



Equality Impact Analysis

Title of policy, function or service	Taxi and Private Hire Licensing Policy 2021 - 2026
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Person completing the EIA	Jamie Mackenzie
Type of policy, function or service:	Existing (reviewed) <input type="checkbox"/> New/Proposed <input checked="" type="checkbox"/>
Version & Date	Version 1.0 17 February 2021

1. Background

Watford Borough Council (The Council) is the licensing authority for hackney carriage and private hire drivers and vehicles and private hire operators. Licenses are granted following application to the authority.

The Council has developed a Hackney Carriage and Private Hire Licensing Policy 2021-2026 (The Policy) to ensure that applications for licences, and decisions on how licences are granted, are clearly communicated to applicants and the wider public, and are fair and consistent.

The Policy provides comprehensive information about standards expected of drivers, vehicles and operators and information about how the authority will deal with applications and apply conditions when considering applications. The Policy provides a starting point for any decision by the authority but it is important to remember that each case must be decided on its own merit.

Background

Watford is a small town geographically. There is a high level of car ownership. It is unknown at this stage what impact, if any, there will be on this use of private cars following the pandemic.

There is no culture of hailing hackney carriages in the borough and most journeys will be made from a rank or as part of a pre-booking through an office, by telephone, website or a smartphone app. If a journey takes the passenger outside the borough boundary the price can be negotiated with the driver directly which can lead to high fares. Private hire services are traditional, mostly still being based in offices and receiving bookings through telephone calls. There is some movement to using websites and apps and this shift has accelerated over the past two to three years. There is a large presence of other app based operators not licensed by Watford Borough Council and, anecdotally, it is said that this has had significant impact on the earnings of local drivers.

There are currently 247 licensed hackney carriages, 119 Private Hire Vehicle Licences, 358 DUAL driver licences and 109 Private Hire driver licences. There are currently 16 Private Hire Operator licence holders.

App bookings are not suitable for some people. There are accessibility issues, supply issues and perceived safety issues to using those vehicles accessed by an app. It is, therefore, desirable that any policy decisions ensure that traditional telephone/human based booking systems remain a viable method of accessing taxi and private hire vehicles.

2. Focus of the Equality Impact Analysis

This Equality Impact Analysis is focussed on any potential impact of The Policy upon new and existing licence holders, potential passengers, residents and visitors to Watford.

3. Engagement and consultation

A full public consultation on the draft policy took place between 18 January 2021 and 19 February 2021

This included:

- placing the information about the consultation on the Watford Borough Council website
- sending text messages to each current licence holder informing them of the consultation and the need to respond
- the creation of audio versions of the policy sections to improve accessibility for all
- emailing all current private hire operators and the Chair of the Watford Hackney Carriage Association
- notification through the council Communications team to social media channels such as facebook and twitter.
- directly notifying a number of local organisations and authorities, including licensing authorities, charities and disability advocacy groups.

Unfortunately due to the ongoing lockdown restrictions, face to face meetings were not possible.

A separate Equality Impact Assessment was conducted for the public consultation.

In total 4 people or organisations engaged with the public consultation.

4. Coronavirus pandemic.

It is documented that the current pandemic has impacted disproportionately on the black, Asian and minority ethnic population although the reasons for this are still not known precisely. The pandemic has impacted on those who do frontline jobs in customer service facing roles such as taxi and minicab drivers, as well as other transport providers, and in Watford a high proportion of drivers are from an Asian ethnic backgrounds.

This impact has also been financial as taxi and minicab drivers have been able to work throughout the pandemic (and therefore financial support has been relatively low) but work has all but disappeared for many businesses and individual drivers

This means that any additional costs associated with licensing requirements may be disproportionately felt by the taxi and private hire industry.

The Policy has been developed with this in mind and it should be noted that changes to existing policies that have been made will mostly have no or very low financial impact overall.

5. What we know about Watford hackney carriage and private hire vehicle licence proprietors.

The general population of Watford comprises approximately 19% residents of Asian or mixed Asian ethnic background (as shown in the Census 2011). Of these, 7% were Pakistani (we know anecdotally that the vast majority – around 90% - are likely to be from a Kashmiri background). As a proportion of this total population, there is high number of licence holders, whether vehicle, driver or operator from this ethnic background (as high as 98% in terms of hackney carriage ownership and around 70% in terms of private hire vehicle ownership).

