



Department of the
Environment

www.doeni.gov.uk



**DRIVER AND VEHICLE LICENSING
AGENCY NORTHERN IRELAND**

**DRAFT EQUALITY IMPACT
ASSESSMENT ON PROCEDURES
USED TO ISSUE TAXI LICENCES**

CONSULTATION DOCUMENT

JUNE 2005

1.	EXECUTIVE SUMMARY	1
1.1	Introduction	1
1.2	Background to Taxi Licensing	1
1.3	Taxi Licensing Legislation	1
1.4	Assessing Repute	1
1.5	Assessing Medical Fitness	1
1.6	Consideration of Available Data and Research	1
1.7	Assessment of Impacts	2
1.8	Formal Consultation Arrangements	3
2.	INTRODUCTION AND BACKGROUND	4
2.1	Introduction	4
2.2	Section 75 of the Northern Ireland Act (1998)	4
2.3	Background to DVLNI and Section 75 of the Northern Ireland Act (1998)	4
2.4	Role of DVLNI	4
2.5	Structure of Document	5
3.	POLICY CONTEXT	6
3.1	Purpose of Section	6
3.2	Background to Taxi Licensing	6
3.3	Age Requirements	7
3.4	Repute Policy	7
3.5	Medical Fitness Policy	8
4.	MAKING AN APPLICATION FOR A TAXI LICENCE	10
4.1	Purpose of Section	10
4.2	Applying for a Licence	10
4.3	Mapping Procedures Used to Assess Repute and Medical Fitness	10
4.4	Assessing Repute	10
4.5	Assessing Medical Fitness	13
5.	CONSIDERATION OF AVAILABLE DATA AND RESEARCH	16
5.1	Purpose of Section	16
5.2	Key Data Sources	16
5.3	Quantitative Data by Section 75 Grouping	16
5.4	Qualitative Data by Section 75 Grouping Gathered Through Pre-Consultation	17
5.5	Summary of Quantitative and Qualitative Data	19
6.	ASSESSMENT OF IMPACTS	20
6.1	Introduction	20
6.2	Gender	20
6.3	Age	20
6.4	Religious Belief	21
6.5	Political Opinion	21
6.6	Disability	21
6.7	Race	22
6.8	Summary of Assessment of Impacts	22
7.	FORMAL CONSULTATION ARRANGEMENTS	24
7.1	Formal Consultation	24
7.2	Publication of Results of the Equality Impact Assessment	25
7.3	Monitoring for Future Adverse Impact and Publication of Results of Monitoring	25
APPENDIX I	- DIAGRAM ILLUSTRATING TAXI LICENSING PROCESS	
APPENDIX II	- CONSULTATION PROFORMA	
APPENDIX III	LIST OF CONSULTEES	

1. EXECUTIVE SUMMARY

1.1 Introduction

This consultation document presents the findings to date of an Equality Impact Assessment (EQIA) of Driver and Vehicle Licensing for Northern Ireland (DVLNI) procedures for issuing taxi licences. DVLNI is committed to promoting equality of opportunity and wants to hear your views on how best this can be achieved as part of the formal consultation process.

1.2 Background to Taxi Licensing

In Northern Ireland the Department of the Environment (DOE) is responsible under the Road Traffic (Northern Ireland) Order 1981 for the licensing of taxi drivers and of public service vehicles (PSVs) used as taxis.

1.3 Taxi Licensing Legislation

Presently, before the Department will grant a taxi driver's licence, the Department must be satisfied that the applicant meets legislative requirements regarding:

- repute – the applicant must “*satisfy the Department, that he is of good character and is a fit and proper person to act as a driver of a vehicle*”; and
- medical fitness - applicants must be medically fit to drive, and have the higher level of medical fitness required for attaining a taxi licence.

1.4 Assessing Repute

Applicants are asked if they have ever been convicted of any offence in the convictions section of the application / renewal form. The procedure is to “consider each case on its merits” and the object is to ensure that the travelling public are not subject to unnecessary risk. New applicants are “generally expected” to have a clear record for 3 years in the case of serious offences, and 12 months for minor convictions.

1.5 Assessing Medical Fitness

All first-time applicants and renewal applicants aged 45 years or over, who satisfy the repute requirements, are asked to send a full medical report. In processing the information from the medical report applicants are graded as medically fit, immediate refusal, Snellens test (vision) or referred to Occupational Health Service.

1.6 Consideration of Available Data and Research

Quantitative and qualitative data, where available, was assessed in relation to all the Section 75 categories: between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation, between men and women generally, between persons with a disability and persons without, between persons with dependants and persons without.

1.7 Assessment of Impacts

Table 1.1 provides a summary of the key issues raised in the assessment of impacts.

Table 1.1
Summary of Assessment of Impacts

Category	Issues Arising
Gender	No evidence was found to suggest the licensing process has a differential impact on people of different gender. It is noted however, that only a small proportion of taxi applications are female, although it is not felt that the licence process impacts differentially. Views of consultees are particularly welcome on this issue.
Age	<p>The process requires renewal applicants aged 45 years or over to provide a full medical report. Views are welcomed through the consultation on whether this impact is justified.</p> <p>Views are welcomed on the procedure for applicants with diabetes subject to insulin treatment with regard to how this may impact on persons of different ages. Presently, those who held a licence in 1991 are allowed to hold a licence, whilst new applicants with the same condition are refused a licence.</p> <p>Applicants are required to be 19 years of age and have held a full licence to drive a car for twelve months. Consultation responses are invited on this.</p>
Religion	No evidence was found showing the licensing process to have differential impacts according to religion.
Political Opinion	<p>An issue was raised as to whether it is appropriate that ex-prisoners released early under the Belfast Agreement should have to allow a period of time to elapse after their release before being able to hold a licence, in line with the criteria applied by the Department.</p> <p>Consultation responses are welcome on this issue however DVLNI feel with the need to ensure the reputation of the industry, the safety of the passengers and the passing of time since the Belfast Agreement (with the result that very few people will be affected by the time limit) that the current approach is reasonable.</p>
Disability	There is a clear impact on applicants with an insulin dependent diabetes condition as they can hold a car driving licence but not a taxi license. Northern Ireland practice is in line with GB practice and recommended best practice. Consultation responses are particularly invited on this issue.
Race	It was suggested that the requirement to present a certified copy of the applicant's birth certificate or passport could have a differential impact on individuals who were born outside the UK and Ireland. Views of consultees on this issue are welcome.
Marital Status	No evidence was found to suggest the licensing process has a differential impact on people of different marital status.
Sexual Orientation	No evidence was found to suggest the licensing process has a differential impact on people of different sexual orientation.
Persons with dependants and those without	No evidence was found to suggest the licensing process has a differential impact between persons with dependants and those without.

