

HACKNEY CARRIAGE AND PRIVATE HIRE EMISSIONS POLICY

| | |
|---|--|
| Head of Service: | Rod Brown, Head of Housing & Community |
| Wards affected: | (All Wards); |
| Urgent Decision?(yes/no) | No |
| If yes, reason urgent decision required: | |
| Appendices (attached): | Appendix 1 Proposed wording for consultation |

Summary

The Committee are asked to agree in principle the proposal for amending the Hackney Carriage and Private Hire Licensing Policy and to authorise public consultation.

Recommendation (s)

The Committee is asked to:

- (1) Agree in principle the proposal for amending the Hackney Carriage and Private Hire Licensing Policy to phase in a requirement that licensed vehicles meet the same emissions requirements as the London Ultra-Low Emissions Zone, as set out in section 8 of this report.**
- (2) Agree the policy be subject to public consultation with the results of the consultation and any policy modifications being brought back to the Committee prior to recommendation to full Council for adoption.**

1 Reason for Recommendation

- 1.1 On 27 October it was considered by the Committee that a report on hackney carriage ('HC') and private hire vehicle ('PHV') emissions as a matter of high priority be brought to a meeting of the Committee, following public consultation and the consideration of the Climate Change Working Group.
- 1.2 Initial engagement work with members of the trade and the Climate Change Working Group has been completed and a set of proposals to be consulted on have been drafted. Agreement is sought to formally consult on the proposals with all licence holders and the public.

Licensing and Planning Policy Committee

15 June 2023

- 1.3 It had been intended to obtain agreement from the Committee on 30th March 2023 so as to comply with the intention of the Committee that this matter be treated as a high priority. However, the Council's Monitoring Officer recommended the report and consultation be delayed until after the election as the subject matter was potentially a sensitive topic that should not be allowed to interfere with the pre-election period.

2 Background

- 2.1 There are many similarities in the how HC and PHV work, however there are also important differences. The key differences between the vehicles is that a PHV, unlike a taxi, cannot ply for hire, which means that all journeys must be pre-booked in advance through a licensed operator. Locally licensed HC can be immediately hired and can be found at the hackney carriage stands around Epsom and they can be hailed in the street.
- 2.2 The purpose of the licensing of HC and PHV is to protect the public. In licensing vehicles and their drivers we seek to ensure a safe and reliable service for the public, providing confidence to residents, businesses and visitors to the borough.
- 2.3 On the 23 July 2019 Epsom & Ewell Borough Council committed to tackling Climate Change and addressing carbon emissions. Controlling the emissions of vehicles licensed in the borough is reasonable in this context, however, this must be balanced against the need to ensure licensed vehicles remain readily accessible to all service users.
- 2.4 Any significant reduction in supply of licensed vehicles and drivers could result in the increased risk of the public using unlicensed and unvetted vehicles and drivers, or using vehicles and drivers licensed remotely that this Licensing Authority has no control over. Those intending to visit the town centre at night might be put off visiting if they can not be confident of being able to get home at night, and wheelchair users will be marginalised if wheelchair accessible vehicles are not easily available.

3 Measuring Emissions

- 3.1 When considering the likely impact on air quality of a vehicle the simplest measure is their Euro Standard. Since 1992, European Union regulations have been imposed on new cars, with the aim of improving air quality.
- 3.2 This means a vehicle has to meet a certain Euro emissions standard when it is made.
 - Euro 4- car newly registered from 1 January 2006
 - Euro 5- car newly registered from 1 January 2011
 - Euro 6- car newly registered from 1 September 2015

