

**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.*

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

\*For full details of the zones, see the 'Aims of the service change and description' section below.

**Name of lead officer carrying out the screening**

Frances Darling, Trading Standards & Licensing Operations Manager

**Decision, review and monitoring**

<b>Decision</b>	<b>Yes</b>	<b>No</b>
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**

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.

To give legal effect to the decision of the Strategic Licensing Committee to support the

removal of the five existing zones, separate reports to Council to address the required procedural steps are required. This first of these reports was prepared and presented to full Council on 13 December 2018. Full details are available in the Council papers at Agenda Item 69 <https://shropshire.gov.uk/committee-services/jelListDocuments.aspx?CId=125&MId=3757&Ver=4>. This report brought to the attention of all Council Members the proposals to remove the existing five zones and afforded every Member the opportunity to review and enhance the process that had already been overseen by the Strategic Licensing Committee. This also afforded all stakeholders a further opportunity to provide feedback to Council Members prior to, and as part of, the Council meeting in accordance with relevant Council meeting procedural rules. All stakeholders, including Members, will have a further opportunity to review the process and consider the outcomes at the full Council meeting due to be held on 19 September 2019 when the final resolution to remove the existing zones will be formally considered.

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 commenced on the 26 July 2019 and will be concluded on the 14 August 2019.

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 periodically through both corporate and service social media messaging throughout the transition period. Information will also be sent by email/post directly to all existing hackney carriage proprietors.

The arrangements to implement and address the impact of the removal of the zones has been incorporated into the Council's revised Hackney Carriage and Private Hire Licensing Policy 2019 – 2023, which was subject to a separate consultation and took 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 is 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 has been undertaken to publish and maintain the Council's Designated List of Wheelchair Accessible Vehicles 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 manner by which 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 in terms of equality and social inclusion considerations**

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 in terms of equality and social inclusion considerations' 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 stakeholders, including disability organisations and members of the public generally, 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 final outcomes from the Council are known. This will assist in the sharing of good practice and relevant knowledge across geographical and agency boundaries.

#### **Associated ESIIAs**

Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 (ESIIA undertaken between October 2017 and March 2019)

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

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

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

#### **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 removal of the existing zones also has the potential to impact more generally on such matters as set out below.

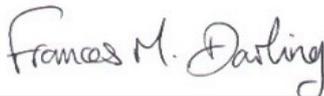
- a) Over time, the supply of taxis is likely to improve and the scope for all customers to access taxis will increase across communities in Shropshire.
- b) There is the potential to reduce public confusion and frustration for those who wish to hire a taxi as a licensed taxi will be able to pick up a customer irrespective of the part of Shropshire in which the customer is located.
- c) Promotion of fuel efficiency and reduction in environmental impacts because taxis can

pick up a passenger anywhere in the county (without the need for it to be pre-booked), rather than having to return empty to their licensed zone after dropping a passenger in another zone.

- d) Improving public safety.
- e) Support and enhance the Council's actions insofar as they relate to safeguarding responsibilities, particularly in relation to tackling exploitation, including child sexual exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults by attempting to address the changes that have inadvertently arisen as a result of the Deregulation Act 2015.
- f) Recovering trade for private hire operators and taxi proprietors who continue to choose to be licensed by Shropshire Council.
- g) Simpler administration and enforcement.

In relation to a) to g) above, further explanation is provided in the 'Aims of the service change and description' section below.

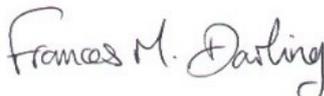
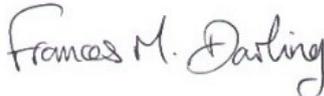
### Scrutiny at Part One screening stage

People involved	Signatures	Date
Lead officer carrying out the screening <b>Frances Darling – Trading Standards &amp; Licensing Operations Manager</b>		5 August 2019
Any internal support* <b>Mandy Beever – Transactional and Licensing Team Manager</b> <b>Kate Roberts – Public Protection Officer (Professional)</b>	 	6 August 2019 9 August 2019
Any external support** <b>Lois Dale – Rurality and Equalities Specialist</b>		6 <sup>th</sup> August 2019

\*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 August 2019
Accountable officer's name* <b>Frances Darling – Trading Standards &amp; Licensing Operations Manager</b>		9 August 2019

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

**B. Detailed Screening Assessment****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 hackney carriages (taxis) 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 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 also 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 has 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, and which have been further enhanced in 2019 through the Council's most recent Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 ('the 2019-2023 Policy'), to tackle child sexual exploitation, and it will limit the Council's future ability to fully demonstrate that it robustly tackles wider exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults.

