

Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)**Part One Screening Record****A. Summary Sheet on Accountability and Actions****Name of proposed service change**

Please use this box for the full formal name of the proposed service change, whether it is a policy, a procedure, a function, a project, an update of a strategy, etc. The term "service change" is used in this form as shorthand for whatever form the changes may take.

Hackney Carriage and Private Hire Licensing Policy 2019 - 2023

Name of lead officer carrying out the screening

Frances Darling, Trading Standards & Licensing Operations Manager

Decision, review and monitoring

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

If completion of a Part One assessment is an appropriate and proportionate action at this stage, please use the boxes below and sign off as indicated. If a Part Two report is required, please move on to separate full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality and social inclusion considerations

The equality impact assessment has considered children and young people who are looked after by Shropshire Council and the families of children in need when considering the 'age' group and with respect to vulnerable adults, e.g. adults with learning disabilities, when considering the 'disability' group.

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', 'race' and 'sex' 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.

Note, however, that except for 'age', 'disability', 'race' and 'sex', the impact is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact.

Applicants and licence holders, including any who may not already be aware of the revision of this policy as a result of the consultation undertaken in the summer of 2018, will be made aware of the implementation through normal licensing processes. The policy 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 trades, 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.

With reference to the changes to the requirements for wheelchair accessible hackney carriages, there is a commitment by licensing staff over the next two years to remind all existing hackney carriage 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 hackney carriage from that date are ready and able to do so. Advice and guidance to new applicants will also be provided to ensure they understand the longer-term implications of licensing vehicles both as hackney carriages and as private hire vehicles.

Proactive and visible enforcement of the requirements of the policy, in particular in relation to the conditions applicable to each licence type, together with the associated legislation, including the relevant provisions of the Equality Act 2010, will further enhance the positive impact of the changes made to the policy. Any complaints/information that indicate licensed drivers are breaching conditions of licence that impact on public safety or are discriminating against disabled passengers, 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. Furthermore, the full range of licensing sanctions, including licence revocation, where this is proportionate, will be utilised. In addition, the Council has published a list of designated wheelchair accessible vehicles on its website, which will also enhance the positive impact of the changes to the policy.

For the purposes of enhancing the administration and enforcement of the requirements of the policy, the licensing team will continue to work in partnership with all relevant local authorities, in particular with Telford & Wrekin Council and the City of Wolverhampton Council. This will include multi-agency enforcement exercises.

The licensing team will also continue to work with the trade, disability access groups and individuals with disabilities, including those who do not use wheelchairs, to further understand and address wider vehicle accessibility issues across both the hackney carriage and private hire fleets.

It is the intention to revisit the role that West Mercia Police (WMP) has in the review of new licence applications/existing licences as part of the Council's internal Licensing Panel process. Currently, whilst relevant information is provided by WMP, representatives from WMP do not ordinarily attend Panel meetings to inform the decision-making process directly; further consideration as to the impact of this position is required. This is aimed at enhancing the positive impact of the policy on the identified groups, specifically with respect to safeguarding responsibilities affecting children, young people and vulnerable adults.

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

The policy will be formally reviewed after 3 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. 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 made to 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 system used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

With respect to 'age' and 'disability' groups, in particular around the Council's safeguarding responsibilities, there will be ongoing dialogue, as required, with the Shropshire Children Safeguarding Board and the Keeping Adults Safe in Shropshire Board. In addition, dialogue with West Mercia Police and those service areas within the Council that have particular responsibilities for the care of children and young people and adults with care and support needs, i.e. currently Children Services and Adult Services, will occur as a result of the ongoing role that officers from these services play in the review process applicable to new licence applications and existing licences.

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 ESIIAs

Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (ESIIA undertaken in 2014/15)

Amendment to the Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 (ESIIA undertaken in February/March 2018)

Equality Act 2010 – Shropshire Council List of Designated Wheelchair Accessible Vehicles (ESIIA undertaken in May/June 2018)

Removal of the existing five hackney carriage ('taxi') zones ('the zones') in Shropshire and application of a single taxi licensing regime throughout the administrative area of Shropshire Council (ESIIA undertaken in June to December 2018)

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations

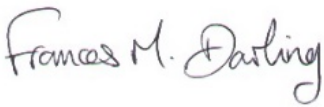



In addition to the Council's corporate approach towards prioritising and measuring the overall economic, environmental and community outcomes (<https://www.shropshire.gov.uk/shropshire-council/corporate-plan/>), the Licensing Team will continue to utilise the expertise within the Environmental Protection Team in Regulatory Services and Public Health to assess the impact on health and the environment of the proposed shift from the European emission based vehicle standards to vehicle age-restriction requirements.

