

EAST HERTS COUNCIL

LICENSING COMMITTEE – 14 NOVEMBER 2018

REPORT BY HEAD OF HOUSING AND HEALTH

REVIEW OF LICENSED VEHICLE POLICY: VEHICLE AGES AND EMISSIONS

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- To present a draft 'Vehicle age and Emissions' policy and seek Members' endorsement for consultation.

<b><u>RECOMMENDATIONS FOR DECISION: That</u></b>	
<b>(A)</b>	<b>Members endorse the draft Vehicle Age and Emissions Policy for consultation; and</b>
<b>(B)</b>	<b>Officers commence an eight week public consultation regarding the draft Vehicle Age and Emissions Policy.</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 is asked to endorse a public consultation on the revised policy. As part of the consultation every member of the licensed Hackney Carriage and Private Hire Trade, including those that are not vehicle proprietors, will be contacted in writing to canvas their opinions.
- 1.6 An eight week public consultation is proposed starting on 19<sup>th</sup> November 2018 and closing on 11<sup>th</sup> January 2019. All the responses to the consultation will be brought before the Licensing Committee for consideration on 6<sup>th</sup> February 2019 and it is proposed that a final policy will be recommended to Full Council for approval on 5<sup>th</sup> March 2019.
- 1.7 It is proposed that any revised policy would come into effect on the 1<sup>st</sup> April 2019.

## 2.0 Report

- 2.1 East Herts' current vehicle age policy requires that vehicles must be less than five years of age when first licensed.
- 2.2 The authority does not want and is not able to have a blanket policy regarding refusing applications for vehicle licences based on age so each application must be considered on its own merits.
- 2.3 As a result the authority regularly receives applications from people wishing to licence vehicles for the first time which are over five years of age. Each of these vehicles is inspected by a Licensing Officer before being approved to have a mechanical

inspection at one of the authority's nominated garages. No fee is currently attached to this inspection despite the amount of officer time involved.

- 2.4 The current policy does not set down criteria for a vehicle to be considered an exception to the policy so often people bring vehicles to be inspected and are surprised when it fails. This can obviously have serious financial implications for the individual if the vehicle has been purchased for the specific reason of being licensed.
- 2.5 The principle of placing an age limit on licensed vehicles is perfectly acceptable. The purpose of such a policy is to try and ensure that the taxi fleet is as safe, reliable and comfortable as possible.

The DfT Best Practice guidance states:

*It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.*

- 2.6 There is no proposal to implement a maximum age limit for licensed vehicles. If they can comply with the policy there is no reason why these vehicles cannot continue to be licensed.
- 2.7 East Herts Council already requires a greater frequency of testing for older vehicles as detailed below.

*All vehicles require a VCC to be issued 1 year after the date of first registration. All classes of vehicle require an annual roadworthiness certificate until the vehicle reaches 7 years of age. Between the ages of 7 and 10 years, both classes of vehicle require a 6 monthly roadworthiness certificate. After 10 years, vehicles require a VCC every 4 months.*

*For all vehicles over the age of 10 years from date of first registration, these tests are enhanced to the standard used at the Public Carriage Office (Metropolitan Police).*

- 2.8 It is considered that the frequency of testing is adequate. It is proposed to remove the requirement for vehicles over 10 years old to be tested to the standard used at the Public Carriage Office. Since this policy was first implemented the standard of the testing required has reached such a level the 'enhanced' level of testing is considered the norm.
- 2.9 It is considered helpful to officers and prospective and existing vehicle proprietors if the details of what would be considered as an exception from the policy were published. Therefore 'Exceptional Condition Criteria' have been included in the draft policy attached to this report as **Essential Reference Paper 'B'**. Where an exception to the policy is requested then the suggested process to be followed would be that the vehicle and supporting documents are inspected by either an enforcement officer or a licensing officer and then if they confirm it passes the first eight criteria the vehicle can attend to an approved garage for mechanical inspection.
- 2.10 When considering age policies the DfT guidance<sup>1</sup> also states:

*Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test.*

- 2.11 The DfT goes further by mentioning Environmental Considerations:

*Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted.*

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<sup>1</sup> Department for Transport: Taxi and private hire vehicle licensing: best practice guidance (2nd March 2010)

*This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).*

2.12 Officers have taken into account the above guidance and it is believed that the imposition of the suggested emissions standards would have little or no impact on the supply of vehicles within East Herts but would make a positive contribution to tackling air pollution.