1.8 Formal Consultation Arrangements

Responses are welcome from consultees on the issues raised in this document. We are particularly seeking consultation responses to the issues highlighted above, however all responses are welcome and will be fully considered. A proforma is available at the back of this document for ease of response. Responses can be made using any of the methods listed in Table 1.2 below. The formal consultation period will run until **16th September 2005** and all responses should be received by this date.

Table 1.2
Arrangements for Consultation Responses

Post	Jim Dumigan, DVLNI, Road Transport Licensing Division, Taxi Section, 148 Corporation Street, Belfast, BT1 3DH
E-mail	jim.dumigan@doeni.gov.uk
Telephone	028 9025 4100
Fax	028 9025 4186
Text Phone	028 9054 0642

2. INTRODUCTION AND BACKGROUND

2.1 Introduction

This consultation document presents the findings to date of a draft EQIA of the DVLNI procedures for issuing taxi licences. DVLNI is committed to promoting equality of opportunity and good relations and wants to hear your views on how best this can be achieved as part of the formal consultation process for Section 75 of the Northern Ireland Act (1998).

2.2 Section 75 of the Northern Ireland Act (1998)

Section 75 of the Northern Ireland Act (1998) requires public authorities in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

In addition, without prejudice to the above obligations, a public authority must also, in carrying out its functions relating to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group.

2.3 Background to DVLNI and Section 75 of the Northern Ireland Act (1998)

For the purpose of Section 75 of the Northern Ireland Act, the functions exercised by DVLNI are regarded as functions of DOE and covered within the DOE Equality Scheme. This sets out how arrangements for complying with Section 75 obligations will be fulfilled. The DOE Equality Scheme was approved by the Equality Commission on 8th February 2001 and contained a commitment to carry out an EQIA on the procedures for issuing taxi licences.

2.4 Role of DVLNI

DVLNI has the same responsibility for licensing drivers, registering and licensing vehicles and collecting and enforcing vehicle excise duty (motor tax) as the Driver and Vehicle Licensing Agency (DVLA) in Great Britain. DVLNI is also responsible for the licensing of taxi drivers and vehicles in Northern Ireland and operates from headquarters in Coleraine with nine local offices throughout Northern Ireland.

The mission of DVLNI is:

“to assist road safety and law enforcement, through the provision of accurate and complete registration records, and adding value with partners in joining up government policies and services.”

The Agency’s strategic outcomes as set out in the 2004-2006 Corporate Plan are:

‘as part of DOE, DVLNI contributes to its Strategic Objective 3, *“to work with statutory and voluntary partners to reduce road deaths and serious injuries”*. Also to contribute to the Department for Transport’s aim to deliver transport that works for everyone.’

The Agency’s strategic objectives are:

- to improve services to customers;
- to increase compliance; and
- to deliver greater value for money from the services we provide.

2.5 Structure of Document

The remainder of this document is set out as follows:

Section 3: Policy Context;

Section 4: Making an Application for a Taxi Licence;

Section 5: Consideration of Available Data and Research;

Section 6: Assessment of Impacts; and

Section 7: Formal Consultation Arrangements.

3. POLICY CONTEXT

3.1 Purpose of Section

This section sets out the policy and legislative context governing the issuing of taxi licences. The section then considers the issue of fitness of an applicant to hold a licence on repute and on medical grounds.

3.2 Background to Taxi Licensing

In Northern Ireland the DOE is responsible under the Road Traffic (Northern Ireland) Order 1981 for the licensing of taxi drivers and of PSVs used as taxis.

There is no limit to the number of taxi vehicle or taxi driver licences the Department may issue. In autumn 2004 there were approximately 15,000 licensed taxi drivers and just over 8,000 licensed taxis. It is an industry that is dominated by self-employment and the majority of taxis are owner-driven.

A survey undertaken by Mori MRC in 2004 showed satisfaction with the DVLNI taxi licensing process is presently quite high with 77 per cent of those surveyed indicating they were satisfied or very satisfied with the service provided the last time they renewed their licence, and 88 per cent satisfied or very satisfied with the way in which their application was processed.

Table 3.1 overleaf summarises the scope of the taxi licensing policy.

Table 3.1

Summary of Policy

<p>1. What is the Policy? The process for attaining or renewing a taxi licence.</p>	
<p>2. What is the aim, objective and purpose of the policy? The issue of and, where appropriate, the withdrawal of licences to taxi drivers.</p>	<p>6. How do these outcomes meet or hinder other policies, values or objectives of the public authority or of Government? Contributes to its commitment to meet the equality obligations of the Northern Ireland Act 1998</p>
<p>3. Who implements the policy? DVLNI. The Road Transport Licensing Division of DVLNI manage the taxi licence application process.</p>	<p>7. What factors, forces could contribute /detract from the outcomes? An inability to fully address the issue of illegal taxis in Northern Ireland</p>
<p>4. What outcomes do we want to achieve with the policy? For whom? A fair and transparent process for persons applying for, or renewing a taxi licence.</p>	<p>8. How does the public authority interface with other bodies in relation to the implementation of this policy? Occupational Health Service regarding medical assessments. PSNI regarding convictions. DVTA regarding licensing process.</p>
<p>5. Who are the main stakeholders in relation to this policy? Taxi licence holders, taxi licence applicants and potential applicants. The DOE. The taxi using public.</p>	<p>9. Are there any groups that might be expected to benefit from the intended outcomes but which do not? No.</p>

3.3 Age Requirements

Applicants must be 19 years of age or over and have held a full licence to drive a car for at least 12 months in order to hold a taxi licence.

3.4 Repute Policy

Presently, before the Department will grant a taxi driver's licence, the Department must be satisfied the applicant is of good repute. Good repute is determined having regard to Departmental guidelines.

Under Article 79A of the 1981 Road Traffic (NI) Order the Department "shall not grant a taxi driver's licence... (b) unless (i) the Department is satisfied that the

applicant is a fit and proper person to hold the licence”. This was inserted by Regulation 8(1) (e) in the Motor Vehicles (Taxi Drivers Licences) Regulations (Northern Ireland) 1991. Furthermore Regulation 28(e) of the PSV Regulations (Northern Ireland) 1985 regarding refusal of licence, states that the Department shall refuse to grant a licence to an applicant who is:

“unable to satisfy the Department, that he is of good character and is a fit and proper person to act as a driver of a vehicle.”

Neither the 1981 Order nor the 1985 Regulations give any statutory definition of what is meant by a “fit and proper person” or “good character”. In regard to this the Department has applied a set of criteria or guidelines as presented in Section 4.4.

The Road Traffic and Vehicles PSV Regulations (NI) 1985, Part 3, Vehicle Driver Licences, Regulation 24 states the “applicant shall furnish all relevant particulars and make any relevant declarations specified in such form” [the application form]. This legislation is key to the need for applicants to declare convictions at the time of application. Regulation 7 (2) of the Motor Vehicles (Taxi Drivers’ Licences) Regulations (Northern Ireland) 1991 requires that taxi drivers provide relevant information available relating to convictions arising during the period of their licence.

3.5 Medical Fitness Policy

DOE has a statutory responsibility to ensure that all licence holders are fit to drive. DVLNI, on behalf of DOE, is legally responsible for the issuing of driving licences and deciding if a person is medically fit to drive.

In addition to NI legislation, driver licensing is also regulated by European Commission Directives. Driver licensing has been subject to EC Directive 80/1263/EEC and EC 91/439/EEC. Both Directives have attempted to harmonise driving licences across member states. The current NI driving licence conforms to the second Directive and a new directive is expected within four or five years.

There are two levels to medical fitness legislation, first, the medical fitness requirements to hold a driving licence and secondly, the additional medical fitness requirements to hold a taxi licence.

Legislation Regarding Medical Fitness to Drive

The legal basis for assessing fitness to drive lies in the Road Traffic (NI) Order 1981, as amended by the Road Traffic (Amendment) (NI) Order 1991 and subsequent regulations including, in particular, the Motor Vehicle (Driving Licences) (Northern Ireland) Regulations 1996. The Road Traffic (Amendment) (NI) Order 1991 refers to relevant and prospective disabilities. It states that:

- a relevant disability is any prescribed disability and any other disability that is likely to render the person a source of danger while driving; and
- a prospective disability is any medical condition, which, because of its progressive or intermittent nature, may cause the driver to have a relevant disability in the course of time. A driver with a prospective disability may

only hold a driving licence subject to medical review in one, two or three years depending upon the circumstances.

Legislation regarding Medical Fitness and PSV /Taxi Licences

Regulation 25 (1) of the PSV Regulations (Northern Ireland) 1985, highlights the need for a certificate signed by a medical practitioner to the effect that the applicant is medically fit to drive a taxi. Additionally Regulation 25 (2) of the above Regulation and Regulation 7(3) of the Motor Vehicles (Taxi Drivers' Licences) Regulations (Northern Ireland) 1991 refers to the need for medical reports at any time, including at renewal.

Regulation 14 (Disabilities) in the Motor Vehicles (Taxi Drivers' Licences) Regulations (Northern Ireland) 1991, states that the Department shall not grant a licence if the applicant –

- a. has a liability to epileptic seizures
- b. suffers from any of the following disabilities –
 - I. any of the disabilities listed in regulation 21 of the Motor Vehicles (Driving Licences) Regulations (NI) 1989 (a);
 - II. abnormal sight in one or both eyes (Details of what constitutes abnormal are specified in the legislation);
 - III. sight in only one eye (Details of what constitutes sight is specified in the legislation); and
 - IV. diabetes subject to insulin treatment unless the person in question held, on 21st October 1991, an existing licence and the Department knew of the disability before 1st January 1991. (“Existing licence” means a licence to drive a taxi granted before 1st April 1991 under Part II of the Order).

4. MAKING AN APPLICATION FOR A TAXI LICENCE

4.1 Purpose of Section

The purpose of this section is to:

- detail the taxi licence application procedure;
- detail the procedures used to assess repute;
- detail the procedures used to assess medical fitness to drive; and
- identify the roles and responsibilities in relation to taxi licensing applications and renewals.

4.2 Applying for a Licence

An application / renewal form for obtaining a taxi licence needs to be completed and sent to the Taxi Section, Road Transport Licensing Division of DVLNI. The DVLNI application/renewal form gathers the following standard information on applicants:

- personal details;
- details on driving licence;
- convictions;
- details on previously held Taxi Driver's licence;
- depot details; and
- health.

4.3 Mapping Procedures Used to Assess Repute and Medical Fitness

Appendix I illustrates the steps involved in making an application to DVLNI for a taxi licence and the procedures used to assess repute and to assess medical fitness to drive.

4.4 Assessing Repute

In terms of assessing fitness with regard to repute, applicants are asked if they have ever been convicted of any offence (including non-motoring and fixed penalty convictions) in the convictions section of the application / renewal form. The application / renewal form explains that the applicant “need not declare any convictions which are spent under the terms of the Rehabilitation of Offenders (NI) Order 1978.” Advice on this can be sought from a “solicitor, citizen’s advice bureau or local advice”.

The details specified in Table 4.1 below are requested:

Table 4.1

Conviction Information gathered on Application / Renewal Form

<ul style="list-style-type: none"> ■ Court ■ Date of conviction ■ Offence ■ Penalty imposed by court
--

All applications are recorded onto the database. A request for Criminal Records Enquiry and report form is made.

The procedure is to “consider each case on its merits” and the object is to ensure that the travelling public are not subject to unnecessary risk. The decision making process is presented in Table 4.2 below.

Table 4.2

Decision Making Process in respect of Taxi Licence Applications for Applicants with Convictions

1	Consider the contents of the applicant’s application form
2	DVLNI write to applicants asking if they want to add anything in their support. Any representations made by the Applicant or any other person on his/her behalf are then considered.
3	Compare and contrast the Applicant’s application form against the information obtained from the Criminal Records Office.
4	Apply the guidelines in relation to the Applicant’s convictions and disclosure of the same.
5	Decide whether the conviction(s) of the Applicant, if any, should be classed as serious or minor.
6	Apply the appropriate general period of rehabilitation under the guidelines to the Applicant’s case.
7	In making the assessment required by statute as to whether the specific Applicant is a “fit and proper” person to hold a taxi licence, consider whether there is any reason to depart from the guidelines in the specific case by requiring the applicant to undergo a shorter or longer rehabilitation period than would normally be the case under the guidelines.
8	Make the decision and inform the Applicant in the normal way always stating the reason for refusal and, if applicable, at the time of the decision, the time when the Department will return the licence if suspended.
9	Be prepared to provide fuller reasons by reference to the criteria etc. if asked by the Applicant or his/her legal representative.

Step five in Table 4.2 above refers to grading offences as serious or minor offences. Table 4.3 gives a guide to the classification used.

Table 4.3
Serious and Minor Conviction Classification

Serious Convictions	Minor Convictions
*Manslaughter	Insurance offence
*Assault	Excess Speed
*Indecent Exposure	Breach of mechanical signals
*Unlawful carnal knowledge	No driving licence
*Arms or explosive offences	Careless driving
Drink and driving offences	Unsafe loading
Any series of motoring or other offences such as to reveal a low level of responsibility	Overloading of vehicle
*Theft, breaking and entering, embezzlement or other dishonesty offences	
Membership of an illegal organisation	
* - Particular consideration would apply with offences of this nature. A period longer than 3 years may apply.	

New applicants are “generally expected” to have a clear record for 3 years in the case of serious offences, albeit this could be extended for certain offences, detailed in Table 4.3 above, and 12 months for minor convictions, depending on the number and nature of minor offences.

Cases Where all Convictions Are Declared

If the Department has previously approved convictions the procedures followed are as detailed for applications with no convictions. If the Department becomes aware of conviction details for first time, the officer makes a recommendation based on the guidelines on an approval sheet, and attaches it to the file. The case will be passed onto more senior officers where appropriate. There are three possible decisions:

1. Allow licence. If no medical is required a licence is issued. All first time applicants and renewals aged 45 years or over, have to submit a full medical report;
2. Licence allowed with warning letter. The warning letter will be generated when the applicant is cleared as medically fit to hold taxi driver licence; or
3. Refuse application.

Cases Where Some / No Convictions Are Declared

If an applicant does not declare any or all convictions appearing on the Criminal Records Office (CRO) Report on their application form, they are sent a letter requesting declaration.

If all convictions are then declared, the application goes back into the normal workflow as if all convictions had been declared at time of application. See above.

If no reply to the reminder is received the application will be refunded. In the case of minor offences a further reminder is sent.

The failure to disclose a conviction is not in itself sufficient reason for refusing an application. The nature of the conviction will be the primary reason. However the lack of disclosure could contribute to the decision if the Department viewed the failure to declare as an attempt to deliberately mislead.

4.5 Assessing Medical Fitness

The health section in the application form considers conditions that are likely to affect the applicant's fitness as a driver. All first-time applicants and renewal applicants aged 45 years or over, who satisfy the conduct requirements, will be asked to send a full medical report, which will be sent to the applicant (subject to satisfying conduct requirements) from the Department.

Section A of the Medical Report is filled in by the applicant and includes personal contact details and a declaration to be signed by the applicant's doctor, authorising the applicant's "Doctors and Specialists to release confidential information to the Department of the Environment's Medical Adviser". Section B (the rest of the report) must be completed by the Doctor (or partner) within the practice with which the applicant is currently registered and who has access to the applicant's full medical records.

Medical information asked for on the renewal / application form and the medical report is listed in the table below.

Table 4.4

Medical Information gathered on application renewal form and on medical report

Medical Information Asked on Application / Renewal Form

- The applicant is initially asked if a doctor has ever advised them not to drive.
- The applicant is asked about the following medical conditions:
 - Heart attack or other heart complaint;
 - Mental disorder;
 - Alcoholism;
 - epilepsy (major or minor);
 - attacks of dizziness or fainting;
 - stroke, Multiple Sclerosis, Parkinson, or other nervous disorder;
 - angina (heart pain) whilst at rest or driving; and
 - diabetes and whether it is insulin controlled.
- The applicant is asked if they have ever or do suffer from any disability, including exercise angina and if yes they are to provide details.
- If the applicant has said yes to having any of the complaints listed, they are asked if they suffered that condition when they last applied and whether the condition has become more severe since their last application.

Information asked for on the Medical Report

- Part A – completed by applicant – personal details;
- Part B – completed by Doctor;
- Section 1 – Cardiac:
 - Coronary Artery Disease;
 - Cardiac Arrhythmia;
 - Other Vascular Disorders;
 - Blood Pressure;
 - Valvular Heart Disease;
 - Cardiomyopathy;
 - Congenital Heart Disorders;
- Section 2 – Diabetes Mellitus;
- Section 3 – Nervous System;
- Section 4 – Psychiatric Illness;
- Section 5 – Vision;
- Section 6 – Malignant Growths;
- Section 7 – Musculoskeletal System;
- Section 8 – Other Conditions; and
- Section 9 – Urinalysis.

In processing the information from the medical report the forms will be graded in four ways:

■ **Medically Fit**

If all sections of the medical are ticked as clear on the medical report then the applicant is considered medically fit and can be issued with a Taxi Drivers Licence.

■ **Immediate Refusal**

Under Section 2, Diabetes Mellitus, if the applicant has diabetes managed by insulin, the applicant cannot have a Taxi Driver Licence by law unless they held a Taxi Drivers Licence valid at 21st October 1991 and the Department knew about the condition before the 1st January 1991. Therefore an automatic refusal can be granted at this stage.

Also, in line with legislation, an automatic refusal will be given with regard to applicants with a liability to epileptic seizures and certain visual impairments.

■ **Snellens Test**

Section 5, question c, the vision standard, corrected or uncorrected, should be at least 6/9 in the better eye and at least 6/12 in the other. If the vision falls below this standard or the readings are unclear the applicant is requested to undertake a Snellens test. On return of the Snellens test results, if eyesight is of a satisfactory standard, the licence can be issued. If not satisfactory, the administrator records in system that the applicant's visual acuity as measured by the Snellen Chart does not meet the required standard and the licence is refused.

