

LICENSING COMMITTEE (NON LICENSING ACT 20003 FUNCTIONS)

Agenda Item 31

Brighton & Hove City Council

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| Subject: | Equalities Action Plan Update Report | | |
| Date of Meeting: | 8 March 2012 | | |
| Report of: | Head of Planning and Public Protection | | |
| Contact Officer: | Name: | Martin Seymour | Tel: 29- 6659 |
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| Ward(s) affected: | All | | |

1. SUMMARY AND POLICY CONTEXT:

1.1 To report on the progress of the Equalities Action Plan.

2. RECOMMENDATIONS:

2.1 That Committee endorses progress made and considers future action to concentrate on the Significant Unmet Demand Survey.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 On 10 September 2010, a report on the Equalities Review was taken to Licensing Committee. An action plan was developed from that report.

3.2 The action plan has been developed and updated and the current version can be found at appendix 1.

3.3 Since this report was approved by committee the Governments Transport Committee published its Seventh Special Report which included recommendations to amend Hackney Carriage and Private Hire legislation (The Road to Reform). The Governments response to this report can be seen at appendix 2. At the same time the Law Commission announced that it was also looking at updating taxis and private hire legislation. A summary of the changes being looked at by the Law commission can be found at appendix 3.

3.4 The Law Commission confirmed at a meeting on 12 October 2011 that they will publish a consultation paper in April 2012 with a 3 month public consultation May - July. The Draft Bill & report will be published in November 2013.

The Transport Minister confirmed that the Government were not going to implement section 160 of the Equality Act (taxis accessibility regulations). They are still looking at an implementation strategy for S165-167. The cost benefit of the power to limit hackney carriage numbers is still under consideration. This may impact on imposing prescribed percentages of accessible vehicles.

Appendix 4 contains an extract from Hansard (16 May 2011) giving a written response from The Minister regarding the implementation of the taxis accessibility regulations.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 This matter has been discussed at the Taxi Forum.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

There are no direct financial implications for the council associated with the recommendation made in this report. Taxi licensing fees are set at a level that it is reasonably expected will cover the costs of providing the service.

Finance Officer Consulted: Karen Brookshaw Date: 23/01/12

5.2 Legal Implications:

The Disability Discrimination Act 2005 (DDA) placed a legal duty on all public sector organisations to promote equality of opportunity for disabled people. It required authorities to review any practices, policies and procedures that disadvantage disabled people. The Equalities Action Plan was developed and adopted in pursuance of these obligations. Although the DDA has now been repealed these obligations are re-stated in the Equality Act 2010.

The Equality Act 2010 also includes a number of specific provisions relating to taxi accessibility. They include a power for the Secretary of State to make taxi accessibility regulations, and a prohibition on licensing authorities refusing new licenses for wheelchair accessible vehicles if the number of such vehicles in their area does not meet a specified level. If enacted this would affect the Council's current policy of restricting the number of hackney carriages under Section 16 of the Transport Act 1985. However, these provisions are largely not yet in force, and no date has been set.

The Government has recently asked the Law Commission to undertake a comprehensive review of taxi and private hire vehicle legislation. The Government's plans for introducing draft legislation arising from the Law Commission's review are still subject to consideration.

Lawyer Consulted Louise Hanrahan Date: 07/02/2012

5.3 Equalities Implications:

Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to taxis/Private Hire Vehicles (PHVs) is a priority action in the council's Equality Scheme. Improving access to services by public transport is included in the Local Area Agreement.

5.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. Improving accessibility is one of the government's four shared transport priorities. Increasing the age limits of taxis will adversely affect air quality.

5.5 Crime & Disorder Implications:

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime.

5.6 Risk and Opportunity Management Implications:

The transport industry should be safe, profitable and be a positive experience for all residents and visitors

5.7 Public Health Implications:

Providing a range of transport options for all passengers improves physical, mental and social wellbeing.

5.8 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 N/A.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To update Licensing Committee.

SUPPORTING DOCUMENTATION

Appendices:

1. Equality Act Action Plan Update.

Documents in Members' Rooms

1. None

Background Documents

1. None