

Moray Council Equality Impact Assessment

Important

Under the Equality Act 2010 we must assure that all decisions are taken only after an active assessment of the impact of the decision on people affected by the decision. Where necessary, those who may be affected should be consulted beforehand.

If this is not done, the decision could be unlawful and the council can be prevented from acting upon the decision until the impact has been assessed. This will result in major delays in the implementation as well as financial, reputational and other potential damage and loss to the council.

London Councils had decided to cut £10 million from their grants budget of £26 million. No act of consideration or assessment was given of the impact of the decision on the users of services supported by the grants. Court action was taken by the users against the councils. The Court decided in January 2011 that the decision was unlawful and instructed the councils to assess the impact of the decision. The Court also decided that no grant was to be terminated until 3 months after the conclusion of the assessment exercise.

Service: Litigation & Licensing

Department: Corporate Services

Title of policy/activity: Communications Strategy – Taxi/Private Hire Licensing

1. What are the aims and objectives of the policy/activity?

As the Licensing Authority for Moray, we are responsible for regulating the taxi and private hire sector.

A taxi, or cab, is a public transport vehicle, which is licensed to 'ply for hire'. This means it can stand at ranks or be hailed / flagged down by members of the public. Fares are regulated by the council and must be displayed on a meter fitted in the vehicle.

A Private hire vehicle, is a public transport vehicle but must be 'pre-booked' in advance through an operator and cannot 'ply for hire'. Fares for private hire vehicles are not regulated by the council (unless a meter is fitted to the vehicle) - the cost of a journey will or should be agreed with the company before the journey starts.

Licences are applied for and issued in respect of a driver, a vehicle and a booking office.

Regulation is in line with national legislation – the Civic Government (Scotland) Act

1982, to ensure that the public is protected from harm whilst using the services of taxis/private hire vehicles and to guard against the infiltration of the industry by organised crime groups and individuals. We also recognise the importance of the taxi/private hire sector to our local economy and the essential service that they provide in Moray to both residents and visitors.

Having an informed and engaged trade and public will enable us to effectively perform our role, along with successful and positive relationships with our other stakeholders who have a role in the licensing regime.

We want to have ongoing, effective communication with our varied stakeholders:- applicants for licences and licence holders (trade); the Moray Community; Police Scotland; the Home Office; Council decision makers and staff.

In particular, we want to:

- Do more to understand our stakeholders who are impacted by our work;
- Keep stakeholders well informed;
- Promote understanding of our work and activities;
- Employ appropriate and varied opportunities for communication;
- Be cost effective in communications with our stakeholders so that we can keep licence costs reasonable;
- Maintain a two-way communication with our stakeholders to ensure that feedback is consistently fed into planning and delivery;
- Promote respect and trust between the Council and our stakeholders;
- Promote trade engagement, including increased trade engagement levels with surveys and meetings; and
- Make good use of the Licensing Standards Officer to communicate with the trade and to provide advice and support.

We want to achieve fuller involvement from the trade and public regarding issues that affect them to help inform our policies and practices, and support us in fulfilling statutory obligations.

Working and communication methods are evolving and the tools available to us now are very different from the past. There is a greater drive for electronic communications and the ever present need to ensure that we use available resources efficiently and effectively.

Consultation and engagement can mean different things to different people, and there are challenges around meeting expectations and demands, addressing concerns over changes/new ways of working and maintaining positive relationships at a time of reducing staff resources.

We need to be clear about the level and types of consultation and engagement that will be undertaken in relation to taxi/private hire licensing.

The strategy document outlines how we will communicate with the licensed trade, the Moray community and our partners in the regulatory process in relation to taxi and private hire licensing.

