

## Bristol City Council Equality Impact Assessment Form

(Please refer to the Equality Impact Assessment guidance when completing this form)



<b>Name of proposal</b>	Taxi Policy Review 2020
<b>Directorate and Service Area</b>	Growth and Regeneration, Regulatory Services
<b>Name of Lead Officer</b>	Sarah Flower – Senior Licensing Officer

### Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

#### 1.1 What is the proposal?

To commence a consultation process in relation to a proposal to revise and amend all Bristol City Council taxi licensing policies into one document, and make a number of amendments due to:

- the introduction of statutory taxi and private hire vehicle standards by the Department for Transport
- changes identified in respect of private hire operators
- requests from the taxi trade to review the private hire vehicle policy in respect of tints
- a mandatory requirement for hackney carriages to have electronic payment facilities

The key amendments include:

1. Adding a requirement to the policy that applicants and drivers are required to sign up to the DBS Update Service and what happens if drivers do not sign up to the service or their status changes.
2. Introduction of certificate of good character for applicants and licence holders for drivers, vehicles and private hire operators from each country if they have lived outside of the UK for a continuous period of three months (or more) within the last five years of the date of their licence application, save in exceptional circumstances.
3. Introduction of requirement for the Council to be able to require applicants and licence holders to complete a mandatory test for their language

proficiency for drivers and the ability for the Council to require drivers, vehicle proprietors and private hire operators to complete this test.

4. To introduce a private hire operator policy and guidelines relating to the relevance of criminal behaviour and amend the conditions attached to such a licence. This will allow us to ensure that anyone who holds this licence is fit and proper to hold a licence.

The policy will also mean that licence holders have to have minimum standards to ensure that all of their employees have the appropriate level of training in order to operate safely.

5. To introduce a policy in respect of mandatory card payments. Card payments would lead to an easier and quicker method for customers to pay taxis fares, While stopping the need for customers to ask Hackney Carriage drivers to stop off at cash machines if they need extra cash to pay a fare.

This technology can be beneficial is if a customer were to lose their cash and debit cards, the customer can if they wish use their smartphone device to pay a fare as if using a contactless debit card. This could stop the need for vulnerable people walking home at night and putting themselves in a potentially unsafe situation.

6. To amend a private hire vehicle policy and vehicle inspection standard so that tints are allowed in the rear side windows of private hire vehicles all other aspects of the policy remain unchanged.

The current private hire inspection standard policy on tints was presented to members on 12 February 2013 and it was agreed that the implementation of the new standards would take effect from 1st April 2013.

7. To consolidate and amend all taxi licensing policies conditions in line with the published Department of Transport Statutory Taxi and Private Hire Vehicle standards which came into force in July 2020 into one cohesive policy document. These changes include revisions to Disclosure and Barring Service Checks (DBS), Licensee self-reporting in respect of convictions and caution they may receive, DBS checks for vehicle proprietors and operators, mandatory safeguarding training and significant changes to the guidelines relating to relevance of criminal behaviour.

## **Step 2: What information do we have?**

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

## 2.1 What data or evidence is there which tells us who is, or could be affected?

Based on the demographics of the City of Bristol the majority of citizens which are potential taxi customers:

- 78% are White British compared to 80% the national average
- 17% have a Limiting Long-term Illness or Disability which is slightly lower than the national average of 18%
- 50% are women which is slightly lower than the national average of 51%

### Disability

There are over 14.1 million disabled people in the UK<sup>1</sup>.

- 8% of children are disabled.
- 19% of working age adults are disabled
- 44% of pension age adults are disabled

Taxis and minicabs are vital for many disabled and older people and for some the only accessible transport mode (Beuret, 1995).

### Licence holders

In Bristol there are currently 459 licensed hackney carriage vehicles, 809 private hire vehicles, 624 hackney carriage drivers and 1047 private hire drivers. Anecdotally the majority of Bristol taxi drivers are male, and a large proportion of taxi drivers are from Black, Asian and minority ethnic backgrounds, and Muslim.

