

Review of licensing policy in regard to emissions standards for licensed vehicles, and the age at which vehicles are first licensed – Review of Consultation exercise

Licensing Committee

Date: 5th October 2020

Author: Licensing Manager

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 This matter was first considered on the 16th December 2019 when the Licensing Committee was asked to consider a
- i. change to the current age limits of licensed vehicles, and
 - ii. requirement that all taxis and private hire vehicles meet the Euro 6 emissions standards by 2024. This requirement is linked to the Swindon Air Quality Action Plan (AQAP)
- 1.2 In addition, the Licensing Committee was asked to consider whether to lower, the age at which vehicles are first licensed from 5 years to 4 years from 1st April 2020 and to ensure that all vehicles first licensed from the 1st April 2020 meet the Euro 6 emission standards. All currently licensed vehicles should meet Euro 6 standards by 2024.
- 1.3 In view of the time taken to complete this consultation, the date for the introduction of any lowering of the age that vehicles are first licensed has been amended to January 2021.

The purpose of this report is to consider the responses at Appendix A received during the 8-week consultation period about the lowering of the age policy and the introduction of an emissions policy linked to the Swindon Air Quality Action Plan (AQAP).

2. Recommendations

That the Committee is recommended to:

- 2.1 Agree to amend the age policy so that the age at which vehicles are first licensed is lowered from 5 years to 4 years from 1st January 2021 and;
- 2.2 That all currently licensed vehicles should meet the Euro 6 emissions standards by 31st December 2024 save for existing vehicles that are well maintained to continue until the end of the upper age limits. This is linked to the introduction of an emissions policy linked to the Swindon Air Quality Action Plan (AQAP).

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3. Detail

Background

- 3.1 The Taxi and Private Hire (TPH) fleet are an important part of Swindon's integrated transport system. They are a useful, often vital, component to completing journeys and may form part of a more sustainable longer distance multi modal trip or be used where no convenient alternatives are available. They are demand responsive, providing 24 hours a day service over 7 days per week, throughout the year. They can respond to a wide range of needs and are one of the most flexible elements of the transport system, operating on a fully commercial basis. In Swindon, like most towns, TPH are integral to supporting businesses to thrive by transporting people and goods.
- 3.2 The TPH market locally and nationally is facing tough challenges. Changes to town centres, night time economy and shopping habits have contributed to a decline in passenger numbers coupled with declining standards and outdated business models. Swindon Borough Council is committed to improving the town's transport offer whilst supporting the trade to meet the demands of cleaner air and safer, cleaner and smarter TPH.
- 3.3 Safer – more modern vehicles, free from defects that provide passengers and regulators with confidence.
- 3.4 Cleaner –by encouraging the uptake of Ultra Low Emission Vehicles (ULEV); consider new dedicated Electric Vehicle (EV) only taxi ranks and subsidised licensing fees.
- 3.5 Modern – Approving newer taxis with the latest technology and smoother journeys. Guaranteed to be accessible for all with front facing wheelchair support and easy access ramps. Whether journeys are short or long, they should provide an experience that meets the traveller's expectations and needs.
- 3.6 Focussed – drivers will be expected to provide the highest levels of customer care. It shall be standard practice that drivers give assistance getting in and out of the vehicle, help with luggage and shopping and ensure wheelchair users are secured appropriately.
- 3.7 Like many cities and towns within the UK, Swindon is under a legal obligation to improve its air quality. It is important that proposals align with the wider vision for Swindon AQAP. There is a requirement to reduce the level of NO₂ in the air to below 40µg/m³ as soon as possible in line with EU and UK statutory regulations.

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- 3.8 There are currently around 1200 TPH vehicles licensed within Swindon, a mixture of petrol and diesel. Taxis are licensed in accordance with the Town Police Clauses Act 1847 and Private Hire are licensed in accordance with Part II of the Local Government (Miscellaneous Provisions) Act 1976. Other legislation, such as the Equality Act 2010 and Road Traffic Acts have some bearing on licensing as well.
- 3.9 Upper vehicle age limits are currently 15 years of age for purpose-built Hackney Carriages. Once a vehicle reaches this age limit it will cease to be licensed. This age limit has been in force since 2012.
- 3.10 Vehicle specifications have improved significantly since 1997 when the initial age limit of 10 years was first adopted. This age limit was increased in 2008 to 12 years. It was proposed and agreed in 2012 that as vehicle specifications had improved significantly vehicles were capable of providing a safe and comfortable service beyond the 12-year limit and Committee agreed an extension to 15 years.
- 3.11 In March 2010, the Department for Transport issued non-statutory 'Best Practice' guidance relating to private hire and hackney carriages. This guidance states the following in relation to age limits: - "Age Limits it is perfectly possible for vehicles to be in good condition. Therefore, the setting of an age limit beyond which a local authority will not licence vehicles may be arbitrary and inappropriate. Nevertheless, greater frequency of testing may be appropriate for older vehicles-for example, twice-yearly checks for vehicles over five years old.
- 3.12 Following approval by the Licensing Committee a consultation exercise undertaken between Jan 2020 and 31st May 2020, the lengthy timeframes extended due to the impacts of Covid. The responses show. A concern regarding currently licensed vehicles meeting the emission standard during their current life.
- 3.13 As a result, officers consider that the upper age limits of currently licensed Purpose Built wheelchair accessible vehicles should remain at 15 years at this time although it remains an option and can be reviewed at any time. Purpose built wheelchair accessible vehicles have annual inspections and between 10 and 12 years two MOT tests and 3 tests from 12 to 15 years after which they will cease to be licensed
- 3.9 Currently private hire vehicles and hackney **saloon** vehicles can be licensed for 10 years with annual inspections and in the 6th to 10th year, two MOT tests per annum. These vehicles will cease to be licensed after year 10.

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- 3.10 There was some concern in responses received that currently licensed vehicles would not meet the emission standards in 2024 and that the Council would not continue to licence those vehicles after that date. Reassurance was sought through the consultation responses that those vehicles would continue to be licensed after 2024, providing financial security for existing vehicle owners or vehicle providers. The Licensing Manager has delegated authority to suspend or refuse to licence any vehicle which does not meet an acceptable level of condition and/or continued failure to meet mechanical and emission testing. Licensed vehicles that are well maintained should be able to be licensed up until their expiry at fifteen years for a wheelchair accessible hackney carriage and ten years for either a hackney carriage saloon or a private hire vehicle.

4. Alternative Options

- 4.1 The Licensing Committee may decide not to agree to the changes in the age limit from 5 years to 4 years giving the licensing manager delegated authority, to refuse to licence any vehicle that fails to meet the emissions policy from 2024. From January 2021, all vehicles petrol or diesel under 4 years old should meet the required Euro standard for emissions. This along with the move towards electric vehicles (EV) should help to meet the requirement to reduce NO2 levels, particularly where Swindon has identified an Air Quality Management Area. This is a national issue and addressing it improves public safety and confidence in our fleet.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications to the Council arising from the report. There will inevitably be a direct financial implication for taxi licensees although the timescale proposed provides adequate lead in period for the trade.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. The Secretary of State has made a declaration that the Licensing legislation is compliant with the Human Rights Act.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 All other implications are covered in the body of the report.

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Diversity Impact Assessment

5.4 A DIA is available on request.

6. Consultees

6.1 The Chief Legal Officer (Monitoring Officer) has been consulted in respect of this report.

7. Background Papers

7.1 None

8. Appendices

8.1 Appendix A Results of Consultation

8.2 Appendix B – AQAP

8.3 Appendix C – Vehicle Ages current fleet