



Equality and Human Rights Impact Assessment - the Form

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **proposal** should be understood broadly to include the full range of our activities and could refer to a decision, policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Essentially everything we do!

STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

| Name | Designation | Service | Directorate |
|---------------|-------------|----------------------|----------------------|
| Paul Connolly | Solicitor | Legal and Democratic | Corporate Governance |

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

Litigation and Licensing (Team 3), Legal and Democratic Services and Fleet Services, Asset Management and Operations

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. This must also include a summary of how this proposal complies with the public sector equality duty for people with protected characteristics - see Step 2. **Please return to this question after completing the EHRIA.**

In summary, it appears that CCTV in taxis will impact equally on all passengers. It will not disproportionately affect any of the equality strands.

In terms of the Human Rights Act 1998 it is noted that CCTV could be considered a form of surveillance and/or a form of activity, which may have an impact in terms of Article 8, which is as follows: "Everyone has the right to respect for his private and family life, his home and correspondence". Accordingly, the Licensing Committee must ensure that its policy is legally compliant with Article 8 of the Human Rights Act 1998.

Lawful interference of this right is permitted, provided it is necessary.

It appears interference with this right would not be justifiable, in terms of a standard policy requirement or general presumption by the Committee in favour of permitting installation and use of unregulated CCTV recording systems inside a taxi or private hire car. This means that the Committee should not require all taxis and private hire cars to provide CCTV recording. As such, a general policy requiring CCTV is not recommended to the Committee.

However, provided the above purposes are the basis of the policy, the Committee may permit the installation of CCTV systems by individual licence holders, their drivers, insurance and CCTV companies who then must themselves ensure that they meet their legal requirements. If private individuals take the view that it is necessary for them to install CCTV to protect their rights in terms of insurance fraud or in relation to assault they must consider the legal framework in respect of others rights.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick which applies.

- ✓ Para 9 of EHRIA will be published in committee report in Section 6 "Impact"
- ✓ Full EHRIA will be attached to the committee report as an appendix
- ✓ Copied to Equalities Team to publish on the Council website

STEP 2: Outline the aims of the proposal

11. What are the main aims of the proposal?

The main aims of the proposal are to ensure that taxi and private hire car licence holders only install and operate CCTV systems in a manner which is acceptable to the public and are made aware that they must meet all relevant legal obligations in that regard.

12. Who will benefit most from the proposal?

The taxi and private hire car licence holders may benefit most from the proposal. For example, by reduced insurance premiums and increased likelihood of the prevention, detection and prosecution of crime committed in or around their vehicle.

13. You should assess the impact of your proposal on equality groups and tell us how implementing this proposal will impact on the needs of the public sector equality duty to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations.

It appears that the proposal will not have a particular effect on any of the equality groups. However, it may generally assist to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations with other road users and passengers, as incidents in and around a vehicle can be recorded which may discourage unacceptable behaviour.

STEP 3: Gather and consider evidence

15. What **evidence** is there to identify any potential positive or negative impacts in terms of involvement, consultation, research, officer knowledge and experience, equality monitoring data, user feedback and other? You must consider relevant evidence, including evidence from equality groups.

Officers have consulted with other licensing authorities in respect of CCTV in taxis and private hire cars. They have also consulted with the Information Commissioner in respect of considerations under the Data Protection Act 1998, and the Equality and Human Rights Commission in relation to considerations in terms of the Human Rights Act 1998. The taxi trade representatives on the Taxi Consultation Group have been consulted on various occasions. The Disability Advisory Group taxi representative has also been consulted. The relevant licence holders have been consulted as well as the insurance and CCTV supplier companies.

All such relevant evidence gained from consultation has been provided in the report to the Committee.

