

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.

Directorate: Citizens and Communities	Service area: Elections, Licensing and Registration
Lead person: Kate Coldwell	Contact number: 3781563

1. Title: Delegation of Enforcement Powers: Taxi & Private Hire Licensing

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

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

Leeds city council took responsibility for all Hackney carriage and private hire licensing matters in 1978 when it adopted Part II of the Local Government (Miscellaneous Provisions) Act, 1976. The then responsible Licensing Committee created a set of conditions which it thought appropriate to place on private hire drivers and operators at that time. Since 1978, changes have been made to the conditions based on recommendations by Elected Members, changes in legislation and minor administrative, enforcement or public service issues.

The provisions of the Deregulation Act 2015 for taxi and private hire deregulation measures came into force on 1 October 2015 and, amongst other things, the Act removes the strict control of sub-contracting a private hire journey from within a licensing district only, to enable sub-contracting to take place on a national basis. This is a major amendment to the 1976 Act, affecting taxi and private hire drivers and operators and the deregulation will have far reaching implications for private hire operators in relation to the sub-contracting of bookings from one private hire vehicle operator to another as each Local Authority sets its own conditions upon licences.

The Licensing Committee will recommend to the General Purposes Committee and full Council, that there is a delegation of enforcement functions across other Local Authorities to help minimise concerns. Also, to agree to other authorities' enforcement powers being delegated to this authority.

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. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

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">• Eliminating unlawful discrimination, victimisation and harassment• Advancing equality of opportunity• Fostering good relations	√	

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?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The purpose of conditions attached to licences is to make sure that 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 drivers and operators and that all vehicles are safe and meet a reasonable standard of comfort. The Council is 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. In addition, we are alert to public expectations of passenger care and comfort.

Section 11 (private hire vehicles: sub-contracting) inserts two new sections (55A and 55B) into the Local Government (Miscellaneous Provisions) Act 1976 in relation to the sub-contracting of bookings from one private hire vehicle operator to another. There is currently no detailed information or operational guidance on these deregulation measures available from the Government, DfT or other organisations.

Sub-contracting presents significant difficulties for the Council in conducting its enforcement activities and to the public in terms of local licensing conditions, service standards and potentially public safety as each local authority sets its own licensing conditions and may be more stringent in some licensing districts than others.

One key issue being progressed is to enable Leeds City Council Enforcement Officers to inspect vehicles licensed by other authorities and grant them suspension powers through the scheme of delegation.

The scheme of delegation requires that officers have sufficient skills, knowledge and expertise to make decisions; therefore it is impractical to expect Enforcement Officers to have in-depth knowledge of the differing licensing conditions across all authorities. It is intended that Leeds Officers would retain the sub-delegation of the following functions, which would also be delegated to other authorities;

- All criminal matters Local Government (Miscellaneous Provisions) Act 1976
- Section 53(3) (a) Driver to produce his licence for inspection
- Section 58 Return of identification plate or disc on revocation etc
- Section 60 to suspend and revoke vehicle licenses
- Section 61 to suspend and revoke driver licences
- Section 68 Fitness of private hire vehicles
- Section 73 – Obstruction of Authorised Officers
- Town and Police Clauses Act 1847
- Section 45 prosecution for plying for hire
- Road traffic Act 1988
- Section 143 (no insurance)
- All criminal matters

This ensures that officers concentrate on key risk factors such as who is driving, why they are driving, is the applicable insurance in place, is the vehicle road worthy. The ability to prosecute on criminal matters would rest with the district within which the alleged offence occurred. Decisions based on local licensing conditions would be referred back to the applicable local authority to ensure decisions taken in terms of local policy are fairly applied.

Consultation has taken place informally amongst private hire operators and Hackney carriage associations

who are supportive of the proposals.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The safe licensing and monitoring of licence holders 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 is potential for an impact for the different equality characteristics as each licensing authority sets its own licensing conditions, for example in Leeds licensed drivers must be able to read, understand and adhere to the conditions attached to the grant of their licence. Both the English comprehension test and the private hire knowledge seminar are in place to ensure that our licence holders are able to do this. However, nationally this may not be a requirement and other authorities may require a different standard prior to the grant of a licence.

Drivers and vehicle proprietors nationally may not understand, and therefore fully engage, with the scheme of delegation across Local Authorities.

In some scenarios such as refusal to carry assistance dogs/ wheelchair users, which is a breach under the Equality Act 2010, we would look at offering remedial training packages rather than proceeding directly to prosecution. Further breaches would lead to prosecution.

- **Actions**

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

The Council will look at the options to provide an interpreter for any interview where the driver may not meet the required ESOL Level 3 test, as specified in the Leeds licensing conditions.

Effective communication must be undertaken to explain the process across each Local Authority who signs up to the sharing of enforcement powers;

- Communicate with trade representatives across each Authority
- Enforcement Officers may be supplied with badges to explain their delegated powers
- Information packs to be supplied to Enforcement Officers
- Use of a language line or similar, to assist with language difficulties

All of the above will also assist Officers when carrying out their duties.

This authority must be consistent in offering remedial training packages to those licensed by another authority.

Analysis will be undertaken on a 6 monthly basis to understand the level of 'out of town' suspensions and complaints, identify trends and inform a reporting mechanism to the applicable authority.

In Leeds, we will;

- ensure that we take legal advice as applicable prior to making any change proposals regarding our policies.

- ensure that we continue to consult fully regarding any proposed changes to our policies.
- ensure any changes to our policies are communicated widely and appropriately.
- ensure that our publications continue to be written in plain English and that support is offered via Officers to explain our policies.
- continue to enforce our policies to ensure that the correct standards of safety and comfort are satisfied by licence holders.

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

Name	Job title	Date
John Mulcahy	Head Of Elections Licensing and Registration	23.11.2015
Date screening completed		23.11.2015

7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: