

Licensing and Public Safety Committee

Wednesday, 6th April, 2022, 6.00 pm

Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH

Supplementary Agenda

I am now able to enclose, for consideration at the above meeting of the Licensing and Public Safety Committee, the following information:

4 Vehicle Age Policy

A report detailing consultation feedback on the Vehicle Age Policy & The Licensing of New Hackney Carriage Vehicles has been provided for consideration.

(Pages 9 - 24)

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Licensing and Public Safety Committee

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Report of	Meeting	Date
Director of Planning and Development	Licensing and Public Safety Committee	6 April 2022

Is this report confidential?	No
Is this decision key?	Not applicable

Consultation Feedback Report - Vehicle Age Policy & The Licensing of New Hackney Carriage Vehicles

Purpose of the Report

1. The purpose of the report is to provide feedback on the consultation carried out in response to the intended policy amendments, with regards to the age of vehicles licensed by this authority.

Recommendations

2. Note the content of the report
3. Consider the consultation responses and decide which proposal to accept (including the exemption) for both age policy and the capping of non-wheel chair accessible vehicles. In respect of the capping of the non-wheel chair vehicles, to initially cap to 100 vehicles but with the delegated power to the Licensing Manager in consultation with the Chair of Licensing, to increase that number as the market demands through evidence of significant unmet demand from the public.
- 4.
5. If members are minded accepting the proposal to the Vehicle Age Policy and the Licensing of new hackney carriage vehicles , then forward this report to the next meeting of the Council with a recommendation for formal adoption of the proposed policies.

Other options considered and rejected

6. There are no other options to consider within the report, the age policy is due for renewal, 4 options included a remain unchanged options have been considered and proposed by officers as the best options to take.

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Corporate priorities

7. The report relates to the following corporate priorities:

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Background to the report

8. A detailed report presented to members of the Licensing and public safety committee on 07/12/2021, advised members that the Vehicle age policy and the licensing of Hackney carriage vehicles policy, were due for renewal in 2019.
9. Officers explained that various efforts had been made to renew the policy, but due to Air pollution concerns subsequently raised by Environmental Health, had led to a difference of opinion between Members, on how to progress this issue at full council.
10. Officers explained that the current policy does not fall in line with the commitments of the council with regards to air quality, and that the only current incentive to our licensed drivers, is to buy wheel chair accessible vehicles that statistics state are more polluting and do not meet the requirements of euro 6.
11. When researching the market for hybrid or electric type vehicles, Officers have found more cost-effective options available to drivers for saloon type vehicles, and very little if any at all cost-effective vehicles for wheel chair accessible hybrid or electric vehicles.
12. The committee were given an example that, the current policy will permit a hybrid Toyota Prius to be licensed as a new private hire vehicle up to 4 years old and then remain licensed up to 8 years old. Whereas a transit van that has been adapted to the needs of a wheelchair user could be licensed up to 6 years old and stay licensed until it is 12 years old.
13. It's quite clear that a transit van is going to be a higher polluting vehicle than a hybrid Toyota Prius, yet the current incentive would be to purchase a transit van.
14. A commitment was made in the 2019/2020 Licensing work plan to revisit the age policy with particular emphasis on vehicle emissions.
15. Officers advised that to fall in line with the councils pledges regarding air quality, the taxi licensing policy for new vehicles licensed on the fleet should meet Euro 6 standard at the very least or above.
16. Officers are currently reporting that operators from neighbouring boroughs have been obtaining Private Hire Operator licences from SRBC and then sub contacting work from South Ribble over to their offices in Preston, Chorley, Blackburn etc where it is much easier to licence a vehicle due to no/limited age restriction, to use Preston, Chorley, Blackburn vehicles to perform the work, in an older more polluting vehicle than we currently licence. This makes a mockery of our age policy and SRBC Licensing Officers have very little enforcement powers over.
17. Euro 6 - Applies to all new cars registered from 1 September 2015

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- Benefits: A 67% reduction in the permissible levels of nitrogen oxides in diesels and the introduction of a particle number limit for petrol's.
- Euro 6 emissions limits for petrol - CO: 1.00g/km HC: 0.10g/km NOx: 0.06g/km PM: 0.005g/km PM: 6.0x10⁻¹¹/km
- Euro 6 emissions limits for diesels - CO: 0.50g/km HC + NOx: 0.17g/km NOx: 0.08g/km PM: 0.005g/km PM: 6.0x10⁻¹¹/km

18. An incentive for more low polluting, extremely low CO2 emitting vehicles is required within the SRBC Taxi licensing policy.

