

## **TAXI AND PRIVATE HIRE EMISSIONS POLICY**

<b>Head of Service:</b>	Rod Brown, Head of Housing & Community
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	Appendix 1 Proposals consulted on Appendix 2 Consultation responses Appendix 3 Consultation responses received after consultation period Appendix 4 Notes from meeting with representative of licensed trade Appendix 5 Equalities Impact Assessment Appendix 6 Amended Hackney Carriage and Private Hire Licensing Policy

### **Summary**

On 15 June 2023 the Licensing and Planning Policy Committee agreed 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. A 6-week public consultation ran from 19 June until 30 July 2023, and the Committee are asked to consider the responses and approve a revised policy which can be recommended for adoption by Full Council.

### **Recommendation (s)**

#### **The Committee is asked to:**

- (1) Consider the responses to the public consultation,**
- (2) Agree the changes to the Hackney Carriage and Private Hire Licensing Policy as follows; -**
  - a) From 1 July 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, Diesel: Euro 6). An exception will be allowed until 1 January 2025 for proprietors of licensed Euro 4 diesel vehicles that are replacing them with Euro 5 diesel vehicles.**

- b) From 1 January 2025 licences will not normally be renewed in respect of any licensed diesel vehicle that does not meet or exceed Euro 5 emission standards.
  - c) From 1 July 2026, 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 Diesel: Euro 6).
  - d) Vehicles that have been specially adapted [i.e., post manufacture] to carry wheelchair users will be exempted from the emission requirement.
  - e) Vehicles used for the completion of home to school transport under contract from a County Council will be given a one-year extension to each of the phased emission requirements.
  - f) All hackney carriages must be wheelchair accessible. Hackney Carriages are no longer required to be purpose built/London style 'black' cabs. All non-purpose-built hackney carriages will be required to display a 'Taxi' sign of a minimum width of 76.2cm with lettering of a minimum height of 12.7cm and bearing the words 'Licensed by Epsom & Ewell Borough Council', capable of being illuminated, to be mounted across the roof of the vehicle.
- (3) Agree that the Hackney Carriage and Private Hire Licensing Policy as set in Appendix 6 is recommended for approval at Full Council

## 1 Reason for Recommendation

- 1.1 To help address Climate Change and improve local air quality by introducing an emissions standard to the Hackney Carriage and Private Hire Licensing Policy.

## 2 Background

- 2.1 The report to the Licensing and Planning Policy Committee of 15 June 2023 set out the background to the proposal, an explanation for how emissions are measured, and the current position of licensed vehicles within the Borough. This report is available as a background paper.

## 3 Consultation

- 3.1 On 15th June 2023 the Licensing and Planning Policy Committee agreed 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. A copy of the proposal consulted on is attached at Appendix 1.

# Licensing and Planning Policy Committee

## 26 September 2023

- 3.2 A 6-week public consultation ran from 19 June until 30 July 2023, and the Committee are asked to consider the responses and approve a revised policy which can be recommended for adoption by Full Council.
- 3.3 A total of 19 respondents replied to the consultation within the consultation period. Copies of these responses are attached at Appendix 2. A further 3 responses were received slightly outside the specified period for consultation, copies of these responses are attached at Appendix 3.
- 3.4 A copy of the notes from a meeting held with the representatives of the licensed trade to discuss the proposals on 21 July 2023 are attached at Appendix 4.

#### 4 Analysis of responses to the consultation

- 4.1 Each response has been considered, with key subject areas identified, and grouped into themes shown in bold below.
- 4.2 **Responses that emission limits for licensed vehicles are not necessary.**
  - 4.2.1 Consultation responses included reference to their being inadequate or unreliable evidence of pollution in the Borough, that the Borough, and more widely the UK, has good air quality, and that that the proposed changes would have an insignificant impact on air quality or the wider environment.
  - 4.2.2 Data on air pollution can be presented in a variety of forms, but one of the clearest is provided by the [Governments Public Health Outcomes Framework](#). This includes data on '[Fraction of Mortality attributable to particulate air pollution](#)'. This shows a measure of pollution that includes all emissions e.g. from log burners, bonfires, etc. as well as vehicle emissions.
  - 4.2.3 The fraction of mortality attributable to particulate air pollution in Epsom & Ewell is given as 6.0. The value for England as a whole is 5.0, and for the South East region the value is given as 5.4, whilst the value for the London region is given as 6.5. This shows that Epsom & Ewell Borough, notwithstanding the presence of pleasant green spaces and the Downs within the Borough, has higher levels of mortality attributable to particulate emissions when regional or national comparisons are made. This is to be expected given the closeness of the Borough to London and the relative higher levels of urbanisation.
  - 4.2.4 The table below shows these levels with respect to Districts and Boroughs in Surrey. This shows that Epsom & Ewell has one of the higher levels of mortality attributable to particulate pollution within Surrey.