■ **Referral to Occupational Health Service**

If a medical form highlights a particular health condition, the case should be referred to the Occupational Health Service (OHS) for a recommendation. The OHS act as advisers on medical aspects of fitness to drive. The OHS initially undertakes a desk-based assessment of medical conditions, based on the information contained in the medical questionnaire(s) which have been completed by the applicant's GP. In most cases, the OHS can make a decision on the application without requiring additional information although in a minority of cases, the OHS may request additional information, for example, from the applicant's GP, optician or consultant. OHS recommendations can be;

- no objection – allow licence;
- subject to medical review – provide review date and allow licence;
- refuse licence;
- recommend a static test with Driver & Vehicle Testing Agency; and
- recommendation(s) regarding the applicant's ordinary driving licence.

5. CONSIDERATION OF AVAILABLE DATA AND RESEARCH

5.1 Purpose of Section

This section identifies the key data sources, presents the data available and assesses the impact of the taxi licensing process on Section 75 groups.

5.2 Key Data Sources

This EQIA was informed by data and research findings from the following sources:

- The DOE Quantitative Survey of Northern Ireland Taxi Drivers 2004, which was commissioned as part of the ongoing Northern Ireland Review of Taxi Regulation. A representative sample of 3,000 taxi licence holders, whose names were chosen at random from the database of taxi driver records held by Road Transport Licensing Division, were surveyed. Of the 801 valid returns, 577 currently work as a taxi driver or have done so within the past two years. The survey results are based on this core group;
- additional qualitative information gathered through interviews with taxi associations (six associations participated) and political parties (two political parties participated); and
- whilst no complainant data was available for analysis, case law charting when individuals made appeals against decisions was considered.

5.3 Quantitative Data by Section 75 Grouping

5.3.1 Gender

In the DOE survey conducted as part of the Northern Ireland Review of Taxi Regulation, 89 per cent of respondents were male, six per cent were female and five per cent did not answer.

5.3.2 Age

With regard to the age, the DOE survey found the largest proportion of drivers responding to the survey were 41-60 years of age (48 per cent) followed by 25-40 years (44 per cent). Those aged 61 and over (five per cent) and 24 and under (one per cent) were comparatively few in number.

There is a requirement for a full medical report whenever someone first applies for a licence and secondly when someone who is 45 or over applies for a renewal of a licence. In the 2004 calendar year there were 30 refusals based on medical grounds.

5.3.3 Religion

Of the 577 respondents to the DOE survey, 40 per cent were Catholic and 35 per cent were Protestant. An additional two per cent described their religion

as other, five per cent said they had no religion and 18 per cent did not answer this question.

5.3.4 Political Opinion

Political opinion was not included within the DOE survey. No other data are available regarding the political opinion of taxi drivers. However an issue was raised with regard to political opinion. This is highlighted in our consideration of qualitative data below.

5.3.5 Persons with a Disability and Those Without

No quantitative data are available regarding the disability of taxi drivers. However concerns have been raised and are highlighted in the qualitative section below.

5.3.6 Persons of Different Race, Marital Status, or Sexual Orientation, Persons with Dependants and Those Without

Quantitative data are not currently available to assess the impact of the taxi licensing process on these equality categories. The Road Transport Licensing Division is not aware of any concerns from people in any of these groups regarding the taxi licensing process.

5.4 Qualitative Data by Section 75 Grouping Gathered Through Pre-Consultation

5.4.1 Age

Pre-consultees questioned why a full medical report must be supplied in support of applications / renewals from those over the age of 45. The concern was based on the apparent lack of a clear rationale for this age cut-off, especially given the individual already holds a regular driving licence and hence is deemed fit to drive.

The view was expressed that it appeared reasonable to link the requirement for a medical with a particular age. It was felt, however, that the rationale for a cut-off at age 45 should be clearly presented.

In GB, where responsibility lies with local authorities, and legislation is different, practice across local authorities in GB is variable with regard to when full medical reports are required (some requiring medical reports at 5-6 yearly intervals after initial application, others are in line with Northern Ireland, not requiring full medical reports until 45 and every five years thereafter). All local authorities however do require full medical reports at application and at certain times after initial application.

Notably, the 45 year old rule is also practice for the LGV industry, although again it is not clear why 45 is the cut off age.

An additional age issue is that applicants must be 19 years of age or over and have held a full licence for at least 12 months in order to qualify for a taxi licence. Hence applicants holding driving licences aged 17 or 18 are automatically refused.

5.4.2 Political Opinion

A concern was raised by three large taxi associations, relating to how ex-prisoners, released under the Belfast Agreement, are treated under the taxi licensing process. To date prisoners released through the Belfast Agreement, who make an application for a taxi licence, are processed according to regular Departmental criteria for applicants with convictions. This means ex-prisoners, released early under the Belfast Agreement, have been refused licences in the past as they have not served a sufficient length of time since their release.

The key issues raised were as follows:

- it was suggested that ex-prisoners released under the Belfast Agreement were being discriminated against by the repute requirements;
- there already are a significant number of ex-prisoners with taxi licences (as sufficient time has elapsed);
- it was suggested that legal judgements are perceived to have agreed that ex-prisoners should not be disqualified from having a licence due to a conviction which came under the Belfast Agreement; and
- it was suggested that the convictions of ex-prisoners released early under the Belfast Agreement should be treated as spent.

Three further taxi associations, (representing a smaller portion of taxi sector than the three aforementioned) and two political parties also provided input on this issue. They felt that that the present Departmental guidelines should continue to be applied, namely that applicants released under the Belfast Agreement be treated the same as applicants with other convictions. An additional point raised by one political party respondent, who agreed with the current approach, on the basis that the prisoners released early were still on licence in that if they re-offended they could be re-imprisoned. One taxi association felt it was “*important for the reputation of the sector not to become an immediate refuge for ex-political prisoners*”.

5.4.3 Disability

An issue was raised regarding the refusal of a taxi licence on the basis of diabetes subject to insulin treatment. The key concerns were as follows:

- persons with insulin dependent diabetes are allowed a regular driving licence. If someone is deemed able to drive a car, where they have a responsibility with regard to the safety of other drivers and pedestrians, some perceived it to be unclear as to why they are unable to drive a taxi;
- someone with insulin controlled diabetes may be able to manage their condition more effectively than those with other forms of diabetes; and

- persons with diabetes subject to insulin treatment who held, on 21st October 1991, an existing licence and the Department knew of the disability before 1st January 1991, are allowed a taxi licence. Those with the same condition applying after that date are not. The rationale for this distinction is not clear.

