the Council in determining whether the proposed change to permit the Union Flag to be displayed on licensed vehicles is one that would or would not have significant impacts. This is compounded by the fact that there has currently been no formal consultation in respect of the proposed change, which, if undertaken, would give some indication of the level of any impact.

For this reason, the proposed change will be considered by the Council's Strategic Licensing Committee on 11 January 2023. When the report is made public (which should be on 2 January 2023), the Licensing Team will inform the taxi and private hire trade, using the communication channels that the trade is familiar with, about the proposed change and direct them to the link on the Council's website where they will find full details of the relevant Strategic Licensing Committee report. In addition, a press release will be issued in an attempt to raise wider awareness of the proposed change and to highlight the opportunity for individuals to ask public questions at the Committee meeting.

Initial equality impact assessment by grouping (Initial health impact assessment is included below this table)

*Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.
Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.*

Protected Characteristic groupings and other groupings in Shropshire	High negative impact <i>Stage Two ESHIA required</i>	High positive impact <i>Stage One ESHIA required</i>	Medium positive or negative impact <i>Stage One ESHIA required</i>	Low positive, negative, or neutral impact (please specify) <i>Stage One ESHIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding concerns e.g., an older person with a disability)				Neutral
<u>Disability</u> (please include cancer; HIV/AIDS; learning disabilities; mental health conditions and syndromes; multiple sclerosis; neurodiverse conditions such as autism; hidden disabilities such as Crohn's disease; physical and/or sensory disabilities or impairments)				Neutral
<u>Gender re-assignment</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Neutral
<u>Marriage and Civil Partnership</u> (please include associated aspects: caring responsibility, potential for bullying and harassment)				Neutral
<u>Pregnancy and Maternity</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Neutral
<u>Race</u>			Negative	

(please include ethnicity, nationality, culture, language, Gypsy, Roma, Traveller)				
Religion or belief (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Veganism, Zoroastrianism, and any others)				Low to medium negative
Sex (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Neutral
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				Neutral
Other: Social Inclusion (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; and veterans and serving members of the armed forces and their families)				Low to medium negative

Initial health and wellbeing impact assessment by category

Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Health and wellbeing: individuals and communities in Shropshire	High negative impact <i>Part Two HIA required</i>	High positive impact	Medium positive or negative impact	Low positive negative or neutral impact (please specify)
Will the proposal have a direct impact on an individual's health, mental health and wellbeing? For example, would it cause ill health, affecting social				Neutral

inclusion, independence and participation? .				
<p>Will the proposal indirectly impact an individual's ability to improve their own health and wellbeing?</p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking? .</p>				Neutral
<p>Will the policy have a direct impact on the community - social, economic and environmental living conditions that would impact health?</p> <p>For example, would it affect housing, transport, child development, education, employment opportunities, availability of green space or climate change mitigation? .</p>				Neutral
<p>Will there be a likely change in demand for or access to health and social care services?</p> <p>For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services? .</p>				Neutral

Guidance Notes

1. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. By way of illustration,

some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes.

These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

Service areas would ordinarily carry out a screening assessment, or Stage One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, a Stage One ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. This ESHIA would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation eg young people, as otherwise we would not know their specific needs.

A second Stage One ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement across groupings and to thus visibly show we are taking what is called due regard of the needs of people in protected characteristic groupings

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full

report, or Stage Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion.

In practice, Stage Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may occasionally need to be undertaken, but this would be very much the exception rather than the rule.

2. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health

This involves taking an equality and social inclusion approach in planning changes to services, policies, or procedures, including those that may be required by Government. The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet.
- What target groups and audiences you have worked with to date.
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to monitor and review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand-alone for a member of the public to read. The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions, or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

There are nine Protected Characteristic groupings defined in the Equality Act 2010. The full list of groupings is: Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation.

There is also intersectionality between these. Eg a young person with a disability would be in the groupings of Age and Disability, and if they described themselves as having a faith they would then also be in the grouping of Religion or Belief.

We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging, or delivering services.

For the individuals and groupings who may be affected, ask yourself what impact do you think is likely and what actions will you currently anticipate taking, to mitigate or enhance likely impact of the service change? If you are reducing a service, for example, there may be further use you could make of awareness raising through social media and other channels to reach more people who may be affected.

Social inclusion is then the wider additional category we use in Shropshire, in order to help us to go beyond the equality legislation in also considering impacts for individuals and households with regard to the circumstances in which they may find themselves across their life stages. This could be households on low incomes, or households facing challenges in accessing services, such as households in rural areas, and veterans and serving members of the armed forces and their families, or people that we might consider to be vulnerable, such as young people leaving care or refugee families.

