



Department of the
Environment

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**DRIVER AND VEHICLE LICENSING
AGENCY NORTHERN IRELAND**

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

APRIL 2006

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1. INTRODUCTION AND BACKGROUND

1.1 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.

The DoE and DVLNI decided that its procedures for issuing taxi licences, as set out in this document, required an equality impact assessment (EQIA).

The purpose of this assessment is to identify those categories for whom the procedures may have a differential impact, the extent of this and whether this can be justified in policy terms.

1.2 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 and contained a commitment to carry out an EQIA on the procedures for issuing taxi licences.

1.3 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.

1.4 Structure of Document

The remainder of this document is set out as follows:

Section 2: Policy Context;

Section 3: Making an Application for a Taxi Licence;

Section 4: Consideration of Available Data and Research;

Section 5: Assessment of Impacts;

Section 6: Mitigation / Alternatives;

Section 7: Formal Consultation; and

Section 8: Decision by Public Authority.

2. POLICY CONTEXT

2.1 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.

2.2 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

1. What is the Policy? The process for attaining or renewing a taxi licence.	
2. What is the aim, objective and purpose of the policy? The issue of and, where appropriate, the withdrawal of licences to taxi drivers.	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
3. Who implements the policy? DVLNI. The Road Transport Licensing Division of DVLNI manage the taxi licence application process.	7. What factors, forces could contribute /detract from the outcomes? An inability to fully address the issue of illegal taxis in Northern Ireland
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.	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.
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.	9. Are there any groups that might be expected to benefit from the intended outcomes but which do not? No.

2.3 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.

2.4 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.

2.5 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; or
- 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).

3. MAKING AN APPLICATION FOR A TAXI LICENCE

3.1 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.

3.2 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.

3.3 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.

3.4 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; and ■ 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.

3.5 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: <ul style="list-style-type: none">- 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: <ul style="list-style-type: none">- 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.

4. CONSIDERATION OF AVAILABLE DATA AND RESEARCH

4.1 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.

4.2 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.

4.3 Quantitative Data by Section 75 Grouping

4.3.1 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.

4.3.2 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.

4.3.3 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.

4.3.4 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.

4.3.5 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.

4.3.6 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.

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

4.4.1 Age

Pre-consultees questioned why a full medical report must be supplied in support of 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.

4.4.2 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 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*”.

4.4.3 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.

4.4.4 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.

4.4.5 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.

4.5 Summary of Quantitative and Qualitative Data

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

5. ASSESSMENT OF IMPACTS

5.1 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.

5.2 Gender

DVLNI note the relatively small proportion of taxi drivers who are female. Data however does not indicate a differential impact arising from the processes on gender and DVLNI report that the numbers of female taxi drivers are rising.

5.3 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 renewing licences aged 45 and over with the full report required only in cases where issues are raised.

The current Northern Ireland practice, however, is the same or similar to local authority practice in GB (30 GB local authorities were contacted) for taxi licence applications. It is also noted that there is no medical evidence at present to support an increase in the age at which renewals are required to complete a full medical report.

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. The number of these drivers with "grandfather rights" is declining.

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.

5.4 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.

5.5 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."

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.

5.6 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, and without medical advice support for moving from this position there is little scope for change.

5.7 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. There is no hard evidence on whether this had affected any individuals' application process.

5.8 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.
Age	The process requires renewal applicants aged 45 years or over to provide a full medical report. Currently there is no medical support for raising this age limit. 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. The number this applies to is declining.
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	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. 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.
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, and to date there is no medical support for changing this practice.
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. No evidence was found, however, to suggest the licensing process has a differential impact on people of different race.
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.

6. MITIGATION / ALTERNATIVES

6.1 Purpose of Section

This section is concerned with detailing measures that mitigate against any adverse impact or which might better achieve the promotion of equality of opportunity. Although the impact assessment has not identified any adverse impacts on any of the groups, this section will consider measures that might be taken to further promote equality of opportunity and good relations within this policy.

The following areas are considered:

- age;
- race; and
- awareness of best practice and research in other jurisdictions.