Licensing and Planning Policy Committee

15 June 2023

- 3.3 Because petrol and diesel engines produce different types of emissions, they are subject to different standards.
- 3.4 Diesel vehicles are considered more polluting than the equivalent petrol car, particularly with respect to the increased levels of nitrogen dioxide and the fine particulate matter they produce. It is based on this rationale that the Transport for London's ('TFL') London Ultra Low Emissions Zone ('ULEZ') require petrol vehicles to be Euro Category 4 compliant, whilst diesel vehicles have to be Euro Category 6 compliant.
- 3.5 Beyond the Euro emissions categories vehicles can be classed as Zero and Ultra Low Emission Vehicles ('ULEV'). ULEVs are currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe. There are currently no ULEV purpose-built taxis available.
- 3.6 Zero Emission Capable ('ZEC') vehicles are defined as being capable of being operated with no (zero) exhaust emissions for a minimum range (defined by TFL as 10 miles).

4 Current position in EEBC

- 4.1 Currently EEBC's licensing policy only specifies an emissions limit with respect to hackney carriages; -

'All hackney carriages which are being presented for first licensing by the Authority should be Euro 5 compliant. An exception is made for vehicle proprietors who have held a Hackney Carriage Vehicle Licence issued by the Authority prior to January 2013, who are entitled to renew/transfer their vehicle to a Euro 4 standard vehicle.'

The exception provided to holders of a licence issued prior to January 2013 effectively means that all HC can be licensed if they meet the Euro 4 standard.

- 4.2 EEBC do not have an emissions policy with respect to PHV however it does have a maximum age policy for new private hire vehicles.

'All private hire vehicles which are being presented for first licensing by the Authority may be no older than six years old as of the date of application. An exception may be made for older vehicles if considered by an Authorised Officer to be in exceptional condition i.e., bodywork which is in immaculate condition, with a full service history and no advisories.'

In practice the exemption criteria has been extended to include vehicles that have been specially adapted to carry wheelchairs.

- 4.3 EEBC currently charges a reduced licence fee for the licensing of hybrids/all Electric vehicles (£250 compared with the usual £320)

Licensing and Planning Policy Committee

15 June 2023

- 4.4 By using the vehicle registration number as a guide to the year the vehicle was registered, it is possible to estimate the following breakdown of EEBC licensed vehicles:

| | Total number | Euro 6 | Euro 5 | Euro 4 |
|------------|---------------------|---------------|---------------|---------------|
| PHV | 723 | 310 (43%) | 232 (32%) | 181 (25%) |
| HC | 35 | 5 (14%) | 12 (34%) | 18 (51%) |

- 4.5 As a legacy of hackney carriages in the borough previously being licensed under the metropolitan authority, all current hackneys are required to be London-style cabs, and these run entirely on diesel (bar one ZEC taxi that has been licensed).
- 4.6 The London-style HC are all wheelchair accessible vehicles ('WAV'), so currently 100% of our licensed HC's are WAV.
- 4.7 It is not possible to specify the number of PHV that are petrol or diesel as this information is not recorded.
- 4.8 EEBC has a disproportional high number of licensed PHVs when compared to other boroughs of a similar size. This is as a result of the Council's progressive decision to issue restricted 'school run only' licences. This has also resulted in a disproportionately high number of PHV being licensed that are wheelchair accessible – at least 220 of the 723 PHV are WAV (30%).

5 Current challenges facing the trade

- 5.1 Whilst the cost-of-living crisis is effecting all areas of the economy, there are additional factors that creating particular challenges for locally licensed trade members, especially hackney carriage owners and their drivers. This is evident in the number of licensed HC declining steeply in recent years - in 2019 there were 74 licensed HC, and currently there are only 35. Contributing factors in this decline may include -
- Increased competition from out of area mobile platform operators.
 - The covid lockdowns and absence of financial support to taxi drivers.
 - The continuing reduction in commuter numbers resulting from changes in working patterns (EEBC HC rely heavily on commuters using the taxis standing outside the station for short journeys and are less likely to be hailed in the street or used for longer journeys than their TFL licensed equivalent).