Please note that the armed forces are now a grouping to whom we are required to give due regard under new Armed Forces legislation, although in practice we have been doing so for a number of years now.

When you are not carrying out an ESHIA, you still need to demonstrate and record that you have considered equality in your decision-making processes. It is up to you what format you choose.–You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESHIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council.

Carry out an ESHIA:

- If you are building or reconfiguring a building.
- If you are planning to reduce or remove a service.
- If you are consulting on a policy or a strategy.
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them.
- If you are setting out the standards of behaviour that we expect from people who work with vulnerable groupings, such as taxi drivers that we license.

- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself.
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

3. Council wide and service area policy and practice on health and wellbeing

This is a relatively new area to record within our overall assessments of impacts, for which we are asking service area leads to consider health and wellbeing impacts, much as they have been doing during 2020-2021 and 2021-2022, and to look at these in the context of direct and indirect impacts for individuals and for communities.

A better understanding across the Council of these impacts will also better enable the Public Health colleagues to prioritise activities to reduce health inequalities in ways that are evidence based and that link effectively with equality impact considerations and climate change mitigation.

Health in All Policies – Health Impact Assessment

Health in All Policies is an upstream approach for health and wellbeing promotion and prevention, and to reduce health inequalities. The Health Impact Assessment (HIA) is the supporting mechanism

- Health Impact Assessment (HIA) is the technical name for a process that considers the wider effects of local policies, strategies and initiatives and how they, in turn, may affect people's health and wellbeing.
- Health Impact Assessment is a means of assessing both the positive and negative health impacts of a policy. It is also a means of developing good evidence-based policy and strategy using a structured process to review the impact.
- A Health Impact Assessment seeks to determine how to maximise health benefits and reduce health inequalities. It identifies any unintended health consequences. These consequences may support policy and strategy or may lead to suggestions for improvements.
- An agreed framework will set out a clear pathway through which a policy or strategy can be assessed and impacts with outcomes identified. It also sets out the support mechanisms for maximising health benefits.

The embedding of a Health in All Policies approach will support Shropshire Council through evidence-based practice and a whole systems approach, in achieving our corporate and partnership strategic priorities. This will assist the Council and partners in promoting, enabling and sustaining the health and wellbeing of individuals and communities whilst reducing health inequalities.

Individuals

Will the proposal have a *direct impact* on health, mental health and wellbeing?

For example, would it cause ill health, affecting social inclusion, independence and participation?

Will the proposal directly affect an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to be physically active e.g., being able to use a cycle route; to access food more easily; to change lifestyle in ways that are of positive impact for their health.

An example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g., green highways), and changes to public transport that could encourage people away from car usage. and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve lives.

Will the proposal *indirectly impact* an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to access local facilities e.g., to access food more easily, or to access a means of mobility to local services and amenities? (e.g. change to bus route)

Similarly to the above, an example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g. pedestrianisation of town centres), and changes to public transport that could encourage people away from car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve their health and well being.

Communities

Will the proposal directly or indirectly affect the physical health, mental health, and wellbeing of the wider community?

A *direct impact* could include either the causing of ill health, affecting social inclusion, independence and participation, or the promotion of better health.

An example of this could be that safer walking and cycling routes could help the wider community, as more people across groupings may be encouraged to walk more, and as there will be reductions in emission leading to better air quality.

An *indirect impact* could mean that a service change could indirectly affect living and working conditions and therefore the health and well being of the wider community.

An example of this could be: an increase in the availability of warm homes would improve the quality of the housing offer in Shropshire and reduce the costs for households of having a warm home in Shropshire. Often a health promoting

approach also supports our agenda to reduce the level of Carbon Dioxide emissions and to reduce the impact of climate change.

Please record whether at this stage you consider the proposed service change to have a direct or an indirect impact upon communities.

Demand

Will there be a change in demand for or access to health, local authority and social care services?

For example: Primary Care, Hospital Care, Community Services, Mental Health and Social Services?

An example of this could be: a new housing development in an area would affect demand for primary care and local authority facilities and services in that location and surrounding areas. If the housing development does not factor in consideration of availability of green space and safety within the public realm, further down the line there could be an increased demand upon health and social care services as a result of the lack of opportunities for physical recreation, and reluctance of some groupings to venture outside if they do not perceive it to be safe.

***For further advice: please contact
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