



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

Date: Monday, 12 November 2018

**Committee:**  
**Strategic Licensing Committee**

**Date:** Tuesday, 20 November 2018  
**Time:** 10.00 am  
**Venue:** Shrewsbury Room - Shirehall

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

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of the Committee**

Keith Roberts (Chairman)  
Simon Jones (Vice Chairman)  
Peter Adams  
Roy Aldcroft  
Dean Carroll  
Rob Gittins  
Elliott Lynch  
Paul Milner  
Kevin Pardy  
Vivienne Parry  
Ed Potter  
Harry Taylor  
Robert Tindall  
Dave Tremellen  
David Vasmer

**Substitute Members of the Committee**

Ted Clarke  
Pauline Dee  
David Evans  
Nigel Hartin  
Richard Huffer  
Matt Lee  
Pamela Moseley  
Clare Aspinall  
William Parr  
Paul Wynn

Your Committee Officer is:

**Shelley Davies** Committee Officer

Tel: 01743 257717

Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk)

# AGENDA

## **1 Apologies**

To receive apologies for absence

## **2 Minutes of Previous Meeting**

To approve the minutes of the previous meeting as a true record (Minutes to follow).

## **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 10.00 am on Monday 19<sup>th</sup> November 2018.

## **4 Disclosable Pecuniary Interests**

## **5 Proposed Removal of the Existing Five Hackney Carriage Zones (Pages 1 - 38)**

Report of the Transactional and Licensing Manager is attached, marked 5.

Contact: Mandy Beever (01743 251702)

## **6 Date of Next Meeting**

To note that the next meeting of the Strategic Licensing Committee will be held on Wednesday, 23rd January 2019 in the Shrewsbury Room, Shirehall, Shrewsbury.



<u>Committee and Date</u>
Strategic Licensing Committee
20 November 2018

<u>Item</u>
<b>5</b>
Public

## PROPOSED REMOVAL OF THE EXISTING FIVE HACKNEY CARRIAGE ZONES

**Responsible Officer** Mandy Beever Transactional and Licensing Team Manager  
e-mail: mandy.beever@shropshire.gov.uk Tel: 01743 251702

### 1. Summary

- 1.1 This report sets out a proposal for removal of the five existing Hackney Carriage Zones ('the Zones') and apply a single hackney carriage licensing regime throughout the administrative area of Shropshire Council.
- 1.2 At the Strategic Licensing Committee meeting held on 20 June 2018 the Committee agreed to commence a ten week consultation period from 25 June 2018 to 2 September 2018 to receive responses in regard to the proposal to remove the five Hackney Carriage Zones.
- 1.3 Officers considered the responses received and as a result concluded that there was a requirement to amend the transitional arrangements proposed resulting in a fundamental change. Therefore, Officers requested the Committee, at a meeting held on 3 October 2018, to allow a further period of consultation on the revised transitional arrangements. The Committee agreed to commence a further four week consultation period from 8 October 2018 to 4 November 2018.

### 2. Recommendation

- 2.1 That the Committee considers all the responses submitted during the consultation periods, the first one was undertaken from 25 June 2018 to the 2 September 2018 and the second one was undertaken from 8 October 2018 to the 4 November 2018 and notes the officer's summary as set out in **Appendix A**.
- 2.2 That the Committee recommends to the Council that the five existing Hackney Carriage Zones are removed and application of a single Hackney Carriage licensing regime throughout the administrative area of Shropshire Council will take effect from date of 1 April 2021.

## REPORT

### 3. Risk Assessment and Human Rights Act Appraisal

- 3.1 The control of hackney carriage licensing is currently based on the regimes that existed within the previous District and Borough councils (South Shropshire District Council, North Shropshire District Council, Shrewsbury and Atcham Borough Council, Oswestry Borough Council and Bridgnorth District Council) prior to the formation of Shropshire Council ('the Council') in 2009.
- 3.2 Hackney carriage licensing is a function of the Council and the power to remove the existing five zones (see paragraph 5.3 below for details of the existing zones) is set out in provisions within the Local Government Act 1972 ('the LGA72').
- 3.3 The removal of the zones, in effect, will create a single area that would permit Shropshire Council licensed hackney carriages to operate across the whole of the administrative area of Shropshire Council rather than being restricted to the zone for which they are currently licensed. The most significant impact for existing hackney carriage proprietors, who currently operate outside of 'Zone 4', is that all vehicles will be required to be wheelchair accessible.
- 3.4 In practice, the removal of the zones will require existing hackney carriage proprietors to make a commercial decision based on whether they want to operate wheelchair accessible hackney carriage vehicles, in which case the Council will support them to do so by publishing their contact details on the Designated List of Wheelchair Accessible Vehicles, or alternatively to focus on being a private hire business and be subject to the private hire regime for their vehicles and to the relevant private hire operator conditions.

### Consultation Responses

- 3.5 Full details of the responses to the first consultation, together with the analysis of those responses with officer comments and explanatory notes, were considered by the Strategic Licensing Committee on the 3 October 2018. The relevant report can be found in the papers for the Committee meeting held on the 3 October 2018 at Agenda Item 7 <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?MId=3730>. A summary of the responses is set out below.
- 3.6 There were 16 responses received following the first consultation; 1 of which was not relevant. Of the 15 relevant responses, a significant majority (80%) were in full support of the removal of the existing five zones citing advantages that would benefit both passengers and the trade. The supporting responses were received from hackney carriage proprietors (or their representatives) who are currently licensed to operate in zones 3, 4 and 5, together with responses from a private hire operator/driver based in zone 1, a member of the public who resides in zone 4 and a town council in zone 5. No responses

were received from anyone linked to zone 2 and no hackney carriage proprietors that currently operate in zones 1 or 2 responded. The 20% of responses that were against the proposal to remove the existing zones were based on localised economic impacts linked to the wider licensing changes that have occurred over the previous three years rather than as a direct result of removing the zones in the future.

