

Test Valley Borough Council
Equality Impact Assessments

FULL ASSESSMENT

1. Strategy / policy / function / project / plan / procedure
Licensing including functions under the Licensing Act 2003, Gambling Act 2005 and taxis

2. Officer(s) completing the EQIA
Michael White, Licensing Manager, Legal & Democratic Service

3. Is the strategy / policy / function / project / plan / procedure:

Existing

X

Changing / being updated

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New / proposed

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4. What are the main aims and objectives of the strategy / policy / function / project / plan / procedure?
To ensure that relevant licensing functions are undertaken in accordance with the appropriate legislation and guidance.

5. Who implements or is responsible for the strategy / policy / function / project / plan / procedure?
Licensing Committee members and officers from Legal and Democratic Service.

6. How and by whom is the implementation monitored?
Internally, by way of reports to Licensing Committee. Also functions have been subject of reports to Overview and Scrutiny Committee and Corporate Portfolio Review Panel. Certain statistical returns will also be made to the Home Office, Gambling Commission and Department for Transport.

7. Who will be affected by / are the main beneficiaries of the strategy / policy / function / project / plan / procedure?
All potential and actual licence holders, those attending licensed events or premises, those living or working in the vicinity of licensed events or premises and potential and actual taxi passengers.

8. Are other organisations involved in the delivery of the strategy / policy / function / project / plan / procedure?
TVBC Environmental Health Unit, TVBC Planning and Building Service, TVBC Environmental Service, HCC Trading Standards Service, HCC Safeguarding Unit, Hampshire Fire & Rescue Service, Hampshire Police, HMRC, Gambling Commission, Harwin Associates, CRB England and Wales, DVLA.

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9. a) **What are the potential negative / adverse / unhelpful impacts, effects or limitations on the following groups and/or communities?**

b) **What are the potential positive / helpful impacts or effects on the following groups or communities?**
(explain any measures which are in place to mitigate potential discrimination)

Age

e.g. under 16, 16-25 yrs, 25-65 yrs, and 65+

a) **negative / adverse / unhelpful impacts, effects or limitations**

Persons wishing to be licensed as a taxi driver must have held a full driving licence for 12 months. This prevents 17 year olds from being licensed. However, it also ensures that drivers have had some experience before they take on the responsibility of the safety of fare paying passengers. Therefore it could be argued that this has a positive impact for other road users, the public, passengers and taxi drivers.

b) **positive / helpful impacts or effects**

Taxis are used by a large number of the most vulnerable members of the community e.g. disabled persons, young persons and children so effective licensing benefits these groups.

Both the Licensing Act and Gambling Act contain specific provision to ensure the protection of children from harm by making sure that they do not access gambling facilities, are unable to purchase alcohol and are prevented from viewing adult entertainment.

Gender

e.g. man (inc. boys), women (inc. girls, transgendered people and transsexual people)

a) **negative / adverse / unhelpful impacts, effects or limitations**

None

b) **positive / helpful impacts or effects**

Women aged 16-20 make the greatest number of trip stages in taxis thus effective licensing benefits this group.

Disability

e.g. people with a disability as defined in the Disability Discrimination Act 1995

a) **negative / adverse / unhelpful impacts, effects or limitations**

Potentially, in some circumstances licence conditions may be necessary for reasons of public safety that have the effect of excluding disabled persons from certain premises. For example, licence conditions may prevent non-ambulant people from entering first floor premises unless an adequate means of escape exist. However, this should be mitigated by the duty placed on premises owners to make reasonable adjustments to premises as required by the DDA.

There are restrictions on having a taxi driver's licence relating to medical fitness. TVBC's policy reflects government guidance that the stricter group 2 licence criteria (for heavy goods and bus drivers) should be applied to taxi drivers. This may lead to the situation where a person who has a car driving licence (based on group 1 criteria), is refused a taxi driving licence (group 2 criteria) because of a disability or illness.

b) **positive / helpful impacts or effects**

Taxis are used by a large number of the most vulnerable members of the community e.g.

