

WEST NORTHAMPTONSHIRE COUNCIL

Taxi and General Licensing Committee

20th April 2022

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| Report Title | Proposed amendment of the Taxi and Private Hire Vehicle Specification and Emission Standards Policy |
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Contributors/Checkers/Approvers

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| Solicitor | James Chadwick | 16 th March 2022 |
| MO | Sameera Khan | 5 th April 2022 |
| Senior Finance Officer | Antony Russell | 28 th March 2022 |

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Appendix B – Proposed Emissions Policy Table Amendment

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1. Purpose of Report

- 1.1 To consider an amendment to the current Northampton Taxi and Private Hire Vehicle Specification and Emission Standards Policy ("the Emissions Policy").

2. Executive Summary

- 2.1 To consider an amendment to the policy to allow for an additional extension in respect of the requirement for the Hackney Carriage vehicle proprietors to purchase improved emission standard wheelchair accessible vehicles.

- 2.2 The hackney trade have already been given an extension to the date of implementation of the emission standard policy, this report aims to address the individual concerns of those who may have still been impacted by the Omicron Variant and to remove any other anomalies with renewal dates for hackney carriage vehicle licences and create a level playing field for the trade.

3. Recommendations

- 3.1 It is recommended that considering the contents of this report, the Taxi and General Licensing Committee:
- a) Agree to amend the Northampton Emissions Policy to extend the transitional period for those hackney carriage licences that do not meet the current emission policy standards.
 - b) Agree that this extension should be limited to one renewal application per hackney carriage vehicle licence that does not meet the current emission policy standards since the 1st January 2022
 - c) Agree that no further renewal applications will be accepted after the 30th June 2022, for any hackney carriage vehicle that does not meet the current emission policy standards.
 - d) Agree to amend the taxi and private hire emission standards policy to remove the option for any hackney carriage proprietors/drivers to apply for a departure from this policy.

4. Reason for Recommendations

- To allow for an extended transitional period for the hackney trade due to the impact of the Omicron Variant.
- By removing the option to allow a departure from the emissions policy, will ensure that standards are applied equally to all of the hackney carriage trade and will not disadvantage those who have already invested in new hackney carriage vehicles that are compliant with the new emission policy effective from the 1st January 2022.
- By adding an end date for accepting hackney carriage vehicle renewal licence applications that do not meet the emission standard policy, will remove any ambiguity.
- These proposals will ensure that the Council continue to be committed to improving the air quality for the residents and visitors to Northampton town and avoid prolonging the lifecycle of high polluting licensed vehicles.

5. Report Background

- 5.1 On the 3 May 2018 the Committee agreed to adopt an Emissions Policy for the Taxi and Private Hire trade.
- 5.2 This policy was agreed after consultation with interested parties including representatives of the taxi trade and allowed for a transitional period with a gradual move towards an improved emission standard licensed fleet. The most significant date during the transitional period was the 31st December 2020 (or upon a licensed vehicle's next renewal after that date), when all current licensed taxi and private hire vehicles were required to meet minimum standards.

