

Equality Impact Assessment

1.	Title of Proposal:	Taxi Driver and Private Hire Driver Medical Assessments
2.	Service Area: Department:	Legal and Licensing
3.	Description:	<p>The DVLA has different medical standards depending on the type of vehicle being driven. Group 1 covers cars and motorbikes while Group 2 covers buses and lorries. In April 2016 the relevant guidance previously provided by DVLA was updated and replaced by “ Assessing fitness to drive- A Guide for Medical Professionals”. Page 9 of that guidance outlined with regard to taxi licensing that responsibility for determining any higher standards and medical requirements for taxi drivers rests with the local licensing authorities for the areas they serve. Advice on best practice for local authorities issuing licences is provided in the booklet “ Fitness to Drive- A Guide for Health Professions” published in 2006 by the Royal Society of Medicine on behalf of the Department of Transport. The recommendation within this guide for Local Authorities is that taxi drivers should meet the same medical standards that Group 2 bus and lorry drivers must meet under DVLA requirements. To date Scottish Borders Council has never officially adopted a policy adopting a Group 2 assessment as the fitness criteria. Instead, Scottish Borders Council has relied upon the terms of Section 13(4) of the Civic Government (Scotland) Act 1982 when the question of a taxi drivers medical fitness has arisen. Section 13(4) of the 1982 Act provides that a Licencing Authority may at any time for the purposes of satisfying themselves that an applicant is physically fit to drive a taxi or private hire car require an applicant to undergo a medical examination.</p> <p>The Scottish Government subsequently wrote to all Licensing Authorities in November 2016 specifically drawing attention</p>

		to the updated DVLA guidance with regard to the medical requirements recommended for taxi and private hire drivers. Approval is now being sought for the introduction of a formal policy regulating the assessment of medical fitness to drive taxis and private hire cars in accordance with the updated guidance issued by DVLA which guidance the Scottish Government subsequently recommended that Licensing Authorities follow.
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4.	Relevance to the Equality Duty.	
	Do you believe your proposal has any relevance to the following duties of the Council under the Equality Act 2010?	
	Duty	Yes
	Elimination of discrimination (both direct & indirect), victimisation and harassment. Promotion of equality of opportunity? Foster good relations?	These elements of the general duty are not directly relevant on introducing the policy. The policy is applicable to all irrespective of their protected characteristic. The application of the policy will be conducted in a fair and consistent manner therefore it is envisaged that no discriminatory practices should take place. Consequently it is also deemed that the policy should contribute towards fostering good relations.

5.	Which groups of people may be impacted (both positively and negatively) if the proposal is advanced?				
	Equality Characteristic	Impact			Description
		No Impact	Possible Positive Impact	Possible Negative Impact	
	Employees (those employed by the Council including full time, part time and temporary)	x			There will be no impact for employees the introduction of the policy should not change current working practices.
Age (Older or younger people or a specific age)			X	399 licensed drivers (taxi/private hire). The age range of these drivers spans from 18 to 81	

grouping)				No further demographic information is collected by the Service. Older people are more likely not to pass the medical. However, this policy is being proposed to allow the Council to comply with Scottish Government guidance.
Gender (Males, Females, Transgender or Transsexual people)	X			
Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)	X			
Sexual Orientation , e.g. Lesbian, Gay, Bisexual, Heterosexual	X			
Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring			X	People with a disability are more likely not to pass a medical. However, this policy is being proposed to allow the Council to comply with Scottish Government guidance.
People with Religious or other Beliefs: different beliefs, customs (including atheists and those with no aligned belief)	X			
Poverty				An application fee is £87 per initial application and the currently the same amount on annual renewal. The fee is applicable to all would be/current licence holders irrespective of their financial standing or protected characteristic. The introduction of medical report confirming fitness to drive to Group 2 Standard as recommended by the DVLA may result in further costs being incurred by applicants. These costs are unknown and can't be met by the Council. The proposed policy seeks to implement the recommendations of the DVLA as in line with other licensing authorities across Scotland. Whilst we acknowledge that the introduction of the policy will mean additional expense for license holders this is outside of our control. We will however where proven necessary offer assistance to license applicants in the way of sign posting to SBC's Welfare and

					Benefit Unit.
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6.	Mitigation/Recommendation	
	Characteristic	Mitigation/Recommendations
	All	<p>Agree the introduction of a policy requiring all taxi and private hire drivers licensed by Scottish Borders Council to be assessed by DVLA Group 2 Standards.</p> <p>Licensing Admin Team members will assist applicants by sign posting to Welfare Benefits team as necessary</p> <p>Review application form to include declaration of demographic data</p> <p>The policy and its process to be reviewed within 12 months of implementation.</p>

7.	How certain are you of the answers you have given?	
	Answer	Tick One
	Certain - I have populated the evidence base to support my answers.	x
	Fairly Certain – but don't have concrete evidence to support my answers so would recommend further assessment is conducted if the proposal is progressed.	

EIA Completed By			
Name	Post	Service Area.	Date(s)
Simone Doyle	Equality & Diversity Officer (HR)	Human Resources	26 th July, 17 th August, 25 th September 2017.
Ron Kirk	Managing Solicitor	Legal & Licensing	
Jackie Wilson	Licensing Services Team Leader	Legal & Licensing	

EIA Signed Off By		
Name: Brian Frater	Role: Service Director Regulatory Services	Date: 24th October 2017