# Licensing and Planning Policy Committee

## 26 September 2023

	<b>fraction of mortality attributable to particulate air pollution</b>
Spelthorne	6.1
Elmbridge	6.0
Epsom & Ewell	6.0
Runnymede	6.0
Woking	6.0
Surrey Heath	5.9
Guildford	5.7
Reigate & Banstead	5.6
Mole Valley	5.5
Waverley	5.3
Tandridge	5.2

All of these district and boroughs except Runnymede and Tandridge have either an age or emissions standards for licensed vehicles.

- 4.2.5 The picture on a national level is that in 2021 the UK was found to have ‘systematically and persistently” breached its own national air pollution limits (source: [BBC](#))
- 4.2.6 Given that licensed vehicles make up a relatively small proportion of the total contributors to air pollution, it must be conceded that the net impact of the proposed emissions standards to local pollution levels is unlikely to be measurable. However, there are no safe levels of pollution, and it can be argued the Council has a community leadership role to effect change. Phasing out the licensing of the most polluting vehicles will demonstrate the Council’s intentions with respect to air quality and climate change.
- 4.2.7 The proposals for an emissions standard for licensed vehicles represent a step change to addressing pollution on a local level and addressing the wider climate change emergency. These proposals are only one part of the collective action needed, and it is recommended that they are not disregarded only because in isolation the impact of these measures cannot be significantly measured.
- 4.2.8 In taking steps to address emissions from license vehicles, it is recommended the removal Euro 4 diesel vehicles should be the priority: The Euro 5 standard made diesel particulate filters mandatory, reducing 99% of particulate matter emissions when compared with older models (source: [RAC](#)).

### **4.3 Responses that the emissions requirements for licensed vehicles will lead to applying ULEZ to all vehicles (private and commercial) in Epsom.**

# Licensing and Planning Policy Committee

## 26 September 2023

4.3.1 It has never been the intention or hope that the proposed emission limit for licensed vehicles might eventually lead to these standards being applied to other vehicles.

4.3.2 The ULEZ expansion is clearly a highly emotive subject, and any reference to it was likely to be contentious with a section of the public. However, if the Committee wants licensed vehicles to play a role in improving air quality, an emissions standard based on the Euro Emissions Standards for different engine types would be the most effective method. The alternative of setting a flat age limit for vehicles would not be recommended as it would not take into account the different amounts of pollution that different engine types produce (e.g., an eleven-year-old hybrid engine produce a lot less harmful emissions than an eleven-year-old old diesel). If then an emissions standard is to be set based on the Euro Emissions Standards, it is recommended that the same standard as set for the London ULEZ for the following reasons: -

- The ULEZ emissions standard is based on the principles of removing the vehicles producing the most harmful emissions. Whilst the Euro Standards are set with respect to petrol and diesel vehicles at the same time, they set different standards for petrol and diesel engines due to the different types of emissions they make. Since 2002 there have been growing concerns connecting diesel emissions, and their higher production of particulate matter ('PM', or soot) and Nitrogen Oxides (NOx), with respiratory problems. For this reason, the ULEZ standard requires petrol vehicles to be Euro Standard 4 (generally those first registered with the DVLA after 2005), whilst diesel vehicles need to be Euro standard 6 (generally those first registered with the DVLA after September 2015).
- The ULEZ is clear, well publicised, and it is simple for people to find out whether a vehicle meets the required standard using an online checker on the TFL website: [Check your vehicle \(tfl.gov.uk\)](https://www.tfl.gov.uk/road-users/ulez/check-your-vehicle)
- Epsom & Ewell Borough borders the ULEZ following the recent expansion, and Epsom & Ewell licensed vehicles entering this zone in the course of business will be entitled to pass this extra cost onto the passenger. This would likely create inconsistency in the charging between those vehicles compliant with the standard and those that are not, thereby creating an unfair charging environment that may affect confidence in using locally licensed vehicles.

