

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Environment, Transport and Planning		
Service Area:	Public Protection (Licensing)		
Name of the proposal :	Taxi Licensing Policy – EIA v1.1		
Lead officer:	David Cowley		
Date assessment completed:	11 September 2024		
Names of those who contributed to the assessment:			
Name	Job title	Organisation	Area of expertise
David Smith	Access Officer	City of York Council	Accessibility, Individual Disabled People and organisations working for disabled people
Laura Williams	Deputy Director Communities & Housing	City of York Council	Equalities and Human Rights

Step 1 – Aims and intended outcomes

<p>1.1</p>	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>Taxi and Private Hire Vehicle (PHV) in York is undertaken by City of York Council (the Council) as the licensing authority, which has the responsibility for ensuring the public travel in safe, well-maintained vehicles driven by competent drivers, while providing a fair and reasonable service for the taxi and PHV trade.</p> <p>Currently the Council grants over 1200 licences in the taxi trade amongst approximately 700 licence holders. There are more licences than licence holders because, for example, private hire vehicles are frequently owned by private hire drivers, with that individual holding both a proprietor and a driver licence.</p> <p>To deliver its responsibilities, the Council’s core functions in taxi and PHV licensing are:</p> <ul style="list-style-type: none"> • setting the local framework, which can include safeguarding standards, fares, vehicles standards and limits on vehicle numbers. • considering licence applications and safeguarding the public by issuing, reviewing or revoking licences; and, • undertaking inspection and enforcement activities to ensure the required standards are being maintained.

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1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>In July 2020, the Department for Transport (DfT) issued new statutory guidance under the Policing and Crime Act 2017, setting new standards for the regulation of taxis and PHVs (the new statutory guidance).</p> <p>The new statutory guidance makes clear that local authorities must have regard to the framework therein when formulating their licensing policy. It reminds local authorities of their duty to ensure they safeguard and promote the welfare of children when carrying out their functions.</p> <p>The DfT recommends: “all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.” The Council’s policies and conditions for Hackney Carriages and Private Hire trades have been reviewed to address the recommendations in the DfT standards document and to incorporate feedback from the taxi trades in York.</p> <p>The statutory taxi and private hire vehicle standard published by the DfT states that licensing authorities must use their licensing powers to protect children and vulnerable adults.</p> <p>There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.</p> <p>Changed to the policy and conditions therefore reflect the importance of safeguarding and promoting the welfare of children and adults and ensure that all passengers are protected.</p>

1.3	<p>Who are the stakeholders and what are their interests?</p> <p>Taxi passengers – residents and visitors to York including disabled passengers who often rely on the ‘door to door’ service for everyday transportation that taxis provide. Residents and visitors also rely on taxis for leisure purposes, to get to hospital/medical appointments and to take people to/from work and school amongst other things. Disabled passengers expressed particular concern in the last unmet demand consultation about i) the availability of suitable taxis and ii) the drivers’ understanding of their needs. Such concerns continue to be raised by public speakers at Licensing and Regulatory Committee meetings.</p> <p>Businesses – rely on taxis to transport their staff and customers.</p> <p>Taxi drivers / vehicle proprietors – Hackney carriage and private hire. Some are owners of the vehicles, some rent them from vehicle owners and there are other arrangements. There was a reduction in the number of drivers following the covid pandemic, however a recent recruitment campaign is seeing increasing numbers of people apply for licences again.</p> <p>Private Hire operators – those who operate private hire companies and arrange pre-booked journeys for their customers.</p> <p>Other vulnerable members of the public – poor air quality is associated with a number of adverse health conditions which disproportionately affects some of the most vulnerable members of society, particularly those with chronic breathing difficulty. Vehicle emissions are a major source of air pollution (particularly NO₂).</p> <p>While air quality in the city is generally improving and is within legal targets in most places, there are still areas in the Air Quality Management Area (around the Inner Ring Road) in breach. The taxi drivers themselves are some of those most exposed to poor air quality.</p>
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Step 2 – Gathering the information and feedback

<p>2.1</p>	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>
<p>Source of data/supporting evidence</p>	<p>Reason for using</p>
<p>Taxi Licensing Policy - Public Consultation 2024.</p>	<p>This survey, conducted by City of York Council's included consultation with the taxi trade, taxi users and in particular disabled passengers. The survey also profiled respondents in terms of gender, age and ethnicity.</p>
<p>Draft Air Quality Status Report 2023 and monitoring review.</p>	<p>Report on air quality around the City of York, including the air quality management area (around the inner ring road).</p>
<p>'FS13- Future of Transport – Equalities and Access to opportunity, rapid evidence review' for the Department of Transport by Mott MacDonald Ltd, 28 September 2020.</p>	<p>A 'rapid review' of reports and literature to provide 'insight into the risks and opportunity that future transport technologies and services could prevent for different sections of society... to inform the Future of Transport Regulatory Review'</p>
<p>Feedback from customer complaints</p>	<p>There have been several complaints received to the licensing section over the last 12 months in relation to the availability to advance book a wheelchair accessible vehicle.</p>