6.2 Age

At present all those aged 45 or above need to supply a full medical report when renewing their licence. Concerns have been raised that this is too young a age to require this. While there is no medical evidence available at present to support an increase in this age limit DVLNI will give further consideration to the rationale for the 45 year old threshold and send the outcome of this consideration to OHS for recommendation.

6.3 Race

Despite concerns 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, no evidence was found to suggest there was a differential impact. The overall review of taxi drivers will also look at this issue.

6.4 Awareness of Best Practice and Research

Guidance and research in GB, for example regarding diabetes and taxi driving, will be monitored and assessed for applicability in Northern Ireland. This will allow local procedures to stay in line with best practice.

7. FORMAL CONSULTATION

7.1 Formal Consultation

A draft EQIA was subject to a formal consultation over a ten week period. A list of consultees is attached at Appendix II. The consultation process included organisations from each of the nine Section 75 categories.

While only a small number of formal responses were received in respect of the formal consultation (see Appendix III) the interviews with taxi associations (six) and political parties (two) as well as data from the 2004 DoE Quantitative Survey of Northern Ireland Taxi Drivers were considered to sufficiently inform the EQIA process.

7.2 Policy Decision and Good Relations

During the completion of this EQIA, the Department and DVLNI have had regard to the desirability of promoting good relations.

7.3 Publication of Results

The EQIA is available in hard copy and through the DVLNI web site. Copies of the EQIA can be made available in a range of formats. Please refer to Section 8 for further contact details.

7.4 Monitoring for Adverse Impact in the Future

DVLNI are committed to investigating the most effective ways of monitoring for future impact. Steps have been taken to improve data capture and monitoring processes. These include:

- a monitoring group has been set up. This group includes a representative from disability action;
- the sample size of the customer satisfaction survey has been increased, as there have been low response rates in previous surveys. Consideration will also be given to including specific questions of the impact on different Section 75 groups;
- the new computerised application system will store criminal records and will pre-fill these fields so applicants will not be required to fill them out each time they apply to renew their licence; and
- the above data will be complemented by ongoing monitoring and analysis of complainant data.

8. DECISION BY PUBLIC AUTHORITY

8.1 Decision

DVLNI have considered the findings of this EQIA. As no adverse impacts arising from the policy have been identified there is no intention to amend the policy for issuing taxi licences.

8.2 Actions to further promote Equality of Opportunity

In recognition of the desirability to further promote equality of opportunity, DVLNI have decided to implement the following actions:

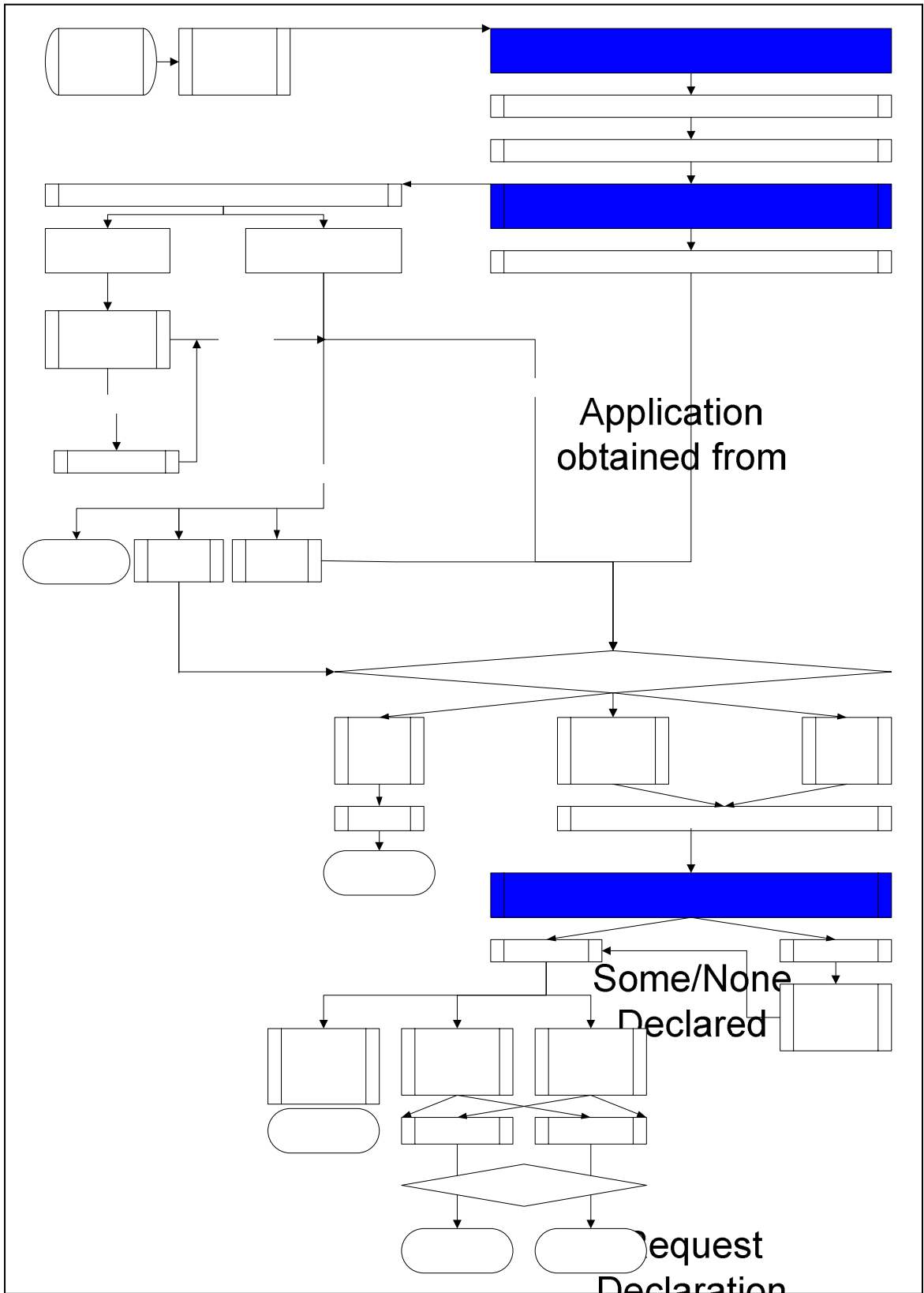
- the Agency has set-up a monitoring group. This group includes a representative from disability action;
- the sample size of the customer satisfaction survey has been increased, as there have been low response rates in previous surveys. Consideration will also be given to including specific questions of the impact on different Section 75 groups; and
- this EQIA will be produced in a final form and will be available in hard copy and through the agency's web site. Copies of the EQIA can be made available in alternative formats including Braille, audiocassette, large print and alternative languages on request.

8.3 Contact Details

Comments and queries regarding the Equality Impact Assessment, including requests for copies, should be addressed to:

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

APPENDIX I
TAXI LICENSING PROCESS



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Issue reminder

APPENDIX II
LIST OF CONSULTEES

The consultation document was 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

APPENDIX III
SUMMARY OF FORMAL CONSULTATION RESPONSES

Consultation Responses Received by DVLNI	Raised By	DVLNI Response
<p>Disability – Diabetes is not reasonable grounds for refusal of a taxi licence. Rather than a blanket ban on people with insulin treated diabetes, a case-by case assessment process should be instituted as has recently happened in the United States.</p> <p>Disability - It is common for licensing authorities to apply the 'Group 2' medical standards applied by DVLA to the licensing of lorry and bus drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers of C1 vehicles who can meet a series of medical criteria. In the light of the latest advice from the Secretary of State's Honorary Medical Advisory Panel on Diabetes Mellitus and Driving, it is suggested that best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.</p>	<p>Diabetes UK/Derry Taxies Association/North West Taxi Proprietors</p>	<p>The situation will be monitored in line with developments in Great Britain.</p>
<p>Gender – It is believed that the taxi industry can be very suitable for women. It is recognised that there are historic factors which may have prevented women entering the industry e.g. the recent conflict which resulted in the murder of a number of taxi drivers. It is believed that the new computerised systems, which is being installed, tracking cars and being able to pin point them along with built in panic buttons will address this issue. The Departments should work in partnership with the industry to address the gender imbalance in the industry</p>	<p>Derry Taxies Association/North West Taxi Proprietors</p>	<p>Number of female drivers is increasing however the comments have been noted.</p>