- 3.7 The initial proposal to remove the existing five zones was based on an implementation date of 1 April 2019 with a two year transition period to allow the trade to undertake appropriate financial business planning and for all hackney carriages to be wheelchair accessible by 31 March 2021. However, feedback from the consultation suggested that this would give the hackney carriage proprietors in zones 1, 2, 3 and 5 (who don't already have wheelchair accessible vehicles) an unfair economic advantage over proprietors in zone 4 who currently do have wheelchair accessible hackney carriages. As a result, the Committee considered a revised proposal to make the decision to remove the existing zones in 2018/19, but with an effective implementation date delayed until 1 April 2021. If this was implemented, it would mean that the trade would, in effect, still have a two year transition period, but the hackney carriage proprietors in zone 4 will not face immediate competition from existing proprietors in zones 1, 2, 3 and 5 as all proprietors will continue to operate in their current zones until 31 March 2021. The hackney carriage proprietors who currently operate in zones 1, 2, 3 and 5 will, however, be fully aware that they have two years to upgrade their hackney carriages to accommodate wheelchairs or to take a business decision not to do so and instead licence their vehicles under the private hire regime.
- 3.8 A total of 6 responses were received during the second consultation period all from hackney carriage proprietors; 4 were against the proposal to remove the five zones and 2 were in full support. The 2 in support were both from zone 4 and the 4 against were from zones 2 and 3. Of the responses, the 2 in favour of removing the zones were also supportive of the proposal to delay the implementation date until 1 April 2021. A summary with the consultation responses can be found at **Appendix A**.
- 3.9 Considering the feedback from the two consultations together, it is clear that the response is limited – only 22 (one of which was not relevant) set against over 100 hackney carriages and over 700 private hire vehicles currently licensed by the Council. This should not, however, be perceived as a negative outcome; rather, it demonstrates that the trade's understanding of the key role they have to play in the future of inclusive transport options, particularly for those who are wheelchair users, has improved significantly in recent years and this has been influenced by the continuing constructive dialogue between the licensing team and the hackney carriage and private hire trade. In addition, despite the limited response, the majority (67%) of responders fully supported the removal of the zones. Those against were unable to provide robust or substantive evidence for their position and it was largely based on localised economic impacts linked to the wider licensing changes that have occurred over the previous three years rather than as a direct result of removing the zones in the future.

- 3.10 The number of Shropshire Council licensed vehicles that are currently wheelchair accessible is 77; 57 are hackney carriages and 20 are private hire vehicles. There are a further 69 licensed hackney carriages and 688 licensed private hire vehicles that are currently not wheelchair accessible. This means that 45.2% of Shropshire Council licensed hackney carriages and 2.8% of private hire vehicles are wheelchair accessible. The percentage of wheelchair accessible vehicles in Shropshire is below the percentage for England as a whole and is clearly very low for private hire vehicles, albeit it is slightly higher (by less than 1%) in Shropshire compared with the figure for England. (See below for England figures reported by DfT.)
- 3.11 There is no single source of data that gives a true or reliable picture of the number of wheel chair users in Shropshire; however, a report using data from the 2011 census estimates there are 6,129. [https://www.musculardystrophyuk.org/assets/0001/0981/Stand Up And Be Counted.pdf](https://www.musculardystrophyuk.org/assets/0001/0981/Stand_Up_And_Be_Counted.pdf). Data available from Council 'Care First' records indicates there are 3,166 people registered with a physical disability.
- 3.12 Government's recently published Inclusive Transport Strategy demonstrates that there is an increasing expectation for transport strategies to provide inclusive transport solutions for disabled passengers. The DfT report that in England 58% of all hackney carriages were wheelchair accessible in 2018. This has remained at similar levels since 2015. In comparison 2% of private hire vehicles were wheelchair accessible in 2018, similar to the proportion in 2017.
- 3.13 If hackney carriage proprietors upgrade their vehicles, this will clearly increase the number of wheelchair accessible vehicles operating in Shropshire. If they opt to licence their vehicles as private hire vehicles, the number of wheelchair accessible vehicles will not increase; however, equally this approach will not reduce the number of wheelchair accessible vehicles, and, significantly, under the private hire regime, the Council will be in a position to enhance its safeguarding checks on more vehicle proprietors and drivers, providing they remain with Shropshire Council and do not apply to be licensed by another Council with less robust policies in place.
- 3.14 This proposed amendment to the implementation date will also provide a longer lead in time for the licensing team to engage with hackney carriage proprietors for the purposes of reviewing the existing five hackney carriage tariff cards with the aim of replacing this with a single card. This will enhance transparency and consistency across hackney carriage fares in Shropshire, which will, in turn, increase consumer protection as it relates to the pricing of hackney carriage journeys.
- 3.15 Equally, following the outcome of the consultation process relating to the removal of the Zones, if the Committee does support the removal of the five Zones, a separate report to address the required procedural steps that must be taken will be prepared and presented directly to the Council.

- 3.16 An Equality and Social Inclusion Impact Assessment (ESIIA) has been undertaken for all the groups. For all the groups, the impact is rated as positive; notably, with respect to the 'disability' group, the impact is rated as 'high positive' and 'age' as 'medium positive'. The impact is also rated as 'medium positive' for people for whom there are safeguarding concerns, given the greater ability of the Council to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults, and the likely improvements overall to public safety under the proposed changes, bringing particular benefits for vulnerable households.
- 3.17 With respect to the remaining groups, the impact, in reality, is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact. The assessment took into account children and young people who are looked after by Shropshire Council and the families of children in need when considering the 'age' group and vulnerable adults, e.g. adults with learning disabilities, when considering the 'disability' group. The full ESIIA document can be found at **Appendix B**.

#### **4. Financial Implications**

- 4.1 The financial implications associated with the recommendation are limited to the employee costs associated with undertaking the consultation exercise and any costs of publishing the resolution to remove the Zones, in the event that the decision is made to do so. These costs are recovered through the licensing fees.

#### **5. Background**

- 5.1 The Council has a duty to provide for the licensing of hackney carriages under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must provide for the licensing of private hire drivers, vehicles and operators.
- 5.2 Whilst it is recognised that this duty requires an efficient and effective administrative process, the fundamental purpose of the licensing regime is to protect the safety of the public. This means the Council must ensure that only fit and proper persons are licensed to be drivers, operators and proprietors of licensed vehicles and that vehicles remain safe and fit for the purpose of transporting fare-paying passengers.
- 5.3 Within the administrative area of Shropshire Council, there are currently five separate Hackney Carriage Zones that are defined by reference to the five district and borough council areas that existed prior to the creation of the unitary authority, namely:-
- Zone 1 – Bridgnorth District Council
  - Zone 2 – North Shropshire District Council
  - Zone 3 – Oswestry Borough Council
  - Zone 4 – Shrewsbury & Atcham Borough Council