## 2.2 Who is missing? Are there any gaps in the data?

We have tried to carry out a diversity survey by circulating to the taxi trade. Currently we have received 38 responses. Therefore the statistics may not be representative of the taxi trade. However the responses show of the respondents:

### Age

11% of respondents were under 24 years old  
38% of respondents were between 25-49 years old  
26% of respondents were between 50-64 years old

### Disability

87% of respondents do not consider themselves to be a disabled person  
11% of respondents consider themselves to be a disabled person  
3% of respondents preferred not to say

### Sex

97% of respondents are male

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• <sup>1</sup> Source: [Family Resources Survey \(2018 to 19\)](#)

3% of respondents are female

### **Ethnic background**

15% respondents identified themselves as English/Welsh/Scottish/Northern Irish/Irish/British

2% of respondents identified themselves as Gypsy or Roma

9% of respondents identified themselves as East European

2% of respondents identified themselves as any other White Background

2% of respondents identified themselves as Indian

19% of respondents identified themselves as Pakistani

6% of respondents identified themselves as Bangladeshi

8% of respondents identified themselves as any other Asian background

8% of respondents identified themselves as White and Black African

2% of respondents identified themselves as White and Asian

2% of respondents identified themselves as Any other mixed background

6% of respondents identified themselves as African

11% of respondents identified themselves as Somali

4% of respondents identified themselves as Arab

### **Sexual orientation**

58% of respondents identified their sexuality as Heterosexual/straight

3% of respondents identified their sexuality as bisexual

8% of respondents identified their sexuality as Other

### **Religious beliefs**

21% of respondents identified their religious belief as Christian

68% of respondents identified their religious belief as Muslim

### **Pregnancy and maternity**

97% responded they were not pregnant or had given birth in the last 26 weeks

3% responded that they were pregnant or had given birth in the last 26 weeks

### **Refugee**

95% responded that they did not consider themselves to be a refugee

5% responded that they consider themselves to be a refugee

### **English as first language**

39% responded that English was their first language

61% responded that English is not their first language

## **2.3 How have we involved, or will we involve, communities and groups that could be affected?**

The Hackney carriage and private hire trade will be consulted via email, and also the taxi forum meetings, which are held monthly.

Consultation on draft policies may be published on the Councils Consultation Finder. Equalities groups will be specifically targeted for feedback.

### Step 3: Who might the proposal impact?

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

#### 3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

##### All:

- a) **DBS Update Service** - There may be some negative impact when drivers fail to subscribe or maintain subscription to the service as a new application and fee will be required and this could delay their licence being issued or their licence may be suspended or revoked.  
Also if the status of a DBS check changes then this could impact on the licence of a driver and delay applications or a drivers licence may be suspended or revoked.  
However this is mitigated by private hire drivers and vehicle proprietors being required to inform the Council in respect of convictions etc. and that in the interests of Public Safety the Council need to be able to consider information.
- b) **Private Hire Operator Policy** - None
- c) **Card Payments** - There may be some negative impact when drivers are made aware of the new proposal due to the cost element involved of having a card reader fitted to their vehicle.
- d) **Tints** - Tinted windows could reduce perceived confidence in the safety of private hire vehicles.
- e) **Statutory Taxi and Private Hire Vehicle Standards** - All licensed drivers could be impacted as every licence will need to be reviewed and depending on the outcome there could be the potential for licences being suspended or revoked and new applicants being refused due to the changes to the convictions policy and the requirement for a language proficiency test.

##### Age:

- a) **DBS Update Service** - No negative impact identified
- b) **Private Hire Operator Policy** - No negative impact anticipated.
- c) **Card Payments** – No negative impact identified
- d) **Tints** - Tinted windows could reduce perceived confidence in the safety of private hire vehicles for some younger or older passengers.
- e) **Statutory Taxi and Private Hire Vehicle Standards** – No negative impact anticipated.

##### Disability:

- a) **DBS Update Service** - No negative impact identified
- b) **Private Hire Operator Policy** - Any employees of an Operator with learning difficulties e.g. dyslexia could potentially be affected by introducing minimum standards of training. The level of training that will be given to employees will

be rigorous and appropriate attention should be paid to employees whose protected characteristics mean extra training or tuition is necessary.

- c) **Card Payments** – No negative impact identified
- d) **Tints** - People with sight loss may be likely to have more reduced visibility through windows and reduced light inside vehicles could affect those with sight loss and other impairments.
- e) **Statutory Taxi and Private Hire Vehicle Standards** – All new applicants must complete a mandatory test of their language proficiency, which should cover both oral and written English language skills to achieve the objectives stated above. The Council will have the right to require existing drivers to conduct this test if required by the Chair of the Public Safety and Protection Committee. Such a test will be completed the licensees expense.