**4.4 Responses that licence holders will be unable to comply with the requirement/there will be an unreasonable financial burden on licence holders.**

# Licensing and Planning Policy Committee

## 26 September 2023

- 4.4.1 Consultation responses included reference to the prohibitive cost of replacing vehicles that some licence holders would struggle to meet, as well as the absence of any financial support from the Council. There was also reference to the lack of supply of vehicles that would meet the proposed standard, and the need for more time to replace vehicles.
- 4.4.2 It is recognised that there will be a monetary impact on those licence holders who will need to replace their vehicles as a result of any introduction of a meaningful emissions standard. This can in part be mitigated by phasing in the requirements within a reasonable timescale. Having considered the responses to the consultation, it is recommended that the implementation of the emissions standard be extended over a longer timeframe than originally proposed to reduce the financial impact on licence holders as follows;-

	Proposed implementation date in consultation	Recommended revised proposed implementation date
All vehicles being licensed for first time must be at least Euro 4 (petrol) or Euro 6 (diesel)	1 January 2024	1 July 2024
Vehicle licences will not be renewed unless they are Euro 4 (petrol) or Euro 5 (diesel)	1 July 2024	1 January 2025
Vehicle licences will not be renewed unless they are Euro 4 (petrol) or Euro 6 (diesel)	1 July 2025	From 1 July 2026

- 4.4.3 Any proposals agreed by the Committee would need be approved at Council on 12<sup>th</sup> December 2023 before becoming policy. The revised timeline for implementing an emission policy would now give at least 6 months' notice of the new emissions requirements with respect to the licensing of vehicles for the first time. As new driver applications are required to be completed with 6 months, this would give sufficient notice for new entrants to the trade.

# Licensing and Planning Policy Committee

## 26 September 2023

- 4.4.4 The revised timetable would give owners of Euro 4 diesel vehicles (generally those registered before 1 January 2011) a minimum of one renewal application for an annual licence before their licensed vehicles could no longer be renewed. It is acknowledged this would still present a financial challenge to some proprietors, and so it is recommended that the initial proposal that all vehicles being licensed for the first time must meet the ULEZ requirements be amended so that proprietors of licensed non-compliant Euro 4 diesel vehicles may until 1 January 2025 replace their vehicle with a Euro 5 diesel. By also extending the timeframe for requiring diesel vehicles to be Euro 6 compliant, this will support proprietors of Euro 4 vehicles to replace their vehicle with a Euro 5 standard vehicle as an interim step.
- 4.4.5 The revised timescale for requiring all diesel vehicles to be Euro 6 standard would allow a minimum of two and half years before a Euro 5 diesel vehicle would not be relicensed. This should allow sufficient time for proprietors to plan for the replacement of their vehicle that will be by then at least ten years old.

### **4.5 Responses that licensed trade are being treated unfairly.**

- 4.5.1 At the meeting with representative of the licensed trade it was asked whether all the vehicles operated by the Council met the proposed emissions standard for licensed vehicles. It was also asked whether all the Committee members own vehicles were ULEZ compliant.
- 4.5.2 Enquiries have found that the Council currently operates five vehicles that are not ULEZ compliant.
- 4.5.3 Two of these vehicles are wheelchair accessible vehicles used by Community Services. The proposal for an emissions standard with respect to licensed vehicles already included an exemption for wheelchair accessible vehicles and so these vehicles would meet the proposed emissions standard for licensed vehicle.
- 4.5.4 However, there are three Meals-on-Wheels vehicles operated by the Council that are not ULEZ compliant and would not meet the proposed emissions standard to be applied to licensed vehicle. There are plans to replace these vehicles with electric vehicles, or failing that with ULEZ compliant diesel vans, however due to budgetary pressures this is subject to funding grants being approved. The lead in time for replacing these vehicles is likely to be at least one year, possibly longer depending on how long decision relating to the grant take.

