

REGULATORY & APPEALS COMMITTEE – 25 SEPTEMBER 2017

Title of paper:	Proposed Age and Specification Policy for Hackney Carriage & Private Hire Vehicles		
Director:	Andrew Errington	Wards affected: ALL	
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Relevant Council Plan Key Theme:			
Strategic Regeneration and Development			<input checked="" type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input type="checkbox"/>
Energy, Sustainability and Customer			<input checked="" type="checkbox"/>
Jobs, Growth and Transport			<input checked="" type="checkbox"/>
Adults, Health and Community Sector			<input type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>This report asks members to consider a proposal for the introduction of a revised Age and Specification Policy to be applied to the Hackney Carriage & Private Hire vehicles and to release the proposals for informal consultation.</p>			
Recommendation:			
1	<p>That the 'Age and Specification Policy' be approved for release for consultation, for a period of 4 weeks from the date of this Committee, the results of which will be reported to this Committee at a later date.</p>		

1 REASONS FOR RECOMMENDATIONS

- 1.1 The current specification for the Hackney Carriage fleet is now over 20 years old and is subject to a separate report to Committee. The Council has various statutory requirements and targets in relation to air quality which sit alongside its licensing duties to ensure that hackney carriage and private hire vehicles are safe and of a suitable size, type, mechanical construction and design. The existing Hackney Carriage specification has not kept pace with significant advances in design and technology since it was first adopted. The current Hackney Carriage fleet is aging and showing signs of deterioration on a mechanical level.

- 1.2 Whilst the Private Hire fleet is younger due to the requirement that no Private Hire Vehicle is licensed after the age of 10 years from first registration, it is envisaged that with the increase in technology there is still scope for improvement.
- 1.3 The revision of the existing age policy and further amendments to vehicle specifications are necessary to not only introduce new technological advances to the aging fleets but also to support the Council's responsibility in relation to the lowering of emissions and the reduction in pollution levels from inefficient diesel cars.
- 1.4 Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 allows a council to prescribe the design and appearance of both Hackney Carriage and Private Hire vehicles with the aim to ensure the safety of the travelling passenger. By amending the age policy and vehicle specifications, the customer will be provided with an identifiable method of transportation which is safe, comfortable and takes into account the technological improvements in the range of vehicle now available.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Nottingham City Council (The Council) is required to ensure that all vehicles licensed by them adhere to minimum standards which are applied in a consistent and transparent manner. The standards concerned are defined by legislation, licence conditions and byelaws adopted by the Council. Together they identify what is expected and required of the trade and help to ensure a consistent approach is taken to reach those expectations.
- 2.2 As a City, Nottingham already has a responsibility to maintain a transport system which not only facilitates the needs of its users but which also contributes to meeting the Council's wider duties and responsibilities. The Hackney Carriage and Private Hire vehicles licensed by Nottingham City Council form an important part of that system.
- 2.3 With this in mind the Council formulated the Hackney Carriage and Private Hire Vehicle Strategy 2017-2020 which is committed to ensuring that the taxi and private hire sectors remain integrated in the sustainable transport network whilst continuing to move passengers and contribute to the economy with minimal environmental impact. The Strategy aligns with both the Council Plan and Nottingham Local Transport Plan Policies and reflects the Government's approach to air quality management. In the latter respect Nottingham will be one of the areas ordered by the Government to implement a Clean Air Zone requiring certain vehicles (including taxis and private hire vehicles) to pay a charge to enter designated areas unless they meet stringent emission standards.
- 2.4 The Department for Environment Food and Rural affairs "Clean Air Zone Framework" requires Councils to use "joined up thinking" in their approach to such issues for example by engaging with stakeholders such as taxi and private hire firms and working with such businesses to incentivise and encourage businesses to meet air quality standards. In particular section 2.5.3 of the Framework looks at "Encouraging Cleaner Vehicles" and suggests that authorities introduce emission requirements for taxis and private hire vehicles, consider setting age limits and encouraging the use of alternative fuels using their licensing powers. The proposed amendments to the age policy and vehicle specifications reflect both this approach and one of the Key Deliverables of the Strategy (Fleet clean). Both the Hackney

and Private Hire trades face challenges due to developments in technology and the delivery of their services and the Council is therefore seeking to proactively create policies and practices which facilitate vehicle owners to meet these requirements and expectations, support businesses, enhance the customer experience, and fulfill the Council's environmental challenges.

