

Equality Impact Assessment
Corporate Assessment Template



Policy/Strategy/Project/Procedure/Service/Function Title:
New/Existing/Updating/Amending:

Who is responsible for developing and implementing the Policy/Strategy/Project/Procedure/Service/Function?	
Name: Daniel Cook	Job Title: Team Manager
Service Team: Licensing	Service Area: Shared Regulatory Services
Assessment Date: 30.09.2019	

1. What are the objectives of the Policy/Strategy/Project/ Procedure/ Service/Function?

To introduce revised guidance on the criteria taken into account by the council’s Licensing Committee, when determining whether or not an applicant or an existing licence holder within the taxi and private hire trade is fit and proper to hold a licence.

2. Please provide background information on the Policy/Strategy/Project/Procedure/Service/Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]

<p>The Local Government (Miscellaneous Provisions) Act 1976 allows a Local Authority to determine the suitability of an applicant or an existing licence holder within the Taxi and Private Hire trades.</p> <p>The authority has adopted a policy to provide guidance on the treatment of convictions, cautions and criminal charges in respect of new applicants and existing hackney carriage / private hire drivers and operators. The current policy has been in place since 2015.</p> <p>In April 2018, the Institute of Licensing (IoL) published a document titled “Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades”.</p> <p>The guidance was, produced in conjunction with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO) following widespread consultation.</p>
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3 Assess Impact on the Protected Characteristics

3.1 Age

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Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative/]** on younger/older people?

	Yes	No	N/A
Up to 18 years	x		
18 - 65 years	x		
Over 65 years	x		

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The proposed Guidance could have an impact on drivers aged 18 years and more if convicted of a criminal offence or serious motoring offences. Young BME people are more likely to have interaction with the criminal justice system than their White counterparts, thereby affecting their ability to hold a licence

What action(s) can you take to address the differential impact?

Ensure that all Drivers / Licensees are aware of the revised Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades

3.2 Disability

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on disabled people?

	Yes	No	N/A
Hearing Impairment		x	
Physical Impairment		x	
Visual Impairment		x	
Learning Disability		x	
Long-Standing Illness or Health Condition		x	
Mental Health		x	
Substance Misuse	x		
Other			

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The Guidance criteria refers to an individuals' attitude, character and whether they are 'fit and proper' to hold a Taxi Driver licence. The criteria does not refer to Disability specifically, but if an individual has difficulties with substance misuse this would be a breach of the guidance and likely result in the withdrawal of their licence.

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What action(s) can you take to address the differential impact?
No differential impact identified in relation to Disability. All drivers or licensees should be made aware of the revised guidance and the consequences of committing a criminal offence or repeated motoring offences.

3.3 Gender Reassignment

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on transgender people?

	Yes	No	N/A
Transgender People (People who are proposing to undergo, are undergoing, or have undergone a process [or part of a process] to reassign their sex by changing physiological or other attributes of sex)		x	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.
There is no differential impact identified in relation to Transgender people, unless convicted of a criminal offence or repeated motoring offences.
What action(s) can you take to address the differential impact?
Panel Members should attend mandatory Equality Training to help them understand the discrimination faced by Trans people. All drivers and licensees should be made aware of the revised guidance and the consequences of committing a criminal or repeated motoring offence.

3.4. Marriage and Civil Partnership

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on marriage and civil partnership?

	Yes	No	N/A
Marriage		x	
Civil Partnership		x	

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Please give details/consequences of the differential impact, and provide supporting evidence, if any.
The guidance has no impact on marital or Civil Partnership status
What action(s) can you take to address the differential impact?
No impact identified no action necessary

3.5 Pregnancy and Maternity

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on pregnancy and maternity?

	Yes	No	N/A
Pregnancy		x	
Maternity		x	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.
The guidance has no impact on people who are pregnant or who have given birth in the last 26 weeks.
What action(s) can you take to address the differential impact?
No impact identified no action necessary

3.6 Race

Will this Policy/Strategy/Project//Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

	Yes	No	N/A
White	X		
Mixed / Multiple Ethnic Groups	X		
Asian / Asian British	X		
Black / African / Caribbean / Black British	X		
Other Ethnic Groups	X		

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Please give details/consequences of the differential impact, and provide supporting evidence, if any.

It is widely accepted that BME people are over-represented in the Criminal Justice System and receive harsher sentencing than their White counter-parts.

The Ministry of Justice produced a report in 2017, titled “**Statistics on Race and the Criminal Justice System 2016** – A Ministry Of Justice publication under section 95 of the Criminal Justice Act 1991”

The following has been taken from the above report:

Arrests –

In 2016/17, compared with the White ethnic group, arrests proportionate to population size were more likely to be carried out on the Black (8 times as likely), Mixed (between 2 and 3 times as likely), Asian (just over 2 times as likely) and Chinese or Other (1 ½ times as likely) ethnic groups.