5.4.4 Race

The Road Transport Licensing Division noted that it required a certified copy of the applicant's birth certificate (a photocopy does not suffice) or a passport. The question was raised as to whether this requirement will have a differential impact on individuals who were born outside the UK and Ireland, and in particular recently arrived immigrants, for whom obtaining the stated documentation could prove difficult or impossible.

5.4.5 Persons of Different Gender, Religious Belief, Marital Status or Sexual Orientation and Persons with Dependants and Those Without

Qualitative data does not suggest a differential impact on these equality categories, and the Road Transport Licensing Division is not aware of any concerns from people in any of these groups regarding the taxi licensing process. Views from consultees on the impact of the licensing process on these groups would be welcomed.

5.5 Summary of Quantitative and Qualitative Data

The possible impacts arising on section 75 groups are considered further in the following section.

6. ASSESSMENT OF IMPACTS

6.1 Introduction

Our review has taken account of available data and interviews with a range of stakeholders including officials, taxi associations and political parties. This section assesses the impact on section 75 groups.

6.2 Gender

Data does not indicate a differential impact arising from the processes on gender. Consultations responses, however, are welcome on how a greater proportion of applications from women can be encouraged.

6.3 Age

Medical Report

The age related criteria raised in the pre-consultation was the requirement for *renewal* applicants to submit a full medical report if they are 45 years of age or over.

The renewal application form contains a short health section. If this highlights an issue then there is a requirement for a full medical report requiring input from the applicant's doctor. It was suggested that the compulsory requirement for renewals aged 45 and over and for all new applications to complete a full medical report merely creates a waste of doctors' time and an extra layer of bureaucracy in the process which reduces the efficiency of the process and increases the length of time for processing an application. Therefore it was suggested that the short medical report should be sufficient for all, including those aged 45 and over with the full report required only in cases where issues are raised.

Northern Ireland practice is the same or similar to local authority practice in GB (30 GB local authorities were contacted) for taxi licence applications.

Views are welcomed on the appropriateness of the 45 year age cut-off for requiring a medical report at licence renewal.

Diabetes

If an applicant has diabetes managed by insulin, the applicant cannot have a Taxi Driver Licence by law unless they held a Taxi Drivers Licence valid at 21st October 1991 and the Department knew about the condition before the 1st January 1991. Views are welcomed on whether this procedure is appropriate with regard to its impact on persons of different ages.

Minimum Age

Applicants must be 19 years of age and have held a full licence to drive a car for twelve months. Therefore there is an age impact for those aged 17 and 18 who are licensed to drive but are unable to get a taxi licence. Research has shown a higher incidence of accidents among younger drivers and this age and experience

requirement is therefore felt by DVLNI to be reasonable. Consultation views on this issue are welcomed.

6.4 Religious Belief

DVLNI data suggest that there are fewer applications from Protestants than Roman Catholics for a taxi licence. It should be noted, though that the high non-response rate to this question (18 per cent) means that this data is not conclusive. Qualitative data did not suggest the existence of a differential impact on people of different religions.

6.5 Political Opinion

In terms of political opinion the pre-consultation raised the issue as to whether ex-prisoners released early under the Belfast Agreement should have to serve a period of time after their release in line with the criteria applied by the Department. This has affected the outcome with regard to taxi licences of several applicants. To date the Department has followed legislation in continuing to use the prescribed taxi licensing procedure.

This issue has been highlighted in a recent ruling (September 2004, Belfast Recorder's Court) which noted that the case was being brought "six years after the Belfast Agreement" and therefore this means that "unless there are particularly serious factors involved most people will be outside this timeframe." It went on to conclude that "therefore earlier rulings are becoming less relevant."

Consultation responses are welcome on this issue, however DVLNI feel that the current approach is reasonable due to the need to ensure the reputation of the industry, the safety of the passengers and the passing of time since the Belfast Agreement (with the result that very few people will be affected by the time limit). It should be noted that the requirement is applied equally to people of all political opinions.

6.6 Disability

Diabetes

The key issue raised was the procedure for persons with diabetes subject to insulin treatment. The UK Medical Commission on Accident Prevention recommends that taxi drivers should meet higher medical standards, referred to as Group 2, normally required for bus and lorry drivers. This UK Medical Commission on Accident Prevention recommendation for higher standards is based on a vocational taxi driver spending more time at the wheel than a private motorist, the risk of an adverse event occurring while driving is greater and if carrying passengers, there is a possibility of a greater number of injuries associated with any accident.

Recent guidance from the DVLA in a letter to the Chief Executive of North Somerset Council (16 August 2004) noted that "current best practice (contained in the booklet "Medical Aspects of Fitness to Drive" published by the Medical Commission on Accident Prevention in 1995) is that Group 2 standards should be applied".

In GB, where local authorities have responsibility, the legislation is not as prescriptive as for Northern Ireland. Out of a sample of 30 local authorities contacted, 23 were in line with Northern Ireland practice. In the others the decision rested with the applicant's GP or the LA medical officer, however two of the seven were in the process of changing their practice to be in line with the other 23 and with Northern Ireland.

Therefore with regard to applicants with insulin dependent diabetes:

- Northern Ireland practice is in line with recommended best practice in GB; and
- Northern Ireland practice appears to be in line with the large majority of GB practice.

The legislation allows for those with this condition who had an existing licence in 1991 and as long as the Department knew of the condition prior to 1991, to continue driving taxis.

It is noted that there is research in GB on this issue, looking to identify, if possible, those drivers with insulin treated diabetes, for whom there is a lower risk of sudden loss of capability, and for whom a case-by-case clinical assessment would be warranted. The results may enable some diabetic persons currently prevented from driving to resume their driving entitlement.

At present DVLNI feel that as Northern Ireland practice is in line with recommended best practice in GB and with the majority of local authority practice in GB, there is little scope for change. Views on this, however, are welcomed through the consultation.

6.7 Race

One concern raised regarding the licensing process for those from ethnic minorities, is that applicants from ethnic minorities may be penalised through the requirement of the process to provide a certified birth certificate or passport. Whilst there is no hard evidence on whether this had affected any individuals' application process it is highlighted as a potential issue on which views would be welcomed.

6.8 Summary of Assessment of Impacts

Table 6.1 overleaf summarises the key issues arising out of the assessment of impacts.