2. List the evidence that has been used in this assessment

Internal data (customer satisfaction surveys; equality monitoring data; customer complaints)	Trade Communications Survey and Report. Feedback from trade meetings. Complaints. Council's Community Engagement Scheme 2012-16 and Strategy. Feedback from consultation on the draft strategy.
Consultation with officers or partner organisations	Feedback from stakeholder meetings with Police Scotland and Council officers.
Consultation with community groups	Community Councils. Local Area Forums. Equality Groups via Equalities Officer.
External data (statistics, census, research)	National research commissioned by the Scottish Government in 2012 into Taxi and Private Hire Car Market and Local Licensing Regimes across Scotland that looked at both current practice and context. This research was undertaken by Edinburgh Napier University, whose report was published in April 2013. Scottish Government Guidance "Taxi and Private Hire Car Licensing Best Practice for Licensing Authorities", Second Edition April 2012. Scottish Regulators' Strategic Code of Practice (Feb. 2015).
Other	

3. Detail any gaps in the information that is currently available?

The strategy contains the objective to seek further feedback

4. What measures will be taken to fill the information gaps before the policy/ activity is implemented? These should be included in the action plan

Measure	Timescale

5. Are there potential impacts on protected groups? Tick as appropriate

	Positive	Negative	None	Unknown
Age – young			✓	
Age – elderly				✓
Disability	<p>✓</p> <p>SMS text messaging is one of the preferred methods of contact within the deaf community.</p>	Access to info if visually impaired - Council's interpretation and translation service available for this.		
Race		<p>Language barriers - Council's interpretation and translation service available.</p> <p>Strategy statement that we will ensure that our communications are clear, jargon-free, in plain English, and easy to understand.</p>		
Religion or belief			✓	
Sex			✓	
Pregnancy and maternity			✓	
Sexual orientation			✓	
Gender reassignment			✓	
Marriage and civil partnership			✓	

6. What are the potential negative impacts?

The strategy recognises the need to identify and overcome the barriers to communication and engagement for all stakeholders. It also recognises the need to:

- Survey communication needs in advance of reviewing this strategy.
- Establish a set of measures to monitor take up of activity and satisfaction with this to continue to identify stakeholder engagement preferences.

7. Have any of the affected groups been consulted. If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps.

The consultation documents have been sent to various equality groups, in liason with the Equal Opportunities Officer. These included groups representing various physical and sensory impairments, women and elderly people. In addition, information was used from the consultation about Moray Council's BSL plan.

8. What mitigating steps will be taken to remove those impacts? These should be included in the action plan.

Mitigating step	Timescale
See question 5	

9. What steps can be taken to promote good relations between various groups? These should be included in the action plan.

NA

10. How does the policy/activity create opportunities for advancing equality of opportunity?

See under question 5 and 6

11. What monitoring arrangements will be put in place? These should be included in the action plan.

NA

12. What is the outcome of the assessment? Tick as appropriate.

1	No impacts have been identified	
2	Impacts have been identified, these can be mitigated as outlined in question 8	√
3	Positive impacts have been identified in relation to the need to:	
	a) Eliminate discrimination, harassment, victimisation and other behaviour prohibited by the Equality Act 2010	
	b) Promote equality of opportunity	
	c) Foster good relations between groups who share a protected characteristic and those who don't.	
4	The activity will have negative impacts which cannot be mitigated fully	

13. Set out the justification that the activity can and should go ahead despite the negative impact?

NA

Sign off and authorisation

Department	Corporate Services
Title of Policy/activity	Communications Strategy – Taxi/Private Hire Licensing
We have completed the equality impact assessment for this policy/activity.	Name: Margaret Forrest Position: Legal Services Manager (Litigation & Licensing) Date: 25 September 2018
Authorisation by Director or Head of Service	Name: Alasdair McEachan Position: Head of Legal and Democratic

	Services Date: 2 October 2018
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The impact assessment should now be authorised by either the Director or Head of Service.

Please return this form, along with the completed screening process and full assessment forms, to the Equal Opportunities Officer, Chief Executive's Office.

Action plan

Action	Start	Complete	Lead Officer	Expected Outcome	Resource Implications