

Appendix D - Equality Impact Assessment

Part 1: Screening



When reviewing, planning or providing services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. “**Equality Impact Assessments**” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: www.northampton.gov.uk/equality. A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

1 Name of policy/activity/project/practice	This is a proposal to review the fees for Hackney & Private Hire Drivers.
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2. Screening undertaken (please complete as appropriate)	
Director of Service	Julie Seddon
Lead Officer for developing the policy/activity/practice	Louise Faulkner
Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)	Ruth Austen, Licensing Legal Team, Silvina Katz, Communications Team.

3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.

- To request that the Licensing committee review the fee structure relating to Hackney and Private Hire Drivers to reflect changes in legislation. We will be consulting with stakeholders to identify issues and consider any objections to the new structure.

The Local Government (Miscellaneous Provisions) Act 1976, s.53 allows the Local Authority to set fees in respect of drivers licences for both Hackney Carriages and Private Hire vehicles.

In adopting the Local Government (Miscellaneous Provisions) Act 1976 The Local Authority is able to levy fees in respect of driver's licences for both Hackney Carriages and Private Hire drivers (s.53).

The authority does not have the discretion to charge whatever it likes for a licence. The cost of the licence has to be related to the cost of the scheme itself.

4 Relevance to Equality and Diversity Duties

- By changing the fee structure for Hackney and Private Hire Drivers all licence holders will be subject to the proposed changes. All groups identified as being affected will be affected equally.
- The consultation when carried out will help to understand how people feel to any changes in fees.
- The consultation itself will provide evidence of any significant impact on any group and whether the changes would create financial hardship, or whether any mitigation is viable.
- Any decision must be made taking into consideration the current financial climate.

Please explain: We are consulting with all interested parties including those licence holders who may be affected by the proposals.

There is no intention for the proposal to have a negative impact on any particular group. The proposal is aimed at setting the appropriate fee for the cost of this process and minimising any deficit/surplus to the council.

5 Evidence Base for Screening

Equality Human Rights Commission

<http://www.equalityhumanrights.com/resources/case-studies-of-how-organisations-are-using-the-duties/case-studies-equality-impact-assessments/>

Number of Taxi/ Private Hire & Combined Drivers = 935
Number of Operators = 51

6 Requirements of the equality duties:

(remember there's a note to remind you what they are at the end of this form and more detailed information at www.northampton.gov.uk/equality)

Will there be/has there been consultation with all interested parties?

Initial consultation has taken place internally with both legal and finance to ensure we are proceeding with this process in the correct way. Consultation is being undertaken with interested parties.

Any comments received will be considered by the Licensing Committee.

Are proposed actions necessary and proportionate to the desired outcomes?

Yes

Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy/practice/activity?

Any decision taken by the Licensing Committee can be appealed through the Magistrates Court and by Judicial review

Does the proposed policy/practice/activity have the ability to be tailored to fit different individual circumstances?

The local authority must set fees that are reasonable, can be justified and appropriate to the cost of the process.

Where appropriate, can the policy/practice/activity exceed the minimum legal equality and human rights requirements, rather than merely complying with them?

From the evidence you have and strategic thinking, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

	Comments
Race	We have identified that at least 50% of drivers are from minority ethnic groups that will be affected by these proposals. We will be gathering further evidence during the consultation to identify the extent of any impact. These proposals may have an initial impact but there may be benefits over the longer term.

Disability	No risks have been identified at this stage, or anticipated.
Gender or Gender Identity/Gender Assignment	No risks have been identified at this stage, or anticipated.
Pregnancy and Maternity (including breastfeeding)	No risks have been identified at this stage, or anticipated.
Sexual Orientation	No risks have been identified at this stage, or anticipated.
Age (including children, youth, midlife and older people)	No risks have been identified at this stage, or anticipated.
Religion, Faith and Belief	No risks have been identified at this stage, or anticipated.
Human Rights	No risks have been identified at this stage, or anticipated.

7 Summary

The feedback is designed so that all groups have an opportunity to input into this process.

All known drivers and operators will be contacted and provided with the information they need.

It is expected that the scheme will be revisited within the next 3 years, or may be sooner as appropriate.

8 Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Date of Decision: 26.../08..../2015...

EITHER: We judge that a full impact assessment is not necessary since:

OR: We judge that a full impact assessment is necessary since:

1. Equality Duties to be taken into account in this screening include:

Prohibited Conduct under The Equality Act 2010 including:

Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and services provided on its behalf: (due to be effective from 4 April 2011)

NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.

Rights apply to people in terms of their "Protected Characteristics":

Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.

Duty to "advance equality of opportunity":

The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life. **Equality Impact Assessments** remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.

Duty to 'foster good relations between people'

This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.

Lawful Exceptions to general rules: can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).

2. National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:

3. to improve how services identify and meet needs of adults with autism and their families.

4. Human Rights include:

5. Rights under the European Convention include not to be subjected to degrading **treatment**; **right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education**; **right to hold free elections by secret ballot**. The European Convention is given effect in UK law by the Human Rights Act 1998.