

Equality impact assessment form

Communities and Place

Public Protection - Licensing

**Hackney Carriage Colour / Branding Policy Review –
August 2019**

12 August 2019

Richard Antcliff

**Decision of Cabinet, Personnel Committee or Chief
Officer Group**

Date published on website

January 2019



Derby City Council



Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender identity
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website**. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

Equality groups and protected characteristics

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties, people living with autism and people with physical impairments
- Gender identity – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

Contact for help

Ann Webster – Lead on Equality and Diversity

ann.webster@derby.gov.uk

Tel 01332 643722 Minicom 01332 640666 Mobile 07812301144

The form

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt – it’s better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

What’s the name of the policy you are assessing?

Hackney Carriage Colour / Branding Policy Review – August 2019

The assessment team

Team leader’s name and job title – Mike Kay – Head of Licensing

Other team members

Name	Job title	Organisation	Area of expertise
Ann Webster	Lead on Equality and Diversity	Derby City Council	Equality and Diversity
Andy Findlay	Volunteer	Disability Equality Hub/60+ Forum	Equality and Diversity
Moira Findlay	Volunteer	Disability Equality Hub/60+ Forum	Equality and Diversity
Howard Birchall	Volunteer	Disability Equality Hub	Equality and Diversity
Dale Durrant	Volunteer	Disability Equality Hub	Equality and Diversity

Name	Job title	Organisation	Area of expertise
Shirley Howard-Johnson	Volunteer	Disability Equality Hub/60+ Forum	Equality and Diversity
Lynette Angline	Volunteer	60+ Forum	Equality and Diversity
Janet Warner	Volunteer	Disability Equality Hub	Equality and Diversity

Comments are also being sought from members of the Disability Equality Hub Taxi Task and Finish Group.

Step 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.

Currently, licensed hackney carriages in Derby are required to be yellow. This has been the case since April 2006. Part of the reason why yellow was chosen followed recommendations from disabled people and particularly visually impaired people.

Like many cities and towns within the UK, Derby is under a legal obligation to improve its air quality. Concerns have also been raised recently about the condition of Derby's licensed fleet, particularly hackney carriages.

There are currently no age restrictions on licensed vehicles licensed in Derby which has led to an aging fleet, high emission levels and poor overall condition. As a result, the Council has undertaken a review of the way in which it licences vehicles and has developed a proposed Taxi and Private Hire Vehicles Strategy 2020 which has been consulted on. Along with proposals to require the replacement of the ageing hackney carriage fleet with newer, cleaner and better equipped vehicles, is the proposal is to introduce a black colour and yellow branding policy for newly licensed Euro 6 Diesel or ZEC ULEV hackney carriages.

The consultation sought opinion on the actions within the proposed Taxi and Private Hire Vehicles Strategy 2020 and the Hackney Carriage and Private Hire Vehicle Age and Specification Policy.

A consultation results report has been produced and a final proposed Taxi and Private Hire Vehicles Strategy 2020 and Hackney Carriage and Private Hire Vehicle Age and Specification Policy has been produced. The Council's Licensing Policy Committee will consider the proposals at their meeting on 22 August 2019.

To facilitate and encourage the early uptake of Euro 6 and ULEV compliant hackney carriages as detailed within the proposed Taxi Licensing Strategy, licensing committee recently agreed to allow

'early adopters' to take their new vehicles in black, but only on a short term basis until the licensing committee decided on the final colour/branding change when presented with the findings and recommendations following the consultation which has recently taken place.

The Equality Act 2010 and Public Sector Equality Duty means that we cannot introduce a Policy that has a negative impact on people with protected characteristics, without exploring mitigation to lessen the negative impact.

There have been serious concerns from members of our Disability Equality Hub during the consultation process, about the whole 'back to black' proposal for vehicles. Yellow was chosen as a corporate colour for cabs, many years ago by visually impaired people as they are much easier to spot and recognise as a hackney cab. In addition, people with learning difficulties found them easier to recognise as a hackney carriage. So this was a personal safety issue as well as a visibility issue.

