



**WATFORD  
BOROUGH  
COUNCIL**

# Equality Impact Analysis

<b>Title of policy, function or service</b>	Private Hire Operators Conditions
<b>Lead officer</b>	Jamie Mackenzie
<b>Person completing the EIA</b>	Jamie Mackenzie
<b>Type of policy, function or service:</b>	Existing (reviewed) <input type="checkbox"/>  New/Proposed <b>X</b>
<b>Version &amp; Date</b>	Version 1.0  30 October 2017



## 1. Background

Watford Borough Council is the licensing authority for Private Hire Operators wishing to offer services within the borough. The council are permitted to apply any conditions to the grant of a licence as the council sees fit.

The current Private hire Operators Conditions date from 2005. To update these conditions, six new conditions have been proposed:

***1.2** The licensee shall ensure any controller or other member of staff likely to be on duty alone shall have full training in order to access and provide details of these bookings immediately if required to do so by an authorised officer or police constable.*

***(16)** The Licensee will provide proof of their attendance at disability awareness training to include specific training on the Equalities Act 2010 and the relevance and impact of this to service providers.*

***(17)** The Licensee to provide proof of their attendance at a recognised course on preventing Child Sexual Exploitation.*

***(18)** The Licensee will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public have provided a basic criminal record check from the Disclosure and Barring Service.*

***(19)** The Licensee will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public have attended a recognised course on preventing Child Sexual Exploitation and will retain records on site of this training*

***(23)** The Licensee will ensure that adequate vehicles are available to carry                      passengers in wheelchairs for no extra charge over any other vehicle type where to charge more would amount to discrimination.*

## 2. Focus of the Equality Impact Analysis

This EIA, therefore, considers the potential equality related impacts, both positive and negative of the proposed conditions on the people in the groups or with the characteristics protected in the Equalities Act 2010.

These are:

1. Age
2. Disability
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership.

### **3. Engagement and consultation**

Full public and stakeholder consultation on the new conditions was undertaken between 11 August 2017 and 22 September 2017.

There was one response to the consultation and this came from an existing operator. The response did not expressly disagree with any proposed condition but rather sought clarity on the conditions, particularly condition 18.

### **4. What we know about the Watford population**

Watford has a diverse population. The taxi and private hire trade in Watford has a very high proportion of drivers from black or minority ethnic groups. This proportion is much higher pro-rata than the general population percentages. It is possible that this same proportional representation will be reflected in those who are employed by private hire operators in capacities other than as driver, for example as controllers, managers etc. although there are no records for this and no way of knowing for certain.

### **5. How will the council ensure equality is promoted through introduction of the Private Hire Operator Conditions?**

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the new Private Hire Operator Conditions:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

## A. Positive impacts

The new conditions introduce requirements for disability awareness training and specialist child sexual exploitation reporting training. These requirements will improve equality.

The requirement for DBS checks for controllers and other staff who deal with members of the public directly will improve trust and ensure safety for all customers using these services.

## B. Negative impacts

The requirement for a DBS check may impact upon some people seeking employment who will be unsuccessful due to the discovery of an unspent criminal conviction. Although not a protected characteristic, and therefore not relevant to the Equalities Act, there is the possibility that this could have a negative impact on some people seeking employment.

## 6. Overall conclusion

The overall impact will be positive. The negative aspects of the requirement for a DBS check are balanced by the following:

The need to ensure the safety of the public

The fact that the council will not have access to this information and that licence holders will not be able to store this information

That the DBS check serves only as information and that the decision to employ a person is at the licenses discretion

That the DBS check shows only unspent convictions. Employees are subject to the Rehabilitation of Offenders Act 1974 and are not required to declare spent convictions.

### Summary of potential positive impacts and ways in which they can be ensured

Positive Impact	Protected characteristics	Ways to ensure the positive impact
Enhanced Awareness of Disability	Disability	Training records to be maintained and provided to the council on request
Reporting of Child Sexual Exploitation and/or other safe-guarding matters such as Modern Slavery	All	Training records to be maintained and provided to the council on request

### Summary of potential negative impacts and ways in which they can be removed or mitigated

Negative Impact	Protected characteristics	Ways to mitigate the negative impact
Discrimination against those with criminal convictions (although not a protected characteristic and therefore not covered by the Equalities Act 2010).	N/A	Operators to follow the Code of Practice (not mandatory but recommended)

**This EIA has been approved by:**

**Jamie Mackenzie    Date 30 October 2017**