

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:	16 th February 2016

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 particular 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 proposed statement 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.

Objective

The Council is committed to ensuring that:

- All persons that hold a licence or provide social needs transport are 'fit and proper persons' or in simpler terms they are both 'safe and suitable'
- The public are not exposed to persons with a history of dishonesty, indecency or violence or any other offence or inappropriate behaviour which may question the persons 'fit and proper status'
- The safety of children, young persons and vulnerable adults is protected

Aim:

The proposals contained in the 'Statement of Fitness and Suitability' enables the Council to ensure a robust licensing and social needs transport regime, that protects safety and commands the confidence of members 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 where a licence is being reviewed and when granting or reviewing a contract to provide social needs transport.

By including convictions, other formal action, intelligence and non-convictions within the proposals the Council is ensuring that any person applying for a licence, renewing a licence, or a person whose licence is being reviewed or a person providing social needs

transport, meets the Councils standards and is a 'fit and proper person' and that that the Council standards are not solely based on convictions, but also take into account a person's conduct and behaviour.

Consultation will be undertaken with statutory consultees and the wider community.

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

The proposals will be considered by the following consultees as part of the consultation exercise:

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

Elected Members will be consulted through the appropriate internal processes.

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

It is not anticipated that the proposals will have a significant impact. The proposals are updating the existing Council 'Statement of Policy and Guidelines Relating to the Relevance of Convictions'. There is already a strong degree of consistency in the current Council licensing and social needs transport regime and the proposals are building on the current framework.

The proposals provide clarity and guidance for private hire, hackney carriage and social needs transport providers, for any person with a conviction, who has had other formal action taken, or where there is intelligence or other non-convictions matters. It sets out the Councils standards and decision making process. The proposals provide guidance for decision makers by outlining a range of minimum periods to be applied to convictions, other formal action, intelligence and non-convictions. The proposals support the wider context of the Councils duty under the safeguarding agenda, in particular child sexual exploitation.

Impact for the business community

For the business community, the proposals provides 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 proposals now include the providers of social needs transport and will help the Council ensure a robust licensing and social transport regime, that protects safety and command the confidence of members of the public.

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 also 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 general 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 Statement of Fitness & Suitability will have an effect on the grounds of race.	It is not anticipated that the proposed Statement of Fitness & Suitability will have an adverse impact on the grounds of race.	Not applicable at this time. The proposed Statement of Fitness & Suitability has been designed to clarify, formalise and, in some cases, simplify the processes governing this area of licensable activity.	Consultation on the Statement of Fitness & Suitability will be undertaken with industry related consultees and their representatives.
Religion	It is not anticipated that the proposed Statement of Fitness & Suitability will have an effect on the grounds of faith.	It is not anticipated that the proposed Statement of Fitness & Suitability will have an adverse impact on the grounds of faith.	Not applicable at this time. The proposed Statement of Fitness & Suitability has been designed to clarify, formalise and, in some cases, simplify the processes governing this area of licensable activity.	Consultation on the Statement of Fitness & Suitability will be undertaken with industry related consultees and their representatives.
Disability	It is not anticipated that the proposed Statement of Fitness & Suitability will have an impact on	It is not anticipated that the proposed Statement of Fitness & Suitability will have an adverse impact on the grounds of disability.	Not applicable at this time. The proposed Statement of Fitness & Suitability has been designed to clarify, formalise and, in some cases, simplify the	Consultation on the Statement of Fitness & Suitability will be undertaken with industry related consultees and their representatives.

	the grounds of disability.		processes governing this area of licensable activity.	
Gender (including gender reassignment)	It is not anticipated that the proposed Statement of Fitness & Suitability will have an impact on the grounds of gender. .	It is not anticipated that the proposed Statement of Fitness & Suitability will have an adverse impact on the grounds of gender.	Not applicable at this time. The proposed Statement of Fitness & Suitability has been designed to clarify, formalise and, in some cases, simplify the processes governing this area of licensable activity.	Consultation on the Statement of Fitness & Suitability will be undertaken with industry related consultees and their representatives.
Age	It is not anticipated that the proposed Statement of Fitness & Suitability will have an impact on the grounds of age.	It is not anticipated that the proposed Statement of Fitness & Suitability will have an impact on the grounds of age.	Not applicable at this time. The proposed Statement of Fitness & Suitability has been designed to clarify, formalise and, in some cases, simplify the processes governing this area of licensable activity. Safeguarding of children and young person's remains a fundamental principle of the statement.	Consultation on the Statement of Fitness & Suitability will be undertaken with industry related consultees and their representatives.