The following points highlight likely environmental and societal impacts of the policy:

- The Euro rating of licensed vehicles has improved since 2015 with the percentage of Euro 5 and Euro 6 increasing from 20% to 61%, Euro 4 decreasing from 45% to 39% and Euro 3 reduced to zero as at the end of the second year of the policy.
- Total societal cost saving associated with the estimated reduction in pollutant levels for the first two years of the policy is estimated at £517,770. This equates to a 40% reduction in costs by the end of the second year of the policy.
- The majority (91%) of licensed vehicles are currently diesel.

Ongoing promotion and compliance with the Council's Modern Anti-Slavery and Human Trafficking Statement and Policy will further enhance the overall positive impact of the revised Hackney Carriage and Private Hire Licensing Policy.

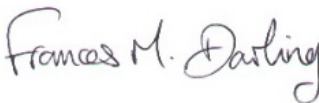
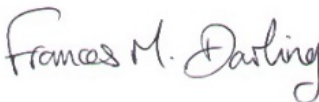
Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i> Frances Darling, Trading Standards & Licensing Operations Manager		25 February 2019
<i>Any internal support*</i> Mandy Beever, Transactional & Licensing Team Manager Kate Robert, Public Protection Officer (Professional)	 	26 February 2019 26 February 2019
<i>Any external support**</i> Lois Dale, Rurality & Equalities Specialist		25 February 2019

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

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

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Frances Darling, Trading Standards & Licensing Operations Manager		26 February 2019
<i>Accountable officer's name*</i> Frances Darling, Trading Standards & Licensing Operations Manager		26 February 2019

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

B. Detailed Screening Assessment

Aims of the service change and description

The Council's existing Hackney Carriage and Private Hire Licensing Policy came into effect on 1 April 2015 and is due to expire on 31 March 2019. It is essential that the Council has a revised policy from 1 April 2019 to ensure a robust framework continues to be in place to provide the basis upon which to deliver the Council's statutory hackney carriage and private hire licensing function, which is fundamental to protecting public safety.

The policy requires updating to take into account the changes that have occurred to the way in which the hackney carriage and private hire trades operate at a local and national level as a result of national legislative amendments. There is a need to address the impact of these changes in order to ensure the Council is in the best position possible to continue to protect people from harm and to reduce the adverse impact on health and the environment from vehicle emissions.

As a result, licensing administrative and enforcement processes have been amended and further enhanced to improve safeguarding outcomes and the policy needs to be amended to reflect these current practices.

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
- 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

- Feedback, over the life of the existing policy, from the hackney carriage/private hire trades, from licensing officers/managers, from enforcement and investigation officers and from other stakeholders that has been recorded and collated on an ongoing basis.
- Implementation of new legislation, parts of which relate to hackney carriage and private hire licensing, i.e. specific sections of the Deregulation Act 2015, the Equality Act 2010 and the Immigration Act 2016.
- The ongoing national and local concerns about child and adults with care and support needs exploitation, including sexual exploitation, human trafficking, modern slavery and the impact of hate crime.
- 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.
- 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.
- The Council's continuing drive to increase the robustness of safeguarding practices, particularly with respect to children and adults with care and support needs.
- Institute of Licensing Guidance on determining suitability of applicants and licensees in the hackney and private hire trades (April 2018).

- LGA Revised Taxi and PHV licensing Councillors' handbook (England and Wales) (August 2017).
- Government's recently published Clean Air Strategy and the ongoing evidence that supports the need to reduce vehicle emissions to protect human health and the environment
- Number of vehicles being licensed by Shropshire Council has reduced; 40% less as at 31/12/18 compared with the number licensed at 01/04/15.
- Compared with the number of private hire operators that were licensed immediately prior to the current policy taking effect, there is currently an increase of 5%.
- An increasing number of vehicles, licensed by other neighbouring local authorities, are now operating in Shropshire. The extent of this increase is not known with absolute certainty, although officers undertaking recent enforcement exercises in Shropshire have noted up to 60% of the vehicles checked are licensed by other local authorities.
- The Euro rating of licensed vehicles has improved since 2015 with the percentage of Euro 5 and Euro 6 increasing from 20% to 61%, Euro 4 decreasing from 45% to 39% and Euro 3 reduced to zero as at the end of the second year of the policy.
- Total societal cost saving associated with the estimated reduction in pollutant levels for the first two years of the policy is estimated at £517,770. This equates to a 40% reduction in costs by the end of the second year of the policy.
- The majority (91%) of licensed vehicles are currently diesel.
- Between 01/10/14 and 30/09/17, criminal offence data relating to taxi/private hire drivers indicated 20 offences recorded where taxi/private hire drivers were suspects and 109 offences recorded where they were victims, with over half of these taking place on Saturdays/Sundays.
- The Task and Finish Group report on Taxi and Private Hire Vehicle Licensing - Steps towards a safer and more robust system (first published 24 September 2018)
- Introduction of the National Register for Hackney Carriage and Private Hire Licence Revocations and Refusals (NR3)
- Taxi and Private Hire Vehicle Licensing: Protecting Users, Consultation on Statutory Guidance for Local Authorities (DfT 12 February 2019)
- Improving Public Transport Consultation (Welsh Government 10 December 2018)