# Licensing and Planning Policy Committee

## 26 September 2023

- 4.5.5 It is recommended that the Committee extend the implementation dates for proprietors of non-ULEZ vehicles being required to replace in accordance with the timeline shown in para. 4.4.2, with an aim of ensuring all Council operated vehicles meet the ULEZ emissions standard within the same timeframes.
- 4.5.6 As there is some uncertainty as to exactly when the Meals on Wheels vehicles will be replaced with ULEZ compliant vehicles, the Committee may want to consider whether to delay the implementation of the emissions policy with respect to licensed vehicles to avoid the risk of the Council applying a standard to the licensed trade that it does not currently meet with respect to all of the vehicles it operates.

### **4.6 Responses on the potential unintended negative consequences on the wider public of introducing an emissions limit for licensed vehicles.**

- 4.6.1 Consultation responses included reference to the cost of replacing vehicle being passed onto passengers through higher charges, to a resultant reduction in the number of licensed vehicles reducing access to services for older or more vulnerable people, and a wider impact on the local economy.
- 4.6.2 Most licensing authorities have an age or emissions requirement for their licensed vehicles, and there is no evidence that a phased introduction of a reasonable emissions standard should have any significant impact on transport provision within the Borough.
- 4.6.3 There was also reference to the negative impact on Special Education Needs ('SEN')/home to school transport provision. It has been widely reported that this sector is facing particular challenges, with an increase in demand combined with a shortage of drivers (see for example [BBC](#) and [Surrey Live](#) reports).
- 4.6.4 Discussions with the Surrey School Travel & Assessment Team (part of Children, Families & Lifelong Learning) at Surrey County Council have indicated that they fully appreciate the need for licensing authorities to take steps to meet environmental commitments and that things will have to change, however they are conscious that it will have an impact on costs. They have particularly acknowledged that the exemption proposed for specially adapted wheelchair accessible vehicles will be helpful to them meeting the demands on their service.



# Licensing and Planning Policy Committee

## 26 September 2023

- 4.6.5 It is recommended that in addition to the extended timeline for phasing in the emission requirements shown above, proprietors of licensed vehicles who can provide evidence that the vehicle is being used under contract with a County Council for a home to school run should be given an additional year to comply with each of the specified dates for phasing in the requirement. It was indicated by one of the consultation responses that this should give a reasonable time frame for operators of home to school contracts to meet the proposed emission requirements.
- 4.6.6 Some of the consultation responses said that the emissions requirements would push licensed vehicle into getting licensed elsewhere, resulting in a loss of revenue to the Council. All neighbouring licensing authorities already have in place age or emissions limits for their licensed vehicles, and it considered unlikely that a phased introduction of a reasonable emissions standard would result in any significant loss of control with respect licensing local vehicles. The Council sets fees with aim of full cost recovery so reference to lost revenue is not a relevant consideration.

### **4.7 Responses that the consultation was inadequate.**

- 4.7.1 Responses included references to the proposal not being adequately consulted on, either by not notifying residents or by the consultation being rushed.
- 4.7.2 The consultation included the following methods of notifying the public and licence holders of the proposal and how feedback could be provide; -
- A public notice at the Town Hall,
  - Information on the 'Consultations' page of the Epsom & Ewell Borough Council website,
  - Letters to all hackney carriage and private hire driver licence holders,
  - E-mails to all licensed private hire operators and all licensed drivers who we held an e-mail address for,
  - Posts on via the Councils' official Facebook, Instagram and Twitter accounts (9 posts in total),
  - A media release, which was also published on Members News, attracting in the following coverage;-
    - <https://www.taxi-point.co.uk/post/ev-push-epsom-ewell-council-plans-to-drop-need-for-purpose-built-wheelchair-accessible-taxis>

# Licensing and Planning Policy Committee

## 26 September 2023

- <https://radiojackie.com/epsom-and-ewell-council-is-renewing-a-commitment-to-tackling-climate-change-and-pollution/>
- <https://epsomandewelltimes.com/stretching-epsom-taxi-ulez-exemption>
- The Chair of the Licensing and Planning Policy Committee being interviewed on BBC Radio Surrey on Thursday 29 June,
- An in-person meeting with representatives of the licensed trade (10 licence holders attended) and an online meeting (zero attended), to which all licence holders who the licensing team held an e-mail address for were invited,
- E-mails to Age Concern, the management of Swail House, and The Surrey Coalition of Disabled People (which resulted in an online discussion with representatives of this group).