Licensing and Planning Policy Committee

15 June 2023

- The local requirement to licence purpose-built taxis, that are considerably more expensive than other vehicles, when potential EEBC HC earnings are not comparable with their high annual mileage TFL equivalents.

5.2 It has been widely reported that current problems with importing vehicles and parts from Europe has caused a restricted supply of vehicles for sale, with resultant delays in orders of new vehicles and prices increases for all vehicles. It has further been reported that these supply problems are more acute with respect to vehicles that are specially modified to carry wheelchair users, as this was already a limited market before the current problems developed.

5.3 Reduced earnings combined with increased cars prices will make the purchase of newer, cleaner vehicles more difficult. Drivers approaching or considering retirement may decide the purchase of a new vehicle is not viable. Again, this this problem may be felt more acutely amongst the HC trade due to their age demographic range (approx. 24% of EEBC HC drivers are aged 65+, 33% are aged 60-64).

6 Comparison of age and emission standards with other local licensing authorities

6.1 A table summarising the policies of TFL and Surrey authorities with respect to age limits and emissions limits when licensing vehicles is produced below; -

| Licensing Authority | Age | Emissions |
|----------------------------|---|--|
| Transport for London | Vehicle must be no older than 10 years (PHV) or 15 years (HC) at time of re-licensing | All new licensed vehicle must be Zero Emissions Capable. New HC cannot be diesel. |
| Guildford and Surrey Heath | New vehicles must be less than 5 years old, on renewal must not be 10 years+ | All new vehicles must be Euro category 6 min, from January 2025 renewal vehicles must meet Euro 6 category. From Jan 2030 all licensed vehicles must be ULEV. |
| Elmbridge | No age limit | All new HC cannot be diesel. From Jan 2025 will not licence any diesel vehicle, and all petrol vehicles must be Euro 6 compliant |
| Waverley | New vehicles must be under 4 years old. From Jan 2024 renewal vehicle | From Jan 2024 New vehicles must be ULEV, from 2031 all vehicles must be ULEV |

Licensing and Planning Policy Committee

15 June 2023

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| | must be less than 10 years old. | |
| Woking | Maximum 12 years old | Euro 6 |
| Spelthorne | Maximum 10 years old | No emissions limit |
| Reigate & Banstead | Maximum 7 years old (9 for WAV) | No emissions limit |
| Mole Valley | New vehicles maximum 6 years old, renewal vehicles maximum 9 years old | No emissions limit |
| Epsom & Ewell | PHV new must be under 6 years old. | New HC must be Euro 5 compliant |
| Runnymede and Tandridge | No age limit | No emissions limit |

- 6.2 Whilst commonplace, the setting of maximum age limits for the licensing of vehicles can appear arbitrary provided the vehicles meet the latest euro emissions category. It is perfectly possible for an older vehicle to be maintained in good condition. Having a maximum age limit can create an unnecessary restriction on access to the trade, and it is submitted that setting a minimum euro emissions standard is a better method of ensuring suitable vehicles are licensed.
- 6.3 TFL has imposed a requirement that new licensed vehicles must be Zero Emissions Capable. Through our initial engagement with the trade, we received anecdotal information that due to a lack of charging infrastructure ZEC vehicles in practice mostly drive using their traditional fuel engines. This results in the vehicles being less efficient when compared to a standard Euro 6 vehicle, as they are transporting an unused alternative propulsion system within the bonnet.
- 6.4 Guildford, Surrey Heath and Waverley Councils have specified a timeframe for moving to the licensing of ULEV only vehicles. Within EEBC there are currently no ULEV licensed, and the appeal/viability of these operating locally is unknown. It is submitted that the licensing of these vehicles should be encouraged so that advocates for their benefits and wider adoption can develop before a mandatory licensing requirement is imposed.
- 6.5 Effecting all road users in the London area, the ULEZ is expanding from 29 August 2023 to cover all Greater London. Anyone driving a vehicle within the ULEZ that does not meet the emission standards (euro 4 min. standard for petrol, euro 6 for diesel) could face a daily charge of £12.50. Private hire operators and hackney carriage drivers of vehicle that did not meet the ULEZ standard would be entitled to pass the additional charge onto the customer.