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

On 27 October 2017, a 'Taxi Forum' was held to commence the engagement with the hackney carriage and private hire trade. All hackney carriage and private hire drivers, proprietors and operators, where an email address was held on record, were invited to attend the Forum. Operators were asked to cascade the invitation to all their drivers. The feedback from the Forum was recorded and used to inform the initial draft of the revised policy, together with fundamental changes introduced by Council officers to address local and national issues that have arisen during the course of the existing policy.

These changes included the following:

- referencing all forms of exploitation rather than restricting this to only child sexual exploitation
- significantly increasing the criteria that must be satisfied before a person will be deemed a 'fit and proper person' to be a private hire operator or to hold a vehicle licence as a proprietor and amending the associated conditions of licence

- incorporating new requirements to address cross-border hiring and sub-contracting
- incorporating details of the new National Register for Hackney Carriage and Private Hire Licence Revocations and Refusals (NR3)
- incorporating new requirements in respect of the Equality Act 2010 and the list of designated wheelchair accessible vehicles
- addressing the impact of removing the existing five hackney carriage zones
- replacing vehicle emission standards with vehicle age requirements
- introducing new sections specifically for novelty and executive private hire vehicles

The initial revised draft of the policy was presented to the Council's Strategic Licensing Committee. The relevant report can be found in the papers for the Committee meeting held on the 20 June 2018 at Agenda Item 14 <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>.

The Strategic Licensing Committee has overseen the review of the Hackney Carriage and Private Hire Licensing Policy. 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.

A public consultation in respect of the policy was undertaken over a 10-week period from 25 June 2018 to the 2 September 2018. During this period, on the 31 July 2018, a second 'Taxi Forum' was held. Again, all hackney carriage and private hire drivers, proprietors and operators, where an email address was held on record, were invited to attend the Forum. Operators were asked to cascade the invitation to all their drivers. The feedback from the Forum was recorded.

General information about the consultation was made available on the Council's 'Get involved' section of its website and on the Council and licensing team social media platforms. In addition, hard copy inserts informing driver, proprietor and operator applicants and licence holders were included in all renewal reminder correspondence and with issued licences. Furthermore, links to the consultation were embedded into all emails sent out from the generic 'taxis' email address and from individual officers involved in hackney carriage 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 includes 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 all interested parties to provide feedback in relation to the content of the whole policy and did not ask specific consultation questions, other than to ask generally for improvements that could be made to the policy, which would support hackney carriage and private hire businesses.

There were 55 individual responses to the consultation; 89% were from drivers, proprietors, operators and their representatives, with the remaining 11% from residents, two disability access groups and one town council. Full details of the responses, together with the feedback from the second 'Taxi Forum', have been analysed and officer comments and explanatory notes recorded. The specific feedback received was used to inform the second draft of the revised policy and was considered by the Strategic Licensing Committee on 23 January 2019. The relevant report can be found in the papers for the Committee meeting at Agenda Item 5 <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3868&Ver=4>.

The feedback that was received in response to the initial consultation can be categorised broadly into:

- Feedback that led to fundamental/significant changes, which relate to emission standards for vehicles, the impact of the Deregulation Act and cross-border hiring, the transitional period for all hackney carriages to become wheelchair accessible and the removal of the existing five hackney carriage zones.
- Feedback that led to a series of further amendments that have been made to enhance clarity in relation to the application processes for all licence types and the associated conditions of licence, the update service for the Disclosure and Barring Service (DBS), the DVLA insurance 'write-off' categories for vehicles, the requirements relating to the business model for executive private hire vehicles, the removal paragraphs that required private hire operators to take responsibility for vehicles being fit to convey passengers, and procedures to deal with personal property left in vehicles and private hire operator bases.

