

**Shropshire Council**  
**Equality, Social Inclusion and Health Impact Assessment (ESHIA)**  
**Initial Screening Record 2021-2022**

**A. Summary Sheet on Accountability and Actions**

<b>Name of proposed service change</b>
Hackney Carriage and Private Hire Licensing Policy 2023 to 2027

<b>Name of lead officer carrying out the screening</b>
Mandy Beever, Transactional Management and Licensing Team Manager

<b>Decision, review, and monitoring</b>
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<b>Decision</b>	<b>Yes</b>	<b>No</b>
Initial (part one) ESHIA Only?	✓	
Proceed to Full ESHIA or HIA (part two) Report?		✓

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

<b>Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations</b>
<p>The policy makes the responsibilities of operators and drivers under the Department for Transport's Access to taxis and private hire vehicles for disabled users<sup>[1]</sup> very clear. In addition to the requirements for the Council to publish a list of designated wheelchair accessible vehicles, the guidance goes further to set out what is expected of operators and drivers in relation to disabled passengers and the support that should be provided. The requirements have been put in place to include booking a licenced vehicle, identifying the vehicle which has been booked and the assistance which should be provided throughout their journey.</p>

<sup>[1]</sup> Department for Transport's Access to taxis and private hire vehicles for disabled users  
<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2>

The Council has utilised the ESHIA in order to consider children and young people who are looked after by Shropshire Council and the families of children in need, when considering the Protected Characteristic grouping of 'Age', and with respect to adults with care and support needs, e.g. adults with learning disabilities, when considering the Protected Characteristic grouping of 'Disability'.

For all the nine Protected Characteristic groupings, the impact is rated as positive; notably, with respect to the 'age', 'disability', 'race' and 'sex', where the impact is anticipated 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. As such, this relates to the tenth groupings we seek to think about in Shropshire, of 'social inclusion'.

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 from the 27 June 2018 to the 4 September 2022, 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.

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.

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

The policy will be formally reviewed 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/Uniform 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.

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 also the intention that managers and professional leads will continue to engage in hackney carriage and private hire licensing developments at a regional and national level. This will include responding to relevant consultations and participating in events/workshops to ensure that Shropshire Council's position and the impact on the local community and the trade of any national proposals to

update, amend or change the hackney carriage and private hire licensing regimes are fully understood by Government before any legislative changes are implemented or guidance introduced.

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

#### **Associated ESHIAs**

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

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

Equality Act 2010 – Shropshire Council List of Designated Wheelchair Accessible Vehicles (ESIA 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 (ESIA undertaken in June to December 2018)

Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 (ESIA undertaken in 2018/19)




Request for a Review of the Hackney Carriage Fare Card (Table of Fares) in Shropshire (ESIA undertaken in 2022/23)

#### **Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations**

In addition to the Council's corporate approach towards prioritising and measuring the overall outcomes that are set out The Shropshire Plan (<https://www.shropshire.gov.uk/shropshire-council/corporate-plan/>), the Licensing Team will continue to utilise the expertise within Environmental Protection Team in Regulatory Services, Public Health, Climate Change and Economic Growth Teams to assess the impact, on both health and the environment, of the proposed shift in the vehicle requirements from an emission standards basis to one that is a combination of both emission standards and vehicle age-restrictions.

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 Licencing Policy.



### Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i>  <b>Mandy Beever, Transactional Management and Licensing Team Manager</b>		23 September 2022
<i>Any internal service area support*</i>  <b>Kate Roberts, Public Protection Officer (Professional)</b>		26 September 2022
<i>Any external support**</i>  <b>Lois Dale, Rurality and Equalities Specialist</b>		26 <sup>th</sup> September 2022

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

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

### Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i>		26 September 2022
<i>Accountable officer's name</i>		26 September 2022

*\*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 2019 and is due to expire on 31 March 2023. It is essential that the Council has a revised policy from 1 April 2023 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.
- 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.

- Department for Transport, Statutory Taxi and Private Hire Vehicle Standards July 2020 Statutory & Best Practice Guidance for taxi and PHV licensing authorities ([publishing.service.gov.uk](https://publishing.service.gov.uk))
- Department for Transport, Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance [uksiod\\_20170342\\_en.pdf](#) ([legislation.gov.uk](https://legislation.gov.uk))
- Safeguarding Vulnerable Groups Act 2006 Safeguarding Vulnerable Groups Act 2006 ([legislation.gov.uk](https://legislation.gov.uk))
- Department for Education, Home to school travel and transport statutory guidance 2014 Home-to-school travel and transport - GOV.UK ([www.gov.uk](https://www.gov.uk))
- Local Government Association, Councillor Handbook: Taxi and Private Hire Licensing 20 July 2021 Councillor Handbook: Taxi and PHV Licensing | Local Government Association
- Information Commissioners Office, Guide to the General Data Protection Regulation, The Data Protection Act 2018 Lawful basis for processing | ICO
- Department for Transport Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 ([legislation.gov.uk](https://legislation.gov.uk))
- Department for Transport Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, Statutory Guidance Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 - GOV.UK ([www.gov.uk](https://www.gov.uk))
- Finance Bill 2021, Tax Conditionality
- Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guide March 2010

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

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 22 June 2022 at Agenda item 6

<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=4673&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 27 June 2022 to the 4 September 2022.

On 18 August 2022, a 'Taxi Forum' was held to commence the engagement with the hackney carriage and private hire trades. 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 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.

