

Shropshire Council Equality and Social Inclusion Impact Assessment (ESIA)
Part One Screening Record 2020

A. Summary Sheet on Accountability and Actions

Name of proposed service change
Introduction of the Department for Transport Statutory Taxi and Private Hire Vehicle Standards

Name of lead officer carrying out the screening
Mandy Beever, Transactional and Licensing Team Manager

Decision, review and monitoring
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Decision	Yes	No
Part One ESIA Only?	X	
Proceed to Part Two Full Report?		X

If completion of a Part One assessment is an appropriate and proportionate action at this stage, please use the boxes below and sign off as indicated. If a Part Two report is required, please move on to full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality and social inclusion considerations
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It is recognised that the Council must ensure that its Hackney Carriage and Private Hire Licensing Policy is aligned with the DfT Statutory Standards ('the Standards') in order to secure the safety of passengers. Since the introduction of the Standards in July 2020, officers have taken steps to review the Standards and to ensure they are taken into consideration alongside the current Council Policy. Whilst progress is made to fully embed the changes that are required into the Council's Policy, delegated decisions have and continue to be informed by the detail contained within the Standards

The Standards take account of the Council's safeguarding responsibilities, particularly in relation to tackling child sexual exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults.

For all the Protected Characteristic groupings, the impact is rated as positive. The impact is also rated as 'medium positive' for people for whom there are or may be 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. There are also associated likely improvements overall to public safety under the proposed changes, bringing particular benefits for vulnerable households. This applies in particular to the categories of Age, Disability, and the tenth category we use in Shropshire of "social inclusion".

Children and young people who are looked after by Shropshire Council and the families of

children in need, have been considered in particular, with regard to the groupings of Age and Social Inclusion. Adults with care and support needs, e.g. adults with learning disabilities, have been considered in particular, in terms of the Protected Characteristic of Disability.

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

The Council intends to undertake a formal consultation on the revised Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 (the Policy) to include the Standards during 2022 with informal consultations undertaken with stakeholders and the trade in the second half of 2021.

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, to provide feedback on the impact of the changes made. In addition, these contacts, together with social media contacts, are 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.

With reference to the introduction of the Standards, there is a commitment by licensing staff during the period up to and including the consultation of the Policy to notify all new applicants and existing licence holders who are being referred to the Licensing Panel the criteria by which their application will be determined. This will ensure that during the period until a revised Policy is adopted by the Council new applicants and existing licence holders are made fully aware.

Proactive and visible enforcement of the requirements of the Standards and the Hackney Carriage and Private Hire Licensing Policy 2019 to 2023 will be undertaken until the revised Policy is adopted by the Council. This will be undertaken in relation to the conditions applicable to each licence type, together with the associated legislation, including the relevant provisions of the Equality Act 2010, and 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, 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.

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 introduction of the Standards.

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 ESIIAs

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

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

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

Hackney Carriage and Private Hire Licensing Policy 2019 – 2023 (ESIIA undertaken in March 2019)

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

Health and well being considerations for vulnerable children and adults are to the fore in this proposal, including social, emotional and mental well being as well as physical well being. As such, the introduction of these national Standards may be regarded as an opportunity to enhance positive impacts for the health and well being of vulnerable people in society, building on partnership arrangements and engagement already in place in Shropshire.

The ongoing national and local concerns about children and adults with care and support needs exploitation, including sexual exploitation, human trafficking, modern slavery and the impact of hate crime, form a societal backdrop to this proposal. It will be pertinent to our own practice to reflect upon comparator practice elsewhere, particularly in other large rural counties with dispersed populations.

The relevant organisation objective with which the proposals may be said to most closely align is "operate as a single organisation", as a key way in which to ensure that the Standards have the desired impact will be to ensure that all members of staff are fully aware of the actions being taken by the Council to protect vulnerable groupings in this way.

In addition to the Council's corporate approach towards prioritising and measuring the overall economic, environmental and community outcomes (<https://www.shropshire.gov.uk/shropshire-council/corporate-plan/>), the licensing team will

continue to utilise the expertise within the Environmental Protection Team in Regulatory Services and Public Health to assess the impact of the introduction of the Department for Transport – Statutory Taxi and Private Hire Vehicle Standards (the Standards).


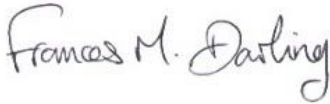
Scrutiny at Part One screening stage

People involved	Signatures	Date
Mandy Beever Transactional and Licensing Team Manager		25 June 2021
Any internal support* Kate Roberts, Public Protection Officer		28 th June 2021
Any external support** Mrs Lois Dale, Rurality and Equalities Specialist		28 th June 2021

*This refers to other officers within the service area

**This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority

Sign off at Part One screening stage

Name	Signatures	Date
Lead officer carrying out the screening Mandy Beever, Transactional and Licensing Team Manager		25 June 2021
Accountable officer's name Frances Darling Head of Trading Standards and Licensing		29 June 2021

*This may either be the Head of Service or the lead officer

B. Detailed Screening Assessment

Aims of the service change and description

It is recognised that the Council must ensure that its Hackney Carriage and Private Hire Licensing Policy is aligned with the DfT Statutory Standards ('the Standards') in order to secure the safety of passengers. Since the introduction of the Standards in July 2020, officers have taken steps to review the Standards and to ensure they are taken into consideration alongside the current Council Policy. Whilst progress is made to fully embed the changes that are required into the Council's Policy, delegated decisions have and continue to be informed by the detail contained within the Standards.