In addition, further changes were made by officers to extend, emphasise and/or clarify the following:

- that the hallmark of the licensing regime is localism and that the local authority responsible for granting licences ought to have the authority to exercise full control over all vehicles and drivers being operated within its area
- the role of members of the Strategic Licensing Committee with respect to them acting on behalf of individual applicants
- those specific matters that apply to all licence types
- sanctions that the Council may utilise to address non-compliances in certain circumstances
- the legal position relating to the 'exemption notice' applicable to novelty and executive private hire vehicles
- that existing licence holders must comply with all reasonable requests made by all relevant local authorities
- that the burden of proof applicable to matters determined under the policy is the civil and not criminal burden of proof

- the way in which the Council will use the new National Register for Hackney Carriage and Private Hire Licence Revocations and Refusals (NR3)
- the impact of the 'right to work' amendments brought in by the Immigration Act 2016
- the acceptable language skills required for hackney carriage and private hire drivers
- the requirements relating to approved trading names and telephone numbers for private hire operators
- the type of information that must be notified to the Council by existing licence holders, in particular those relating to PSV and PCV suspensions, revocations or written warnings and any community resolutions
- the definition of 'fit and proper person' as it applies to drivers, proprietors and private hire operators
- that drivers, proprietors and private hire operators must not use or allow to be used a vehicle for illegal or illicit purposes
- that the carrying of all types of assistance dogs is mandatory unless the driver holds a medical exemption and, where an exemption is held, where this exemption must be displayed
- the frequency of MOT tests within relevant conditions of licence
- the definition of 'executive service' within the private hire operator conditions of licence
- that proprietors must ensure all drivers are properly aware of the content of the applicable vehicle insurance including limitations and exclusions
- that all drivers who drive any wheelchair accessible vehicle (not only those who drive wheelchair accessible hackney carriages) are trained to do so
- that the impact of hardship on the applicant and their family will not be considered by the Council when determining an application or reviewing an existing licence

As a result of the changes identified above, the Strategic Licensing Committee supported a further period of consultation on the revised draft. This consultation was carried out between the 25 January 2019 and 22 February 2019 and was undertaken in the same manner and through the same channels as the initial consultation. It resulted in a further 47 responses; 46 (98%) of these responses were received from individuals connected with the hackney carriage and private hire trades and one from the Competition and Markets Authority. Of the 46 responses received from the trade, two were petitions; one with 242 signatures and another with 16 signatures.

A significant proportion of the feedback, including the petitions referred to above, related to the impact of the vehicle emission standards and vehicle age-restrictions proposed under the policy. Significant concerns were raised around the additional financial burdens and the inability of drivers and proprietors to gain sufficient return on their investment when purchasing replacement vehicles. As a result, changes were made to allow vehicles with 'Euro 5' emission standards and vehicles up to 10 years old to continue to be licensed for a longer period than was originally proposed; however, the overarching principles that aim to continue to reduce the adverse impact of vehicle emissions on both the environment and the health of people in our communities are retained.

Further feedback has led to a series of minor corrections that generally improve the sense of a number of proposed requirements of the policy but do not make fundamental alterations. Additional amendments have also been made that aim to reduce barriers to entry into the hackney carriage and private hire trades, enhance the clarity of several proposed requirements and reduce the risk of specific elements of the policy potentially leading to judicial review. These amendments include:

- removal of the list of examples of executive style vehicles;
- introduction of a requirement that drivers (not only private hire operators) must take responsibility for the hours they work to comply with the 'Working Time Directive';
- clarification that certain specified non-UK/EEA drivers' licences are recognised as valid licences under UK legislation;
- changes to the knowledge test and driver assessment requirements to clarify the circumstances that lead to an actual failure of the test/assessment as opposed to simple non-attendance and the implications of this on the fees that are payable;
- clarification that the number of MOT tests requested in relation to a vehicle licence will be aligned with the legislative requirements; and
- removal of the requirement/condition for private hire operators to reach agreement with the hirer to accept a sub-contracted vehicle in advance of the journey being undertaken.

The specific feedback received in response to the second period of consultation, together with officer analysis of this feedback and the third draft of the proposed policy, will be considered by the Strategic Licensing Committee on the 6 March 2019. Once agreed, the Committee will recommend the proposed policy to Cabinet for final approval. It is anticipated that the proposed policy will be presented to Cabinet on 20 March 2019.

