

EAST HERTS COUNCIL

LICENSING COMMITTEE – 6 FEBRUARY 2019

REPORT BY HEAD OF HOUSING AND HEALTH

CONSIDERATION OF RESPONSES TO DRAFT VEHICLE AGE AND  
EMISSION POLICY

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WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- To present the responses to the draft vehicle age and emissions policy and seek members' endorsement for a final wording.

<b><u>RECOMMENDATIONS FOR LICENSING COMMITTEE: That</u></b>	
<b>(A)</b>	<b>Members consider the responses received to the draft Vehicle Age and Emissions Policy consultation;</b>
	<b>and</b>
<b>(B)</b>	<b>The Committee recommends the final wording to Council for approval.</b>

1.0 Background

- 1.1 The Council, as the authority responsible for issuing Hackney Carriage and Private Hire vehicle licences, is able to set the standards that must be met before a vehicle is licensed.
- 1.2 The Council has previously created a policy in relation to the age of vehicles which can be licensed.
- 1.3 As part of the ongoing review of East Herts policies in relation to taxis it is suggested that the current age policy be updated.

- 1.4 A revised policy has been produced to take into account changes in vehicles over recent years. The main consideration is the safety of the vehicles, however, it is recognised that members now place high importance on tackling poor air quality, particularly within the district's three Air Quality Management Areas (AQMAs) in Bishop's Stortford, Hertford and Sawbridgeworth. It is also noted that newer vehicles have ever decreasing emission levels and so it is appropriate to reflect this downward trajectory within East Herts polices.
- 1.5 The Committee previously approved the draft policy for an 8 week public consultation starting on 19<sup>th</sup> November 2018 and closing on 11<sup>th</sup> January 2019.
- 1.6 The Licensing Committee are now asked to consider the responses and the amendments made to the draft policy as a result before endorsing a final wording of the policy to go to Council on 5<sup>th</sup> March 2019.
- 1.7 It is proposed that the policy, if endorsed and subsequently approved, will come into effect on the 1<sup>st</sup> April 2019.

## 2.0 Report

- 2.1 As part of the consultation every member of East Herts Hackney Carriage and Private hire trade were either emailed or written to directly regarding the consultation (410 licence holders). In addition details of the consultation were included in the Taxi Talk newsletter which is sent to the entire trade. The consultation was listed on the Council's website and a press release was made to local papers.
- 2.2 During the consultation four responses were received and the type of respondent is detailed below:
1. The holder of dual driver and hackney carriage vehicle licences;

2. The holder of dual driver and hackney carriage vehicle licences;
3. A private hire operator also representing the views of six dual driver licence holders;
4. A Bishop's Stortford resident.

2.3 Each response is summarised below with comment confirming if the draft vehicle age and emissions policy was amended as a result. Each essential reference paper contains the consultee's response and the subsequent response from the Licensing Team.

2.4 **Response 1 (Essential Reference Paper 'B')**

This response didn't suggest any amendments to the draft policy and detailed that the policy would be unfair as other areas have lower standards and fees.

2.5 The Licensing Team's response addressed the concerns raised despite them being unrelated to the policy and stated that any specific comments about the draft policy would be welcomed.

2.6 No further contact was received from the consultee and no amendments to the draft policy are proposed on the basis of the response.

2.7 **Response 2 (Essential Reference Paper 'C')**

The initial response detailed concerns about the driver's currently licensed vehicle and the fact that it would not meet the emissions standards going forward as it is not Euro 5 compliant. Concern was raised that this would make the vehicle redundant and the respondent stated that he could not see why older licensed vehicles were not exempt from the changes. The policy was described as unfair and harsh and it was commented that hundreds of vehicles using the Town centres are not Euro 5 compliant, not just taxis.

2.8 The Licensing Team's response detailed that it was not the intention to make it impossible for people to work but to raise standards. Details of ways to improve the emissions from the

vehicle were included with the response. The consultee was asked if he would like to suggest changes to the draft policy which could be considered by the Licensing Committee.