The Council intends to undertake a formal consultation on the revised Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 (the Policy) to include the Department for Transport – Statutory Taxi and Private Hire Vehicle Standards (the Standards) during 2022 with informal consultations undertaken with stakeholders and the trade in the second half of

2021.

Applicants and licence holders, including any who may not already be aware of the introduction of the Standards will be made aware of the implementation through normal licensing processes. The Standards 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 Standards and how the Council intend to apply them. This will clearly set out the Council's expectations for applicants and licence holders.

With reference to the introduction of the Standards, there is a commitment by licensing staff during the period up to and including the consultation of the Policy to notify all new applicants and existing licence holders who are being referred to the Licensing Panel the criteria by which their application will be determined. This will ensure that during the period until a revised Policy is adopted by the Council new applicants and existing licence holders are made fully aware.

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.

It can take up to 18 months to fully consult, both formal and informal, with Stakeholders and Trade representatives. This period includes the time it takes to present any revisions of the Policy to the Strategic Licensing Committee and for adoption by the Council. Therefore, the Standards will be fully incorporated into the Policy after this work has been undertaken. Stakeholders and Trade representatives will be made fully aware of the criteria by which the Standards will be applied until the revised Policy is adopted. Licensing staff during the period up to and including the consultation of the Policy to notify all new applicants and existing licence holders who are being referred to the Licensing Panel the criteria by which their application will be determined.

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.

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

- Vulnerable children, young people, and adults who may be at risk of exploitation and/or for whom there are or may be safeguarding concerns.
- 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

- Department for Transport – Statutory Taxi and Private Hire Vehicle Standards
- The Council’s continuing drive to increase the robustness of safeguarding practices, particularly with respect to children and adults with care and support needs.
- 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, i.e. specific sections of the Deregulation Act 2015, the Equality Act 2010 and the Immigration Act 2016.
- 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.

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

It is recognised that the Council must ensure that its Hackney Carriage and Private Hire

Licensing Policy is aligned with the DfT Statutory Standards ('the Standards') in order to secure the safety of passengers. Since the introduction of the Standards in July 2020, officers have taken steps to review the Standards and to ensure they are taken into consideration alongside the current Council Policy. Whilst progress is made to fully embed the changes that are required into the Council's Policy, delegated decisions have and continue to be informed by the detail contained within the Standards

The Council intends to undertake a formal consultation on the revised Hackney Carriage and Private Hire Licensing Policy 2023 to 2027 (the Policy) to include the Department for Transport – Statutory Taxi and Private Hire Vehicle Standards (the Standards) during 2022 with informal consultations undertaken with stakeholders and the trade in the second half of 2021.

The Strategic Licensing Committee will oversee 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 will consider and approve a draft policy for formal public consultation through the Council's website and directly with relevant stakeholders.

General information about the consultation will be made available on the Council's 'Get involved' section of its website and on the Council and licensing team social media platforms.

There is already clear alignment between the Council's Policy and the majority of the requirements set out in the Standards. Nevertheless, for the purposes of decision making, where any anomalies exist between the Policy and the Standards between now and the 31 March 2023, this will be highlighted in any decision notice and, unless there are extenuating circumstances, the requirements of the Standards will take precedence over the requirements set out in the Council's Policy. Each application and review of an existing licence will continue to be determined on their own merits.

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (please include children, young people, people of working age, older people, young people leaving care. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)			✓	
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)			✓	
Gender re-assignment (please include associated aspects:				

safety, caring responsibility, potential for bullying and harassment)				✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (please include families and friends with caring responsibilities; veterans and serving members of the armed forces and their families, people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)			✓	

Identification of likely impact of the service change in terms of other considerations including climate change and health and well being

Health and well being

The implementation of the Standards supports the Council's wider priorities and outcomes associated with keeping people from harm, promoting health, managing the environment and helping people to help themselves.

The Standards takes account of the Council's safeguarding responsibilities, particularly in relation to tackling child sexual exploitation, abuse, modern slavery and human trafficking of children and vulnerable adults.

Human rights

The current 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 existing 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.

In preparing and publishing the proposed Policy, the Council demonstrates that it takes its hackney carriage and private hire licensing role seriously. It creates transparency for all stakeholders providing the manner in which the Council intends to undertake its hackney carriage and private hire licensing responsibilities. Furthermore, it provides the Council with a basis for a robust defence to any challenges that may be encountered in respect of decisions made and enforcement action taken.

Climate change

The direct environmental effects of this proposal are more around crime and disorder considerations than impacts upon the natural environment: this is notwithstanding that the proposal is in relation to statutory taxi and private hire standards, and therefore by definition applies to vehicles licensed for trade on the roads in Shropshire.

Guidance Notes

1. Corporate and Service Area Policy and Practice on Equality and Social inclusion

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 and Social Inclusion Impact Assessments (ESIAs) come in. Where you carry out an ESIA 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 whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

When you are not carrying out an ESIIA, you still need to demonstrate that you have considered equality in your decision-making processes. It is up to you what format you choose.-You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESIIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESIIA:

- If you are building or reconfiguring a building;
- If you are planning to reduce or remove a service;
- If you are consulting on a policy or a strategy;
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them;
- If you are setting out the standards of behaviour we expect from people who work with vulnerable groupings, such as taxi drivers that we license;

- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself;
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach.

2. 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. Carrying out ESIIAs 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.

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.

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. Please contact the equality policy lead within the Council for more advice and guidance in this regard, as per details below.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.