

APPENDIX I

**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.

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

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 Private Hire Drivers Operators to reflect changes in legislation. The proposed fee changes have been advertised in a local newspaper and on the local authority website consulting with stakeholders to identify issues and consider any objections.

In adopting the Local Government (Miscellaneous Provisions) Act 1976 The Local Authority is able to levy fees in respect of Operator licences (sec 70).

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 Operators all licence holders will be subject to the proposed changes. All groups identified as being affected will be affected equally.
- The consultation has been carried out to establish whether there are valid objections to any changes in fees.
- The consultation has provided evidence that there is no significant impact on any group.
- Any decision must be made taking into consideration the current financial climate.
- There would also be an indirect effect on the paying public as increased costs to the trade would be passed on to customers.

If you have indicated there is a negative impact on any group, is that impact:

Legal?

N/A

Please explain: We have consulted 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 recovering the cost of the licensing service to the council. If this is not achieved the service will run at a deficit.

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/>

NBC Licensing Records.

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?

Yes

Initial consultation has taken place internally with both legal and finance to ensure we are proceeding with this process in the correct way.

The proposals have been advertised in the local newspaper and on the local authority website for any person to make their objections within 28 days.

Any objections received will then be considered by the Licensing Committee.

Are proposed actions necessary and proportionate to the desired outcomes?

Yes

We are required to advertise the proposed increase in fees and give a reasonable time for any objections to be made. We are aware of the potential impact and are therefore not predetermining any decision. We feel that the introduction of these proposals are reasonable to assess our desired outcomes of cost recovery.

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

Yes

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?

Yes

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?

	Risks (Negative)	Opportunities (Positive)
Race	<p>There would not be a disproportionate negative impact on Operators from minority backgrounds.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Disability	<p>The introduction of the proposals should not result in a reduction of wheelchair accessible vehicles.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Gender or Gender Identity/Gender Assignment	<p>No risks have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Pregnancy and Maternity (including breastfeeding)	<p>No risks have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Sexual Orientation	<p>No risks have been identified at this stage.</p>	

	<p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Age (including children, youth, midlife and older people)	<p>No risks have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Religion, Faith and Belief	<p>No risks have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Human Rights	<p>No risks to Human rights have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	

7 Proportionality

The objection period ensured that all groups had opportunity to input into this process.

All Operators have been contacted and provided with the information they need.

There could be a negative response from the trade as would be expected having regard to the current financial climate.

8 Decision

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

Date of Decision: 29/12/2015

We judge that a full impact assessment is not necessary since there are no identified groups affected by these changes.

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.