19. As of November 2019, the licensed fleet of hackney carriage and private hire vehicles, consisted of 256 licensed vehicles. 89 vehicles did not meet the EU standards for emissions, out of the 89, 76 were wheel chair accessible vehicles.

20. At the meeting of the 07/12/2021, The following new options were proposed to members to take to consultation of the trade.

Option 1 Keep as it is - make no changes.

21. The Council will where appropriate, issue Hackney Carriage Licences to vehicles which;

Type of Vehicle	Maximum Age When First presented for Licensing
Purpose built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	6 Years
All other vehicle types (hatchback saloon, estate etc)	4 Years

22. Vehicles which have been continuously licensed by South Ribble, will no longer be eligible for renewal once pass the following ages;

Type of Vehicle	Maximum Age vehicles Can Be licensed Until
purpose built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	12 Years
All other vehicle types (hatchback saloon, estate etc)	8 Years

Option 2 Reduce all vehicles to the same age. (4 and 8).

23. Reduce all vehicles to fall in line, remove the option for wheelchair accessible vehicles to be able to be licensed for up to 6 years of age when first licensed, also removing the option for them to stay on for the extra 4 years up to 12 years of age.

24. All vehicles would only be licensed if the vehicle was under 4 years of age when first licensed and to remain on the fleet until 8 years.

25. The Council will where appropriate, issue Hackney Carriage Licences to vehicles which;

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Type of Vehicle	Maximum Age When First presented for Licensing
Maximum Age When First presented for Licensing	4 Years

26. Vehicles which have been continuously licensed by South Ribble, will no longer be eligible for renewal once pass the following ages;

Type of Vehicle	Maximum Age vehicles Can Be licensed Until
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	8 Years

Option 3 Have a blanket policy all vehicles for 5 years on and 10 years off the fleet

27. Reduce the allowance on wheel chair accessible vehicles and increase the non-wheel chair saloon vehicles so they can all be accepted up to the age of 5 years of age when first licensed and stay on the fleet until 10 years.

28. The Council will where appropriate, issue Hackney Carriage Licences to vehicles which;

Type of Vehicle	Maximum Age When First presented for Licensing
Maximum Age When First presented for Licensing	5 Years

29. Vehicles which have been continuously licensed by South Ribble, will no longer be eligible for renewal once pass the following ages;

Type of Vehicle	Maximum Age vehicles Can Be licensed Until
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	10 Years

Option 4 Reduce all vehicles to 4 and 8 years. With an option of an extension for non-polluting vehicles that conform to a certain euro rating.

30. Reduce all vehicles to 4 years of age maximum when first licence and to be remain licensed until the vehicle is 8 years old, but, if the vehicle passes a set co2 emissions euro 6 rating an option for an extra 2 years older when first licensed (i.e up to 6 years old) and which can remain licensed until 12 years of age.

31. The Council will where appropriate, issue Hackney Carriage Licences to vehicles which;

Type of Vehicle	Maximum Age When First presented for Licensing
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	4 Years

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All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles, that has a certain euro rating meeting a set level of CO2 emissions	6 Years
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32. Vehicles which have been continuously licensed by South Ribble, will no longer be eligible for renewal once pass the following ages;

Type of Vehicle	Maximum Age vehicles Can Be licensed Until
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles	8 Years
All vehicle types (hatchback saloon, estate etc) and purpose-built taxis (i.e. Peugeot E7, Euro taxi) wheelchair accessible vehicles, that has a certain euro rating meeting a set level of CO2 emissions	12 Years

Licensing of Hackney carriage vehicles

33. The second part of the report presented to the committee on 07/12/2021, identified the changes needed to the grandfather rights policy with regards to licensing new hackney carriage vehicles.
34. The main objective of the grandfather rights policy in 2015 was to restrict the amount of saloon hackney carriages and increase the number of wheelchair accessible vehicles operating within South Ribble.
35. Currently proprietors in possession of a current Hackney Carriage vehicle licence that was issued to them on or before the 21st October 2014 (GLC minute 2014/20) may apply to replace their vehicle with either a wheelchair accessible vehicle or a non-wheelchair accessible vehicle.
36. The sections to note from the formal unmet demand survey with reference to the licensing of Hackney Carriage vehicles can be found within section 28 of the report from the meeting on 07/12/2021, attached to this report as background document 1.
37. Since then the only way to licence a new hackney carriage vehicle through South Ribble Borough Council, has been to present a wheel chair accessible vehicle.
38. This was the stance of the council in 2015, the fleet consisted of a small amount of wheel chair accessible vehicles and this needed to be address.
39. Times have now changed, and the council should be aiming its age policy to promote clean air zones, whilst still meeting its requirements for Wheelchair Accessible Vehicles designated for the purposes of Section 165 of the Equalities Act 2010.
40. Current numbers of hackney carriage vehicles are depleting compared to 2015 when the grandfather rights policy was passed.