<p>Age - It is believed that forty five years old is a bit early for requiring full medical reports from renewal applicants and incurs extra expense to taxi drivers when doctors are obliged to inform the department if a driver is unfit to drive. There is an issue of medical fitness which we agree with but that is present irrespective of age. If a medical problem arises at anytime there is a responsibility on doctors to inform patients and the department of the dangers. It is believed that 55 years old would be a more appropriate cut-off age for requiring full medical reports for renewal of licence.</p>	<p>Derry Taxies Association / North West Taxi Proprietors</p>	<p>Whilst not aware of any medical evidence supporting an increase to 55 the rationale will be examined and the outcome will go to OHS for recommendation</p>
<p>Age - On the issue of the requirement for applicants to be 19 years of age, it is believed that this is reasonable.</p>	<p>Derry Taxies Association / North West Taxi Proprietors</p>	<p>Comments are noted.</p>
<p>Political Opinion - The department and relevant authorities should look at the issue of ex-prisoners with political convictions. It is believed that the department needs to acknowledge the conflict and the fact that work has to be done to address the legacy of the conflict. Some taxi drivers are still reporting convictions that are 30 years old and the department have 30 years of repeated records. There is no difficulty in reporting the past convictions and dealing with them but it is unfair to ask drivers to repeat something that is well documented for up to thirty years. On <u>any</u> conviction, once reported there should be no repeated reporting. The question on the form for current taxi drivers should be any new convictions.</p>	<p>Derry Taxies Association / North West Taxi Proprietors</p>	<p>The new computerised system will pre-fill fields so applicants will not be required to fill these fields out each time they apply for a licence.</p>

<p>Political Opinions - There is a major issue around people with political convictions. The department needs to examine these cases realistically and recognise that aside from the conflict these people would never have had any conviction. This issue needs addressed.</p>	<p>Derry Taxies Association / North West Taxi Proprietors</p>	<p>Comments are noted.</p>
<p>General - A massive issue for taxi drivers is when they change their vehicles and can be off the road for a number of weeks. It is believed that the department should have a goodwill policy to current taxi drivers and process vehicles quicker and check the detail retrospectively and if there is a problem then deal with it then. If they are current taxi license holders or taxi vehicle license holders then they are in the system. Assist them to improve their tools and improve the industry.</p>	<p>Derry Taxies Association / North West Taxi Proprietors</p>	<p>Issue outside the scope of this exercise but Department note comments.</p>
<p>General - Another issue documented earlier by NWTP is the incompatibility of DVTA and DVLNI computers. This should be addressed and information and forms should be electronically processed. On the issue of repute, that should be dealt with separately on a different form or in an annual or bi-annual CRO check.</p>	<p>Derry Taxies Association / North West Taxi Proprietors</p>	<p>The announcement by the Minister on 21 March 2006 arising from the Review of Public Administration that Driver and Vehicle Licensing Northern Ireland (DVLNI) and the Driver and Vehicle Testing Agency (DVTA) will merge in 2007 should result in IT compatibility. On the issue of repute, the Department has re-examined its procedures and this will expedite the issue of taxi vehicle licences.</p>

<p>General - The department should look at putting in place a taxi commissioner (like an Ombudsman) to ensure that the industry gets value for money from the department and that the department has redress for disaffected taxi drivers.</p>	<p>Derry Taxies Association / North West Taxi Proprietors</p>	<p>The Department through its Taxi Review Team is currently examining a comprehensive range of taxi issues. The Team has consulted on its initial proposals and among the many, envisages the setting up of a Taxi Consultative Forum. This would monitor on an on-going basis issues related to taxi regulation. It is envisaged that membership would include representatives from the taxi industry, the Department and its Agencies, DRD and external stakeholders, including PSNI, the General Consumer Council and Disability Action. However nothing will be finalised until the Review Team has completed its deliberations.</p>
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