Zone 5 – South Shropshire District Council

- 5.4 The Public Sector Equality Duty (PSED), under the Equality Act 2010 (EA2010), requires the Council to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Furthermore, in April 2017, Sections 165 and 167 of the EA2010 were enacted giving the Council the power to publish a Designated List of Wheelchair Accessible Vehicles. The Department of Transport (DfT) actively encourages local authorities to undertake the necessary steps to publish such a list in order to improve access to transport for wheelchair users.
- 5.5 The removal of the Zones is inextricably linked to both the PSED and the more recent change that was made to the EA2010 in April 2017. Given the responsibilities that are placed on the Council in this regard, there is a need for the Committee to seriously consider enabling Shropshire Council licenced hackney carriages to operate across the whole of the Shropshire Council administrative area in order to achieve the most effective outcomes for wheelchair users and, where relevant, their carers.
- 5.6 The proposed removal of the Zones aims to further promote equal transport rights for wheelchair users and, where relevant, their carers who may wish to use hackney carriages as a form of transport without unduly undermining the commercial operation of existing hackney carriage provision outside of 'Zone 4' and taking account of the PSED placed on the Council.
- 5.7 The Council also has safeguarding responsibilities, particularly in relation to tackling exploitation, including child sexual exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults.
- 5.8 Directly linked to the Council's safeguarding responsibilities, the Deregulation Act 2015, whilst aiming to enable private hire operators to more readily fulfil demand, has inadvertently enabled an increase in private hire drivers and vehicles licensed by other local authorities operating across the administrative area of Shropshire Council, i.e. cross-border hiring. This has increased the risk to public safety and has led to not only business being taken away from Shropshire Council private hire operators but has also adversely impacted on the available business for hackney carriage proprietors. This is further compounded by the inability of hackney carriage proprietors to operate outside their current designated Zone.
- 5.9 Private hire operators are subject to robust checks in order to operate legitimate private hire businesses. There are a number of businesses that have traditionally operated under the hackney carriage regime when in reality they are operating in the same manner as licenced private hire operators but without having to comply with the Council's operator conditions. Although the law allows hackney carriage proprietors to conduct their business in this way, it has the potential undermine the steps that the Council implemented in 2015 to tackle child sexual exploitation and it will limit the Council's future ability to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery



and human trafficking of children and vulnerable adults. Hackney carriage proprietors are strongly encouraged to consider how they operate their business to ensure they meet all their safeguarding responsibilities.

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

- Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010)
- Deregulation Act 2015
- Equality Act 2010
- Town Police Clauses Act 1847
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Act 1976
- Strategic Licensing Committee Report – 'Proposed Consultation on the Removal of the Five Hackney Carriage Zones' dated 20 June 2018  
<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>
- Strategic Licensing Committee Report – 'Proposed Consultation on the Removal of the Five Hackney Carriage Zones' dated 3 October 2018  
<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3730&Ver=4>
- Taxi and Private Hire Vehicle Licensing – Steps towards a safer more robust system  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/745516/taxi-and-phv-working-group-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745516/taxi-and-phv-working-group-report.pdf)
- The Inclusive Transport Strategy: achieving equal access for disabled people  
<https://www.gov.uk/government/publications/inclusive-transport-strategy/the-inclusive-transport-strategy-achieving-equal-access-for-disabled-people>
- Taxi and Private Hire Vehicle Statistics, England: 2018  
<https://www.gov.uk/government/statistical-data-sets/taxi01-taxis-private-hire-vehilces-and-their-drivers>

**Cabinet Member:** Councillor Joyce Barrow, Portfolio Holder for Communities, Waste & Regulatory Services

**Local Member:** Report is applicable to the whole administrative area of the Council

**Appendices:**

Appendix A – Officer summary and consultation responses

Appendix B - Equality and Social Inclusion Impact Assessment (ESIIA)



## Appendix A

### Officer comments to consultation responses received

Appendix Letter/ Document Number	Para. No.	Supporting Proposals (SP), Not Supporting Proposals (NSP) or Not Applicable (NA)	Officer Comments Explanatory Notes	Zone
1	1	NSP	Response does not support the removal of the five hackney carriage zones	4
1	2	NA	Comments noted – the response falls outside the remit of the consultation into the removal of the hackney carriage zones	
2	1 & 2	SP	Response fully supports the revised proposal	4
2	3	NA	Comments noted	
2	4	NA	Comments noted – the response falls outside the remit of the consultation into the removal of the hackney carriage zones	
3	1	NSP	Response does not support the removal of the five hackney carriage zones	3
4	1	NSP	Response does not support the removal of the five hackney carriage zones	2
5	1	SP	Response fully supports the revised proposal	4
6	1	NSP	Response does not support the removal of the five hackney carriage zones	3

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**From:**  
**Sent:** 04 September 2018 21:07  
**To:** Taxis  
**Subject:** Get Involved

Dear Sir/Madam

- ① Regarding the removal of the existing five hackney carriage zones, I do not think this should happen. The reason being the work is less, there are a few ranks and more taxi drivers will come from other zones to zone 4 causing problems for the current drivers at that zone. The ranks in the night will have a lot of trouble. I seriously request this does not take place.
- ② I also request that we can have a rank in the day time in the town centre.

Kind Regards

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**From:**  
**Sent:** 16 October 2018 10:43  
**To:** Taxis  
**Subject:** Consultation

To whom may Listen

- ① With the removal of the Zones in Shropshire for Hackney Carriage vehicles it will cause an unfair advantage until all the areas have Wheelchair accessible.
- ② It would be great to bring the removal of zones in over a period of time so the trade can change their vehicles to what is necessary before they are removed. This is then a fair system as Zone 4 is not at a disadvantage.
- ③ Also on another note I am in the process of changing one of my vehicles and have found out from a company that deals in ex-mobility vehicles that the government is in the process of changing how long wheelchair vehicles are kept as mobility vehicles. At present it is 3 years but will be changing to 5 years. This cuts down the access we have to obtain vehicles.
- ④ I know the consultation for this has finished but with light of this information coming out after the deadline I believe it would be a dereliction of duty on the behalf of the council if this information is not brought forward to the Committee when they make their decision on the overall policy for the taxi and private hire trade, as this has a massive financial impact on us.

If you would like to discuss or need any more information on these points please give me a ring.

Regards

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**From:**  
**Sent:** 16 October 2018 22:19  
**To:** Taxis  
**Subject:** D-zone  
**Attachments:**

Licence no;

**DEAR to The Licencing Sector.**

① I would like to take this opportunity to thank you that I would like to speak writes of my opinion towards the legislations you introducing in the next twenty four months .I just bought a new car which is euro 6 specification model I still have another four and half years of payment to pay.

If you'd notified me at that time I could've bought a wheel chair accessible vehicle .

I am forty seven years of age , we can't keep on going on finance agreement and to be fare other drivers are in the same net , you are taking away our lively hoods By putting debts in us making us buy a wheel chair accessible vehicle in a rural society isn't visible its not enough to pay its way .