The Disability Equality Hub see the introduction of 'back to black' as a retrograde step in disability equality. However, following discussions it was suggested that yellow wrapping, placed in the right areas on cabs may be acceptable as an alternative. The Disability Equality Hub's Taxi Task and Finish recommended a yellow bonnet, doors and some members wanted the boot yellow too.

At a meeting on 22 August 2019, the Disability Equality Hub Taxi Task and Finish Group met with the Head of Licensing and the Lead on Equality and Diversity to finalise this EIA and also to recommend the best options for the colour and branding of the taxis.

It was decided by the group unanimously that the recommendation from them to Licensing Committee is that the bonnet should be full yellow and the group liked the visual of the yellow diagonal stripe across the vehicle from the back door to the roof with the Council logo on it – the group felt this would be easily recognised by visually impaired people and people with learning difficulties. One member commented that there seemed to be quite a few mainstream yellow cars on the roads now, and the stripe and logo would make it clear this was a City Council Licensed Hackney Carriage.

2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?

Council Licensing Team
Licensed vehicle proprietors

Wide consultation on proposed changes to taxi licensing strategy, including proposals to change vehicle colour, has recently concluded. Results have been collated and a final proposed strategy will be considered by Licensing Committee on 22 August 2019.

3 Who are the main customers, users, partners, employees or groups affected by this proposal?

All residents and visitors to the city who may use a licensed hackney carriage vehicle.

Licensed hackney carriage vehicle proprietors to whom this policy will apply, which is around 270.

Any relevant hackney carriage drivers who are not vehicle proprietors.

Council Licensing Team.

Step 2 – collecting information and assessing impact

4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.

A public consultation on proposed changes to the taxi licensing strategy, including proposals to change vehicle colour/branding, has recently concluded.

During the consultation period, colleagues attended the various forum and Equality Hub meetings, as well as an Equality Hub Taxi Licensing Task and Finish Group to explain the proposals and also arranged a number of drop-in workshops that members of the taxi trade attended along with some members of the public and Equality Hub members.

Concerns were raised about the proposed colour change, particularly by members of the Disability Equality Hub, citing the difficulties visually impaired people will face in identifying black hackney carriages from other vehicles. A number of useful comments were also made which will be considered when the final proposals are formulated for licensing committee to consider in August, particularly on colour and the importance of considering yellow on the doors of the vehicles and on the bonnet, but not on the roof.

The results of the consultation have been collated and a final proposed strategy will be considered by Licensing Committee on 22 August 2019. Eighteen comments were submitted relating to retaining the yellow colour requirement. Several respondents were concerned about the proposal to change the colour of the hackney cabs in the city because of the impact that this would have on visually impaired people in the city. Many commented that this would be a step back in terms of accessibility.

- 5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. If it's negative, fill in the mitigation section as well to explain how you are going to lessen the impact.**

Age

What do you already know?	Positive impact	Negative impact	Mitigation
Proposal will improve overall condition and accessibility of licensed hackney carriage fleet.	X		
We know that the yellow cabs can be identified clearly as hackney cabs and so some people feel safer knowing they are getting into a genuine hackney cab.		X	New colour and branding policy will ensure consistency and identify Derby City Council licensed hackney carriage vehicles.