4.7.3 Whilst the number of responses from licence holders to the consultation is relatively small, it is inarguable that those directly effected were notified of the proposed changes and had the opportunity to input into the process. The responses received from the wider public appeared to draw on clear common themes, and it is questionable whether a further consultation would assist the Committee with their decision.

#### **4.8 Responses relating to the proposed removal of the requirement that hackney carriage be purpose build taxis.**

4.8.1 One of the licensed hackney carriage drivers raised concerns that the taxi ranks in the Borough were not suitable for non-London style purpose built black taxis, as only these vehicles have side entry wheelchair ramps. The view was that other types of wheelchair accessible hackneys provide rear ingress and egress for wheelchair users, and that the taxis ranked on the stand would not allow sufficient space for passengers to be loaded or unloaded.

4.8.2 However, discussions with the Surrey Coalition of Disabled People showed there was strong support for allowing the licensing of hackneys with rear wheelchair access, due to gradient of the side ramp causing difficulty manoeuvring the wheelchair, whilst rear entry allowed for users to be front facing when in transport (rather than side facing, which was considered less comfortable and less safe).

4.8.3 It is noted that most District and Boroughs in the country do not require London style purpose build black taxis, and manage, with a degree of co-operation from taxi drivers, to provide sufficient space for wheelchair accessible vehicles with rear access.

# Licensing and Planning Policy Committee

## 26 September 2023

- 4.8.4 In meeting representatives of the taxi trade it was evident that hackney drivers take pride in driving black cabs, and were not particularly in support of this requirement being removed, even if this deregulation was intended to support them replacing their non-emissions compliant vehicles with a less costly alternative model. However, the numbers of locally licensed hackney drivers has been in steep decline in recent years, and it could be argued that the higher costs of purchasing a modern purpose built low emissions black cab would create an unnecessary barrier to entry to the trade.
- 4.8.5 It is recommended that the requirement that hackney carriage be purpose build taxis be removed as proposed.

### **4.9 Responses relating to the proposal to allow the licensing of up to five non-wheelchair accessible electric hackney carriages.**

- 4.9.1 As electric wheelchair accessible hackney carriages are more expensive than non-wheelchair accessible vehicles, it had been proposed that the introduction of 5 non-WAV electric hackneys would encourage the use of electric vehicles more widely until market factors resulted in more affordable electric wheelchair accessible versions.
- 4.9.2 Three respondents raised notably similar concerns about the safety of electric vehicles, the ethics around how their components are resourced, and the actual 'green' benefits of these vehicles.
- 4.9.3 The proposal to allow up to five non-wheelchair accessible electric hackney carriages was intended to support and encourage the transition to zero emission vehicles, in the spirit of the Governments [2035 plan](#). No evidence was provided to support the negative comments concerning electric vehicles, and no reason can be found not to encourage the licensing of these vehicles.
- 4.9.4 However, the Surrey Coalition of Disabled People saw any potential reduction in the number or percentage of hackney carriages that were wheelchair accessible as unacceptable.
- 4.9.5 [Government statistics on accessibility](#) are that in England 55% of all taxis were wheelchair accessible. In London, all taxis were wheelchair accessible, whilst in the rest of England 39% of taxis were wheelchair accessible. Currently all Epsom & Ewell BC licensed hackney are WAV, and it had been considered that allowing a small percentage of non-WAV electric hackneys could be accommodated whilst still providing accessible hackneys at a higher percentage than nearly everywhere else in the Country, outside major metropolitan areas.

# Licensing and Planning Policy Committee

## 26 September 2023

- 4.9.6 Having thoroughly reflected on the consultation responses, it is recommended that the proposal to allow the licensing of up to five non-wheelchair accessible electric hackney carriages should not be adopted at this time. This is in light of the strong opposition of the Surrey Coalition of Disabled People, combined with the sharp decline in local hackney carriage numbers in recent years, and the risk that the introduction of an emissions policy could further deplete the number of hackney carriages licensed in the short term (despite attempts to mitigate this risk).
- 4.9.7 If the recommendation to the Committee is accepted to remove the requirement that hackney carriage must be the more costly purpose build taxis, this may lead to the current decline in hackney numbers being reversed. If this happens the Committee could in a later policy review decide whether there is any merit in allowing the licensing of non-wheelchair accessible electric hackney carriages, as a smaller percentage of a larger total number of wheelchair accessible hackneys licensed.