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41. New drivers are turning down applying for badges with this authority as they can't obtain a hackney carriage licence for their vehicle.
42. Around 14% of the hackney carriage fleet is used by owner drivers, the rest are made up of operators owned hackney carriage vehicles, who are using the remaining 86% to perform mainly private hire pre booked work and some rank work.
43. The policy states the decision will be reviewed in 2019, when the Council will consider whether there is still a balance of vehicles for all taxi users, and thus if the authority is complying with its equality duty.
44. At the meeting on 07/12/2021 officers proposed to members to go out to consultation of the trade with regards to an option to cap the amount of saloon hackney carriage vehicles licensed.
45. Officers feel this would increase the number of saloon type vehicles licensed by this authority whilst maintaining a manageable whilst accessible to the public, number of hackney's vehicles operating in the borough.
46. Once this agreed set cap has been reached a review could take place. 6 monthly or annual applications for saloon hackney carriage vehicles would be accepted.
47. Drivers would still be able to licence wheelchair accessible hackney vehicles as they please with no cap. The proposed changes required to the Taxi licensing policy with regard to licensing hackney carriage vehicles can be found attached to the report as Appendix 2.
48. The proposal of the change from a grandfather rights policy to a capped policy would create a controlled balance of wheelchair accessible and saloon type vehicles that are greener and compliant with required CO2 levels, whilst still complying with its obligations under section 165 of equalities act 2010.
49. At the meeting of the 07/12/2021, members considered all four options within the report and stated the need for the policy to be flexible.
50. The committee considered the evidence submitted within the report and agreed that the licensing section undertake a period of consultation, for all options within the report, with the relevant stakeholders in respect of the proposed options.
51. Following the committee approval to consult stakeholders regarding the changes required, a 4-week consultation was conducted which ended 17/02/2022. The consultation highlighted the options proposed by officers to amendment the policy and invited feedback from stakeholders.

Consultation Exercise

52. Letters were sent to all drivers and operators.
53. Paper consultation forms were provided to every licensed driver, vehicle proprietor and licensed operator.
54. The summarised consultation responses are as follows,

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Age Policy

<p>Option 1 - Keep as it is - make no changes.</p>	<p>Option 2 - Reduce all vehicles to the same age. (4 and 8).</p>	<p>Option 3 - Have a blanket policy all vehicles for 5 years on and 10 years off the fleet</p> <p>Reduce the allowance on wheel chair accessible vehicles and increase the non-wheel chair saloon vehicles so they can all be accepted up to the age of 5 years of age when first licensed and stay on the fleet until 10 years.</p>	<p>Option 4 - Reduce all vehicles to 4 and 8 years. With an option of an extension for non-polluting vehicles that conform to a certain euro rating for any type of vehicle.</p> <p>Reduce all vehicles to 4 years of age maximum when first licence and to be remain licensed until the vehicle is 8 years old, but, if the vehicle passes a set co2 emissions euro rating (Euro 6) an option for an extra 2 years older when first licensed (up to 6 years old) and remain licensed until 12 years of age.</p>
45	0	3	12

55. Of the 45 responses received for option 1 39 responses were received from one operator who solely uses older transit type vehicles to perform school contact work, who benefits from keeping this type of vehicle licensed until they are 12 years old.
56. Option 4 received 12 responses of those who mainly were hackney carriage drivers who would benefit from keeping their euro 6 rated low polluting vehicles licence for longer.

Exempt vehicles from option 4

57. In addition to the consultation exercise, an additional short consultation ran for 2 weeks during March.
58. Officers felt the need to consult the trade for views on granting exemptions from the euro 6 rule (option 4), specifically relating to vehicles that currently do not meet the proposed euro 6 rating, but are needed to be licenced to complete specific types of work, In particular, special needs transport vehicles. This was not included in the original consulation and officers felt it was needed to be transparent to the trade.
59. This exemption would allow certain types of vehicles to be first licence at 6 years old and be licence until 12 years old even though they are not euro 6 compliant.