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Feedback from consultation	<p>The consultation stated that ‘The policy proposes that operators with over 99 vehicles have a WAV in operation 24 hours a day. If, in exceptional circumstances, where a WAV is unavailable, the operator must notify the council and provide details of the steps being taken to ensure availability’. It is important to stress that this would be a novel approach to encouraging more wheelchair accessible vehicles. It is not an example of a way to encourage more accessible vehicles cited in the Best Practice Guidance. However, over 74% of respondents strongly agreed or agreed with the proposal. Comments included ‘this is a sensible way to increase availability of wheelchair accessible vehicles in York’, and ‘as a wheelchair user, I have found it difficult to pre-book a wheelchair accessible taxi’. A similar number of respondents, just over 71%, who identified as having a physical or mental condition lasting over 12 months also agreed or strongly agreed with the proposal. One of the two respondents who disagreed said that it didn’t go far enough.</p>
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Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.		
Gaps in data or knowledge		Action to deal with this	
The 2022 unmet demand survey was a snapshot of views in time.		On-line research, including the 'FS13 report,' has been undertaken to help identify any impacts which were not identified in the consultation.	

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	Public transport, including taxis, play a crucial role in helping people to stay connected and maintain independence when they are unable to drive, and are therefore of particular significance to what the FS13 report identifies as 'older people' (over 65) and younger people (16-24). The report also identifies that 'older people' are more likely to have a disability or longer term health problem which sees	<i>Positive</i>	<i>High</i>

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	<p>this group facing many of the similar needs of disabled people – see below. It also highlights that those in rural areas, which often have a higher proportion of older people, are often dependant on car journeys to travel when they want/need to. Furthermore, that aging is linked with a reduction in personal car use (and people being more reliant on taxis and ‘lifts’). The policy provides increase safeguarding measures for the general public.</p> <p>Enhanced safeguarding via more stringent suitability requirements will protect vulnerable adults and children.</p>		
<p>Disability</p>	<p>As noted, taxis are a particularly important method of transport for disabled passengers because of the door-to-door nature of the service.</p> <p>City of York is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. The licensing framework embodies the provisions of the 2010 Act in prohibiting the refusal of carriage because of a disability.</p> <p>The Council maintains a public list of wheelchair accessible vehicles (WAV). The Council’s suitability conditions for drivers provides for the optional inclusion of a requirement for drivers to attend disability awareness training. Section 166 of the 2010 Act permits the Council to provide for drivers</p>	<p><i>Positive</i></p>	<p><i>High</i></p>

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who cannot assist wheelchair users on medical grounds to be exempt from their duty to do so under section 165 of the 2010 Act. This exemption is subject to the provision of supporting evidence and the application is made at the driver's expense. It is recognised that medical standards for taxi and PHV drivers, as vocational drivers, are higher than ordinary vehicle drivers. The Council's medical requirements for drivers provide that certain medical conditions (specified in the policy) will lead it to refuse the granting of a licence, or to revocation. These include conditions affecting eyesight, those which may lead to inattentiveness (eg Obstructive Sleep Apnoea) and other conditions set out in relevant national guidelines and replicated in the policy.

The Council's application of the relevant national guidelines in determining medical suitability is considered appropriate and necessary to protect the safety of drivers, passengers and the wider public.

The council is in the process of issuing a further 11 wheelchair accessible vehicle licences to meet the requirements of the council last unmet demand survey.

All operators and association have recently received further information around changes the legislation with regards to the Taxis and Private Hire Vehicles (Disabled Persons) Act

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	<p>2022. This new legislation and that contained in the Equalities Act 2010 reinforces access for disabled people and regulates the specification of vehicles used as taxis to ensure that it is:-</p> <p>possible for disabled persons:</p> <ul style="list-style-type: none"> • to get into and out of taxis in safety; • to do so while in wheelchairs; • to travel in taxis in safety and reasonable comfort; • to do so while in wheelchairs <p>It also states in the Policy that licensed drivers are under a duty to carry a passenger's guide, hearing and other prescribed assistance dog in their vehicles without additional charge.</p> <p>A driver of a designated or private hire vehicle who refuses to carry a wheelchair user commits an offence punishable by a fine of up to £1,000.</p>		
<p>Gender</p>	<p>Taxis provide a safe method of transport for people whatever gender they prefer to identify as, the FS13 report identifies that 'as women are more likely than men to live on low incomes, work part-time and undertake paid work in the home and in the community, such as being carers for</p>	<p><i>Positive</i></p>	<p><i>High</i></p>