As part of the removal of the zones process, there is the potential for existing taxi proprietors who choose not to convert their vehicles to being wheelchair accessible to instead licence themselves and their vehicles for private hire purposes, which will bring them under the private hire operator requirements that were enhanced following implementation of the 2019-2023 Policy. For those proprietors who choose to remain under the taxi regime, they 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 Hackney Carriage and Private Hire Licensing Policy 2019 to 2023, which has been the subject of a separate consultation. Full details of the process that led to the approval of the 2019-2023 Policy is available in the papers that were presented to the Council's Cabinet on the 20 March 2019 at Agenda Item 8 <https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=130&MId=3687&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 the Council's 'Care First' records indicates there are 3,166 people registered with a physical disability; however, this data does not state whether the physical disability is such that the individual requires the use of a wheelchair.

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 and passengers with other disabilities.

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/jelListDocuments.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 is 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, were included in the report that was considered by the Strategic Licensing Committee on the 20 November 2018. The relevant report can be found in the papers for the Committee meeting held on the 20 November 2018 at Agenda Item 5 <https://shropshire.gov.uk/committee-services/jelListDocuments.aspx?CId=166&MId=3858&Ver=4>. 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, necessarily be perceived as a negative outcome; rather, it may demonstrate 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, all collectively outweigh the very small number (7) of proprietors who have indicated they are against the removal of the existing five hackney carriage zones.

As a result, the Strategic Licensing Committee concluded that it is appropriate to recommend to the Council that the five existing taxi zones are removed and a single taxi licensing regime be applied throughout the administrative area of Shropshire Council. Based on feedback to the consultation, the Committee also considered it appropriate to recommend that the Council continue with the procedural steps required to remove the five zones but to delay the actual implementation date of the single taxi licensing regime until the 1 April 2021. This is primarily to provide a more balanced economic position for all taxi proprietors and to avoid an unfair and potentially adverse impact on the existing zone 4 proprietors.

### **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.*

<b>Protected Characteristic groups and other groups in Shropshire</b>	<b>High negative impact</b> <i>Part Two ESIIA required</i>	<b>High positive impact</b> <i>Part One ESIIA required</i>	<b>Medium positive or negative impact</b> <i>Part One ESIIA required</i>	<b>Low positive or negative impact</b> <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)			✓	

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

The removal of the zones may impact adversely on individual human rights, 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) and Article 8 - respect for private and family life (in particular, removal or restriction of a licence may affect a person's private life), insofar as existing taxi proprietors that do not currently have wheelchair accessible vehicles, will jeopardise their vehicle licences if they do not take the necessary action prior to the 1 April 2021 to ensure compliance. However, this is outweighed by the very positive impact that the removal of the zones will have on Article 14 rights, i.e. the prohibition of discrimination, and that the changes are being phased in over a 2-

year period. These specific human rights are clearly referenced within the overarching Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 and it is made clear that officers and members of the relevant committees will have regard to these rights when determining outcomes as they relate to licensing decisions.

Furthermore, the process to implement the removal of the five existing zones is inextricably linked to the Public Sector Equality Duty (PSED). It will help to eliminate discrimination, advance equality of opportunity and foster good relations between the taxi 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 undermining local licensing control and that as a result the 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 potentially being adversely impacted 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.

There is a risk that the removal of the existing zones may result in more proprietors applying to other local authorities to licence drivers and/or vehicles, particularly under the private hire regime, and as a result further compounding the impact of the Deregulation Act. However, the Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 attempts to redress this 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 in order to protect 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 removal of the zones may undermine local economic growth, insofar as the robust nature of the requirements and expectations that are placed on applicants and licence holders 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, there is a clear need to balance this against the requirements of the PSED placed on the Council, and the specific responsibility to promote inclusive transport options and to prevent discrimination. In this regard, it is important that the taxi and private hire trade understand the key role they have and that the Council is proactively driving the necessary changes at a local level to address this national agenda.

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 stand alone for a member of the public to read.

The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

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.

When you are not carrying out an ESIA, 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 ESIA, 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 ESIA:*

- 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](mailto:lois.dale@shropshire.gov.uk).***