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>
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group e.g. child for whom there are safeguarding concerns e.g. older person with disability)			✓	
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)		✓		
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓

Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)			✓	
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)			✓	
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (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)				✓

Identification of likely impact of the service change in terms of other considerations

The policy aims to ensure that individual human rights are protected particularly in relation to Article 1, Protocol 1 - peaceful enjoyment of possessions (a licence is considered a possession in law and people should not be deprived of their possessions except in the public interest); Article 4 - prohibition of slavery and forced labour; Article 6 – right to a fair hearing; Article 7 - no punishment without law; Article 8 - respect for private and family life (in particular, removal or restriction of a licence may affect a person's private life); Article 10 - right to freedom of expression; and Article 14 - prohibition of discrimination. These rights are clearly referenced within the policy and it is made clear that officers and members of the relevant committees will have regard to these rights when determining applications for a licence and for renewals or reviews of a licence.

The policy has specifically been amended to state that the Council takes a zero-tolerance approach towards modern slavery (including servitude, forced and compulsory labour and human trafficking), on the basis that this is a crime and a violation of fundamental human rights, as well as strengthening the position that will be taken in relation to discrimination.

The process to implement the removal of the five existing hackney carriage zones, which will take place within the lifetime of the policy, is inextricably linked to the Public Sector Equality Duty. It will help to eliminate discrimination, advance equality of opportunity and foster good relations between the hackney carriage and private hire trade, disability groups and individuals (particularly those who are wheelchair users), other stakeholders and the Council as it relates to their activities associated with transport options. This is further enhanced by the steps that have already been taken to publish a Designated List of Wheelchair Accessible Vehicles in accordance with Sections 165 and 167 of the Equality Act 2010 and, through ongoing monitoring and updates to this list, will continue to benefit wheelchair users and their carers.

There is an increasing prevalence of 'cross-border hiring' that has been compounded by certain provisions enacted within the Deregulation Act 2015. The Council believes that this is fundamentally undermining local licensing control and that as a result the significant improvements relating to the protection of public safety and environmental air quality that Shropshire Council has been driving forward over the previous four years are being seriously threatened and diluted by drivers/vehicle proprietors who 'shop around' to be licensed by local authorities that demand lower standards than Shropshire Council and then exclusively or predominantly work in the Shropshire area where standards are higher and licences more difficult to obtain and retain.

As a result, the policy attempts to redress this negative impact by clearly stating that the Council believes that the hallmark of the regulatory licensing regime is localism and that the local authority responsible for granting licences ought to have the authority to exercise full control over all vehicles and drivers being operated within its area. As a result, the policy makes it clear that serious consideration will be given to applying restrictions within licence conditions to restrict any perceived erosion of localism in the governance of private hire licensing, with the aim of protecting the high level of public safety and environmental betterments that have been the aim of the Council in recent years. It will, however, also require other local authorities to take a similar position to deliver successful outcomes in this regard; to this end officers will continue to work in partnership with relevant local authorities and negotiate and influence appropriate parties at a regional and national level to secure the necessary changes in law and approach.

There is a risk that the policy may undermine local economic growth, insofar as the robust nature of the requirements and expectations that are placed on applicants and licence holders by the policy, are such that only those drivers, proprietors and operators who have financially sound business plans and legitimate business practices are likely to survive in the marketplace. However, the policy recognises the need to balance this against the duty placed on the Council to protect public safety and the environment. In this regard, it is imperative that only legitimate businesses are licensed by the Council and the Council does not legitimise criminal activities, including those undertaken by serious organised crime groups, through the licensing regime.

Guidance Notes

1. Corporate and Service Area Policy and Practice on Equality and Social inclusion

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 and Social Inclusion Impact Assessments (ESIAs) come in. Where you carry out an ESIA 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 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 standalone 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.

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, e.g. 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.

When you are not carrying out an ESIIA, you still need to demonstrate 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 ESIIA, 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. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESIIA:

- 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

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

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 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

For example, you may be involved in commissioning a production to tour schools or appear at a local venue, whether a community hall or somewhere like Theatre Severn. The production company should be made aware of our equality policies and our expectation that they will seek to avoid promotion of potentially negative stereotypes. Specific groupings that could be affected include: Disability, Race, Religion and Belief, and Sexual Orientation. There is positive impact to be gained from positive portrayals and use of appropriate and respectful language in regard to these groupings in particular.

2. 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. 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.

Service areas would ordinarily carry out a screening assessment, or Part 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.

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 Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion. Please contact the equality policy lead within the Council for more advice and guidance in this regard, as per details below.

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 258528, or email lois.dale@shropshire.gov.uk.