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	<p>dependent relatives, poor quality unreliable and expensive transport has a far bigger impact on the lives of women'. The report also identified that women may not have access to a car during the day as they 'either cannot afford one or the family car is being used by a partner'.</p> <p>The F13 report also identifies that women make greater use of taxis than men, increasing with age, where women over 70+ make double the number of trips than men (14 trips per person per year compared to 7 trips per person per year).</p> <p>The Policy provides increased safeguarding measures for the general public, by way of increased DBS checks on existing drivers and the requirement for DBS checks on vehicle proprietors, and operator's call and despatch staff, as well and the introduction of the proposals for the DfT Statutory Standards.</p>		
<p>Gender Reassignment</p>	<p>The FS13 report highlights how discrimination is part of daily life for trans people and generates 'behaviours of avoidance', particularly to using public transport. This can potentially reduce this group's pool of wider employment, educational, health and recreational opportunities.</p> <p>The Policy provides increased safeguarding measures for the general public, by way of increased DBS checks on existing drivers and the requirement for DBS checks on</p>	<p><i>Positive</i></p>	<p><i>High</i></p>

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	vehicle proprietors, and operator's call and despatch staff, as well and the introduction of the proposals for the DfT Statutory Standards.		
Marriage and civil partnership	There may not be a readily identifiable specific benefit to groups with this protected characteristic, but identifying demand for licensed taxis should make transportation safer for all.	<i>Neutral</i>	<i>Low</i>
Pregnancy and maternity	Taxis are a common form of transport used to attend appointments relating to pregnancy and maternity. There may not be a readily identifiable specific benefit to groups with this protected characteristic, but identifying demand for licensed taxis should make transportation safer for all.	<i>Neutral</i>	<i>High</i>
Race	The FS13 report identifies that 'people from a BAME background are less likely to have access to a private vehicle, be more reliant on public transport to access employment, and live in densely populated urban areas – increasing their exposure to air pollution'. Furthermore, 'for many people from a BAME background having regular, affordable, clean and efficient transport is essential'. Fear of safety, from racially motivated attacks, is also reported to be a barrier to using public transport networks.	<i>Neutral</i>	<i>High</i>

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<p>Religion and belief</p>	<p>The FS13 report identifies that certain groups of people, particularly Muslims, face an increasing risk of being victims of religious hate crime.</p> <p>For people who have a marked religious identity through clothing there is a heightened risk for harassment or discrimination. It is reported that this is particularly true for women who are already more vulnerable regardless of the way they dress. Taxis also transport some children to attend particular schools which accord to their religion or belief.</p> <p>The Policy provides increased safeguarding measures for the general public, by way of increased DBS checks on existing drivers and the requirement for DBS checks on vehicle proprietors, and operator's call and despatch staff, as well and the introduction of the proposals for the DfT Statutory Standards.</p>	<p><i>Positive</i></p>	<p><i>High</i></p>
<p>Sexual orientation</p>	<p>The FS13 report identifies that as with religious and faith protected groups, safety and security (and perceptions of therein) are key for LGBTQ+ people and may influence how they choose / prefer to travel.</p> <p>It also says that a 2018 LGBTQ+ survey pointed to public transport as the most common place where respondents avoided being open about their sexual orientation and that it may even be avoided altogether.</p>	<p><i>Positive</i></p>	<p><i>High</i></p>

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	The Policy provides increased safeguarding measures for the general public, by way of increased DBS checks on existing drivers and the requirement for DBS checks on vehicle proprietors, and operator's call and despatch staff, as well and the introduction of the proposals for the DfT Statutory Standards.		
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	<p>How those caring for others with protected characteristics may be affected by this proposal are dealt with above.</p> <p>The Policy provides increased safeguarding measures for the general public, by way of increased DBS checks on existing drivers and the requirement for DBS checks on vehicle proprietors, and operator's call and despatch staff, as well and the introduction of the proposals for the DfT Statutory Standards.</p>	<i>Positive</i>	<i>Medium</i>
Low income groups	<p>For the general public on low incomes and disabled people who use taxis and private hire vehicles as a primary mode of transport the policy aims to increase the licensing of further accessible vehicles with the introduction of Euro standards and the open age limit for WAV vehicles.</p> <p>There are no proposed changes to fares for within the policy.</p>	<i>Positive</i>	<i>Medium</i>