- 5.3 On the 13th October 2020 the Committee agreed to amend the original policy and extend the date of the transitional period by one year to the 31st December 2021 due to significant adverse financial impact upon the trade owing to the Coronavirus Pandemic. Following this amendment, a revised emission standard policy was published as detailed at **Appendix A**
- 5.4 The original policy allowed for an appeals process for the Taxi and General Licensing Sub-Committee to consider a departure from the existing taxi and private hire emissions policy on a case-by-case basis. The consideration for departure only applied to hackney carriages due to the higher purchase costs associated with wheelchair accessible vehicles.
- 5.5 Several individuals from the hackney trade have recently contacted the Council to request consideration for a departure from the policy in **Appendix A** due to several different individual circumstances, including further financial difficulties following the impact of the Omicron variant and the need to self-isolate etc.
- 5.6 The Council have now reviewed the current position and have considered that it is reasonable to allow a further extension due to the Omicron Variant and that this should be applied equally to all those who currently have hackney carriage vehicles that are "non-compliant", i.e., do not meet the required standards implemented in January 2022.
- 5.7 It is also proposed to remove the option to allow any hackney carriage vehicle proprietor to apply for a departure from policy as this will prolong the move to an improved emission standard taxi fleet and will create unfairness to those that have all already purchased an improved emission standard hackney carriage vehicle. The proposals are also intended to remove any ambiguity with the policy criteria going forward.
- 5.8 The further extension should be limited, and a clear deadline placed on the extension, in order that the "non-compliant" vehicle proprietors are not given an unfair advantage over those proprietors who have now purchased "compliant" vehicles that do meet the emission standards.
- 5.9 There is currently work underway reviewing all currently in force local taxi and private hire policies inherited by West Northants Council from the now abolished Northampton Borough, Daventry District and South Northants District Councils on 1st April 2022, which will replace as the licensing authority for the west of the county. It is likely that a review of the taxi and private hire vehicle specifications, age limits and emission standards will take place, with a view to West Northants Council adopting one policy rather than continuing with three separate policies, which is likely to be unworkable in practice and could potentially be unlawful if the failure to do so is judicially challenged. It has already been noted that there will need to be a lengthy transitional period for any changes to the policies relevant to licensed taxi and private hire vehicles. Any future West Northants Council vehicle policy will still aim to raise standards and will not be a move backwards towards an older and/or poor emission licensed fleet vehicle standards, as required by law.

6. Issues and Choices

- 6.1 The existing taxi and private hire emissions policy applies a minimum emission standard to **all new** vehicle licence applications with effect from May 2018. This meant that any vehicle licence holder changing their licenced vehicle or entering the trade and licensing their vehicle for the first time since May 2018, has been required to meet the minimum emission standards. As intended, this has already created a shift over the last 4 years to an improved emission standard compliant fleet.
- 6.2 In addition, over the last 4 years, some of the hackney carriage trade have chosen to purchase vehicles that would meet the improved emission standard criteria over the forthcoming 5-10 years, rather than the standard which became mandatory post 31st December 2021. As a result, there has already been a significant shift to an improved fleet and this should be taken into consideration when considering the proposed options.
- 6.3 A table showing the current licensed vehicle emission standards data is shown at **Appendix E**
- 6.4 It should be noted that the number of licensed hackney carriage vehicles shown in **Appendix E** may not include the data for vehicles that are currently in the licence application process, or currently some hackney carriage drivers that are waiting to purchase new hackney carriage vehicles that may be licensed in the near future. Therefore, the emission data may alter accordingly, once these vehicles are licensed.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 It is possible that the original Emissions Policy will have a negative impact on the income in respect of license fees if the number of licensed vehicles decreases. However, it would be hard to know whether a decrease in fees is due to the Emissions Policy or other pressures such as the pandemic. However, the changes to the Emissions Policy outlined in this paper are not expected to materially impact the level of fees collected.

Legal

- 7.1.2 The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to grant of hackney carriage (taxis) and private hire vehicle licences. It also effectively permits the Council to lawfully create and implement policies regarding the type, age and emission standards of vehicles it is prepared to licence.
- 7.1.3 The Council has a legal duty to monitor, improve and maintain air quality standards. Air Quality Directive 2008/50/EC13 sets out the obligations for Member States in terms of assessing ambient air quality and ensuring Limit Values (LV) for certain pollutants are not exceeded. The requirements of this Directive have been transposed into domestic law through the Environment Act 1995. The Council has a duty under the 1995 Act to prepare a written action plan setting out measures to combat air pollution and to implement that plan, which the existing Emissions Policy assists in implementing.

Legal Comments Provided by James Chadwick, Senior Licensing and Litigation Solicitor, WNC Legal Services.

