

EQUALITY SCREENING

Equality Impact Assessment guidance should be considered when completing this form.

POLICY/FUNCTION/ACTIVITY	LEAD OFFICER
Hackney Carriage and Private Hire Licensing Policy	Robert Smith

A. What is the aim of this policy, function or activity? Why is it needed? What is it hoped to achieve and how will it be ensured it works as intended? Does it affect service users, employees or the wider community?

The Council has existing conditions, bylaws and requirements in relation to taxi and private hire licensing.

The purpose of licensing hackney carriage and private hire (taxi) operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety should always be the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators.

B. Is this policy, function or activity relevant to equality? Does the policy, function or activity relate to an area in which there are known inequalities, or where different groups have different needs or experience? Remember, it may be relevant because there are opportunities to promote equality and greater access, not just potential on the basis of adverse impacts or unlawful discrimination.

The Protected Characteristics are; Sex, Age, Disability, Race, Religion and Beliefs, Sexual Orientation, Marriage and Civil Partnership, Gender Reassignment, Pregnancy and Maternity.

On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 took effect in England, Scotland, and Wales. It amended the Equality Act 2010 (the 'Act') to introduce new and amend existing duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike.

The 'Act' aims to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against, and local authorities have an important role to play in ensuring the requirements are implemented effectively.

The legislation prior to 28 June 2022 only required drivers of designated wheelchair accessible vehicles to comply with the requirements of the 'Act'. The updated 'Act' imposes duties on all drivers of taxis or private hire vehicles which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. From 28 June 2022, all licensed drivers (taxi and PHV) and private hire operators; regardless of whether the vehicle is wheelchair accessible, became subject to duties under the Equality Act.

Disabled passengers: duties of drivers

The updated 2010 Act imposes duties on the drivers of taxis or private hire vehicles which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. This section is applicable to a disabled person who is able and wants to travel in a non-wheelchair accessible vehicle. The duties are:

- To carry the passenger

- If the passenger is in or has with them a wheelchair, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To take such steps, are reasonable to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance* as is reasonably required
- Not to make, or to propose to make, any additional charge for complying with these duties

Disabled passengers in wheelchairs: duties of drivers of designated vehicles

The new legislation has also updated the requirements for drivers of a designated taxi or designated private hire vehicle which has been hired by or for a disabled person who is in a wheelchair or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

The duties for designated vehicles are:

- To carry the passenger while in the wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance* as is reasonably required
- Not to make, or propose to make, any additional charge for complying with these duties

Mobility assistance* is defined as assistance:

- To enable the passenger to get into or out of the vehicle.
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair.
- To load the passenger's luggage into or out of the vehicle.
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Disabled passengers: assistance to identify and find vehicle

There is a new duty on the driver of a private hire vehicle or pre-booked taxi where:

- (1) the vehicle has been booked by or for a disabled person or by another person who wishes to be accompanied by a disabled person and
- (2) the driver of the vehicle has been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle.

The duties are:

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired

- Not to make, or propose to make, any additional charge with the above duty

Duties of operators of private hire vehicles

The updated 2010 Act creates a new offence for private hire car operators who fail or refuse to accept a booking requested by or on behalf of a disabled person, when the reason is that the passenger has a disability or to prevent the driver being made subject to a relevant duty.

The regulations governing the carriage of disabled persons and any exemptions are contained in the Equality Act 2010 section 160 -173, this is already recognised within the Council's policy.

The Council's policy was subject of an Equality Impact assessment in January 2020 and is reviewed every five years, or sooner if required.

A positive impact in preventing any misuse of exemptions is that notices of exemption must, as a licensing condition, be displayed in the vehicle and there is scope for the introduction of a tactile certificate. An exemption certificate will only be issued where there is specific evidence from the driver's GP.

The policy has a positive impact in relation to those with disabilities by making clear the Council's expectations and legal requirements. The policy highlights the fact that drivers cannot charge extra for the additional time it may take to assist any disabled person, as demonstrated in a recent Court case.

With regard to the protected characteristic of 'disability'.

Currently, there is no legal requirement for all taxis to be wheelchair accessible. However, the Council recognises accessibility of vehicles and encourages operators and proprietors to recognise the potential market for wheelchair accessible vehicles.

The Council complies with section 167 of the Equality Act 2010 by publishing a designated vehicle list on its website, this list shows which vehicles are wheelchair accessible and give details of the operator/proprietor to enable bookings.

The policy makes it clear that it is an offence for any driver or operator to refuse or fail to comply with their duty under section 160 to 173 of the Equality Act 2010.

There is a possibility that drivers may find some accessibility matters difficult to comply with due to their own medical condition or disability and in these circumstances, there is scope to issue a certificate of exemption.

These new duties and responsibilities for drivers and operators will make a positive contribution to the carriage of disabled persons by making it an offence to refuse to carry, charge extra or fail to carry out the duties under the 'Act'.

All drivers and operators in Runnymede have been made aware of the new duties under the 'Act'.

With the introduction of the new duties and responsibilities mentioned above the Council are considering making it a mandatory requirement that all hackney carriage and private drivers as well as private hire operators licensed by Runnymede undertake disability awareness training to ensure they are aware of their duties under the Equality Act 2010.

Data on wheelchair accessible vehicles – currently the Council licences 6 such vehicles (2 operators) and a public register is available on the Council's website. This represents just 7% of vehicles.

If the policy, function or activity is considered to be relevant to equality then a full Equality Impact Assessment may need to be carried out. If the policy function or activity does not engage any protected characteristics then you should complete Part C below. Where Protected Characteristics are engaged, but Full Impact Assessment is not required because measures are in place or are proposed to be implemented that would mitigate the impact on those affected or would provide an opportunity to promote equalities please complete Part C.

C. If the policy, function or activity is not considered to be relevant to equality, what are the reasons for this conclusion? Alternatively, if there it is considered that there is an impact on any Protected Characteristics but that measures are in place or are proposed to be implemented please state those measures and how it/they are expected to have the desired result. What evidence has been used to make this decision? A simple statement of 'no relevance' or 'no data' is not sufficient.

The Policy and functions carried out in pursuance of this policy do not require a Full Impact Assessment. The basis for this decision is as follows;

- Parts of the Policy already contain many of the aspects of the Equality Act 2010 that relate to the carriage of disabled people.
- Much of the policy has been in practice previously, and it is considered a full impact assessment is not required based on the day-to-day implementation of those parts of the policy.

A consultation on the subject of mandatory disability awareness training has recently been carried out, this was widely circulated to licensed drivers and operators, the public, day centres, disability groups etc. A report will be presented to the Regulatory Committee on 4 January 2023 to allow Councilors to consider the matter and decide on whether to make it a mandatory requirement for drivers and operators to have disability awareness training.

This screening assessment was referred to the Equality Group for challenge on 21 November 2022.

Date completed: 23/11/22

Sign-off by senior manager:

