

# Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

<b>Directorate: Resources</b>	<b>Service area: Licensing &amp; Registration</b>
<b>Lead person: Kate Coldwell</b>	<b>Contact number: 3781563</b>

## 1. Title: The Application Process for new applicants to both the Hackney Carriage and Private Hire trade: Member References

Is this a:

**Strategy / Policy**

**Service / Function**

**Other**

**If other, please specify**

## 2. Please provide a brief description of what you are screening

In England (outside London), Hackney Carriage and Private Hire licences are issued by local Councils who have a statutory responsibility to make sure drivers are a 'fit and proper' person to drive a Hackney Carriage (Taxis) and Private Hire vehicle (hired through a local Operator) being used for hire or reward.

In Leeds, licensing and enforcement matters are dealt with by Officers in the Councils Taxi and Private Hire Licensing Section. Policies are approved in principle by the Licensing Committee and Officers make a subsequent decision on those policies under the scheme of 'delegation of powers' and the Councils constitution.

The following areas are pre-requisites to an individual being granted either a Hackney Carriage and/ or a Private Hire drivers licence;

- passing a Driving Standards Agency test
- passing a Group 2 Medical
- passing an English Comprehension test

- passing an Enhanced Criminal Records Bureau disclosure
- passing a Local Knowledge test

Where an applicant was born outside of the UK and came to the UK as an adult (over 16yrs) they are also required to provide a Non-UK DBS certificate from the country of birth. If this cannot be produced, a letter must be provided stating the reasons why. A character reference must also be provided from a former employer who has known them for at least one year and a reference from an upstanding member of the community i.e. religious leader, community leader, Councillor, MP, Solicitor, accountant, college tutor etc who has known you for at least one year.

It is proposed that Member, MP and Senior Officer references no longer form part of the decision making process within Taxi and Private Hire Licensing and that a more robust approach is taken to evaluating the different types of references across the board. It is this proposal that is being screened.

### 3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	√	
Have there been or likely to be any public concerns about the policy or proposal?	√	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		√
Could the proposal affect our workforce or employment practices?		√
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, victimisation and harassment</li> <li>• Advancing equality of opportunity</li> <li>• Fostering good relations</li> </ul>	√	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.

- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

#### **4. Considering the impact on equality, diversity, cohesion and integration**

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?**

It is the Council's statutory responsibility to make sure the Taxi and Private Hire trade in Leeds is operated in a professional manner and that the correct standards of public safety are met by both drivers and Operators and that all vehicles are safe and meet a reasonable standard of comfort. We are committed to providing a quality transport service within the Taxi and Private Hire trade and our overriding principle is the safety of the travelling public. The Council is alert to public expectations of passenger care and comfort.

To meet these requirements a driver must undertake a Driving Standards Agency (DSA) driving test, an Enhanced Disclosure and Barring (DBS) check and pass a Group 2 Medical. These are essential pre-requisites in every case and ensure that the licensee is a 'fit and proper' person to transport passengers with particular care being taken with unaccompanied children and vulnerable adults. The necessity to undertake both the enhanced DBS and Group 2 Medical is also in line with Best Practice Guidance.

The role of a licensed driver may bring individuals into contact with vulnerable children and other groups such as the infirm, elderly and mentally ill. To protect these vulnerable client groups we must have robust checks for the existence and content of any criminal record or disclosure concerns from the Police and other sources. Safeguarding and protecting children are imperatives for the Council.

Therefore where an applicant was born outside of the UK and came to the UK as an adult (over 16yrs) they are also required to provide a Non-UK DBS certificate from the country of birth. If this cannot be produced, a letter must be provided stating the reasons why. A character reference must also be provided from a former employer who has known them for at least one year and a reference from an upstanding member of the community i.e. religious leader, community leader, Councillor, MP, Solicitor, accountant, college tutor etc who has known you for at least one year.

There is an issue as to whether or not it is appropriate for Members to provide references for applicants if requested. There are significant risks for Members providing such references, especially if the Members do not know the history of the individual they are representing. Those concerns are reflected on a wider basis in terms of the validity or relevance of references supplied by others. These concerns extend to Members of Parliament and Officers also.

Recent media reports highlight cases of Members in other authorities having to stand down from their positions when they have supported a driver who has later been found to

have a serious criminal record; which may not have been disclosed to the Member.

It is very important that applicants are aware that criminal record or other adverse information will not necessarily prevent them from obtaining a licence. Any information disclosed will be treated fairly and they will have the opportunity to make representations to the Officer dealing with the application.

To explain these vigorous checks, the Council issues 'A Guide to Obtaining a Licence' which is free and included within all new application packs. The Guide is written in plain English and sets out the requirements placed upon applicants before any fee is taken. Licensing Officers are on hand to explain the application process in more detail, making the applicant aware of, and checking their understanding of, each stage of the process. We also place our guidance on the Taxi and Private Hire Licensing Sections internet site.

- **Key findings**

The safe licensing and monitoring of licensed drivers is a statutory responsibility for the Council and contributes significantly to the safety of the travelling public and it is recognised that those who are licensed by the Taxi and Private Hire Licensing Section are the biggest providers of transport in the evening and night time economy.

There are three important elements in the licensing regime; the information stage to let potential applicants make an informed decision; the scrutiny stage of the application (the 'fit and proper person' test); followed by training drivers to the expected standards of service. These three areas contribute not only to safer communities but also add favourably to the image of Leeds by emphasising the ambassadorial role of drivers within a key passenger service industry.

A misinformed understanding of an applicant's true background can cause reputational damage to the Councillor and the Council and create a public safety risk. The value of such an uninformed Councillor, MP or Officer reference can unduly impact upon the decision making process and be disproportionately valued in subsequent Court appeals. In effect, a valid decision taken by Officers, who have all of the information or intelligence before them, can be inadvertently undermined. This poses a potential public safety risk.

Applicants should be able to obtain other beneficial or credible reputational evidence that is relevant to that role and which is auditable.

The information we have available for potential applicants allows them to make informed decisions about their chances of being granted a licence prior to incurring a cost.

The proposal does not affect existing licence holders.

- **Actions**

**(think about** how you will promote positive impact and remove/ reduce negative impact)

Ensure that our forms and publications continue to be written in plain English and that support is offered via Licensing Officers prior to applications being submitted.

Improved explanation of the value of employment references or other sources of relevant and auditable supporting character evidence, prior to the point of application.

Ensure that training needs continue to be evaluated at the English Comprehension assessment centre and that support continues throughout any identified training requirements.

Ensure that we continue to consult fully regarding any proposed changes to our application process.

Ensure any changes to our application process are communicated widely and appropriately.

**5. If you are **not** already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.****

Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

### **6. Governance, ownership and approval**

Please state here who has approved the actions and outcomes of the screening

<b>Name</b>	<b>Job title</b>	<b>Date</b>
Kate Coldwell	Service Development Officer	04.12.2014

### **7. Publishing**

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

<b>Date screening completed</b>	4th December 2014
<b>Date sent to Equality Team</b>	5 <sup>th</sup> December 2014
<b>Date published</b> (To be completed by the Equality Team)	