STEP 4: Assess likely impacts on people with Protected Characteristics

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

| Protected Characteristics | | | | | |
|-------------------------------|---|-------------------------|---|------------------------|---|
| Age - Younger Older | 0 | Disability | 0 | Gender Reassignment* | 0 |
| Marriage or Civil Partnership | 0 | Pregnancy and Maternity | 0 | Race** | 0 |
| Religion or Belief | 0 | Sex (gender)*** | 0 | Sexual orientation**** | 0 |
| Others e.g. poverty | 0 | | | | |

Notes:

* Gender Reassignment includes Transsexual

** Race includes Gypsy/Travellers

*** Sex (gender) i.e. men, women

**** Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above.

In making the assessment you must consider relevant evidence, including evidence received from individuals and equality groups. Having considered all of these elements, you must take account of the results of such assessments. This requires you to consider taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. If any adverse impact amounts to **unlawful discrimination**, the policy must be amended to avert this. Detail the impacts and describe those affected.

| | |
|---|---|
| Positive impacts (describe protected characteristics affected) N/A – It is anticipated that if the policy is implemented and the legal elements thereof are followed then there should be a neutral impact. | Negative Impacts (describe protected characteristics affected) N/A – It is anticipated that if the policy is implemented and the legal elements thereof are followed then there should be a neutral impact. |
|---|---|

STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance

18. Does this proposal/policy/procedure have the potential to interfere with an individual's rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and saying how. **If you answer "no", go straight to question 22.**

- Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
- Article 6 – Right to a fair and public hearing
- Article 8 – Right to respect for private and family life, home and correspondence
- Article 10 – freedom of expression
- Other article not listed above

In terms of the Human Rights Act 1998 it is noted that CCTV could be considered a form of surveillance and/or a form of activity, which may have an impact in terms of Article 8, which is as follows: "Everyone has the right to respect for his private and family life, his home and correspondence". Accordingly, the Licensing Committee must ensure that its policy is legally compliant with Article 8 of the Human Rights Act 1998.

Lawful interference of this right is permitted, provided it is necessary.

It appears interference with this right would not be justifiable, in terms of a standard policy requirement or general presumption by the Committee in favour of permitting installation and use of unregulated CCTV recording systems inside a taxi or private hire car. This means that the Committee should not require all taxis and private hire cars to provide CCTV recording. As such, a general policy requiring CCTV is not recommended to the Committee.

However, provided the above purposes are the basis of the policy, the Committee may permit the installation of CCTV systems by individual licence holders on a case by case basis, and it is the drivers, insurance and CCTV companies who must themselves ensure that they meet their legal requirements in relation to the operation of the system. This means that if licence holders on their own initiative take the view that it is necessary for them to install CCTV to protect their rights in terms of insurance fraud or in relation to assault they must consider and ensure they comply with the legal framework in respect of others rights, including human rights and data protection. Although, it is noted that the proposed policy shall direct them on how to achieve such compliance.

Legality

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

The Committee will not approve a policy that is in breach of its duties as a public authority in terms of Article 8 of the Human Rights Act 1998.

Legitimate aim

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Not applicable

Proportionality

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

Not applicable

STEP 6: Monitor and review

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

Extensive consultation has been undertaken before this stage. It is recommended in the report that the Committee instructs officers to implement the proposal (policy and condition) and monitors their ongoing implementation at regular intervals

It is possible that the Information Commissioner may wish to advise the Committee on an ongoing basis on its policy's compliance with the Data Protection Act 1998.

They may also wish to enforce against misuse of CCTV by private individual taxi and private hire car licence holders.

Authorised officers of the licensing authority shall monitor the number of CCTV systems installed and ensure they comply with the policy.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

Responses to consultation and monitoring data shall be used to inform the Committee's future decisions on its policy.

STEP 7 SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

| Name | Date | Signature |
|---------------|------------------|-----------|
| Paul Connolly | 12 November 2014 | |

Quality check: document has been checked by

| Name | Date | Signature |
|---------------|------------------|-----------|
| Eric Anderson | 12 November 2014 | |

Head of Service (Sign-off)

| Name | Date | Signature |
|-----------------|------|-----------|
| Jane MacEachran | | |

Now –

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team
Customer Service and Performance
Corporate Governance
Aberdeen City Council
Business Hub 13
Second Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Telephone 01224 523039 - Email sandrab@aberdeencity.gov.uk