### **4.10 Responses suggesting amendments to the proposals.**

- 4.10.1 Consultation responses included reference to older drivers who would struggle financially to replace their vehicle given their expectation to retire soon, and it was proposed that exemptions could be made for older drivers. However, it would be unlawful for the Council to discriminate based on age. It is recommended that the extended timeline for phasing in the emission requirements shown in para. 4.4.2 would allow more time for drivers to replace their vehicle, regardless of their age. These proposals would give a minimum of two and a half years for all vehicles to fully comply with the proposed emissions standard.
- 4.10.2 One of the consultation responses asked if proprietors could relicence their vehicles early, ahead of the proposed timeframes for refusing to renew the older Euro standard vehicles. Depending on when in the year their licence was due for renewal this could potentially give almost another year to a vehicle being licensed. It is reported the Transport for London allowed this practice when introducing their emissions standards, and unless the Committee amend the policy to exclude this practice, officers would allow it in this Borough.

# Licensing and Planning Policy Committee

## 26 September 2023

4.10.3 One of the consultation responses requested a special exemption from the emission policy for limousines, referencing similar provision within the Transport for London policy. Officers have not been able to find reference to this exemption, and despite requesting further details from the respondent, have not been provided them. Whilst wanting to encourage the licensing of novelty or speciality vehicles, it is not at this stage evident that there is justification for including in the emissions policy a blanket exemption for these vehicles. It is recommended that non-compliant limousines are treated on a case-by-case basis, with request to be treated as an exemption to the policy being referred to a sub-committee for determination where appropriate.

## 5 Conclusion

- 5.1 The Council has already set in place a number of measures to address air pollution in the Borough, including for example the Ewell High Street Air Quality Management Area and the anti-idling awareness campaign. The introduction of an emissions policy with respect to licensed vehicles will further support the Council's vision for the future and help improve air quality.
- 5.2 Having considered the consultation responses it is still recommended that an emissions standard for licensed vehicles mirroring the TFL ULEZ standard should be introduced. However, it is recommended that this requirement be phased in over a slightly longer period to reduce the impact on licence holders who are already struggling with the cost of living. If the new standards are implemented too quickly it could result in significant hardship for the licensed trade, and if substantial numbers of licence holders leave the trade as a result of too fast an implementation, then this could affect service provisions, ultimately creating a risk to public safety.
- 5.3 It is recommended that the requirement that hackney carriages must be purpose-built taxis is removed from the policy as proposed, as this requirement represents an unnecessary barrier to entry to the trade, and an unnecessary financial burden to those replacing their vehicles with lower emissions vehicles.
- 5.4 It is recommended that the proposal to allow the licensing of up to five non-wheelchair accessible electric hackney carriages is not progressed at this time, as it may not be compatible with the Council's equalities obligations. If total numbers of wheelchair accessible vehicles substantially increase in the future, then this proposal could be revisited at that time. If not before, the Council's Hackney Carriage and Private Hire Licensing Policy is due for review in 2027 and this will include a review of the licensed vehicle emissions standards.
- 5.5 The Licensing Team will apply the policy as agreed by the Committee, but where circumstances justify it, may refer applications to a Sub-Committee

# Licensing and Planning Policy Committee

## 26 September 2023

for Members to exercise their discretion, and they may grant a licence as an exemption to the policy when appropriate.

### **6 Amended Hackney Carriage and Private Hire Licensing Policy**

6.1 The Hackney Carriage and Private Hire Licensing Policy has been updated to reflect the recommendation shown in the body of this report. A copy of the amended policy is attached as Appendix 6. This copy of the amended policy highlights changes by means of the 'Track Changes' function, however the published version following adoption will not highlight the marked changes.