Disability

What do you already know?	Positive impact	Negative impact	Mitigation
Proposal will improve overall condition of licensed hackney carriage fleet.	X		

What do you already know?	Positive impact	Negative impact	Mitigation
<p>Yellow cabs were introduced in Derby in 2006 for a number of reasons, including improving access for visually impaired people. Yellow was preferred as this was the easiest colour to spot and offered a good colour contrast with the license number on the doors in black. We know that visually impaired people and other disabled people do not agree that we should go 'back to black' as they feel this will make identifying a cab much harder. The yellow cabs are better for people with learning difficulties who can identify them easily as a hackney carriage.</p> <p>Derby was seen as a forward thinking city when we introduced the yellow cabs and the fact that we had listened to disabled people to implement change for better access was important.</p>		X	Proposal to include yellow wrapping on the side, and front of the vehicles.
<p>The introduction of Disability Equality Training for drivers will help with equality for disabled passengers.</p>	X		

Gender identity- trans

What do you already know?	Positive impact	Negative impact	Mitigation
Proposal will improve overall condition of licensed hackney carriage fleet.	X		
We know that the yellow cabs can be identified clearly as hackney cabs and so some people feel safer knowing they are getting into a genuine hackney cab.		X	New colour and branding policy will ensure consistency and identify Derby City Council licensed hackney carriage vehicles.

Marriage and Civil Partnership

What do you already know?	Positive impact	Negative impact	Mitigation
Proposal will improve overall condition of licensed hackney carriage fleet.	X		
We know that the yellow cabs can be identified clearly as hackney cabs and so some people feel safer knowing they are getting into a genuine hackney cab.		X	New colour and branding policy will ensure consistency and identify Derby City Council licensed hackney carriage vehicles.

Pregnancy and maternity

What do you already know?	Positive impact	Negative impact	Mitigation
Proposal will improve overall condition and accessibility of licensed hackney carriage fleet.	X		

We know that the yellow cabs can be identified clearly as hackney cabs and so some people feel safer knowing they are getting into a genuine hackney cab.		X	New colour and branding policy will ensure consistency and identify Derby City Council licensed hackney carriage vehicles.
The new vehicles will be accessible for parents/ carers with buggies.	X		
It's important that none of our taxi drivers prevent a woman from breast-feeding in one of our licenced taxis if she needs to.	X		

Race

What do you already know?	Positive impact	Negative impact	Mitigation
Proposal will improve overall condition and accessibility of licensed hackney carriage fleet.	X		
We know that a majority of cab drivers and owners are minority ethnic people and this proposal will be more cost effective as they would not have to have the taxis sprayed yellow and then black again for resale or at the end of the lease. So the drivers/owners will not be disproportionately disadvantaged	X		
We know that the yellow		X	New colour and branding

cabs can be identified clearly as hackney cabs and so some people feel safer knowing they are getting into a genuine hackney cab.			policy will ensure consistency and identify Derby City Council licensed hackney carriage vehicles.
The taxi strategy and any conditions can be made available in a range of languages on request.	X		

Religion or belief or none

What do you already know?	Positive impact	Negative impact	Mitigation
Proposal will improve overall condition and accessibility of licensed hackney carriage fleet.	X		
Sometimes drivers will not take assistance dogs, despite this being against the Equality Act – the disability equality training will prevent this happening in Derby.	X		
We know that the yellow cabs can be identified clearly as hackney cabs and so some people feel safer knowing they are getting into a genuine hackney cab.		X	New colour and branding policy will ensure consistency and identify Derby City Council licensed hackney carriage vehicles.

Sex

What do you already know?	Positive impact	Negative impact	Mitigation
Proposal will improve	X		

overall condition and accessibility of licensed hackney carriage fleet.			
We know that the yellow cabs can be identified clearly as hackney cabs and so some people feel safer knowing they are getting into a genuine hackney cab.		X	New colour and branding policy will ensure consistency and identify Derby City Council licensed hackney carriage vehicles.

Sexual orientation

What do you already know?	Positive impact	Negative impact	Mitigation
Proposal will improve overall condition and accessibility of licensed hackney carriage fleet.	X		
We know that the yellow cabs can be identified clearly as hackney cabs and so some people feel safer knowing they are getting into a genuine hackney cab.		X	New colour and branding policy will ensure consistency and identify Derby City Council licensed hackney carriage vehicles.

