

Licensing Service Equality Impact Assessment - Decision not to proceed with the assessment.

1. Introduction

This service was identified as a high priority by the pre-screening group that identified and prioritised the EIA programme. However, following a briefing on the EIA process and a full discussion with relevant officers, it is now apparent that the decision of the pre-screening group was incorrect in this instance.

The service was chosen by the pre-screening group on the basis that a key customer group were taxi drivers and high proportion of taxi drivers are from BME groups. Discussion therefore focussed on this element of the service, specifically on the way taxi drivers are licensed – i.e. the process of actually applying for a licence – revealed that:

1. The way in which the service operates is largely determined by legislation. Standards and practices are set locally, although these are broadly similar across other Hampshire councils as close liaison on these issues is maintained with other authorities. In particular, the primary legal responsibility on the council is to ensure that those licensed have the necessary knowledge and skills to perform the job and pose no danger to the public or their passengers on grounds of health (having an illness or condition that makes them unfit to drive) or other grounds (such as a history of violence). This means that applicants must demonstrate their ability to:
 - Navigate successfully around the locality – including reading road signs, maps, etc.
 - communicate with passengers
 - handle money

They must also provide a range of information about themselves on the application form including and demonstrate, where a UK CRB check cannot be done, that they do not have a criminal record in their country of origin.

2. Overall these requirements **may** disadvantage some applicants with poor English or recent immigrants from countries where obtaining proof about any criminal record may be difficult or expensive. However, the knowledge, skill and information requirements are necessary to ensure that the council is meeting its primary legal duty. In addition, most of the local BME population are now British and second or third generation and so speak and read English to the same level as the rest of the population. Where language difficulties do exist, officers provide assistance to applicants for whom English is not their first language (for example by reading out questions on or information accompanying the application form). Advice and assistance on learning English would be given for such applicants.
3. The service does not currently undertake equality monitoring. However, there is no evidence – in the form of complaints - that applicants for taxi licenses from BME groups are unlawfully discriminated against (i.e. treated differently *and* unfairly) to white British applicants or that they are disadvantaged in any way which cannot be objectively justified by the need to enforce the legislation to protect the public and passengers. The fact that a large proportion of local taxi drivers are from BME groups indicates that the application process has not deterred BME applicants in general – although it may, of course, have deterred applicants from specific BME groups.

2. Decision

Based on the reasoning and evidence set out above a decision not to proceed with the EIA was agreed, subject to a commitment to explore ways to improve consultation and begin equality monitoring.

3. Improvements:

- The service is able and willing to consult its customers and hopes to use the emerging local BME Forum as an additional channel of communications in the future.
- Once a corporate approach to equality monitoring has been established, the service will implement this as appropriate to its particular circumstances.

This note has been produced by Ian Barrett, Equality & Diversity Consultant and agreed by Howard Bone, Head of Legal Services. The decision not to proceed with the EIA has been approved by the Corporate EIA Validation Group.