Licensing and Planning Policy Committee

15 June 2023

7 Conclusions

- 7.1 There is not a consistent approach to restricting emissions in licensed vehicles across Surrey and London.
- 7.2 The current EEBC licensing policy allows the continued licensing of polluting Euro 4 and 5 diesel vehicles, and the licensing of these vehicles should be phased out. The removal of the most polluting Euro 4 diesel vehicles from licensed fleet should be the priority. Engagement with the trade has shown some support for this phased approach.
- 7.3 In the absence of any scrappage scheme or grants to support the trade, the enforced rapid replacement of Euro 4 and 5 diesel vehicles would likely have a significant impact on the availability of licensed vehicles if the imposition of this requirement was too hastily applied, with potentially serious impact on public safety.
- 7.4 The expansion of the ULEZ to roads areas adjacent to Epsom & Ewell borough will indirectly affect some licensed drivers, however initial engagement with the trade has not established that this in itself will sufficiently motivate owners of Euro Standard 4 and 5 diesel vehicles to replace them.
- 7.5 The advantage of setting an emissions policy for licensed vehicles that matches the general emissions policy for vehicles entering the ULEZ is that it is clear, well-advertised and consistent. On the TFL website it is possible to quickly [check whether your vehicle meets the ULEZ requirements](#) by simply entering the registration number.
- 7.6 In order to protect access to transport for wheelchair users any changes in policy should include consideration of an exemption for WAV.
- 7.7 It is recommended that steps should be taken to promote the licensing of ULEV, particularly with respect to hackney carriages. It should be considered whether all restriction on specification (including that the requirement the vehicle should be WAV) should be removed for a limited number of vehicles in order to promote their use while industry catches up with the production of reasonably priced fully electric wheelchair accessible vehicles. Any proposed reduction in the number of WAV will require an Equalities Impact Assessment.
- 7.8 To support the hackney carriage trade through the transition to less polluting vehicles, the requirements for all hackneys to be London style cabs should be reviewed.

Licensing and Planning Policy Committee

15 June 2023

8 Recommendation

8.1 Following engagement with members of the trade and the Climate Change Working Group, it is proposed to consult on the following changes to the licensing policy

1. EEBC will phase in a requirement that all licensed private hire and hackney carriages meet or exceed the same emissions standards as set by the Ultra-Low Emissions Zone as follows; -
 - a) From 1 January 2024 licences will normally only be granted to vehicles being licensed for the first time that meet the TFL Ultra Low Emission Zone requirements (Petrol: Euro 4 (NOx) Diesel: Euro 6 (NOx and PM). This policy will apply to vehicles replacing existing licensed vehicles. The requirement that new private hire vehicle must be under 6 years old unless in exceptional condition will remain.
 - b) From 1 July 2024 licences will not normally be renewed in respect of any licensed diesel vehicle that does not meet or exceed Euro 5 emission standards (Euro 5 compliant being registered on or after 1 January 2011).
 - c) From 1 July 2025, licences will normally only be granted to vehicles (including renewal of existing licences) that meet the TFL Ultra Low Emission Zone requirements (Petrol: Euro 4 (NOx) Diesel: Euro 6 (NOx and PM).
2. EEBC will provide an exception to the emissions requirements for the licensing of vehicles that have been specially adapted [i.e., post manufacture] to carry wheelchair users.
3. The EEBC requirement that new hackney carriages be purpose built/London style 'black' cabs will be removed. It will remain a requirement that hackney carriages must be wheelchair accessible. To help with the identification of these new vehicles as hackney carriages they will be required to display an illuminated roof box displaying "Taxi - licensed by Epsom & Ewell Borough Council"
4. EEBC will licence up to 5 electric hackney carriages that will be exempt from the requirement to be wheelchair accessible.