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60. This exemption would be in line with TFL charging zones, who have delayed any charges being applied to wheel chair accessible vehicles until 2025 and Governments Clean Air Zone Framework which creates an exemption for vehicles within the disabled passenger vehicle tax class.

61. Again, as before, paper consultations were sent to all drivers and operators.

62. The summarised consultation responses are as follows,

Do you agree, all wheelchair accessible vehicles that do not meet the policy proposed for Euro rated vehicles, should be given an exemption and should still be accepted up to 6 years of age when first licenced and be allowed to remain licenced until 12 years of age.

Yes 2

No 3

All vehicles performing special educational needs transport that do not meet the policy proposed for Euro rated vehicles, should be given an exemption and should still be accepted up to 6 years of age when first licenced and be allowed to remain licenced until 12 years of age.

The type of vehicle used for special needs school transport is normally a converted mini bus, specifically adapted to meet the needs of the user.

Do you agree this vehicle should be exempt from the policy and be licence from up to 6 years old and licenced until 12 years old?

Yes 2

No 3

Licensing of new Hackney carriage vehicles

Removal of the grandfather rights policy and change to a cap on the number of licensed non wheel chair accessible hackney carriage vehicles.

When the cap is reached the Council will only accept applications for a New Hackney Carriage Vehicle Licence for vehicles which meet the age criteria and are wheelchair accessible.

Yes

No

41

12

63. The consultation response is heavily in favour of changing from a grandfather rights policy to a capped number of licence vehicles.

Proposed options to members

Age Policy

64. Officers feel their preferred choice would be option 4. This would help meet the departments obligation towards the council's clean air zones commitments.

65. The incentive of being able to licence a vehicle for longer if it meets certain euro rating criteria for lower CO2 levels should help to create a fleet of low polluting vehicles and

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officers feel we would start to see an increase in electric and hybrid vehicles being licensed by drivers. Drivers should find it more affordable to purchase these types of vehicles with less restrictions on age.

66. Officers also proposed to grant an exemption for vehicles that perform Special needs school contact work. Taking into account the decision by the Transport for London, officers propose that an exemption should be granted to vehicles that specifically perform school contact work. So that these types of vehicle can continue to be licenced until they are 12 years old.
67. It is envisaged that following a period of 3 years, manufacturers will be further down the line with producing mini bus type vehicles that are even less polluting, eco-friendlier and would be in line with that rating seen on normal saloon vehicles. The policy would be reviewed after 3 years. The proposed vehicle age policy wording can be found within appendix 1 attached to this report.

Licensing of new Hackney carriage vehicles

68. Officers feel this is now a good time to review the number of saloon hackney carriage vehicles licensed by this authority and look to cap the number of saloon hackney carriage vehicles licensed to initially 100 vehicles with the delegated power to increase that number given to officers to set as the market demands through evidence of significant unmet demand from the public.
69. Thus, helping to ease issues surrounding cross border working and making it easier for “out of town drivers” working within South Ribble to licence a vehicles through this authority and not a neighbouring authority.
70. Once this agreed set cap has been reached a review could take place 6 monthly or annually. If the current number of non-wheelchair accessible vehicles is under the cap, then applications for saloon hackney carriage vehicles would be accepted.
71. Drivers would still be able to licence wheelchair accessible hackney vehicles as they please with no cap.
72. The proposed changes required to the Taxi licensing policy with regard to licensing hackney carriage vehicles can be found within Background document 1 as appendix 4 from the report dated 07/12/2021
73. The independent unmet demand survey carried out in April 2019 states the following in reference to this,

Many phoned-for bookings will be serviced by hackney carriage vehicles particularly in Leyland. Despite freely available hackney carriage plates for wheelchair accessible capable vehicles, few have been added and the overall evidence is little need for such vehicles.

There is a very high provision of wheelchair accessible capable disabled vehicles in the private hire fleet.

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74. It would create a controlled balance of wheelchair accessible and saloon type vehicles that are greener and compliant with required CO2 levels. Whilst still complying with its obligations under section 165 of equalities act 2010.

Climate change and air quality

75. The work noted in this report impacts on the following areas of climate change and sustainability targets of the Councils Green Agenda: net carbon zero by 2030, reducing waste production, limiting non sustainable forms of transport, working with sustainable and green accredited companies, limiting or improving air quality, limiting water waste and flooding risks, improving green areas and biodiversity.