Whilst applications for a hackney carriage or private hire driver, vehicle or operator licence are open to everyone, it can be clearly shown that the majority of licence holders in Watford are Asian male and it is, therefore, very likely that any change to a taxi or private hire policy would disproportionately impact this demographic of the local population.

Of interest to note again is the impact of the pandemic. There are 366 vehicle proprietors in Watford at the time of this report. At the time of the Vehicle Licensing Policy development in December 2019 this number was 434. There are 119 Private Hire vehicles currently licensed, again, a significant decrease on December 2019 where there were 162 vehicles.

6. What we know about passengers, residents and visitors to Watford

Nationally, we know that people with a disability and older people, as well as those under 17 are less likely to drive than the population overall. Watford has a quite significantly younger population than Hertfordshire as a whole but is still faced with an ageing population.

Those who report ill health and who are limited in mobility is marginally lower than the UK average

In context, the 2011 census reports that 5,500 people reported day to day activities being limited a lot by health and disability issues. Almost 7,000 residents reported day to day activities being limited a bit. It seems reasonable that 2021 combined figures will be somewhere around 15,000 and possibly higher.

We know that a 2015 survey by Disability Watford, a local pan-disability advocacy group, returned a response that almost 60% of respondents said they experienced issues accessing local transport, including taxi and private hire services. It is possible that the pandemic will lead to further access issues caused by misunderstandings over issues such as mask wearing and exemptions.

We know that some respondents have expressed reluctance to use app based booking systems and still regularly use a taxi rank or telephone a private hire office.

We know that there is no single vehicle type that suits all passengers. Some may wish to sit down into a saloon vehicle, finding the step up in to an MPV or wheelchair accessible vehicle too high. Others may need to travel sitting in a wheelchair and therefore require a purpose built wheelchair accessible vehicle. Others may travel with a significant amount of luggage and require the use of an MPV or estate vehicle.

7. What we know from the consultation feedback?

Consultation responses were few in number overall. This is unusual for a WBC taxi and private hire consultation but may be a reflection of the current pandemic situation.

There has been a noticeable drop in licensed vehicle and driver numbers and so it is likely that there will be lower numbers interested in responding.

Those who are still licensed will likely have significant financial concerns and may not prioritise responding at this time.

There will be a far lower number of people travelling overall due to lockdown and so considerations of transport options may not be a high priority for many. Shops are closed and visitor numbers are very low. Residents may not be using public transport where private transport options are available.

Responses to a separate recent survey concerning the Taxi Strategy, conducted in November 2020, drew a number of response form the trade but most were concerned with rank provision in and around the town centre. It is worth noting that at this time, local tiers were in operation and so some travel was permitted and we had recently had the eat out to help out scheme over the summer.

The main response in terms of equality and access came from the Chair of Disability Watford whose comments are contained within the report accompanying the policy. The issued raised are addressed in the policy with the exception of talking taxi meters which have been investigated with no satisfactory solution yet found.

8. How will the council ensure equality is promoted through the introduction of this policy?

Watford BC is committed to championing equality and embracing diversity across the full range of our services, whether we deliver the service ourselves or through partnership.

To ensure the Policy promotes equality Watford BC has pro-actively sought the views of all stakeholders. The final policy proposal presented to the licensing committee on 08 March 2021 has taken into account these views and where amendments were made to the policy following consultation, these are listed clearly in the committee report for consideration by councillors.

The Council must ensure that any new policy allows for the taxi and private hire trade to continue to offer a local service with varied methods of hire (rank, office, app) and that vehicles are suitable to carry a range of passengers with varying needs.

The Council must ensure that any new policy allows for independent businesses to survive and to grow to support the local community and Watford as a town.

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the Corporate Plan:

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

- By ensuring the input from the consultation has been comprehensively considered the Council is ensuring that opportunities for all those with protected characteristics are advanced in terms of influencing the development of a policy that directly impacts a person's ability to access local transport and to get out and about in Watford and beyond.
- We know that many people who use hackney carriages and private hire vehicles do so because they are unable to drive or do not own a car. This applies to those under the age of 17 but we also know people with disabilities are less likely to drive and own a car than people without a disability. This is also true as people get older and may not be able to drive due to age related infirmities or lower incomes which make car ownership too expensive. A safe transport network is critical for the well-being of the town.
- We know that many people use taxis or private hire vehicles to travel for safety reasons and that for many vulnerable people, a taxi or private hire vehicle is not only the safest way to travel, it is also the most comfortable. We know that many people prefer the safety of travelling in a private car over and above travelling on other public transport. Any improvement in safety should therefore positively impact on any person who travels with these concerns in mind.
- The proposed policy includes a number of improvements to driver, passenger and wider community safety. Through consultation on this policy we have made sure that any additional safeguards have been considered and, where appropriate, added, prior to consideration by the Licensing Committee. This will make it less likely that users of hackney carriages, private hire vehicles, drivers of both and private hire operators will be victims of crime or of other behaviours which could include harassment, discrimination or victimisation. This has a positive impact on all those with protected characteristics but particularly those with additional vulnerabilities.
- The introduction of a written test for existing drivers will ensure that all drivers are tested on important safety and safeguarding knowledge and that customers can be confident that drivers are able to assist in a range of circumstances including in helping with access needs.
- In developing this policy the borough's existing proprietors and operators can be confident that they are fully engaged in decisions that impact them. This will have a positive impact on the reputation of the trade and help enhance good community relations.
- The enhancement of the trade and the setting of good, fair regulations should encourage investment in to the trade and to Watford, further enhancing the reputation of the town and the trade and ensuring that residents and visitors feel safe using local services.
- The proposal to continue with the previous policy of licencing new hackney carriage vehicles over and above the current decreasing limit of 247 is restricted to wheelchair accessible vehicles. It is hoped this will encourage the up-take of such vehicles.
- The continuing proposal to encourage a hackney carriage livery is a positive impact for blind, or visually impaired people and people with a learning disability.

B. Negative impacts

It is known that a number of drivers go abroad for periods of time to visit family members and the reduction from 6 months to 3 months for the requirement to provide a certificate of good conduct may disproportionately affect these drivers.

The requirement to have a DBS check every 6 months rather than every 3 years brings a financial cost. However, the update service is available at no extra cost. This change will therefore impact those who cannot sign up to the update service for financial or technical reasons.

The introduction of a written test for existing drivers may disproportionately affect those drivers who may, for a variety of reasons, struggle with a formal test format.

There is likely to be a negative impact on those proprietors who cannot afford to upgrade older vehicles, particularly given the financial impact of the pandemic. Although the dates of vehicle upgrades have been in place since December 2019, the impact of the previous year was not foreseen. As we know the majority of drivers are males and from our Kashmiri /Pakistani community, these groups will be more negatively impacted than others. If there is a loss in vehicles across the borough, there could be negative impacts on those who use taxi and private hire vehicles such as younger, older and A loss of available vehicles could impact more generally on residents and visitors ability to travel within the town. Placing restrictions on vehicle type, age and design may limit competition and restrict the ability of any person to enter the trade for the first time. It is not clear what age profile exactly this will impact but it is likely to be younger drivers.

9. Overall conclusion

Improvements to standards will inevitably lead to negative impact on some already in the trade or those thinking of entering the trade.

The requirement to introduce these measures for safety reasons is clear and any decision must weigh any impact, particularly the impact on the large proportion of proprietors from an Asian ethnic background, against the desired outcomes of improved accessibility, safety, health, and community well-being

A large amount of data has been collected over the past 2 years concerning the views of the public and stakeholders and this has been used to assist in creating a policy that provides flexibility for business owners and improvements for the town, especially improvements aimed at reducing inequality. The impact of the pandemic has been considered.

Overall, this EIA concludes that, whilst negative impacts have been identified, the positive impacts identified mean that the Policy, overall, is positive for the Watford community and for visitors to the town. This is because the Policy seeks to improve the quality of the taxi and private hire offer in Watford, making it safer, with better trained drivers in less polluting

vehicles. It does not make radical changes from existing policies that current licence holders are already aware of. The council recognises that the negative impacts will be difficult for some drivers in terms of age and ethnicity but will work with them to mitigate these impacts as far as possible and some reasonable adjustments have already been identified in the consultation process.