#### **Race (Ethnicity):**

- (a) **DBS Update Service** - Due to their high representation Black, Asian and minority ethnic licensed taxi drivers are likely to be disproportionately impacted by the initial financial cost of the DBS Update Service and applying for DBS applications outside of normal timescales.
- (b) **Private Hire Operator Policy** - There is no requirement for Operators to employ people with a minimum level of English language. There is potential for Operators to employ people who may experience issues in being trained to minimum standards when English is not their first language.
- (c) **Card Payments** – As 'All' above – there may be a disproportionate cost impact for Black, Asian and minority ethnic licenced drivers due to their high representation.
- (d) **Tints** - No negative impact identified.
- (e) **Statutory Taxi and Private Hire Vehicle Standards** – Including the introduction of requirements relating to language proficiency, certificates of good character, changes in respect of the guidelines relating to the relevant of criminal behaviour and introduction of basic DBS for vehicle applications. Due to their high representation Black, Asian and minority ethnic licensed taxi drivers are likely to be disproportionately impacted by the financial costs of new DBS applications, certificates of good character. Black, Asian and minority ethnic drivers are also likely to be disproportionately impacted by the strengthening of the guidelines on the relevance of criminal behaviour (convictions policy) due to their higher representation amongst taxi drivers. Members of the trade or applicants who are Black, Asian or minority ethnic may also be disproportionately impacted by the requirements for a certificate of good character as they may be more likely to have lived outside of the UK for a continuous period of three months or more. The language proficiency test may affect existing licensees wishing to renew their licence. Those that obtained a licence prior to the introduction of the Gold Standard Training Program in 2011 have not previously had to undergo a language proficiency test. The English language requirement may therefore become a barrier to income generation should a driver be unable to renew their licence. All licensed drivers could be impacted as every licence will need to be reviewed and depending on the outcome there could be the potential for

licences being suspended or revoked and new applicants being refused due to the changes to the convictions policy.

**Sex:**

- a) **DBS Update Service** - No negative impact identified. Approximately 98% of licensed drivers are male.
- b) **Private Hire Operator Policy** - No negative impact anticipated.
- c) **Card Payments** – As 'All' above - there may be a disproportionate cost impact as approximately 98% of licensed drivers are male
- d) **Tints** – As above: tinted windows could reduce perceived confidence in the safety of private hire vehicles for some female passengers.
- e) **Statutory Taxi and Private Hire Vehicle Standards** - No negative impact anticipated.

**Pregnancy and Maternity: All sections** - No negative impact identified.

**Religion & belief:**

- (a) **DBS Update Service** - No negative impact identified.
- (b) **Private Hire Operator Policy** - No negative impact anticipated.
- (c) **Card Payments** – As 'All' above - there may be a disproportionate cost impact for Muslim licensed drivers due to their high representation
- (d) **Tints** - No negative impact anticipated.
- (e) **Statutory Taxi and Private Hire Vehicle Standards** - No negative impact anticipated.

**Sexual orientation:** All sections - No negative impact identified

**Gender reassignment:** All sections - No negative impact identified.

**3.2 Can these impacts be mitigated or justified? If so, how?**

**DBS Update Service** - The impact with regard to the initial cost of the DBS Update Service can be justified through the improved protection for the travelling public and the savings over time (provided no change to DBS status and continued subscription to the service).

The DBS update service is portable so if drivers are engaged in other activities requiring a certificate this can also be used for that purpose. The DBS update service currently costs £13 per annum plus the cost of the original DBS application which is currently set as £49.50.

There are currently delays with the DBS in terms of the turnaround time of applications which can be exacerbated when applicants have a complex address history. This can potentially delay licences being issued and therefore have a negative effect on the livelihood of drivers. By subscribing to the DBS update service these delays should no longer occur.

**Private Hire Operator Policy** - We will ensure that our communication about implementation of the policy is clear, concise and unambiguous.

**Card Payments** - The potential negative cost impact of installing a mandatory card readers is likely to be mitigated / offset by other benefits including:

- An easier and quicker payment method for taxis fares
- A reduction in the need to stop off at cash machines if customers need extra cash to pay a fare
- A potential increase in customers who may previously have avoided taxis due to the requirement to pay in cash

**Tints** - More vehicles licensed by Bristol City Council, thereby improving the regulatory regime for consumers booking vehicles and travelling in Bristol  
New vehicles tend to have less transparent glass and additional costs of replacing windows is likely to have a disproportionate impact on Black, Asian and minority ethnic men, and Muslims because of their high levels of representations in the taxi trade.

### **Statutory taxi and private hire vehicle standards**

- It is recommended that the standards be put into to practice and administered appropriately to mitigate the risk posed to the public.
- The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public when using taxis and private hire vehicles.
- We will discuss with training providers how the tests can meet the needs of disabled people or people speaking English as additional language and safeguarding training.
- The ability to require existing licence holder to pass a language proficiency test will ensure that all licence holders can communicate effectively with the public. This is essential as improved communication will help reduce the potential for any misunderstandings and improve passenger safety and their perception of safety. For example it will alleviate the potential for passenger uncertainty and anxiety when a driver is unable to explain why they are taking an alternative route. Benefits could also be realised in the case of a health issue where the passenger requires medical assistance. Existing licence holders will only be required to undergo the test if the public safety and protection committee or Licensing Manager decide its necessary. No criteria for this is currently available and no decision has been made yet on what support may be available
- It is also essential that all licence holders are able to fully understand the legislative requirements and conditions and communications from the council in its role as the regulator. Understanding these communications is vital in order to ensure passenger safety.
- Re. Certificates of Good Character – we will provide additional guidance for cases where an applicant is unable to provide documentation from their country of origin because they are a refugee etc.
- Reasonable adjustments should be made to ensure that applicants and licence holders are given appropriate support and time to ensure they can meet the standards by this policy.
- Guidelines on the relevance of criminal behaviour - The strengthening of the guidelines are in line with the national standards proposed by central government (Department for Transport). The DfT have stated that the guidelines they have set out should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently



evidence that they have been successfully rehabilitated so that they might obtain or retain a licence. Applicants/licence holders will however be given the opportunity to have their case heard on its own merits and will be entitled to a fair and impartial consideration of their application/suitability to hold a licence.

- Certificate of good character – these are also recommended by the national standards proposed by central government (Department for Transport). A Disclosure and Barring Service check cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. As such to ensure licence holders are fit and proper persons to hold a licence it is essential this certificate is required. As above should any negative information be received applicants/licence holders will be given the opportunity to have their case heard on its own merits and will be entitled to a fair and impartial consideration of their application/suitability to hold a licence.

### **3.3 Does the proposal create any benefits for people with protected characteristics?**

**DBS Update Service** - The impact on applicants and drivers should over time save money, allowing drivers to apply for three year licences more frequently, and reduce the administrative burden for all drivers and applicants, particularly when there are often delays with DBS certificates which can subsequently impact on whether a licence is issued and therefore impact on driver's earnings.

In respect of the public this service will enable checks to be carried out on drivers more frequently therefore it is likely to increase public safety

**Private Hire Operator Policy** - Yes. In creating a policy, the standard of operators will be established in respect of public safety.

Taxis are an integral part of the public transport network, and an overall minimum standard in respect of topics such as disability awareness and child sex exploitation would benefit and further enhance the safety element of using taxis as a safe means of transport.

**Card Payments** - Having a card payment facility for passengers would improve public safety for Hackney Carriage customers in Bristol. Customers would not have the need to stop and use cash machines late at night and therefore reduce the risk of robbery or other associated crimes.

**Tints** – The more vehicles licensed by Bristol City Council, thereby improving the regulatory regime for consumers booking vehicles and travelling in Bristol

**Statutory taxi and private hire vehicle standards** - Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within

the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults.

The introduction of requirements such as safeguarding training, DBS update service, basic disclosures, certificate of good character will enable additional checks to be carried out to ensure licence holders are fit and proper to hold a licence. The introduction of safeguarding training will drivers to :

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

The ability to require all licence holders to pass a language proficiency test is likely to have a positive impact on people with learning difficulties and hearing difficulties. This is because these groups are more likely to already experience some barriers to communication.

**3.4 Can they be maximised? If so, how?**

We will ensure there are clear communications, and an effective consultation on the proposed changes.

#### **Step 4: So what?**

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

#### **4.1 How has the equality impact assessment informed or changed the proposal?**

At this stage the equality impact assessment process has highlighted the potential impact of the proposal, particularly for Black, Asian and minority ethnic, male and Muslim taxi drivers – and the steps we intend to take to mitigate these, balanced with our overall priority to protect the travelling public.

#### **4.2 What actions have been identified going forward?**

- We will seek approval for a consultation to seek public views on the proposal.
- Present a report to the Public Safety and Protection Committee with recommendations including findings of the consultation.

#### **4.3 How will the impact of your proposal and actions be measured moving forward?**

**DBS Update Service** - Through statistics relating to the number of drivers that fail to maintain subscription to the DBS update service, and the number of drivers that have DBS update check status changes.

**Private Hire Operator Policy** - Through monitoring of licensed operators and

enforcement visits/inspections. The policy will also create a requirement for licensed operators to report back to the council in respect of training undertaken for staff.

**Card Payments** - If approved it will be a mandatory requirement for all hackney carriage vehicles to be fitted with a card payment device. This will be checked by Fleet Services by way of their vehicle inspection check on the initial granting of the licence and each time the vehicle is due for renewal

**Tints** - We will provide data from our database on vehicles that have failed the inspection check due to tints.

**Statutory Taxi and Private Hire Vehicle Standards** – Taking all of the above into consideration and with the added conditions in the statutory standards a more proactive approach on deciding whether a licence holder is deemed fit and proper to hold such a licence.

Service Director Sign-Off:



Date: 10/02/2021

Equalities Officer Sign Off:

Reviewed by Equality officer

Date: 9/2/2021