Important - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

The colour proposal in the initial proposed Strategy had a negative impact on disabled people. To mitigate this, yellow branding is proposed on the side and front of the vehicle which means that all licensed hackney carriages will still be recognisable. The Disability Equality Hub Taxi Task and Finish Group have recommended that there be a broad yellow diagonal stripe with the Council logo on it and also that the whole of the bonnet is yellow.

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1		No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
Outcome 2	X	Adjust the policy to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3	X	Continue the policy despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact.
Outcome 4		Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

We agreed outcomes 2 and 3.

Why did you come to this decision?

Because initially, disabled people told us they were not happy with the proposal for black hackney carriages - they felt it was a retrograde step to disability equality and would make it more difficult to recognise a hackney carriage, particularly for visually impaired people. Since the Strategy has been discussed in the Equality Hubs and Forums a revised form of branding has been proposed which makes the cabs more recognisable as taxis to visually impaired people and other vulnerable groups. The Taxi Task and Finish Group which does include visually impaired people was shown a set of examples of various options for branding and the yellow diagonal stripe with Council logo and yellow boot was decided to be the best option if the Taxi Licensing decision was to not have yellow cabs.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

Step 4 – equality action plan – setting targets and monitoring

- 8 Fill in this table with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.

Equality Action Plan –setting targets and monitoring

Age

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Monitor and action any complaints from people of all ages about the taxis and also good feedback.	People of all ages will have more confidence to use taxis	On going	Feedback from users

Disability

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Monitor and action any complaints from disabled people about the taxis and also good feedback	Disabled people will feel more confident to use taxis	On-going	Feedback form users
Make sure disabled people are happy with the amended rebranding following a meeting of the Disability Equality Hub Taxi Task and Finish Group	Visually impaired people and vulnerable groups will recognise that the taxis are real	Mike Kay August 2019	Feedback from users
Arrange for the Disability Equality training for drivers	Drivers will be more aware of equality for disabled people	Mike Kay January 2020	Feedback from users

Gender identity - trans

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Monitor and action any complaints from trans people about the taxis as well as good feedback	Trans people will have more confidence to use taxis	On-going	Feedback from users

Marriage and Civil Partnership

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Monitor and action any complaints from couples about the taxis as well as good feedback	Couples will feel more confident to use taxis	On-going	Feedback from users

Pregnancy and maternity

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Make sure taxi drivers are aware that women can breastfeed anywhere.	Women will feel more confident in breastfeeding on a journey if they need to	On-going	Feedback from users
Monitor and action any complaints from pregnant women and those with babies about the taxis as well as good feedback	Women will feel more confident in breastfeeding on a journey if they need to	On-going	Feedback from users

Race

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Monitor and action any complaints from minority ethnic people about the taxis as well as good feedback	Minority ethnic people will feel more confident in using taxis	On-going	Feedback from users

Religion or belief or none

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Monitor and action complaints from people around religion and belief issues, including issues around assistance dogs	Passengers will feel more confident to use taxis	On-going	Feedback from users

Sex

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Monitor and action any complaints from people about the taxis and gender	Give people of all genders the confidence to use taxis	On-going	Feedback from users

Sexual orientation

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Monitor and action any complaints from LGBTQ+	LGBTQ+ customers and those with them	On-going	Feedback from users

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
people about the taxis.	will have more confidence to use taxis		

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 643722
Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt: **01332 643722** Tel. tekstowy: 01332 640666

Punjabi

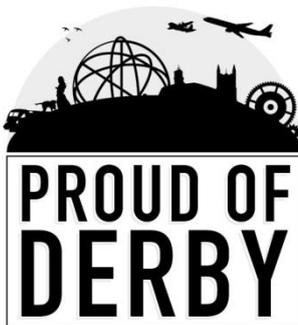
ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ **01332 643722** ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: 01332 643722 Minicom 01332 640666

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 643722** پر ہم سے رابطہ کریں۔
منی کام 01332 640666



Derby City Council