

Equality Impact Assessment Part 1: Screening Form

Title of report or proposal:
Statement of Fitness & Suitability (Private Hire, Hackney Carriage & Social Needs Transport) – Consultation Proposal

Department:	Place
Section/SIAP unit:	Licensing Unit, Neighbourhood and Regulatory Services
Date:	28 November 2018

This report is for decision and is therefore subject to an Equality Impact Assessment. The following questions have been completed to ensure that this proposal, procedure or working practice does not discriminate against any social group. Details of the outcome of the Equality Impact Assessment have also been included in the main body of the report.

Equality Impact Assessment Questions

1. Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes:

Purpose:

The Council is responsible for issuing licences for the provision of both private hire and hackney carriage. A licence is issued subject to a person meeting certain criteria covered in both legislation and Council standards.

A licence is issued pursuant to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. The law prohibits the Council granting a licence to a person unless they are satisfied that the person is 'a fit and proper person'

The Council is also responsible for granting contracts for the provision of social needs transport. A contract is granted subject to Council standards, the tender framework and the terms and conditions.

The proposals contained in the 'Statement of Fitness & Suitability' (Private Hire, Hackney Carriage & Social Needs Transport) outline these standards and the Council's ongoing responsibilities.

The current statement in place since April 2016 is modelled on the framework developed by the Association of Greater Manchester Authorities (AGMA), with the objective of ensuring transparency and consistency across region. There may be variations in the content of the statement across the region due to each Council's own policies requirements.

The Greater Manchester Combined Authority (AGMA plus the Greater Manchester Mayors office) intends to undertake a fundamental review of the Policy in 2019, the review will have full regard to the Institute of Licensing's recently published Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades, and the Department for Transport's updated Best Practice Guidance on taxis expected early 2019.

Having regard to the guidance published by the Institute of Licensing the Council considers it is necessary to immediately refresh the current statement/ policy to reflect the higher standards now expected in terms of considering sexual and indecency matters and

There is also a need to implement an expedited process to deal with isolated traffic offences that have resulted in fixed penalty notices and a penalty of no greater than 3 penalty points .

2. Who are the main stakeholders in relation to the proposal?

The proposals reflect relatively minor changes to the existing statement/ policy informal. Discussions will take place with :

- Trade representative for both private hire and hackney carriage
- Private hire operators
- Officers of the Council
- Members of the Licensing & Environmental Regulation Committee
- Members of the Licensing & Environmental Regulation Subcommittees

3. In summary, what are the anticipated (positive or negative) impacts of the proposal?

The proposals will provide an expedited process for dealing with isolated traffic offences which attract a fixed penalty notice with no more than 3 penalty points. This is expected to reduce the workload of the traffic subcommittee and therefore reduce the delay in determining applications and reviews where the person has relevant traffic offences.

The proposals strengthen the standards in place regarding how issues related to sexual and indecency matters will be dealt with. The statement/ policy will mean that the council would not expect to licence persons who have relevant information disclosed in respect of sexual or indecency matters regardless of the time that has passed.

The inclusion of this information in a written statement/ policy ensures that the information is available to all parties and is transparent as to the standard expected by the Council and the way in which issues will be considered.

Impact for the business community

For the business community, the proposals provide guidance and a framework for anyone with an interest in private hire, hackney carriage or the provision of social needs transport. The proposals set out minimum standards to be applied to a range of convictions, other formal action, intelligence or non-convictions, etc. and it explains in very general terms a 'fit and proper' test. However, it is important to remember that each case will still be determined on its individual merits.

The principles governing the proposals remain consistent with the previous policy and it recognises the wider community impacts that the Council, business community and other stakeholders must be aware of when operating in this area.

There is recognition in the proposals of the need to balance the rights of businesses and the community and recognises the aim of the Council is public safety.

Impact for the wider community

The proposals will ensure a robust licensing and social needs transport regime; that protects safety and commands the confidence of the public. The Council will always put the protection of the public first when considering any information recorded against a person applying for a licence, renewing a licence or having a licence reviewed or when awarding or reviewing a contract to provide social needs transport.

4. With regard to the stakeholders identified above and the diversity groups set out below:

	Is there any potential for (positive or negative) differential impact?	Could this lead to adverse impact and if so what?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason?	Please detail what measures or changes you will put in place to remedy any identified adverse impact
Race	It is not anticipated that the proposed updates will influence the grounds of race.	It is not anticipated that the proposed updates will have an adverse impact on the grounds of race.	Not applicable at this time.	
Religion	It is not anticipated that the proposed updates will influence the grounds of faith.	It is not anticipated that the proposed updates will have an adverse impact on the grounds of faith.	Not applicable at this time.	
Disability	It is not anticipated that the proposed updates will have an impact on the grounds of disability.	It is not anticipated that the proposed updates will have an adverse impact on the grounds of disability.	Not applicable at this time.	
Gender (including gender reassignment)	It is not anticipated that the proposed updates will have an impact on the grounds of gender.	It is not anticipated that the proposed updates will have an adverse impact on the grounds of gender.	Not applicable at this time.	