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disabled persons, young persons and children so effective licensing benefits these groups. Taxi driver's have a licence condition that they are able to assist a passenger in and out of their vehicle. This has a positive impact for passengers.

Racial Group

e.g. Asian or Asian British people, Black or Black British people, Chinese people or other ethnic group, people of mixed race, White British people or people from other White backgrounds

a) negative / adverse / unhelpful impacts, effects or limitations

The forms for Licensing Act and Gambling Act functions are defined by statute and their format cannot be changed. It would be difficult therefore to provide large print or other language versions of such forms.

b) positive / helpful impacts or effects

None

Religion / philosophical belief

e.g. Christian, Hindu, Jewish, Muslim/Islam, Sikh, Buddhist, Humanist, other religions, people of no religion

a) negative / adverse / unhelpful impacts, effects or limitations

None

b) positive / helpful impacts or effects

The Licensing Section operates during normal office hours and will gladly arrange appointments for customers. This should accommodate any prayer needs as well as any religious festivals/days/times.

Sexual orientation

e.g. gay men, lesbians, bi-sexual, heterosexuals

a) negative / adverse / unhelpful impacts, effects or limitations

None

b) positive / helpful impacts or effects

None

Equal Opportunities / community cohesion

a) negative / adverse / unhelpful impacts, effects or limitations

The taxi licensing regime undoubtedly has an impact on the whole community who use such services as a form of public transport. Additionally, drivers and operators may themselves be victims of harassment or discrimination by the general public.

b) positive / helpful impacts or effects

The Licensing Act 2003 Guidance issued by the Secretary of State makes it clear that licences should not contain any conditions that may have an indirect discriminatory impact upon any particular group.

Licensing services are delivered in a culture of openness where appropriate information can be accessed by all parties; licensing hearings are generally held in public and any enforcement action is in line with the principles promoted within the national enforcement

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Concordat. Partnership working and exchange of information (subject to certain legal constraints) is supported and in this way it is hoped that understanding can be promoted between those who provide and those who use licensed premises, services or vehicles. The Licensing Act 2003 promotes a culture of mediation between applicants and objectors leading to negotiated settlements where possible.

10. Do any of these potential negative / adverse / unhelpful impacts effects or limitations amount to unlawful discrimination?

Yes	
No	X

If yes, please give details below, including a reference to the relevant legislation:

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11. Do any of these potential negative / adverse / unhelpful impacts effects or limitations amount to a low level or minor impact which should be addressed?

Yes	X
No	

If yes, please give details below:

Lack of large print or other language application forms could potentially cause a problem.

12. How do you intend to monitor, minimise and / or remove any potential for unlawful discrimination and / or low level or minor negative impact?

For those who cannot read English or otherwise have difficulty in completing application forms a member of staff is always willing to sit with the applicant and help them complete the form.

13. What consultation has taken place, or is planned, with the groups / individuals potentially affected by any impact?

None

14. Summarise the existing research / consultation / information / performance management data in this section.

Ad hoc consultation takes place with Andover and Romsey Pubwatch groups and Test Valley Taxi Association. Specific consultation on disabled person usage of taxis has in the past been undertaken with Enham and Andover Action Committee.

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15. How do you plan to address any gaps in information, research or consultation?

No data exists regarding the gender or ethnicity of taxi drivers or whether they have a disability. Guidance would be helpful as to whether such monitoring should be undertaken.

16. Summary

Staff are available to assist those who may have difficulty in accessing licensing services. Any reduction in staff levels or service provision may have an adverse impact upon the ability to achieve this.

17. Recommendations

None

18. Attached documents / evidence

None

ACTION PLAN ARISING FROM EQUALITY IMPACT ASSESSMENT:

Issues or adverse impact identified	Proposed action to address issues or adverse impact	Timescale	Responsibility
Lack of large print or other language application forms	Monitor if any demand for such forms. Ensure a member of the Licensing Section staff is available to assist persons completing application forms	On-going	Licensing Manager