I am very much concerned about the decision I think you should see this very deeply rather than in surface, Because there are other local drivers are suffering in silence about the decision you have made.

I strongly feel if you going to D- zone all areas you are not going to make it better the drivers are going to be worse off than better off.

thank you I look forward to hear from you soon

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**From:**  
**Sent:** 22 October 2018 12:35  
**To:** Taxis  
**Subject:** Removal of zones

① I have a CEO of cabs will not be supporting the removal of zones if this goes ahead then please explain the use of paying for a plate this will be a very bad decision to make on behalf the council and the licensing team



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**From:**  
**Sent:** 31 October 2018 12:14  
**To:** Taxis  
**Subject:** Hackney zone consultation

Good afternoon

As a zone 4 hackney operator, I believe that de zoning the Hackney's in Shropshire before they have all become wheelchair accessible would serve to confuse the public and give operators using normal cars as Hackney's an unfair advantage over the larger more expensive wheelchair accessible vehicle operators. Therefore I am in full support of the new revised policy of de zoning in April 2021 once all Hackney's in the county are wheelchair accessible.

Regards

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**From:**  
**Sent:** 04 November 2018 17:04  
**To:**  
**Cc:**  
**Subject:** consultation on the proposed removal of the existing five hackney carriage zones  
**Attachments:** wav letter.doc

Please see attached document.

Could you let me know when and where the Strategic Licensing Committee will meet to discuss this proposal and could you send me all relevant documents and who is on the committee

*Yours sincerely*

licence number

***mobile ;***

***E-mail Disclaimer :***

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## Email

Ref: Proposed removal of existing 5 zones

Dear Councillors / Officers.

① Although the proposal for a single licensing regime throughout Shropshire will reduce administration to the council, the proposal for all taxis (hackney carriage) across the whole of the Shropshire to have 100% wheelchair accessible vehicles (WAVs) is of great concern.

The cost to the owner drivers especially in the smaller market towns and rural areas will not be economical viable & national statistics say that on average 15% of taxis are wheelchair accessible in rural towns.

The taxi running costs in rural areas are much greater than urban due to the dead mileage to and from pickups.

A great number of drivers in Oswestry and other smaller market towns are part time, they mostly only work on a Friday & Saturday evening as the rank and hail work is predominantly weekend work and any financial restriction on this vital service will have a detrimental effect on the late night economy and policing issues as this here and now booking (Hailing) cannot be covered by the private hire sector. (PRE BOOK ONLY)

New vehicle (wav) with modifications can cost around £40,000.

You are limited to a small range of larger vans or MPVs which can cost more to run

WAVs can't be converted back. You will have to sell the vehicle to a smaller market, at a lower price.

*Data about the number of licensed taxis and private hire vehicles in England and Wales, (Department for Transport.)*

*In England 58% of all taxis were wheelchair accessible in 2018. This has remained at similar levels since 2015. In comparison 2% of PHVs were wheelchair accessible in 2018, similar to the proportion in 2017.*

*In other urban areas 37% of taxis were wheelchair accessible and in rural areas 15% of taxis were wheelchair accessible. Some authorities (65% or 188 licensing authorities) required wheelchair accessible vehicles in all or part of their taxi fleet.*

*Help the Aged* report forecasts that by the year 2021 one in three people in the UK will be aged over 60.

**So why are the Shropshire Council proposals making it harder, or impossible, for the elderly to use a taxi?**

**Some reports from so-called experts say that black cabs (Shrewsbury and Atcham type's zone 4 are fully accessible and meet all needs. They do not meet the needs of the elderly or all disabled**

**The sensible solution is to have mixed fleet of taxis, saloon and Shrewsbury and Atcham type.**

**The proposal for 100% "WAV" will exclude many of the elderly and disabled who are not in wheelchairs.**

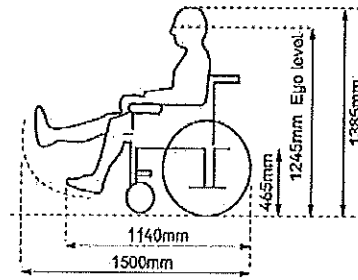
**By adopting the 100% wheelchair accessible taxi policy, you will be discrimination against the very people that the Disability Discrimination Act was supposed to help.**

**In this country there are 6,000,000 plus disabled, with about 800,000 who use wheelchairs**

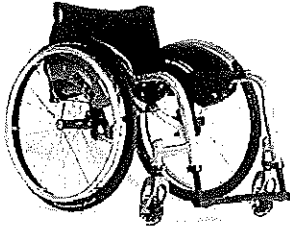
**only some of who use them all the time, Most wheelchair users can transfer from wheelchair to saloon car but have great difficulty with WAV because the seats are at a greater height .**



*ZONE 4 TYPE HIGH SEATING POSITION*



*: SEAT HEIGHT 465 MM*



*Many modern wheel chairs of a carbon fibre type wheel chairs cannot be strapped down into a wav due to the design and these passengers mostly prefer to transfer to a saloon car*

Not all disabled people are in wheelchairs. More than 20 million people in this country, including many who are young and look very fit, have arthritis. Many of these would find it difficult to get into a Shrewsbury and Atcham ZONE 4 Type WAV.

Why make life harder for people who already live in pain?

WAVs often require you to sit alone in the rear, isolating you from other passengers.

Comfort

You may not have access to all the car's comforts from your seat. The driver will need to drive slower and take corners with extreme caution.

Vehicles

WAVs comprise only a small range of vehicles, which are mainly vans or MPVs.

You're always on view to the public in a WAV since you sit in the back of the van or MPV.

Taxi drivers play a major part in transporting disabled persons and we would like to carry on doing so, but many of us will be prevented from this rewarding aspect of our business by this unnecessary legislation.

We have been transporting the disabled for many years, with Oswestry having one of the largest disabled collages in the country The Derwen Collage Gobowen, Robert Jones Agnus Hunt Orthopaedic Hospital without legislation or fuss.

Many private hire licensed organisations specialize with wheelchair transportation including. dial a ride, patient services, along with many independent private hire operators and have no unmet demand for services.

### Exempt Drivers

The Equality Act 2010 (the Act), administers a list of licensed vehicles which are occupied wheelchair accessible. This list is referred to as the Designated Vehicles list. The Council is responsible for enforcement of the drivers' responsibilities with respect to the carriage of a person(s) in wheelchairs, and for exempting drivers from such responsibilities on medical grounds, or a physical condition making it impossible or unreasonably difficult.