7.2 Risk

- 7.2.1 Not approving the proposed amendments may create an advantage to some hackney carriage vehicle proprietors for the remainder of the period that they are allowed to keep their vehicles licensed.

7.3 Consultation

- 7.3.1 A full consultation with members of the public and trade etc. was undertaken when the first private hire and emission standard policy was first introduced in 2018.

7.4 Climate Impact

- 7.4.1 The Council still has a legal duty to monitor, improve and maintain air quality standards. and the Committee needs to consider that it is still required to improve the air quality for the residents and visitors of Northampton.
- 7.4.2 The council has a legal duty to monitor, improve and maintain air quality standards. Air Quality Directive 2008/50/EC13 sets out the obligations for Member States in terms of assessing ambient air quality and ensuring Limit Values (LV) for certain pollutants are not exceeded. The requirements of this Directive have been transposed into domestic law through the Environment Act 1995. The Council has a duty under the 1995 Act to prepare a written action plan setting out measures to combat air pollution and to implement that plan

7.5 Community Impact

- 7.5.1 This proposal seeks to improve the air quality for the residents and visitor of Northampton.

7.6 Communications

- 7.6.1 The changes will be communicated to the Hackney Carriage trade and the website will be updated accordingly.

8. Background Papers

- 8.1 Northampton Town Low Emission Strategy Consultation
- 8.2 Northampton Vehicle Conditions Policy
- 8.3 Local Government (Miscellaneous Provisions) Act 1976.
- 8.4 European Union emission control standards.
- 8.5 Department for Transport Taxi & Private Hire Guidance 2010
Office for Low Emission Vehicles
- 8.6 Northampton Low Emission Strategy 2017 - 2025

Appendix A

| | A. Taxi licensing type and compliance dates | B. Emission standard |
|---|--|--|
| 1. | All new registrations (i.e. vehicles which have not previously been licensed by the Council) From: 3rd May 2018 | ULEV Petrol Hybrid Euro 5 + Petrol Euro 5 + (Any vehicle registered from 1 st Sept 2009 onwards) Diesel Euro 6 + (Any vehicle registered from 1 st Sept 2014 onwards) (will not apply to existing proprietors whose vehicle is taken off the road due to unforeseen circumstances. Existing licensed vehicles that need to be replaced must be either an equivalent, or an improved euro standard) |
| 2. | All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council) From: 31st December 2021 (Current Standards) | ULEV Petrol Hybrid Euro 5+ Petrol Euro 5 + Diesel Euro 6 + (including vehicles adapted with a retrofit to an agreed approved standard & hackneys only may apply for departure from policy) |
| 3. | All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council) From: 31st December 2025 | ULEV Petrol Hybrid Euro 5+ Petrol Euro 6 + Diesel Euro 6 + |
| 4. | All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council) From: 31st December 2028 | ULEV Petrol Hybrid Euro 5+ |
| + Includes all vehicles that will meet a higher standard than the euro emission standard specified ULEV = Ultra Low Emission Vehicle (<75g/km and 10km zero emission capability) 1. NBC will consider & implement incentives to promote the cleanest technologies - less than 75 g/km and at least 10 km zero emissions 2. NBC carried out an Ultra-Low Emission Taxi Feasibility Study with potential for infrastructure funding and ULEV taxi (WAV) total plug in taxi grant of £7.5k, including Plug-in Car Grant (office for Low Emission Vehicles) EMMISSION STANDARD ADOPTED AT LICENSING COMMITTEE 03.05.2018 | | |