76. Option 4 of the report aims to address the concerns within the councils green agenda, the age policy will be reviewed in the next 3 years and would address the next steps the authority could take to make its vehicles even greener, but this would depend on the infrastructure at that time with regards to vehicles that are available and cost effective to the trade, specifically looking towards changing to a policy for hybrid electric vehicles.

Equality and diversity

77. Any Equality issues have been summaries within the report, the authority must be aware of its duties to publish a list of wheelchair accessible vehicles as per Section 165 of the Equalities Act 2010, as acknowledges within the report in section 36.

Risk

78. All risk issues have been identified within the body of the report.

Comments of the Statutory Finance Officer

79. There are no significant financial implications of this report.

Comments of the Monitoring Officer

80. The Council has power to licence private hire vehicles under the Local Government (Miscellaneous Provisions) Act 1976 and hackney carriages under the Town Police Clauses Act 1847. The changes to policy are highlighted in the body of the report.

Background documents

81. Background Document 1 – report of meeting 07/12/2021 including the report attached background documents and appendix can be found within the attached link as agenda item 8.

<https://southribble.moderngov.co.uk/ieListDocuments.aspx?CId=483&MId=2197&Ver=4>

Appendix

Appendix 1 - Age Policy Wording for the proposed options by officers

Appendix 2 - Licensing of new Hackney carriage vehicles proposed wording.

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Report Author:	Email:	Telephone:	Date:
Chris Ward (Licensing Manager)	christopher.ward@southribble.gov.uk	01772 625330	30/03/2022

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6.9 Vehicle Age Limits

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

The Council will where appropriate, issue Hackney Carriage and private hire vehicle Licences to vehicles which:

- a) Are no older than 4 years, when first presented for licensing*
- b) In respect of vehicles with a Euro Rating 6 for diesel and petrol fuelled vehicles or Hybrid and electric vehicles are no older than 6 years, when first presented for licensing.*

Vehicles in (a) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licenced by South Ribble, will no longer be eligible for renewal once they are 12 years old

In order to ensure that the Council does not fetter its discretion, a vehicle proprietor retains the right to apply to licence a vehicle which falls outside the Council's age criteria.

Any vehicle current performing special needs school transport may be granted the exemption from being categorised into (a) where its euro rating does not comply with euro 6. Thus, these types of vehicle will fall into category (b) at the discretion of the licensing manager upon assessment of the vehicle by officers.

All such applications will be referred to the next scheduled General Licensing Committee for consideration.

The Committee will take into account factors including, but not restricted to:

- *The make and model of the vehicle*
- *The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation*
- *The mileage*
- *The service history*
- *Details of all repairs undertaken throughout the vehicle's life*
- *Details of all replacement parts fitted throughout the vehicle's life*
- *Whether any particular contracts rely on the specific use of the vehicle.*

The Committee will not take into account the personal or financial circumstances of a proprietor when considering a departure from this policy

Each case will be determined on its own individual merits and any departures from this policy will be in exceptional circumstances only and will be recorded along with the reasons such a departure. Any departure from the policy will not create a precedent for future decisions.

Determination of the number of passengers which the vehicle will be licensed to carry will be the responsibility of the Licensing Officer on presentation of the vehicle at first inspection.

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6.10 Wheelchair Accessibility

The council does not cap the number of hackney carriage vehicles which meet the age criteria and are wheelchair accessible.

The council does cap the number of non-wheelchair accessible hackney carriage vehicles to 100. This number will be regulated by the Licensing Manager and will only be increased if the market demands through evidence of significant unmet demand from the public.

The council will review the number of non-wheelchair accessible hackney carriage vehicles on its fleet every 6 months on 1st May and 1st November each year, when the number of non-wheelchair accessible hackney carriage vehicles is lower than 100 vehicles currently licenced.

Applications will be assessed by officers, priority will be given to proprietors of currently licenced private hire vehicles or a proprietor of a currently licence wheelchair accessible hackney carriage vehicle whom does not possess legacy rights to change the licenced vehicle to a non-wheelchair accessible vehicle.

Hackney Carriage Proprietors in possession of a current non wheelchair accessible Hackney Carriage vehicle licence that was issued to them before April 2022 may continue to replace their vehicle with either a wheelchair accessible vehicle or a non-wheelchair accessible vehicle, as they would still hold legacy rights of a non-wheelchair accessible hackney carriage licence.

The decision will be reviewed in 2025, when the Council will consider whether there is still a balance of vehicles for all taxi users, and thus if the authority is complying with its duty under section 165 Equalities act 2010.

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