Table 6.1

Summary of Assessment of Impacts

Category	Issues Arising
Gender	No evidence was found to suggest the licensing process has a differential impact on people of different gender. It is noted however, that only a small proportion of taxi applications are female, although it is not felt that the licence process impacts differentially. Views of consultees are welcome.
Age	<p>The process requires renewal applicants aged 45 years or over to provide a full medical report. Views on whether this requirement is justified are welcomed through the consultation.</p> <p>The procedure for applicants with diabetes subject to insulin treatment, with regard to how this may impact on applicants of different ages. Presently, those who held a licence in 1991 are allowed to hold a licence, whilst new applicants with the same condition are refused a licence. Views are welcomed on this issue.</p> <p>Views are welcomed on whether the requirement for applicants to be 19 years of age and have held a full licence to drive a car for 12 months is appropriate given the higher level of accidents among younger drivers.</p>
Religion	Data suggest that there may be fewer applications for taxi licences from Protestants than Roman Catholics. Qualitative data did not suggest any differential impacts arising from this policy on people of different religious belief.
Political Opinion	<p>One question raised was whether ex-prisoners released early under the Belfast Agreement should have to allow a period of time to elapse after their release before holding a Taxi Licence, in line with the criteria applied by the Department.</p> <p>DVLNI feel with the need to ensure the reputation of the industry, the safety of the passengers and the passing of time since the Belfast Agreement (with the result that very few people will be affected by the time limit) that the current approach is reasonable. Consultation responses on this issue are particularly welcome.</p>
Disability	There is a clear impact on applicants with an insulin dependent diabetes condition as they can hold a car driving licence but not a taxi licence. Northern Ireland practice is in line with GB practice and recommended best practice. Consultation responses are particularly invited on this issue.
Race	It was suggested that the requirement to present a certified copy of the applicant's birth certificate or passport could have a differential impact on individuals who were born outside the UK and Ireland. Views of consultees on this issue are welcome.
Marital Status	No evidence was found to suggest the licensing process has a differential impact on people of different marital status.
Sexual Orientation	No evidence was found to suggest the licensing process has a differential impact on people of different sexual orientation.
Persons with dependants and those without	No evidence was found to suggest the licensing process has a differential impact between persons with dependants and those without.

7. FORMAL CONSULTATION ARRANGEMENTS

7.1 Formal Consultation

This work represents the outcome of the following stages of the EQIA process, namely:

- defining the aims of the policy;
- consideration of available data and research; and
- assessment of impacts.

DVLNI wish to undertake a formal consultation process in line with Equality Commission guidance and the DOE Equality Scheme.

While all responses are welcome and will be fully considered, the consultation particularly seeks views on the following areas. A proforma which consultees may wish to use for responding to these is available at Appendix Two.

- | | |
|--------------------------|---|
| Age | When renewing a licence those aged 45 years or over need to provide a full medical report. Is the 45 years old age cut-off appropriate?

Views are welcomed on the procedure that allows persons with diabetes subject to insulin who held a licence in 1991 to hold a licence, whilst new applicants with the same condition are refused a licence.

Is the requirement for applicants to be 19 years of age and have held a full licence to drive a car for twelve months reasonable? |
| Political Opinion | New applicants are “generally expected” to have a clear record for 3 years in the case of serious offences and 12 months for minor convictions. The Department has used these guidelines in the processing of applications from all ex-prisoners, including prisoners released early under the Belfast Agreement. Is this appropriate? |
| Disability | Applicants with diabetes subject to insulin treatment are refused a taxi licence although they can hold a car licence. This is in line with GB practice and views are welcome on whether this is felt to be reasonable grounds for refusal of a taxi license? |
| Race | Applicants are required to prove identity through a certified birth certificate or passport. Could this impact differentially on people from different racial backgrounds and if so is the requirement appropriate? |
| General | Are there any additional issues that are not raised in this report in relation to the procedures for issuing taxi licences? |
| Data | Are there any additional sources of data or research that are relevant to this assessment? |

The formal consultation period will run until **16th September 2005** and all responses should be received by this date.

This document can be made available in Braille, disc, audiocassette, large print and alternative language formats on request. If there is any other way in which we can assist your participation in this consultation exercise please let us know.

The range of communication methods for responses, queries and replies is detailed in 7.1 below.

Table 7.1

Communication Methods for Responses, Queries and Comments

Name	Jim Dumigan
Address	DVLNI Road Transport Licensing Division Taxi Section 148 Corporation Street Belfast, BT1 3DH
Tel	028 9025 4100
Fax	028 9025 4186
Text Phone	02890 54 0642
Email	jim.dumigan@doeni.gov.uk

A copy of this document will also be available on our websites at www.doeni.gov.uk and www.dvlni.gov.uk .

Final findings and associated changes in practice will be published within six months from the close of consultation.