Appendix B – Proposed Policy Amendment

| | A. Taxi licensing type and compliance dates | B. Emission standard |
|--|---|--|
| 1. | All new registrations (i.e. vehicles which have not previously been licensed by the Council) From: 3rd May 2018 | ULEV Petrol Hybrid Euro 5 + Petrol Euro 5 + (Any vehicle registered from 1 st Sept 2009 onwards) Diesel Euro 6 + (Any vehicle registered from 1 st Sept 2014 onwards) (will not apply to existing proprietors whose vehicle is taken off the road due to unforeseen circumstances. Existing licensed vehicles that need to be replaced must be either an equivalent, or an improved euro standard) |
| 2. | All licence renewals (i.e., renewal of a licence for a vehicle which was previously granted by the Council) From: 31st December 2021 | ULEV Petrol Hybrid Euro 5+ Petrol Euro 5 + Diesel Euro 6 + (including vehicles adapted with a retrofit to an agreed approved standard) Removed option to apply to depart from policy |
| 3. | All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council) From: 31st December 2025 | ULEV Petrol Hybrid Euro 5+ Petrol Euro 6 + Diesel Euro 6 + |
| 4. | All licence renewals (i.e. renewal of a licence for a vehicle which was previously granted by the Council) From: 31st December 2028 | ULEV Petrol Hybrid Euro 5+ |
| + Includes all vehicles that will meet a higher standard than the euro emission standard specified ULEV = Ultra Low Emission Vehicle (<75g/km and 10km zero emission capability) 1. NBC will consider & implement incentives to promote the cleanest technologies - less than 75 g/km and at least 10 km zero emissions 2. NBC carried out an Ultra-Low Emission Taxi Feasibility Study with potential for infrastructure funding and ULEV taxi (WAV) total plug in taxi grant of £7.5k, including Plug-in Car Grant (office for Low Emission Vehicles) EMISSION STANDARD ADOPTED AT LICENSING COMMITTEE 03.05.2018 | | |

Appendix C – Existing Table of Delegation

| Table: Delegation of Functions | | | | |
|--------------------------------|--|---------------|-------------------|-------------------|
| | Matters to be dealt with | Sub Committee | Licensing Manager | Licensing Officer |
| 1. | Hackney Carriage Vehicle Renewal – Application to Depart from Policy 1 April 2018 – 31 Dec 2025 | ✓ | | |
| 2. | Existing Licensed Replacement Vehicle (i.e. those vehicles taken off the road due to unforeseen circumstances) 1 April 2018 – 31 Dec 2020 | | | ✓ |
| 3. | Private Hire Exemption Certificates 1 April 2018 – 31 Dec 2025 | | ✓ | |
| 4. | Exemptions to the Emissions Policy due to ULEV Vehicle Manufacture Problems and Amendment to the Emissions Policy in Unforeseen and Exceptional Circumstances. 1 April 2018 – 31 Dec 2028 | | ✓ | |

Appendix D – Proposed Amended Table of Delegations

| Table: Delegation of Functions | | | | |
|--------------------------------|---|---------------|-------------------|-------------------|
| | Matters to be dealt with | Sub Committee | Licensing Manager | Licensing Officer |
| 1. | Private Hire Exemption Certificates 1 April 2018 – 31 Dec 2025 | | ✓ | |
| 2. | Exemptions to the Emissions Policy due to ULEV Vehicle Manufacture Problems and Amendment to the Emissions Policy in Unforeseen and Exceptional Circumstances 1 April 2018 – 31 Dec 2028 | | ✓ | |

Appendix E – Hackney Carriage Vehicle Emission Standard Data

| Hackney Carriages | Total Numbers 2021 | Total Numbers 2020 |
|--|-----------------------|--------------------------|
| Licensed as at 09/2020 & 09/2019 | 103 | 119 |
| LEVC Electric/Hybrid | 3 | 4 |
| Petrol/Hybrid Euro 5+ & Diesel Euro 6+ | 65 | 41 |
| Euro 1 Diesel | 7 | 18 |
| Euro 2 Diesel | 3 | 4 |
| Euro 3 Diesel | 12 | 16 |
| Euro 4 Diesel | 7 | 22 |
| Euro 5 Diesel | 6 | 14 |