*"Every natural or legal person is entitled to the peaceful enjoyment of his possessions",*

## **Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)**

### **Name of service change:**

Removal of the existing five taxi zones ('the zones') in Shropshire and application of a single taxi licensing regime throughout the administrative area of Shropshire Council.

### **Contextual Notes 2016**

#### ***The What and the Why:***

The Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA) 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.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. 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.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs 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.

#### ***The How:***

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

**Screening (Part One)** enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A **full report (Part Two)** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision

to reach based on the evidence available, a full report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

## Shropshire Council Part 1 ESIA: initial screening and assessment

*Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.*

### Name of service change

Removal of the existing five taxi zones ('the zones') in Shropshire and application of a single taxi licensing regime throughout the administrative area of Shropshire Council.

### Aims of the service change and description

#### Aims

To further promote equal transport rights for wheelchair users in Shropshire and, where relevant, their carers who may wish to use taxis (hackney carriages) as a form of transport without unduly undermining the commercial operation of existing taxi provision outside of 'zone 4' (this area being defined by reference to the previous Shrewsbury & Atcham Borough Council area) and taking account of the Public Sector Equality Duty (PSED) placed on Shropshire Council ('the Council').

To create a single area that would permit Shropshire Council licensed taxis to operate across the whole of the administrative area of the Council rather than being restricted to the zone for which they are currently licensed.

To ensure all taxis (not only those currently licensed to operate in 'zone 4'), licensed by the Council in the future, are wheelchair accessible.

To protect the safety of the public.

#### Description

The control of taxi licensing is currently based on the regimes that existed within the previous district and borough councils prior to the formation of Shropshire Council in 2009; hence, within the administrative area of Shropshire Council, there are currently five separate taxi zones that are defined by reference to the five previous district and borough council areas, namely:-

- Zone 1 – Bridgnorth District Council
- Zone 2 – North Shropshire District Council
- Zone 3 – Oswestry Borough Council
- Zone 4 – Shrewsbury & Atcham Borough Council
- Zone 5 – South Shropshire District Council

The removal of the zones is inextricably linked to both the Public Sector Equality Duty (PSED) and the more recent enactment of Sections 165 and 167 of the Equality Act 2010 that gave the Council the power to publish a Designated List of Wheelchair Accessible Vehicles. Given the responsibilities that are placed on the Council in this regard, there is a clear need for the Council to enable Shropshire Council licenced taxis to operate across the whole of the Shropshire Council administrative area in order to achieve the most effective outcomes for

wheelchair users and, where relevant, their carers.

The Council has a duty to provide for the licensing of taxis under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must also provide for the licensing of private hire drivers, vehicles and operators.

The Council has the legal power to remove the five existing taxi zones and this is set out in provisions within the Local Government Act 1972; there is no power to re-create the five zones, or any other combination of zones, once the existing zones are removed.

Whilst it is recognised that the duty to provide for the licensing of taxis requires an efficient and effective administrative process, the fundamental purpose of the licensing regime is to protect the safety of the public. This means the Council must ensure that only fit and proper persons are licensed to be drivers, operators and proprietors of licensed vehicles and that vehicles remain safe and fit for the purpose of transporting fare-paying passengers

The Deregulation Act 2015, whilst aiming to enable private hire operators to more readily fulfil demand, has inadvertently enabled an increase in private hire drivers and vehicles licensed by other local authorities operating across the administrative area of Shropshire Council, i.e. cross-border hiring. This has increased the risk to public safety and has not only led to business being taken away from Shropshire Council private hire operators, but also adversely impacted on the available business for taxi proprietors. This is further compounded by the inability of taxi proprietors to operate outside their current designated zone.

Private hire operators are subject to robust checks in order to operate legitimate private hire businesses. There are a number of businesses that have traditionally operated under the taxi regime when in reality they are operating in the same manner as licenced private hire operators, but without having to comply with the Council's operator conditions. Although the law allows taxi proprietors to conduct their business in this way, it has the potential to undermine the steps that the Council implemented in 2015 to tackle child sexual exploitation and it will limit the Council's future ability to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults. Taxi proprietors are being strongly encouraged to consider how they operate their business to ensure they meet all their safeguarding responsibilities.

In practice, the removal of the zones will require existing taxi proprietors to make a commercial decision based on whether they want to operate wheelchair accessible taxis, in which case the Council will support them to do so by publishing their contact details on the Designated List of Wheelchair Accessible Vehicles, or alternatively to focus on being a private hire business and be subject to the private hire regime for their vehicles and to the relevant private hire operator conditions.

The practical impact of the removal of the zones is reflected in the proposed Hackney Carriage and Private Hire Licensing Policy 2019 to 2023, which has been the subject of a separate consultation. Full details of the proposed policy are available in the papers that were presented to the Council's Strategic Licensing Committee on the 20 June 2018 at Agenda Item 14 (see link below). The outcome of the consultation will be presented to the Committee at a later date.

<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>.

### **Intended audiences and target groups for the service change**

- Persons who wish to apply for taxi 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 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 taxi/private hire services, irrespective whether this is because they live, visit or work in Shropshire
- 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 disabled people
- Shropshire Tourist Board
- Police forces, in particular West Mercia Police
- Police and Crime Commissioner
- Shropshire located Town and Parish Councils
- Shropshire MPs

### **Evidence used for screening of the service change**

The number of Shropshire Council licensed vehicles that are currently wheelchair accessible is 77; 57 are taxis and 20 are private hire vehicles. There are a further 69 licensed taxis and 688 licensed private hire vehicles that are currently not wheelchair accessible. This means that 45.2% of Shropshire Council licensed taxis and 2.8% of private hire vehicles are wheelchair accessible. The percentage of wheelchair accessible vehicles in Shropshire is below the percentage for England as a whole and is clearly very low for private hire vehicles, albeit it is slightly higher (by less than 1%) in Shropshire compared with the figure for England. (See below for England figures reported by DfT.)

There is no single source of data that gives a true or reliable picture of the number of wheel chair users in Shropshire; however, a report using data from the 2011 census estimates there are 6,129.

[https://www.musculardystrophyuk.org/assets/0001/0981/Stand\\_Up\\_And\\_Be\\_Counted.pdf](https://www.musculardystrophyuk.org/assets/0001/0981/Stand_Up_And_Be_Counted.pdf).

Data available from Council 'Care First' records indicates there are 3,166 people registered with a physical disability.