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	<p>All fare for vehicles are published in the vehicle or are in agreement with the operator at the time of booking.</p> <p>Prospective licensees will be subject to a small saving in the overall cost of obtaining a licence due to reduced costs associated with the submission of DBS checks.</p> <p>Signing up to the DBS live update service (approx. £13pa) will reduce the amount by which the cost of a 3-year DBS application.</p> <p>Licensees will only have to pay for one DBS check, following which the Council will perform instant online checks as required.</p>		
<p>Veterans, Armed Forces Community</p>	<p>There may not be a readily identifiable specific benefit to groups with this protected characteristic, but identifying demand for licensed taxis should make transportation safer for all. However, the impact on Veterans who are considered 'older persons' or 'disabled' would be considered in the Equality Groups and Human Rights responses above.</p>	<p><i>Neutral</i></p>	<p><i>Low</i></p>
<p>Other</p>	<p>The Taxi Licensing Policy and conditions reflect changes to legislation and the new guidance, as well as technical amendments and clarifications.</p> <p>A significant change is a requirement for drivers to register and subscribe to the DBS update service to provide a criminality check (DBS check) which can be undertaken every 6 months (the current limit is 3 years).</p>	<p><i>Positive</i></p>	<p><i>High</i></p>

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	<p>This subscription to the DBS update service (enabling the Council to perform an instant online check), or by obtaining and submitting checks manually. This change is in line with the recommendations in the DfT document.</p> <p>Amendments to the existing licence conditions for drivers include requirements to:</p> <ul style="list-style-type: none">• Subscribe to the DBS update service which provides a DBS check every 6 months;• meet the conditions of the Council's suitability policy;• notify the Council of any conviction(s), caution(s) and other associated incidents.• Additional conditions for operators include the requirement to:<ul style="list-style-type: none">• maintain a register of staff working with sensitive data (including staff making books and despatching vehicles);• provide a policy to the Council on dealing with access to sensitive data by staff who are ex-offenders;• hold annual DBS checks for staff handling sensitive data;• The conditions for operators are further updated to specify the records which must be kept for every booking, pursuant to s.56 of the Local Government (Miscellaneous Provisions) Act 1976. <p>A further impact may be to the licensees in the replacement of vehicles to ensure compliance with the new Euro Standards within the policy. (Euro VI)</p>		
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	<p>In the introduction of an upper age limit for diesel and petrol and those vehicles which do not meet the low emissions standards, the proposal may impact upon proprietors whose vehicles are older than the upper age limit set out in any new policy. It may require proprietors whose vehicle is older than the upper age limit to purchase newer vehicles if they want to continue to trade.</p> <p>The proposal also has the potential to impact taxi drivers and members of the general public who use taxis. It was evident from this initial consultation that there were a variety of views in relation to this matter but 63% of the responses were in favour for the introduction of the emissions standards and upper age limit.</p>		
Impact on human rights:			
List any human rights impacted.	<i>No negative impacts on human rights have been identified.</i>		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

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<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<p>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</p>
<p>As noted above, only positive impacts have been identified in this assessment. In addition to providing safer methods of transport for all, it will help improve local air quality (or at least not add to existing pollution levels). Positive impact on Climate change and positive impact on public health within our communities due to reduced carbon emissions.</p> <p>More effective and more thorough processes in place with the new policy therefore there will be a positive impact on public safety. This is also consistent with the Council plan priorities for:-</p> <ul style="list-style-type: none"> - A fair, thriving, green economy for all - Sustainable accessible transport for all 	

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>
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- **No major change to the proposal** – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.
- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	<p>As noted throughout, the recommendation to policy will The statutory taxi and private hire vehicle standard published by the DfT states that licensing authorities must use their licensing powers to protect children and vulnerable adults.</p> <p>There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.</p>

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	<p>Changed to the policy and conditions therefore reflect the importance of safeguarding and promoting the welfare of children and adults and ensure that all passengers are protected.</p>
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Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
<p>For the Licensing Section to monitor if there is an increase in complaints to the Council's in relation to the alleged breach of a licence conditions.</p>	<p>To monitor the complaints and enforcement action.</p>	<p>Taxi Licensing Manager</p>	<p>1 Year from the date of any approved implementation date by Committee of the proposed revised policy.</p>
<p>Availability of wheelchair accessible taxis.</p>	<p>Continued use of financial incentives for proprietors and operators who wish to licence newer wheelchair accessible vehicles.</p>	<p>Taxi Licensing Manager</p>	<p>Ongoing</p>

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	Proposed policy includes changes which are consistent with local and national climate priorities and objectives.

Step 8 - Monitor, review and improve