Sexuality	It is not anticipated that the proposed Statement of Fitness & Suitability will have an impact on the grounds of sexuality.	It is not anticipated that the proposed Statement of Fitness & Suitability will have an impact on the grounds of sexuality.	Not applicable at this time. The proposed Statement of Fitness & Suitability is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity.	Consultation on the Statement of Fitness & Suitability will be undertaken with industry related consultees and their representatives.
Caring status (including pregnancy & maternity)	It is not anticipated that the proposed Statement of Fitness & Suitability will have an impact on the grounds of caring status. .	It is not anticipated that the proposed Statement of Fitness & Suitability will have an impact on the grounds of caring status.	Please see the section on age, above.	Consultation on the Statement of Fitness & Suitability will be undertaken with industry related consultees and their representatives.
Marriage and civil partnership	It is not anticipated that the Statement of Fitness & Suitability will have an effect on the grounds of marriage and civil partnership.	It is not anticipated that the proposed Statement of Fitness & Suitability will have an adverse impact on the grounds of marriage and civil partnership.	Not applicable at this time. The proposed Statement of Fitness & Suitability is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity.	Consultation on the Statement of Fitness & Suitability will be undertaken with industry related consultees and their representatives.

Socio-economic	It is not anticipated that the proposed Statement of Fitness & Suitability will have an impact on the grounds of socio-economic disadvantage.	It is not anticipated that the proposed Statement of Fitness & Suitability will have an adverse impact on the grounds of socio-economic disadvantage.	Not applicable at this time. The proposed Statement of Fitness & Suitability is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity.	Consultation on the Statement of Fitness & Suitability will be undertaken with industry related consultees and their representatives.
Other comments or issues	As set out in the sections above, the proposed Statement of Fitness and Suitability is designed to clarify, formalise and, in some cases, simplify the processes governing licensing activity. In this respect, it is not anticipated that the proposed changes will have a significant effect on any particular 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 • Engagement with key internal and industry stakeholders

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

Consultation is required to be undertaken with statutory consultees, as set out earlier in this EIA. This will inform the final policy.

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="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: _____

Date and Contact No: 5th February 2016

Departmental Equalities Lead Officer

Name: Emma Sewell

Signature: ES

Date and Contact No: 5th February 2016 x6811

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 consultation period ran from Wednesday 17 February 2016 to Wednesday 16 March 2016.

A letter was sent to a range of stakeholders including taxi operators, taxi trade representatives, police, magistrates court and elected members (as representatives of residents). A full list of consultees is given below.

The letter asked stakeholders to review the proposed Statement on the website (paper copy available on request) and provide comments. In providing comments, stakeholders were asked to inform the council how the updated policy would impact on them or the organisation they represent, any impacts on particular vulnerable groups, any proposed

mitigation measures to off-set these impacts and any further proposed changes to the statement.

Stakeholders were asked to submit comments by email or in writing (a pre-paid envelope was provided). A face-to-face meeting or telephone discussion was offered to anyone who preferred this.

Stakeholders

- 89 x private hire operators
- 3 x taxi trade representatives (for both private hire and hackney carriage)
- Greater Manchester Police
- Chief Clerk, Bolton Magistrates Court
- Internal
 - o Directors of the council
 - o Community safety
 - o Social Needs Transport
 - o Legal Services
 - o Licensing
- Elected members (as representatives of residents)

- 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.

Three comments on the statement have been received. The comments related to licensing processes and how these can be clarified or improved and these suggestions can be incorporated into practices.

There is a general outline of the comments below and this includes a brief summary response (the full consultee responses is available if required):

- i. Elected Member comment - request for reassurance that applicants / license holders are given the opportunity to put their case forward prior to decisions relating to non convictions.

Response - The Licensing Unit can clarify that all such issues are considered as part of a hearing as outlined at paragraph 3 of the Statement of Fitness & Suitability.

- ii. Private hire operator comment - CRB check you should carry out the health and safety check at the same time as doing it yearly will be costly for all drivers.

Response – The Licensing Unit can confirm that the ‘fit and proper’ test is applied to all driver and operator applications and renewals and currently a DBS(CRB) is completed every 3 years. The ‘fit and proper’ test is a continual test applied by the Council as long as the licence remains valid as outlined in paragraph 2 of the Statement of Fitness & Suitability.

- iii. Service provider officer comment – Where licences are not approved or revoked/suspended this information needs to be formally notified to Social Needs Transport (SNT). Persons that do not hold a private hire/hackney carriage licence issued by Bolton

Council expert advice and guidance could be provided by a the Licensing Team or the Committee.

Response – The Licensing Unit can confirm that information is currently shared, but a more robust notification process is currently being developed. Further consideration of involving the Licensing Unit and Committee with SNT will be explored.

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="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: 22/03/2016 x6577

Departmental Equalities Lead Officer

Name: L. Roskell

Signature: LR

Date and Contact No: 22/03/2016