In April 2017, Sections 165 and 167 of the Equality Act 2010 were enacted giving the Council the power to publish a Designated List of Wheelchair Accessible Vehicles. The Department of Transport (DfT) is actively encouraging local authorities to undertake the necessary steps



to publish such a list in order to improve access to transport for wheelchair users (see reference to DfT letter of 30 July 2018 below).

Continuous lobbying from disability groups highlighting the lack of availability of suitable wheelchair accessible vehicles in Shropshire.

Complaints, and subsequent investigations by the Council's Trading Standards & Licensing Service, concerning licensed drivers that have discriminated against wheelchair users.

Government's recently published Inclusive Transport Strategy and the clear evidence that there is an increasing expectation for transport strategies to provide inclusive transport solutions for disabled passengers. The DfT report that in England 58% of all taxis were wheelchair accessible in 2018. This has remained at similar levels since 2015. In comparison 2% of private hire vehicles were wheelchair accessible in 2018, similar to the proportion in 2017.

Letter (30 July 2018) from the DfT to the Council highlighting the publication of the Inclusive Transport Strategy and including specific reference to actions that the DfT expects the Council to take in relation to improving the accessibility of taxi and private hire vehicles, specifically:

- Publishing lists of taxis and PHVs designated as being "wheelchair accessible" for the purposes of Section 167 of the Equality Act 2010.
- Prosecuting drivers for discriminating against assistance dog owners and wheelchair users, where sufficient evidence exists to do so, and applying appropriate licensing sanctions.
- Reviewing the demand for wheelchair accessible taxis and PHVs in Shropshire, and taking steps to ensure that the composition of fleets reflects this need.
- Requiring all taxi and PHV drivers to complete disability awareness training.

An increasing number of vehicles, licensed by other neighbouring local authorities that do not have the same requirements in place as Shropshire Council, are now operating in Shropshire. The extent of this increase is not known for certain, although officers undertaking enforcement exercises in Shropshire have noted up to 50% of the vehicles checked are licensed by other local authorities. In addition, the overall number of vehicles licensed by Shropshire Council is on a downward trend.

Information contained in the DfT's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010)

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

The Council's Strategic Licensing Committee has overseen the proposal to remove the existing five taxi zones. The Committee is a group of Councillors drawn from across the whole of the Shropshire area. The Members of the Committee considered and approved a draft policy for formal public consultation through the Council's website and directly with relevant stakeholders. The relevant report can be found in the papers for the Committee meeting held on the 20 June 2018 at Agenda Item 13 <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>

A public consultation in respect of the proposed change was undertaken over a 10 week period from 25 June 2018 to the 2 September 2018.

In addition to the general information about the consultation that was made available on the Council's 'Get involved' section of its website and on the Council and licensing team social media platforms, hard copy inserts informing driver, proprietor and operator applicants and licence holders were included in all renewal reminder correspondence and with issued licences; links to the consultation were also embedded into all emails sent out from the generic 'taxis' email address and from individual officers involved in taxi and private hire licensing.

Details of the consultation were also sent directly, by email, to:

- All hackney carriage and private hire drivers, proprietors and operators, where an email address was held on record
- Shrewsbury Tourism
- Competition and Markets Authority
- Oswestry Access Group
- Shropshire Disability Network
- West Mercia Police
- Shropshire Fire and Rescue Service
- Shropshire Council Adult Safeguarding
- Shropshire Council Children Safeguarding
- Neighbourhood Authority Working Group and Regional Taxi Licensing Forum (which included Telford & Wrekin Council and City of Wolverhampton Council)
- Shropshire Council Regulatory Services and Trading Standards & Licensing managers
- Shropshire Council Passenger Transport Team
- Director of Public Health

The consultation welcomed and encouraged feedback on the proposal to remove the existing five taxi zones and to replace this with a single taxi licensing regime throughout the administrative area of Shropshire Council.

Full details of the responses, together with the analysis of those responses with officer comments and explanatory notes, were considered by the Strategic Licensing Committee on the 3 October 2018. The relevant report can be found in the papers for the Committee meeting held on the 3 October 2018 at Agenda Item 7 <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?MId=3730>. A summary of the responses is set out below.

There were 16 responses received following the consultation; 1 of which was not relevant. Of the 15 relevant responses, a significant majority (80%) were in full support of the removal of the existing five taxi zones citing advantages that would benefit both passengers and the trade. The supporting responses were received from taxi proprietors (or their representatives) who are currently licensed to operate in zones 3, 4 and 5, together with responses from a private hire operator/driver based in zone 1, a member of the public who resides in zone 4 and a town council in zone 5. No responses were received from anyone linked to zone 2 and no taxi proprietors that currently operate in zones 1 or 2 responded. The 20% of responses that were against the proposal to remove the existing zones were based on localised economic impacts linked to the wider licensing changes that have occurred over the previous three years rather than as a direct result of removing the zones in the future.

The initial proposal to remove the existing five zones was based on an implementation date of 1 April 2019 with a two year transition period to allow the trade to undertake appropriate financial business planning and for all taxis to be wheelchair accessible by 31 March 2021. However, feedback from the consultation suggested that this would give the taxi proprietors in zones 1, 2, 3 and 5 (who don't already have wheelchair accessible taxis) an unfair economic advantage over proprietors in zone 4 who currently do have wheelchair accessible taxis. As a result, the Committee considered a revised proposal to make the decision to remove the existing zones in 2018/19, but with an effective implementation date delayed until 1 April 2021. If this was implemented, it would mean that the trade would, in effect, still have a two year transition period, but the taxi proprietors in zone 4 will not face immediate competition from existing proprietors in zones 1, 2, 3 and 5 as all proprietors will continue to operate in their current zones until 31 March 2021. The taxi proprietors who currently operate in zones 1, 2, 3 and 5 will, however, be fully aware that they have two years to upgrade their taxis to accommodate wheelchairs or to take a business decision not to do so and instead licence their vehicles under the private hire regime.

If taxi proprietors upgrade their vehicles, this will clearly increase the number of wheelchair accessible vehicles operating in Shropshire. However, if they opt to licence their vehicles as private hire vehicles, the number of wheelchair accessible vehicles will not increase; however, equally this approach will not reduce the number of accessible vehicles, and, significantly, under the private hire regime, the Council will be in a position to enhance its safeguarding checks on more vehicle proprietors and drivers, providing they remain with Shropshire Council and do not apply to be licensed by another Council with less robust policies in place.

This proposed amendment to the implementation date will also provide a longer lead in time for the licensing team to engage with taxi proprietors for the purposes of reviewing the existing five taxi tariff cards with the aim of replacing this with a single card. This will enhance transparency and consistency across taxi fares in Shropshire, which will, in turn, increase consumer protection as it relates to the pricing of taxi journeys.