1. Age/emissions for vehicles as whole
2. Consideration for a separate age/emissions section for wheelchair accessible vehicles
3. IVA requirements for a wheelchair accessible vehicle following an accident
4. Updating the trade on the Safer Streets/Shrewsbury Town Council project
5. Review documentation to be sent out as part of the safeguarding course
6. Proactive enforcement exercises to be undertaken by the out of hours officers

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
- 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)
- Regional Taxi Licensing Forum
- Shropshire Council Regulatory Services and Trading Standards & Licensing managers
- Shropshire Council Passenger Transport Team
- Shropshire Council Director of Public Health
- Shropshire Council Assistant Director of Homes and Communities
- Local Business Board
- Oswestry Business Improvement District
- Shrewsbury Business Improvement District
- Chamber of Commerce
- Federation of Small Businesses
- Campaign for Better Transport
- Shropshire Town and Parish Councils
- Team Shrewsbury

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.

The feedback that was received in response to the formal consultation mainly related to the vehicle emission standards and vehicle age-restrictions, the period of time for which they are allowed to be licenced and the financial impact to proprietors for the replacement of those vehicles. Furthermore, requests were made for an extension to the time the vehicles could be licenced for.

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

*Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.*

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

<b>Protected Characteristic groupings and other groupings 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, negative, or neutral impact (please specify)</b> <i>Part One ESIIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young			✓ particularly those for whom there	

person for whom there are safeguarding concerns e.g., an older person with disability)			are safeguarding concerns	
<b><u>Disability</u></b> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)			✓ particularly those for whom there are safeguarding concerns	
<b><u>Gender re-assignment</u></b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<b><u>Marriage and Civil Partnership</u></b> (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
<b><u>Pregnancy and Maternity</u></b> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<b><u>Race</u></b> (please include ethnicity, nationality, culture, language, Gypsy, Traveller)			✓	
<b><u>Religion and belief</u></b> (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				✓
<b><u>Sex</u></b> (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)			✓	
<b><u>Sexual Orientation</u></b> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
<b><u>Other: Social Inclusion</u></b> (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns;			✓vulnerable individuals	

people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)				
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**Initial health and wellbeing impact assessment by category**

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

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

<b>Health and wellbeing: individuals and communities in Shropshire</b>	<b>High negative impact</b> <i>Part Two HIA required</i>	<b>High positive impact</b>	<b>Medium positive or negative impact</b>	<b>Low positive negative or neutral impact (please specify)</b>
<p><b>Will the proposal have a <i>direct impact</i> on an individual's health, mental health and wellbeing?</b></p> <p>For example, would it cause ill health, affecting social inclusion, independence and participation?</p> <p>.</p>			✓ positive	
<p><b>Will the proposal <i>indirectly impact</i> an individual's ability to improve their own health and wellbeing?</b></p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p> <p>.</p>			✓ positive	
<p><b>Will the policy have a <i>direct impact</i> on the community - social, economic and environmental living conditions that would impact health?</b></p> <p>For example, would it affect housing, transport, child development, education, employment opportunities,</p>			✓ positive	

availability of green space or climate change mitigation? .				
<b>Will there be a likely change in <i>demand</i> for or access to health and social care services?</b>  For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services? .				✓neutral

**Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts**

**Climate change**

A significant proportion of the feedback received from the trade related to the impact of the combination of 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 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.

**Health and well being**

Transport has a significant impact on health and wellbeing. It is much more than simply getting from A to B; it is an enabler to get to work, school, shops, healthcare, social events and leisure activities, all of which are important for good physical and mental health and wellbeing. A good transport system, i.e., quality, appropriateness, adequacy and affordable infrastructure and services, is essential for a healthy and equitable society.

Public transport is a vital component of an effective, healthy and equitable transport system. However, the reduction in or lack of public transport services, especially in rural areas like Shropshire can have a negative impact on the access and opportunities available to population groups. Those most vulnerable and at risk from limited transport options and services are already experiencing health inequalities and include people with disabilities, children and young people, women, older people, people without a car, and low income groups. For example, evidence shows that people with disabilities use taxis more than those without a

disability for essential journeys like healthcare and shopping, despite more of them living in relative poverty.<sup>[2]</sup> This is due to a lack of available services, service times and inaccessibility of the services available.<sup>[3]</sup>

### **Economic and societal/wider community**

There are known difficulties around providing adequate transport in rural areas and Shropshire is no exception. Hackney carriages (along with private hire vehicles, drivers and operators) are part of the transport solution in Shropshire, not only for general journeys but also to support the evening and night-time economy, including ensuring the public are transported home safely after nights out in our town centres. This also supports the Safer Streets project (Home Office funded), which is currently underway in Shrewsbury (although the principles apply across the county) to mitigate perceived and actual risks of violence against women and girls, and which is hoped will also reduce the risk of individuals entering the River Severn, the majority of whom have been young men.

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 states 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 policy complies with and exemplifies the Council's Public Sector Equality Duty by helping 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 through the publishing of the

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<sup>[2]</sup> DfT. (2022). National Statistics: Taxi and private hire vehicle statistics, England: 2022.

<https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2022/taxi-and-private-hire-vehicle-statistics-england-2022>

<sup>[3]</sup> Cooper, E., Gates, S., Grollman, C., Mayer, M., Davis, B., Bankiewicz, U., Khambhaita, P. (2019). Transport, health, and wellbeing: An evidence review for the Department for Transport.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/847884/Transport\\_health\\_and\\_wellbeing.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/847884/Transport_health_and_wellbeing.pdf)

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 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. Legal Context**

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

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

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

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

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

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

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

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

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

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion.

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

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

This involves taking an equality and social inclusion approach in planning changes to services, policies, or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.



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

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