2.13 The cost of compliance with this policy to the licensed trade has also been considered with the following points being made:

- the Euro 5 emissions standard came into effect in January 2011 so vehicles manufactured after this date can still be licensed for the first time until 1<sup>st</sup> April 2020
- from 1st April 2020 only cars meeting the Euro 6 emissions standard which came in effect in September 2015 will be able to be licensed for the first time
- if an older vehicle fails the emissions part of the policy then it is open to the proprietor to have the vehicle adapted/modified to meet the standard or change to a cleaner fuel rather than going to the expense of changing the vehicle.

The suggested changes in relation to emissions should have minimal impact on the people wishing to enter the trade and licence their own vehicle as the authority already has a policy of not issuing licences to vehicles over five years old. All vehicles manufactured in the last five years have been

required by legislation to meet or exceed the Euro 5 emissions standard.

- 2.14 Similarly the requirement for vehicles to meet or exceed Euro 5 emissions standards at renewal from the 1<sup>st</sup> April 2020 should not impact the existing licensed trade financially. A maximum of 107 of the 315 vehicles licensed at the time of writing the report do not meet or exceed Euro 5 it is likely that the majority of these vehicles will have been replaced by April 2020 regardless of the change in policy (based on the figures for replacement vehicles over the last two years). These vehicles can be replaced by vehicles up to five years old, which will offer the proprietor a significant saving over having to buy a brand new vehicle, or the vehicle can be modified to comply with the policy.
- 2.15 The table below shows the dates of first registration of all the vehicles currently licensed by East Herts.

Dates vehicles registered	Number of vehicles licensed
2004	1
2005	2
2006	11
2007	15
2008	28
2009	14
2010	36
January 2011- August 2015	134*
September 2015 - present	74**

\*Meets or exceeds Euro 5 emissions standards (some vehicles first registered in 2010 will also meet or exceed the standard but all new vehicles had to meet or exceed the standard from January 2011)

\*\* Meets or exceeds Euro 6 emissions standards (some vehicles first registered in early 2015 will also meet or exceed the standard but all new vehicles had to meet or exceed the standard from September 2015).

2.16 It is recognised that licensed vehicles can significantly contribute to poor air quality for a number of reasons:

- the ranks for these vehicles are located in our Town Centres;
- a significant part of their day-to-day work is short urban journeys which generate more emissions due to their nature;
- the older vehicles that some proprietors licence are not equipped with 'start, stop' technology so spend a significant amount of time idling.

The contribution in terms of emissions that licensed vehicles make to East Herts AQMAs would be reduced by 2020 if the draft emissions policy were approved in its current form.

2.17 It is believed that the draft age and emissions policy will have the following benefits should it ultimately be approved by Council:

- an increase in public safety;
- clearer guidelines for those seeking to licence a vehicle within East Herts;
- promotion of the East Herts licensed trade as professional;
- reduction in the trade's contribution to air pollution;
- potential benefits to the health of East Herts licensed drivers as it has been demonstrated that the air quality inside a vehicle in an AQMA is generally worse than outside the vehicle so any improvement will benefit those who regularly drive through these areas.

2.18 In order to encourage the take up of fully electric vehicles which produce zero emissions the authority is investigating schemes that would improve the charging infrastructure with East Herts. In addition the authority is offering a free vehicle

licence for any application to licence a fully electric vehicle received between 01/04/2019 and 31/03/2020.

### 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

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