The proposed amendment to the implementation date was held to be a fundamental change from that which had originally been consulted upon. Consequently, the Committee was asked to agree a further period of consultation for no less than four weeks commencing on the 8 October 2018. The Committee supported this and the additional consultation period was undertaken between the 8 October 2018 and 4 November 2018.

The consultation was again publicised through the Council's 'Get involved' section of its website and on the Council and licensing team social media platforms. Hard copy inserts informing driver, proprietor and operator applicants and licence holders were included in all correspondence. Links to the consultation were embedded into all emails sent out from the generic 'taxis' email address and from individual officers involved in taxi and private hire licensing. Details were also sent directly, by email, to all hackney carriage and private hire drivers, proprietors and operators, where an email address was held on record by the licensing team.

Full details of the responses to the second consultation, together with the analysis of those responses with officer comments and explanatory notes, will be included in the report that is due to be considered by the Strategic Licensing Committee on the 20 November 2018. A summary of the responses is set out below.

A total of 6 responses were received all from taxi proprietors; 4 were against the proposal to

remove the five zones and 2 were in full support. The 2 in support were both from zone 4 and the 4 against were from zones 2 and 3. Of the responses, the 2 in favour of removing the zones were also supportive of the proposal to delay the implementation date until 1 April 2021.

Considering the feedback from the two consultations together, it is clear that the response is limited – only 22 (one of which was not relevant) set against over 100 taxis and over 700 private hire vehicles currently licensed by the Council. This should not, however, be perceived as a negative outcome; rather, it demonstrates that the trade's understanding of the key role they have to play in the future of inclusive transport options, particularly for those who are wheelchair users, has improved significantly in recent years and this has been influenced by the continuing constructive dialogue between the licensing team and the taxi and private hire trade. In addition, despite the limited response, the majority (67%) of responders fully supported the removal of the zones. Those against were unable to provide robust or substantive evidence for their position and it was largely based on localised economic impacts linked to the wider licensing changes that have occurred over the previous three years rather than as a direct result of removing the zones in the future.

Overall, the clear central Government drive to improve the inclusivity of transport options, the need to improve and promote equality outcomes for those with disabilities, which is enshrined in the PSED that is placed on the Council, and the fact that the majority of those who responded (albeit a limited number) to the Council's consultation were in support of the proposal, collectively outweighs the very small number (7) of proprietors who have indicated they are against the removal of the existing five hackney carriage zones.

## **Potential impact on Protected Characteristic groups and on social inclusion**

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
  - their current needs and aspirations and what is important to them;
  - the potential impact of this service change on them, whether positive or negative, intended or unintended;
  - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have their representatives or people with specialist knowledge been consulted, or has research been explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
  - monitor the impact, positive or negative, intended or unintended, for different groups;
  - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on:
  - fostering good relations?
  - social inclusion?

## Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
<b>Age</b> (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)			✓	
<b>Disability</b> (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)		✓		
<b>Gender re-assignment</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<b>Marriage and Civil Partnership</b> (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
<b>Pregnancy &amp; Maternity</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<b>Race</b> (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓
<b>Religion and belief</b> (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
<b>Sex</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<b>Sexual Orientation</b> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
<b>Other: Social Inclusion</b> (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom			✓	

there are safeguarding concerns; people you consider to be vulnerable)				
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## Guidance on what a negative impact might look like

<b>High Negative</b>	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
<b>Medium Negative</b>	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
<b>Low Negative</b>	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

## Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

***If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.***

### **Actions to mitigate negative impact or enhance positive impact of the service change**

For all the groups, the impact is rated as positive; notably, with respect to the 'disability' group, the impact is rated as 'high positive' and 'age' as 'medium positive'. The impact is also rated as 'medium positive' for people for whom there are safeguarding concerns, given the greater ability of the Council to fully demonstrate that it robustly tackles exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults, and the likely improvements overall to public safety under the proposed changes, bringing particular benefits for vulnerable households.

With respect to the remaining groups, the impact, in reality, is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact. The assessment took into account children and young people who are looked after by Shropshire Council and the families of children in need when considering the 'age' group and vulnerable adults, e.g. adults with learning disabilities, when considering the 'disability' group.

Licensing staff will write to all existing taxi proprietors to advise them of the outcome of the Strategic Licensing Committee following the meeting on 20 November 2018. If the Committee agree that the existing zones ought to be removed, to give legal effect to this, a separate report to address the required procedural steps will be prepared and presented to full

Council. This will ensure all Council Members are aware of the proposals to remove the existing five zones and afford every Member with the opportunity to review and enhance the process that has already been overseen by the Strategic Licensing Committee prior to the Council making a final decision. This will also afford all stakeholders a further opportunity to provide feedback to Council Members prior to, and as part of, the forthcoming Council meeting in accordance with relevant Council meeting procedural rules.

Prior to the Council removing the zones, there is a legal requirement to give notice of the Council's intention to do so, including making clear the date upon which the removal of the zones will take effect. The effective date must be at least one month after the date the Council agrees the resolution. Giving notice must be undertaken by advertising the details in the Shropshire Star newspaper for two consecutive weeks and by serving a notice on every parish and town council in the administrative area of Shropshire Council. The service of the notice on the parish and town councils must be no later than the date on which the advertisement in the Shropshire Star is first published. This process, in effect, legally requires the Council to widely publicise its intention to remove the zones, thus helping to ensure the public and wider stakeholders across the county are aware of the change. The legal requirements will be supplemented by additional voluntary information provided on the Council's website and through both corporate and service social media messaging.

The arrangements to implement and address the impact of the removal of the zones will be incorporated into the Council's revised Hackney Carriage and Private Hire Licensing Policy 2019 – 2023, which is subject to a separate consultation and will be due to take effect from the 1 April 2019. Applicants and licence holders, including those who are not already aware of the revision of this policy as a result of the consultation undertaken between June to September 2018, will be made aware of the implementation of the revised policy through normal licensing processes and it will be available on the Council's website. This will ensure that the taxi 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 over the next four years as it relates to the licensing of wheelchair accessible vehicles and the wider taxi and private hire licensing regime. Licensing staff will remind all taxi proprietors by email/letter of the changes that will be implemented at appropriate intervals throughout the period up to 1 April 2021 to ensure that all those who want to continue to operate a licensed taxi from that date are able to do so in accordance with the wheelchair accessibility requirements.