7.2 Publication of Results of the Equality Impact Assessment

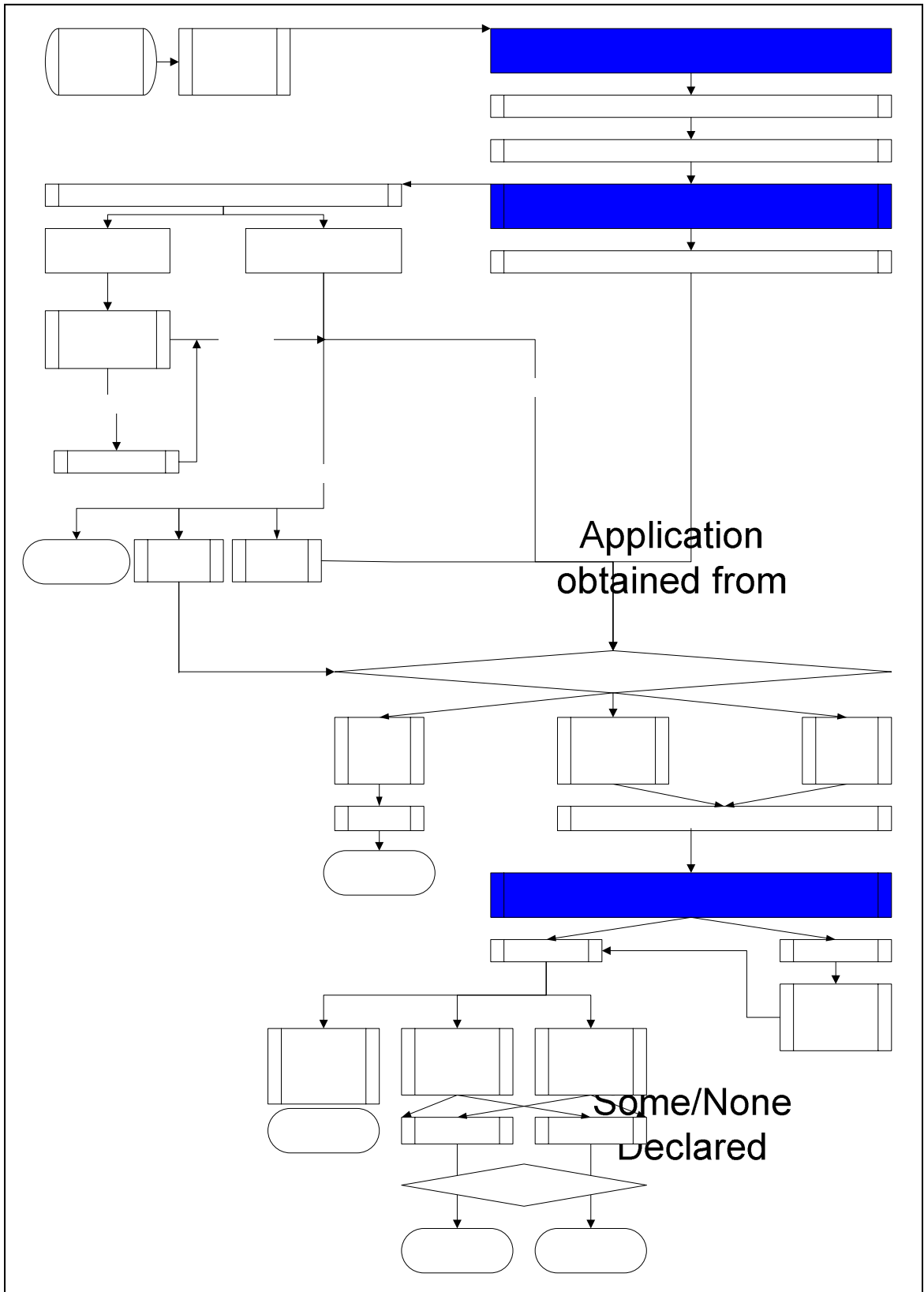
Following the 12 week consultation period, a decision will be made on the policy, taking into account the feedback from this period of formal consultation. All consultees will be advised of the results of the final EQIA and any changes to the policy made as a result.

7.3 Monitoring for Future Adverse Impact and Publication of Results of Monitoring

DVLNI are committed to investigating the most effective ways of monitoring for future impact. This could include asking specific questions in the DVLNI customer satisfaction survey of the impact on different Section 75 groups. The data arising

from this survey will be complemented by ongoing monitoring and analysis of complainant data.

APPENDIX I
TAXI LICENSING PROCESS



Applic
submi
DV

Convict

Re

Request
Declaration

Not returned

APPENDIX II
CONSULTATION PROFORMA

DVLNI Taxi Licensing - Consultation Proforma (Optional)

As noted in the main document, we are particularly eager to get feedback on the following areas and have designed a pro-forma for you to complete. You do not have to use this proforma and can submit a written response in any other form.

Gender Only a small proportion of taxi applications are female, although it is not felt that the licence process impacts differentially, views of consultees are particularly welcome on whether there is a differential impact on people of different genders arising from the process. Views are also welcomed on how a greater proportion of female applicants can be encouraged.

Age When renewing a licence those aged 45 years or over need to provide a full medical report. Is the 45 years old age cut-off appropriate?

Age Presently, persons with diabetes subject to insulin who held a licence in 1991 are allowed to hold a licence, whilst new applicants with the same condition are refused a licence. Views are welcomed on how reasonable this procedure is, particularly with regard to how this may impact on persons of different ages

Age Is the requirement for applicants to be 19 years of age and have held a full licence to drive a car for twelve months reasonable?

Political Opinion New applicants are “generally expected” to have clear record for 3 years in the case of serious offences and 12 months for minor convictions. The Department has used these guidelines in the processing of applications from all ex-prisoners, including ex-prisoners released early under the Belfast Agreement. Is this appropriate?

Disability Applicants with diabetes subject to insulin treatment are refused a taxi licence even though they can hold a car licence. This is in line with the majority of practice in GB. Is it felt that this is a reasonable ground for refusal?

Please return to:

Post	Jim Dumigan DVLNI Road Transport Licensing Division Taxi Section 148 Corporation Street Belfast, BT1 3DH
E-mail	jim.dumigan@doeni.gov.uk
Telephone	028 90254100
Fax	028 90254186
Text Phone	02890 540642

APPENDIX III
LIST of CONSULTEES

The consultation document will be distributed to the following organisations:

Age Concern NI
Help the Aged NI
NI Pensioners Convention
Youth Council for NI
Carers National Association NI
Gingerbread
Disability Action
NI Association for Mental Health
MENCAP
Employers Forum on Disability
North West Forum of People with Disabilities
Diabetes UK Northern Ireland
Disabled Drivers Association
Mens Movement NI
Women's Forum
Bryson House
Community Relations Council
Equality Commission
Health Promotion Agency for NI
NI Human Rights Commission (HIHRC)
NICVA
Save the Children
Equality Coalition
Rural Community Network
Ulster Unionist Party
Falls Community Council
East Belfast Community Development Association
SDLP Headquarters
Democratic Unionist Party
Sinn Fein
Alliance Party of NI
Progressive Unionist Party
UK Unionist Party
Chinese Welfare Associate (NI)
NI Council for Ethnic Minorities
Travellers Movement NI
Inter-Faith Forum
Coalition on Sexual Orientation
NI Gay Rights Association
Belfast Public Hire Taxi Association
North West Taxi Proprietors' Ltd
North Belfast Taxi Association

Mid-Ulster Taxi Association
Newry Taxi Association
West Belfast Taxi Proprietors' Association
West Belfast Private Hire Taxi Association
Derry Taxi Association
Causeway Taxi Owners' Association
Belfast City Airport Taxis
Belfast Private Hire Proprietors' Association
West Belfast Taxis