Prosecution –

Relative to the population, the rates of prosecution for indictable offences for Black and Mixed ethnic groups were 4 and 2 times higher than for the White ethnic group. For every 1,000 population members, 16 Black and 9 Mixed defendants were prosecuted compared to 4 White defendants.

Ethnic Make-up of Practitioners –

Non-White ethnic groups were under –represented relative to the population among the Police, National Offender Management Service, Judiciary and Magistracy, with proportions increasing slowly or remaining the same over the last 5 years. Non-White ethnic groups were over-represented relative to the population among the Ministry of Justice and Crown Prosecution Service, with proportions increasing over the last 5 years.

As a large number of Cardiff Taxi Drivers come from a BME or non-White background, the Guidance has the potential to have a differential impact on Race.

What action(s) can you take to address the differential impact?

Panel Members should attend mandatory Equality Training so decisions made are fair and can be seen to be fair. Equality Training will help Panel Members understand cultural differences and the discrimination faced by people with one or more Protected Characteristics. The guidance states “the entire character of the individual will be considered” and “the individual’s attitude and temperament” so cultural awareness will be vital to the process of determining an individual’s suitability.

It is equally important that the new guidance is disseminated amongst all existing and new Drivers and Licensees, so they are aware of the consequences possible criminal offences will have their ability to work as a Taxi Driver or Licensee.

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3.7 Religion, Belief or Non-Belief

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on people with different religions, beliefs or non-beliefs?

	Yes	No	N/A
Buddhist		X	
Christian		X	
Hindu		x	
Humanist		X	
Jewish		X	
Muslim		X	
Sikh		X	
Other		x	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The Guidance has no impact on an individuals' as a result of Faith, Belief or Non-belief

What action(s) can you take to address the differential impact?

No impact identified no action necessary

3.8 Sex

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on men and/or women?

	Yes	No	N/A
Men		x	
Women		x	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The criteria set out in the Guidance will be applicable to both male and female applicants and Licensees. However, there are currently more male drivers / licensees than female so any impact would affect men more than women.

What action(s) can you take to address the differential impact?

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No action necessary.

3.9 Sexual Orientation

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

	Yes	No	N/A
Bisexual		x	
Gay Men		x	
Gay Women/Lesbians		x	
Heterosexual/Straight		x	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The Guidance does not have a differential impact in relation to Sexual Orientation.

What action(s) can you take to address the differential impact?

No action necessary in relation to Sexual Orientation

3.10 Welsh Language

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive]** on Welsh Language?

	Yes	No	N/A
Welsh Language			

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Once approved, the Guidance will be produced in the Welsh Language to comply with the requirements of the Welsh Language Act 1993.

As we treat the Welsh Language on an equal footing with English, any request to conduct proceedings with the Taxi Licensing committee through the medium of Welsh should be met.

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What action(s) can you take to address the differential impact?
No action necessary once document is translated into Welsh Language

4. Consultation and Engagement

What arrangements have been made to consult/engage with the various Equalities Groups?

<p>In Cardiff there is a formally recognised trade organisation that represents the interests of the licensed trade. The Cardiff Hackney Alliance were consulted as part of the consultation and were given an opportunity to comment.</p> <p>Details of the new guidance will be issued to the trade via quarterly forum and through the Cardiff Hackney Alliance.</p>

5. Summary of Actions [Listed in the Sections above]

Groups	Actions
Age	Arrange programme of Equality Training for Taxi Licence Committee Members so they can make well informed decisions
Disability	As above
Gender Reassignment	As above
Marriage & Civil Partnership	As above
Pregnancy & Maternity	As above
Race	As above
Religion/Belief	As above
Sex	As above

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Sexual Orientation	As above
Welsh Language	As above. Also ensure translation of guidance into Welsh Language
Generic Over-Archiving [applicable to all the above groups]	

6. Further Action

Any recommendations for action that you plan to take as a result of this Equality Impact Assessment (listed in Summary of Actions) should be included as part of your Service Area's Business Plan to be monitored on a regular basis.

7. Authorisation

The Template should be completed by the Lead Officer of the identified Policy/Strategy/Project/Function and approved by the appropriate Manager in each Service Area.

Completed By : Caryle Alleyne	Date: 30/09/2019
Designation: Equality Officer	
Approved By: Sian Sanders	
Designation: Operational Manager- Cohesion & Community Engagement	
Service Area: Policy & Partnerships	

- 7.1 On completion of this Assessment, please ensure that the Form is posted on your Directorate's Page on CIS - *Council Wide/Management Systems/Equality Impact Assessments* - so that there is a record of all assessments undertaken in the Council.

For further information or assistance, please contact the Citizen Focus Team on 029 2087 2536 / 3262 or email equalityteam@cardiff.gov.uk