- 2.9 The consultee responded that the cost of an LPG conversion would not be worthwhile.
- 2.10 The suggestion was made that the policy should be amended so that the implementation date is moved back or that Euro 5 is replaced by Euro 4 within the policy.
- 2.11 In response to the point regarding an LPG conversion the lower cost of LPG as a fuel means that over a period of time the cost of the conversion is recouped. Figures indicate that if a conversion costs £1,500 and the user originally paid around £60 per week for fuel they will have recouped the cost of the conversion in as little as a year. The more mileage a vehicle does the quicker the cost of the initial outlay is recovered. It is not clear on what basis the consultee believes the conversion is not worthwhile.
- 2.12 Members are free to consider whether they believe the proposed implementation dates are appropriate but Officers consider they are for the reasons detailed in the report that went before Licensing Committee in November 2018.
- 2.13 This is the only response to suggest amending the implementation dates.
- 2.14 The Euro 4 emissions standard came into effect on 1<sup>st</sup> January 2006 and as such a change to this standard in the policy would mean that it would only affect 4 vehicles which are currently licensed. This would essentially render the policy completely ineffective until the change to the Euro 5 standard was implemented. This would have a similar effect to moving back the implementation dates and therefore Officers would not recommend this.

- 2.15 No change to the policy is proposed as a result of this response.
- 2.16 **Response 3 (Essential Reference Paper 'D')**  
This detailed response dealt with the wording of the policy and the criteria by which an exception to the age part of the policy would be decided. The response did not contain objections to either the revised age policy or the introduction of an emissions element to the policy.
- 2.17 Due to the detail contained within this response a meeting was held with the respondents to clarify their points and discuss proposed amendments to the draft policy.
- 2.18 The consultees requested the word 'may' to be replaced with the word 'will' as detailed in other parts of the policy. Officers agreed with this point.
- 2.19 It was commented that the figure of £30 being used to define significant was wrong as a bulb for newer vehicles could cost this much. Officers agreed and removed the second sentence of point 1 of the 'Exceptional Condition Criteria'.
- 2.20 The inclusion of the subjective term of 'near perfect' was discussed. Officers agreed that this term would be difficult to define and so should be replaced by the existing vehicle standards from the current policy. This would allow people wishing to licence vehicles to clearly understand the vehicle standard required. It was agreed that the use of the existing vehicle standards made point 3 of the exception criteria redundant.
- 2.21 It was agreed that the wording of point 7 implied that another higher standard of test would be required but this is not the case. Vehicles will be checked at council approved testing stations to the existing standard so point 7 is not necessary and has been removed.

- 2.22 Following a long discussion regarding the servicing of modern vehicles, how this is recorded and what a service history indicates it was decided to remove point 8 from the criteria. Not only would this be onerous for the vehicle owner and the licensing Officers it could also preclude vehicles from being licensed for trivial matters. The MOT and council inspection history are much more reliable indicators of the condition of a vehicle and the way in which the proprietor maintains that vehicle.
- 2.23 In response to the last points raised we have confirmed that the Officers carrying out the inspections will be trained to understand the required standards and decisions will be supported by signed inspection sheets and photographs. This will allow the checks to be audited by the authority. If the authority refuses to licence a vehicle then the applicant has the ability to appeal that decision should they disagree.
- 2.24 As a result of this response and the subsequent discussions amendments were made to the policy with regards to the use of the word 'will' and the 'Exceptional Condition Criteria' included within the policy.
- 2.25 **Response 4 (Essential Reference Paper 'E')**  
The fourth response was from a Bishop's Stortford Resident supporting the decision to place controls on the emissions from taxis. The respondent additionally suggested that this should also be applied to buses.
- 2.26 No amendments were made to the policy as a result of this response.
- 2.27 As a result of the consultation responses amendments were made to the draft policy originally approved for consultation in November 2018. This original version can be found at **Essential Reference Paper 'F'**. This version is included within the report to allow a quick comparison to the final suggested wording.

- 2.28 The amended version which contains the final suggested wording for endorsement by the Licensing Committee is attached to this report as at **Essential Reference Paper 'G'**.
- 2.29 Members' discretion to make changes to the draft policy, where they believe appropriate, in light of the consultation responses is not fettered by the suggestions and amendments contained within this report.

### 3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None

Contact Member: Councillor Graham McAndrew – Executive Member for Environment and the Public Realm.

Contact Officer: Jonathan Geall – Head of Housing and Health, Extn: 1594.

Report Author: Oliver Rawlings – Service Manager Licensing and Enforcement, Extn: 1629.