Summary of potential positive and negative impacts on protected characteristics

Protected Characteristic	Positive	Negative	None	Reasons for decision
Age	X	X		<p>The new policy takes in to account the needs of an aging population by providing the framework within which a successful and varied local service can operate.</p> <p>The policy aims to reduce pollution and to improve the air quality in Watford which will benefit all but particularly the very young and the elderly.</p> <p>The policy aims to make using a taxi or private hire a safer experience and, as those who use taxis tend to be younger and older, there will be positive impacts for these groups.</p> <p>There may be negative age related impacts in terms of implementing the policy – linked to the requirements around new vehicles.</p>
Disability	X	X		<p>The new policy aims to increase the availability of new wheelchair accessible vehicles.</p> <p>The new policy aims to improve the visibility of hackney carriages by introducing a livery, thereby supporting the visually impaired.</p> <p>The new policy aims to ensure proprietors must offer receipts to customers to assist in identifying drivers who have provided poor service.</p> <p>The new policy, if passed without amendment, will continue with the plan to enforce vehicle change of the oldest vehicles by April 2022. Many of these vehicles are the wheelchair accessible vehicle and so this may lead to a reduction in availability of wheelchair accessible vehicles. However, by 2022 these vehicles will be some of the most polluting on the roads and this must be considered when a decision is made.</p>
Ethnicity	X	X		<p>Improved safety and security concerns should impact positively on drivers and licence holders many of whom have faced abuse over the years due to race or ethnicity.</p>

Protected Characteristic	Positive	Negative	None	Reasons for decision
				<p>A trade viewed as professional and well trained should lead to the creation of a safer work environment.</p> <p>The new policy, if passed, will place additional burden on licence holders when applying for licences and it may restrict vehicle choice and require expenditure on behalf of the current or new proprietors which in some cases could be significant.</p>
Sex	X	X		<p>The overwhelming majority of proprietors are male and so the same impact as above would apply here also.</p> <p>A safer, more accessible and easily identifiable service is likely to positively impact female customers</p>
Sexual orientation	X			<p>There are sometimes complaints by taxi and private hire users of discrimination on the grounds of sexual orientation. Whilst this is not something reported in Watford, training for all drivers with documented testing will include training in equalities and this will hopefully lead to positive improvements. There is no specific negative impact on sexual orientation discrimination.</p>
Religion			X	<p>There is no specific positive or negative impact on discrimination due to religion other than an improvement in quality and therefore, possibly, perceived safety.</p>
Pregnancy/maternity			X	<p>There is no specific positive or negative impact on pregnancy / maternity other than an improvement in quality and therefore, possibly, perceived safety.</p>
Gender orientation			X	<p>There are sometimes complaints by taxi and private hire users of discrimination on the grounds of gender orientation. Whilst this is not something reported in Watford, training for all drivers with documented testing will include training in equalities and this will hopefully lead to positive improvements. There is no specific negative impact on gender discrimination other than an improvement in quality and therefore possibly perceived safety.</p>

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

Positive Impact	Protected characteristics	Ways to ensure the positive impact
<p>Greater understanding among licence holders and applicants of the processes in place regulating the trade.</p> <p>General increase in reputation of local trade</p> <p>Improvements in safety and perception of safety</p> <p>Tightening of compliance regulation in relation to discrimination by licence holders.</p> <p>Improvement in safety measures for private hire operators leading to greater confidence in the service available in the town.</p> <p>Improvements in vehicle standards</p> <p>Increase in visibility and therefore business and reputation</p> <p>Increase in number of wheelchair accessible hackney carriages</p>	All	Introduction of the new policy

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
Concern of some drivers over completing written tests.	Ethnicity/sex	Ensure that changes are made with reasonable adjustment to account for applicants' needs.

Negative Impact	Protected characteristics	Ways to mitigate the negative impact
<p>Concern over drivers providing certificate of good conduct if out of country for 3 months.</p> <p>Cost of vehicle requirements to be borne by existing proprietors</p> <p>Changes may deter new proprietors from licensing vehicles.</p> <p>Potential initial reduction in availability of wheelchair accessible vehicles</p>	<p>Ethnicity/sex</p> <p>All</p> <p>Disability</p> <p>Ethnicity/sex</p>	<p>Retain existing and long-standing requirement of 6 month period until certificate required.</p> <p>Monitor ongoing situation regarding pandemic and financial impact on trade and determine whether amendment is needed at a later date bearing in mind the impact on the environment of much older vehicles.</p> <p>Explore possibility of vehicle purchase and lease programs supported by the council, particularly wheelchair accessible vehicles in the first instance.</p>

This EIA has been approved by:

...Kathryn Robson..... Date ...02.March 2021.....