Proactive and visible enforcement of the requirements of relevant legislation, particularly Sections 165 and 167 of the Equality Act 2010, will further enhance the positive impact of the removal of the zones. Any complaints/information that indicate licensed drivers are discriminating against wheelchair users, will be fully investigated by the Trading Standards & Licensing Service, and, where sufficient evidence exists and it is in line with the Council's Better Regulation and Enforcement Policy, legal proceedings will be pursued, together with the application of the full range of licensing sanctions, including licence revocation, where this is proportionate. In addition, the work that is currently ongoing to publish the Council's Designated List of Wheelchair Accessible Vehicles prior to the end of 2018 will also enhance the positive impact of the change.

Removal of the existing zones will not lead to a reduction in wheelchair accessible vehicles in Shropshire; those that are already wheelchair accessible (both taxi and private hire) will remain accessible. If taxi proprietors who currently operate outside of zone 4 decide not to change their taxis so that they are wheelchair accessible, they will re-licence as non-wheelchair accessible private hire vehicles, i.e. the accessibility of the vehicle will remain the

same. The only practical implication is that those vehicles that are then licensed as private hire vehicles cannot then be 'hailed' in the street; however, this has never been the primary way that taxis are used in Shropshire. With the exception of Shrewsbury, in the majority of cases, passengers pre-book taxis in the same way as they are legally required to do for private hire vehicles.

To further enhance the positive impact, there is a commitment to continue to work with the trade on a voluntary basis to further understand and address vehicle accessibility issues across the taxi and private hire fleet in line with Government expectations set out in the Inclusive Transport Strategy.

### **Actions to review and monitor the impact of the service change**

Whilst there will be ongoing opportunities to review and monitor the impact of the removal of the existing five zones, the procedural steps described in the 'Actions to mitigate negative impact or enhance positive impact of the service change' section above are important, because, once the zones are removed, the Council has no power to re-introduce the existing five zones or to create any other combination of zones; hence, should any adverse impacts arise as a result of the removal of the zones, they will have to be addressed through alternative solutions.

There will be opportunities for 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 disability organisations and members of the public (able-bodied, wheelchair users and those with other disabilities), to provide feedback on the impact of the removal of the existing five zones. In addition, these contacts, together with social media contacts, will be publicised in taxi and private hire vehicles to encourage passengers to provide feedback to the Council. All feedback will be recorded either on the Idox system used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

Licensing staff will be able to monitor the number of wheelchair accessible vehicles, both taxis and private hire, through the administration of the vehicle licensing process. Wheelchair users, carers and disability groups will be able to find out about the availability of wheelchair accessible vehicles by accessing the Council's Designated List of Wheelchair Accessible Vehicles and provide feedback to licensing staff and to elected Members accordingly.

Licensing staff will work with wheelchair users and disability groups to determine the most appropriate mechanisms to distribute and provide access to the Designated List of Wheelchair Accessible Vehicles to ensure those who need the information actually have access to it. They will also continue to work with the taxi and private hire trade to respond to any feedback that is provided, including taking steps to advise, assist and provide guidance to the trade in order to facilitate an increase in the number of wheelchair accessible vehicles operating in Shropshire.


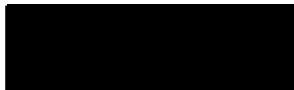
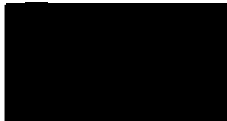

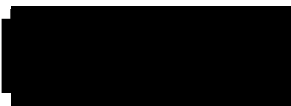
Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees, as appropriate. This will include reports detailing any issues/concerns that arise as a result of the information that is published on the Council's Designated List of Wheelchair Accessible



Vehicles.

As the consultation did not include a direct approach to the West Mercia Police and Crime Commissioner (PCC), who covers a wider area than Shropshire with commensurate potential policy impact for other local authorities and police authorities besides West Mercia, the PCC and other police forces, in addition to West Mercia, will be briefed on the developments, once the outcomes from the Strategic Licensing Committee and Council are known. This will assist in the sharing of good practice and relevant knowledge across geographical and agency boundaries.


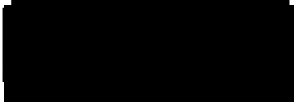
## Scrutiny at Part One screening stage

People involved	Signatures	Date
Lead officer carrying out the screening <b>Frances Darling – Trading Standards &amp; Licensing Operations Manager</b>		9 November 2018
Any internal support* <b>Mandy Beever – Transactional and Licensing Team Manager</b> <b>Kate Roberts – Public Protection Officer (Professional)</b>	 	9 November 2018 9 November 2018
Any external support** <b>Lois Dale – Rurality and Equalities Specialist</b>		9 November 2018
Head of Service <b>Rod Thomson – Director of Public Health</b>		9 November 2018

\*This refers to other officers within the service area

\*\*This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority

## Sign off at Part One screening stage

Name	Signatures	Date
Lead officer's name <b>Frances Darling – Trading Standards &amp; Licensing Operations Manager</b>		9 November 2018
Head of Service's name <b>Rod Thomson – Director of Public Health</b>		9 November 2018

## Shropshire Council Part 2 ESIIA: full report

### Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

**Evidence used for assessment of the service change: activity record**

*How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?*

*And what did it tell you?*

**Specific consultation and engagement with intended audiences and target groups for the service change: activity record**

*How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?*

*And what did it tell you?*

**Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record**

*What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.*

## Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individuals may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
<b>Age</b> (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				
<b>Disability</b> (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
<b>Gender re-assignment</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
<b>Marriage and Civil Partnership</b> (please include associated aspects: caring responsibility, potential for bullying and harassment)				
<b>Pregnancy &amp; Maternity</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
<b>Race</b> (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
<b>Religion and belief</b> (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
<b>Sex</b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
<b>Sexual Orientation</b> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
<b>Other: Social Inclusion</b> (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				

## ESIIA Full Report decision, review and monitoring

### Summary of findings and analysis - ESIIA decision

*You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.*

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

*Please add any brief overall comments to explain your choice.*

*You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:*

- *mitigate negative impact or enhance positive impact of the service change,*
- AND**
- *review and monitor the impact of the service change*

*Please try to ensure that:*

- *Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;*
- *The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.*

## Scrutiny at Part Two full report stage

People involved	Signatures	Date
<i>Lead officer</i>		
<i>Any internal support</i>		
<i>Any external support</i>		
<i>Head of service</i>		

## Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

## Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

***Note: Shropshire Council has referred to good practice elsewhere in refreshing previous equality impact assessment material in 2014 and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIs) material and associated documentation.***

***For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 255684, or email [lois.dale@shropshire.gov.uk](mailto:lois.dale@shropshire.gov.uk).***

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