6.2 In addition to introducing the emissions standards, the amended policy also provides some minor changes to the policy, as follows:-

- Para 3.9.2 – the consultation held on adopting the current licensing policy explicitly stated that the Council would require medical re-assessments for licensed drivers to match the DVLA Group 2 standard for vocational drivers, and this was accepted by the Committee. Whilst the revised policy correctly made drivers over 65 require annual medicals, as an oversight drivers under 45 were not exempted from the requirement for a 5 yearly medical report as also consistent with the DVLA group 2 standard. This is now corrected in para. 3.9.2.
- Para 4.31.1 - Following the UK leaving the European Union two new standards for vehicle type approval have been introduced, and the policy has been updated accordingly.
- Appendix K Scheme of Delegations - Revocation of a Drivers Licence following a complaint, conviction, endorsement, etc – this is now delegated to the Principal Licensing Officer where there is an urgent need to revoke in order to protect the public. This change is necessary to ensure that an appropriate authorised officer is available in urgent situations.

### **7 Legal or other duties**

7.1 Equality Impact Assessment

7.1.1 An Equality Impact Assessment has been completed and updated in response to the consultation. A copy of this assessment is attached at Appendix 5. This indicates that the proposal to allow the licensing of up to five non-wheelchair accessible electric hackney carriages may not be compatible with the Council's equalities obligations, and for this reason it is recommended this proposal is not accepted.

7.2 Crime & Disorder

# Licensing and Planning Policy Committee

## 26 September 2023

7.2.1 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.

7.2.2 This risk is mitigated by having a phased approach to the introduction of an emissions standard, in combination with removing the requirement that all hackneys are London style black cabs, thereby reducing a cost barrier for new entrants into the trade.

### 7.3 Safeguarding

7.3.1 None identified

### 7.4 Dependencies

7.4.1 None identified

### 7.5 Other

7.5.1 None identified

## 8 Financial Implications

8.1 Owners of vehicles that do not meet the recommended requirements may licence a new vehicle ahead of schedule, bringing forward the related licence fee, or may decide not to renew their licence. 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.

8.2 **Section 151 Officer's comments:** None arising from the contents of this report.

## 9 Legal Implications

9.1 The Local Government (Miscellaneous Provisions) Act 1976 allows any person aggrieved by the refusal to grant a vehicle licence, or by any conditions specified in such a licence, a right of appeal to magistrates' court under sections s48(7) for Private Hire Vehicles and 47(3) for Hackney Carriages, and Sections 48 and 60 of the same Act provides an appeal against the refusal to renew a vehicle licence. A person aggrieved by the refusal of a hackney carriage licence may appeal to the Crown Court.

# Licensing and Planning Policy Committee

## 26 September 2023

9.2 Policies may be challenged by judicial review, which must be brought no later than 3 months after the grounds to make the claim first arose. Grounds for judicial review include illegality (if the decision-maker did not have the legal power to make that decision), procedural unfairness (e.g., bias, or a failure to give someone the chance to make representations before deciding on their case) or irrationality (if a decision is so unreasonable that no reasonable person, acting reasonably, could have made it).

9.3 **Legal Officer's comments:** None further to the content of this report.

### 10 Policies, Plans & Partnerships

10.1 **Council's Key Priorities:** The following Key Priorities are engaged:

10.1.1 Green & Vibrant: If implemented the proposal will help reduce the impact of licensed vehicle on the environment.

10.1.2 Safe & Well: If implemented the proposal will help improve the air quality for residents and visitors to the borough.

10.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

10.3 **Climate & Environmental Impact of recommendations:** The purpose of the recommendations is to benefit the climate and local environment. Phasing out the licensing the most polluting vehicles represent a step change to addressing pollution on a local level and addressing the wider climate change emergency.

10.4 **Sustainability Policy & Community Safety Implications:**

10.4.1 If accepted the recommendation would increase the use of vehicles that were less impactful on the environment.

10.4.2 If access to suitable licensed vehicles (e.g., WAV) reduced significantly because 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.

10.4.3 This risk is mitigated by having a phased approach to the introduction of an emissions standard, in combination with removing the requirement that all hackneys are London style black cabs, thereby reducing a cost barrier for new entrants into the trade.

10.5 **Partnerships:** None identified

### 11 Background papers

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



# Licensing and Planning Policy Committee

## 26 September 2023

### **Previous reports:**

- [Licensing and Planning Policy Committee 15 June 2023](#)

### **Other papers:**

- None