8.2 It is proposed the public consultation will be run for 6 weeks with details published on the Consultations page of the Councils website. Licence holders will be written to inviting comment, and there will be a press release supported by social media messaging. The proposed text to be used as part of the consultation is attached at Appendix 1.

Licensing and Planning Policy Committee

15 June 2023

9 Timeline for Implementation

- 15 June LPPC to agree to the consultation
- 19 June consultation opens for 6 weeks
- 30 July consultation closes
- 26 September LPPC to receive report on outcome of the consultation and agree any amendments)
- 12 December Council to adopt the changes to policy
- 1 January 2024 earliest practical start date for phased introduction of licensed vehicle emissions policy, if agreed.

10 Risk Assessment

Legal or other duties

10.1.1 Equality Impact Assessment: The proposal to encourage the take up of electric hackney carriages by allowing 5 non-WAV will require an equalities impact assessment to be completed after the consultation responses have been received.

10.1.2 The proposal is to strictly limit the number of non-WAV hackney carriages is intended to ensure minimal impact on wheelchair users. The proposal to remove the requirement for London style cabs may be of benefit to wheelchair users, as it would allow a more diverse fleet of WAV, possibly including vehicles with electric ramps that can more easily accommodate the larger heavy wheelchair.

10.2 Crime & Disorder

10.2.1 If hackney carriage numbers reduced significantly as a result of a revised policy on emissions this could result in users of the night-time economy not being able to immediately hire a vehicle, increasing the risk that a vehicle not licensed locally could be used.

10.3 Safeguarding

10.3.1 None identified

10.4 Dependencies

10.4.1 None identified

10.5 Other

Licensing and Planning Policy Committee

15 June 2023

10.5.1 None identified

11 Financial Implications

- 11.1 Owners of vehicles that do not meet the proposed requirements may licence a new vehicle ahead of schedule, bringing forward the related licence fee, or may decide not to renew their licence. Electric or hybrid vehicles pay a lower licence fee, and increased applications for these vehicles may eventually result in lower total licence fees being collected. Should the emissions proposals become policy licence fee recovery would need to be kept under review, however it is likely the impact of these changes will be negligible.
- 11.2 **Section 151 Officer's comments:** Finance officers will work alongside Licensing colleagues to monitor income from taxi licensing.

12 Legal Implications

- 12.1 The Local Government (Miscellaneous Provisions) Act 1976 allows any person aggrieved by conditions imposed on a licence granted to them, a right of appeal under sections 47(3) for Hackney Carriages, and s48(7) for Private Hire Vehicles. Sections 48 and 60 of the same Act provides an appeal against the refusal to renew a vehicle licence.
- 12.2 **Legal Officer's comments:** The legal implications are contained in the body of this report.

13 Policies, Plans & Partnerships

- 13.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- 13.1.1 Green & Vibrant: If implemented the proposal will help reduce the impact of licensed vehicle on the environment.
- 13.1.2 Safe & Well: If implemented the proposal will help improve the air quality for residents and visitors to the borough.
- 13.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 13.3 **Climate & Environmental Impact of recommendations:** If implemented the proposal aim is to benefit the climate and local environment.
- 13.4 **Sustainability Policy & Community Safety Implications:** If implemented the proposal would increase the use of vehicles that were less impactful on the environment. If access to suitable licensed vehicles (e.g., WAV) reduced significantly as a result of a revised policy on emissions this could increase the risk that a vehicle not licensed locally could be used, or access to services by vulnerable people reduced.
- 13.5 **Partnerships:** None identified

Licensing and Planning Policy Committee

15 June 2023

14 Background papers

14.1 The documents referred to in compiling this report are as follows:

Previous reports:

- [Licensing and Planning Policy Committee - Thursday, 27th October, 2022 7.30 pm](#)

Other papers: None