



**WATFORD
BOROUGH
COUNCIL**

Equality Impact Analysis

Title of policy, function or service	Environmental Health and Licensing Services Compliance Policy 2016-2021
Lead officer	Jamie Mackenzie
Person completing the EIA	Jamie Mackenzie
Type of policy, function or service:	Existing (reviewed) <input checked="" type="checkbox"/> <input type="checkbox"/> New/Proposed <input type="checkbox"/>
Version & Date	Version 1.0 15.06.2021

1. Background

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

A requirement for applications for a driver licence is that the applicant undergoes an enhanced Disclosure and Barring Service check. This has been policy in Watford for a number of years in order to support high standards for the trade and build confidence with customers.

This approach is further supported by the Department for Transport Standards published in July 2020 which recommended checks being done as regularly as every 6 months. This recommendation was adopted by the council in March 2021 as part of the new Hackney Carriage and Private Hire Licensing Policy 2021-2026.

During the pandemic it was not possible to conduct DBS checks for existing licence holders. Accordingly, to continue to issue licences to existing licence holders - those who had a known history as fit and proper licence holders - local police intelligence checks were conducted to ensure drivers were safe to be licensed. These local checks have also been part of licensing checks for a number of years and serve to check that drivers have been honest in declaring information on their applications. Making a false declaration is a criminal offence. In practice these local checks are more thorough than the DBS check.

As lockdown eases there is now the need to return to conducting enhanced DBS checks as per standard procedure and the requirements of the new Hackney Carriage and Private Hire Licensing Policy 2021-2026.

In order to do this, drivers granted a licence between March 2020 and June 2021 must also submit documents for an enhanced DBS check. Drivers are given a reasonable and proportionate amount of time to prepare for this process.

Where a driver fails to attend an appointment or does not engage in the process, it may be necessary to suspend that driver licence pending completion of checks. To make suspension possible an urgent amendment must be made to the existing Environmental Health and Licensing Compliance Policy 2016-2021 (The Policy).

2. Focus of the Equality Impact Analysis

This Equality Impact Analysis is focussed on any potential impact upon existing licence holders of an urgent amendment to The Policy.

3. Engagement and consultation

It has not been possible to consult on this amendment due to the nature and urgency of the change. The Policy is being reviewed and this proposed amendment is a temporary change

between the date of the committee meeting on 8 July 2021 and the committee meeting in September 2021 where a decision on the new compliance policy will be considered by the Licensing Committee. The same change, on a permanent basis, is part of the proposed new policy and will be consulted on between 12 July 2021 and 23 August 2021.

4. What we know about Watford hackney carriage and private hire driver licence holders.

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). Almost all vehicle owners are also driver licence holders, either DUAL (hackney carriage and private hire) or private hire only.

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.

5. 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. This also extends to our role as an employer.

The Council must ensure that this change to the policy is applied proportionately and in accordance with Natural Justice, Human Rights and the existing, long standing and well-tested safeguards in place when considering the suspension or revocation of a licence.

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 conducting these checks the council can maintain the high standards of the local licence trade. This will have a positive impact on the reputation of the trade and help enhance good community relations.
- 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.
- 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 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.

B. Negative impacts

- There is likely to be a negative impact on licence holders who cannot engage easily with this process. The application requires documents to be submitted via email and the check is done using an online video meeting link. Although great improvements have been made to the digitalisation of services since March 2020, it is likely that this procedure will be an additional burden to licence holders who are already under pressure due to the impact of the pandemic.

6. Overall conclusion

The change to the policy is likely to disproportionately impact upon persons with the protected characteristic of race and sex.

The change may have a negative impact if large numbers of drivers have licenses suspended for non-compliance with the requirement to undergo a DBS check. The council will seek to mitigate this by engaging actively with the trade and pushing messages out through the communication channels it has with drivers.

The change is necessary and proportionate to ensure continued public confidence in the safety of licensed drivers in Watford. This should have a positive impact on the trade and therefore a positive impact on persons with the protected characteristic of race and sex.

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 the protection of public safety.

Confirmation of standards will inevitably lead to a positive impact on the trade overall, which will have some positive impact on those passengers with protected characteristics who are more likely to use taxi and private hire services.

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 maintain and support the quality of the taxi and private hire offer in Watford. The council recognises that the negative impacts will be difficult for some drivers in terms of age and ethnicity but will work with licence holders to mitigate these impacts as far as possible.

Summary of potential positive and negative impacts on protected characteristics

Protected Characteristic	Positive	Negative	None	Reasons for decision
Age	X	X		<p>The policy aims to make sure using a taxi or private hire service is a safe 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 digital and online aspect of applications and checks for licence holders.</p>
Disability	X	X		<p>The policy aims to make sure using a taxi or private hire service is a safe experience. It is known that disabled people are more likely to use these services and this policy amendment will ensure safety standards are maintained.</p> <p>Disabled licence holders may be negatively impacted by the process involved in applying for a check</p>
Ethnicity	X	X		<p>The amendment aims to maintain the overall standard of the taxi and private hire provision in Watford which should reflect well on the trade and those involved with the trade.</p> <p>The change may have negative impact if large numbers of drivers have licences suspended for non-compliance with the requirement to undergo a DBS check.</p> <p>The change is necessary and proportionate to ensure continued public confidence in the safety of licensed drivers in Watford.</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 safe, service is likely to positively impact female customers</p>

Protected Characteristic	Positive	Negative	None	Reasons for decision
Sexual orientation	X			There is a general positive impact on sexual orientation discrimination through the maintenance and safeguarding of public safety.
Religion	X			There is a general positive impact on religious discrimination through the maintenance and safeguarding of public safety.
Pregnancy/maternity	X			There is a general positive impact on discrimination against people who are pregnant or on maternity leave through the maintenance and safeguarding of public safety.
Gender orientation	X			There is a general positive impact on gender orientation discrimination through the maintenance and safeguarding of public safety.

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

Positive Impact	Protected characteristics	Ways to ensure the positive impact
Maintenance of public confidence in the safety of the taxi and private hire service in Watford.	All	Introduction of the amendment

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
The change may have negative impact if large numbers of drivers have licenses suspended for non-compliance with the requirement to undergo a DBS check for reasons of ability to access the process	Ethnicity/sex/disability	Provide sufficient assistance to trade to ensure there is adequate opportunity to comply with the requirements.

This EIA has been approved by:
K Robson Date ...30 June 2021.....