

## EQUALITY IMPACT ASSESSMENT

### SCREENING DOCUMENT

**Name of Proposal**

Maintaining a designated list in terms of the Equality Act 2010 and Options Appraisal connected to the number of wheelchair accessible taxis and private hire cars in Angus

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**Lead Department/Service**

Legal and Democratic

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What is the aim of the proposal?

The aim of part one of the proposal is to determine whether to maintain a designated list of wheelchair accessible taxi and private hire cars for Angus. The taxi and private hire cars on the list must conform to the accessibility requirements set down by the licensing authority. Unless exempt, the duties contained within section 165 of the 2010 Act apply to all drivers of the taxi and private hire cars on the designated list.

Part two is an Options Appraisal setting out options for the Committee with regard to how best to tackle the unmet need for wheelchair accessible taxi and private hire vehicles in the Angus area.

Is this a new or a review of an existing policy, procedure, function or report?

This is a new report regarding a new proposal.

**Screening Process**

**1.** Has the proposal already been assessed for its impact on age; disability; gender; gender re-assignment; pregnancy/maternity; marriage and civil partnership; race; religion and belief; and sexual orientation? **If yes, go to 1 a. If no, go to 1 b.**

**1 a.** Unless there have been significant changes, no further action is required. **Please add your name, position and date below at 3.**

**1 b.** Does the proposal involve or have consequences for the people the council serves or employs?

**If yes, go to 2. If no, go to 1 c.**

**1 c.** Please state why not

**The proposal is not relevant and no further action is required. Sign and date below at 3.**

**2.** Is the proposal relevant to one or more of the protected characteristics? **If yes, go to 2 a. If no, go to 2 b.**

**2 a.** Proceed to Step 1 of the Full Equality Impact Assessment on page 2.

**2 b.** Please state why not

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The proposal not relevant and no further action is required. Add your name, position and date below at 3.

**3. Name:** Tina Magson

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**Position:** Solicitor

**Date:** 5.9.18

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## FULL EQUALITY IMPACT ASSESSMENT

### Step 1

Are there any statutory legal requirements affecting this proposal? If so please describe.

The Equality Act 2010 Act is the principal piece of governing legislation. Sections 160 to 173 apply to taxis and private hire cars. The most notable sections are as follows:

Section 165 – “**Passengers in wheelchairs**”. This section imposes duties on the driver of a designated taxi/private hire vehicle which has been hired to carry the passenger.

The duties include:

- (a) to carry the passenger while in the wheelchair;
- (b) not to make any additional charge for doing so;
- (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- (e) to give the passenger such mobility assistance as is reasonably required.

Mobility assistance is assistance:

- (a) to enable the passenger to get into or out of the vehicle;
- (b) 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;
- (c) to load the passenger’s luggage into or out of the vehicle;
- (d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

The driver, in failing to comply with the provisions of this section, can commit an offence.

Section 166 – “**Passengers in wheelchairs: exemption certificates**”. A licensing authority must issue a person with a certificate exempting that person from the duties imposed by section 165 if satisfied that it is appropriate to do so on medical grounds or on the grounds that the person’s condition makes it impossible or unreasonably difficult for the person to comply with those duties.

Section 167 – “**List of wheelchair-accessible vehicles**”. This section authorises a local authority to maintain a list of taxi/private hire vehicles if they so wish. The local authority “may” do this rather than “shall”. A list may be maintained of taxi or private hire vehicles which conform to the accessibility requirements considered fit by the licensing authority. Unless exempt, the duties contained within section 165 of the 2010 Act apply to all of the drivers of the taxi and private hire vehicles on the designated list.

**Step 2**

What data/research is available to assess the likely impact of the proposal?

None

**Step 3**

Is there any reason to believe the proposal could affect people differently due to their protected characteristic ie age; disability; gender; gender re-assignment; pregnancy/maternity; marriage and civil partnership; race; religion and belief; and sexual orientation? Please **place a cross** in each box that applies, and give details alongside.

|                      |   |
|----------------------|---|
| Age                  | <input checked="" type="checkbox"/> Older adults if they are affected by mobility difficulties. |
| Disability           | <input checked="" type="checkbox"/> People who are disabled will be affected by the proposal    |
| Gender               | <input type="checkbox"/>  |
| Gender Re-assignment | <input type="checkbox"/>  |
| Pregnancy/maternity  | <input type="checkbox"/>  |
| Marriage and civil   | <input type="checkbox"/>  |
| Partnership          | <input type="checkbox"/>  |

Race

Religion and belief

Sexual orientation

**Step 4**

Is there evidence to suggest that any part of the proposal could unlawfully discriminate against people? If so, how?

No.

**Step 5**

Can the proposal be seen to favour one section of the community

Yes  No

or deny opportunities to another?

Yes No

If yes, please give details.

The proposal can be seen to favour older adults and disabled persons affected by mobility difficulties.

**Step 6**

Does the proposal advance or restrict equality?

Yes  No

If yes, give details

Equality for persons with disabilities could be advanced by there being an increased number of wheelchair accessible taxi and private hire vehicles in Angus and drivers of the vehicles who are under a duty to assist them.

**Step 7**

Are there any other actions which could have been taken to enhance equality of opportunity?

If so please state

No, this is not considered to be the case.

**Step 8**

Based on the work you have done, rate the level of relevance being allocated to this proposal.

High Medium  Low Unknown

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**Step 9**

If during **Steps 3 - 6** there has been an adverse impact identified, consider whether this can be justified.

Yes      No

If yes please give details..

If no, consider alternative ways of delivering the proposal to minimise negative impact or eliminate unlawful discrimination. Give details of the changes to be made to the proposal.

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