Age	It is not anticipated that the proposed updates will have an impact on the grounds of age.	It is not anticipated that the proposed updates will have an impact on the grounds of age.	Not applicable currently.	
Sexuality	It is not anticipated that the proposed updates will have an impact on the grounds of sexuality.	It is not anticipated that the proposed updates will have an impact on the grounds of sexuality.	Not applicable currently.	
Caring status (including pregnancy & maternity)	It is not anticipated that the proposed updates will have an impact on the grounds of caring status. .	It is not anticipated that the proposed updates will have an impact on the grounds of caring status.	Please see the section on age, above.	
Marriage and civil partnership	It is not anticipated that the proposed updates will influence the grounds of marriage and civil partnership.	It is not anticipated that the proposed updates will have an adverse impact on the grounds of marriage and civil partnership.	Not applicable currently.	

Socio-economic	It is not anticipated that the proposed updates will have an impact on the grounds of socio-economic disadvantage.	It is not anticipated that the proposed updates will have an adverse impact on the grounds of socio-economic disadvantage.	Not applicable currently.	
Other comments or issues	As set out in the sections above, the proposed updates are designed to expediate consideration of certain isolated motoring offences and strengthen the policy in respect of consideration of sexual and indecency matters.. In this respect, it is not anticipated that the proposed changes will have a significant effect on any diversity group.			
<p>Please provide a list of the evidence used to inform this EIA, such as the results of consultation, service take-up, service monitoring, surveys, stakeholder comments and complaints where appropriate.</p> <p>If you have undertaken consultation as part of the proposal, the consultation manager will upload it on to the corporate database.</p>			<ul style="list-style-type: none"> • The existing Statement of Policy and Guidelines Relating to the Relevance of Conviction • 	

5.a Are there any gaps in your evidence or conclusions that make it difficult for you to quantify the potential adverse impact?

5.b If so, please explain how you will explore the proposal in greater depth or please explain why no further action is required at this time.

As above

You may wish to consider undertaking secondary data analysis, further consultation or research or investigating best practice. If you are planning to undertake further consultation or research as a result of this EIA, please contact the Consultation Manager on ext. 1083.

This EIA form and report has been checked and countersigned by the Departmental Equalities Officer before proceeding to Executive Member(s)

Please confirm the outcome of this EIA:

No major impact identified, therefore no major changes required – proceed	<input checked="" type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
Stop and rethink - the EIA identifies actual or potential unlawful discrimination	<input type="checkbox"/>

Report Officer

Name: E Pritchard / P Clyne

Signature: _____
Date and Contact No: 29 November 2018 01204 336580

Departmental Equalities Lead Officer

Name: _____
Signature: _____
Date and Contact No: _____

Equality Impact Assessment

Part 2: Consultation Form

(To be completed where consultation has been undertaken)

This report is for decision and is therefore subject to an Equality Impact Assessment. The proposal was also subject to consultation and this Equality Impact Assessment (Consultation Form) provides details of the consultation results.

The following questions have been completed to ensure that this proposal, procedure or working practice does not discriminate against any particular social group. This has been ensured by undertaking consultation. Details of the outcome of the consultation have also been included in the main body of the report.

This form asks you to provide details of all the consultation undertaken specific to the proposal you are making, either prior to the EIA or as part of it and the results of this.

1. Consultation with staff
 - a. Please summarise the consultation undertaken with staff and their Trades Unions regarding this proposal.

Some officers of the Council were consultees on the document but only in so far as they have background knowledge and would implement, consult or support the application of the policy see number 2 below.

- b. Please summarise the results of this consultation, including key issues arising and any changes being made to the proposal as a result of the consultation

None – no comments were received.

2. Consultation with customers and other stakeholders
 - a. Please summarise the consultation undertaken with customers and other stakeholders regarding this proposal (refer back to the stakeholders identified in your screening form)

the proposals represent minor changes to a small section of the policy , the proposals were discussed at the taxi trade forum and a whole sale review of the policy is expected to take place in 2019

- b. Please summarise the results of this consultation, including key issues arising and any changes being made to the proposal as a result of the consultation.

This EIA form and report has been checked and countersigned by the Departmental Equalities Officer before proceeding to Executive Member(s)

Please confirm the outcome of this EIA:

No major impact identified, therefore no major changes required – proceed	<input checked="" type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
Stop and rethink - the EIA identifies actual or potential unlawful discrimination	<input type="checkbox"/>

Report Officer

Name: P.Clyne

Signature: PC

Date and Contact No: _____

Departmental Equalities Lead Officer

Name: _____

Signature: _____

Date and Contact No: _____