- 2.5 The age profiles for the vehicles on the fleets together with a resume of the Council's current age restrictions are attached at Appendix 2. It is clear to see that the private hire vehicles fleet has moved forward naturally due to the current maximum 10 year age restriction. It is however proposed that the age for first licensing private hire vehicles be reduced from 5 to 3 years with a view to the fleet meeting the targets to be 25% ULEV by 2020 and 50% ULEV by 2025 as set out in the Strategy. The Hackney Carriage fleet is by comparison considerably older with some Hackney Carriage vehicles reaching the 20 year mark. It lacks efficiency and has a more aged branding requiring more stringent amendments to Policy in order to attempt to meet the targets set out in the Strategy. Notwithstanding this the target indicated in the strategy of having all ULEV Hackney Carriages by 2025, due to limited ZEC ULEVs being available at this time along with the required infrastructure to support them all vehicles from 1 January 2025 will be required to be ZEC ULEV if licensed for the first time and all hackney carriage vehicles will be required to be ZEC ULEV as from 1 January 2030.
- 2.6 Amongst future proposals is the consideration to change the colour and branding of the Hackney Carriage Fleet. As details are available, a further report will be placed before this Committee for consideration. In the meantime, members are asked to give thought to, and comment on, whether the possibility of a colour change and/or branding should be included in the consultation.
- 2.7 Currently, licensed vehicles under the age of three years are required to undergo an annual MOT and thereafter will continue with a 6 monthly MOT. In addition to the VOSA MOT a vehicle is submitted to additional checks to ensure that the vehicle is fit for its purpose. Statistics taken from the MOT station for the year April 2016 to March 2017, inclusive, show that out of 3,271 licensed vehicles tested, 1,064 of them failed. Failures are varied and consist of mechanical faults as well as bodywork failures, all of which are either defined in the VOSA MOT testing criteria and/or defaults on the requirements of the City Council's Supplementary Testing Manual.
- 2.8 Emissions tests are carried out during the MOT process and vehicles are required to pass the relevant smoke test for the vehicle type and age with levels measured against the date of first use. A table showing the range of emissions of our fleets is attached at Appendix 2 together with required emissions standards. The aim of the Euro standards is the reduction of harmful emissions from exhausts such as Nitrogen oxides (NOx), Carbon Monoxide (CO), Hydrocarbons (HC) and particulate matter (PM). Whilst most vehicles are not failing emissions tests per se, the age of the vehicle is allowing more vehicles with higher emissions readings to continue to travel in and around the City which in itself is contributing to the existing challenges the Council is facing in relation to managing the environmental impact from pollution.
- 2.9 Taking into account the data analysis, the Council's responsibility in relation to the licensing of vehicles together with the environmental impact of the aging diesel fleet of hackney carriages, it has been decided that it is time to re-visit the age and specification policies with the view to overhauling the requirements. The proposals

aim to ensure that the vehicles are distinct in design and appearance whilst enhancing the customer experience in a safe, clean, environmentally friendly means of transportation.

- 2.10 Other local councils are also currently amending their age and specification criteria to take possible environmental impact into account with Rushcliffe and Broxtowe recently finalising their policies which include a minimum vehicle requirements of Euro 6 diesel and Euro 4/5 petrol. It is proposed that this Council take that one step further to include Zero Emission Capable Ultra Low Emission Vehicles (ZEC ULEV (as defined in Appendix 2)) with an aim of having 100% of the Hackney Carriage fleet ZEC ULEV as of 1 January 2030.
- 2.11 The Council has been awarded funding from the Energy Savings Trust to implement a programme of infrastructure improvements for electric Hackney Carriage vehicles by providing a number of charging points specifically for these licensed vehicles.
- 2.12 There is also funding available from a Central Government grant to facilitate a financial incentive for the take up of all electric vehicles such as free home charging units. There will also be the possibility of electric only ranks for the Hackney trade.
- 2.13 It is proposed that the Policy at Appendix 1 be circulated for consultation for a period of 4 weeks following which comments will be collected and the results returned to this Committee for consideration prior to adoption. The consultation is aimed to reach drivers, vehicles owners, private hire operators and relevant trade representatives.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Not making proposed changes – would result in the existing fleets becoming unfit for the purpose due to their age and condition and consequently contribute to the CO2 emissions in the City.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 None to the Council, however, there may be financial implications to around 50 existing proprietors of Hackney Carriages.

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 Before the Council may grant a Private Hire or Hackney Carriage vehicle licence it is required to be satisfied of certain statutory criteria regarding its type, size, design, condition and safety and it is lawful for a Council to adopt policies relating to such matters. The policy proposed in this case is set against both the Council's strategies and the Government's own wider agenda in respect of clean air standards. Whilst there is no statutory requirement to do so the proposal at this stage is to consult with the private hire and hackney carriage trades before the changes to the existing policies are potentially adopted. The risk of challenge at this stage is therefore low albeit if the changes are ultimately adopted they may be open to challenge either by way of judicial review or by a vehicle owner on appeal against the refusal of a vehicle licence. As with all policies the Council is permitted to depart

from them if exceptional reasons can be demonstrated as to why the Policy should not be applied.

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

6.1 None

7 EQUALITY IMPACT ASSESSMENT

7.1 No - not required because vehicle specification takes into consideration all areas for the travelling public.

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

8.1 None.

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- Local Government (Miscellaneous Provision) Act 1976;
- Police & Town Clauses Act 1947;
- Hackney Carriage and Private Hire Vehicle Strategy;
- Department for Environment Food & Rural Affairs Clean Air Zone Framework (May 2017).