

Licensing Committee

12 July 2022



Title	Minor Amendment to Hackney Carriage and Private Hire Licensing Policy 2022 to facilitate low and zero emission vehicles and improve accessibility
Purpose of the report	To make a decision
Report Author	Lucy Catlyn, Principal Licensing Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Environment Service delivery
Recommendations	Committee is asked to: It is recommended that the Licensing Committee approves the temporary amendment to the Hackney Carriage and Private Hire Licensing Policy, as attached at Appendix A.
Reason for Recommendation	<p>The Borough has declared a climate change emergency and the Council are committed to reducing greenhouse gas emissions.</p> <p>Spelthorne has a Borough wide Air Quality Management Area.</p> <p>The Council has received Air Quality Grant Funding to incentivise the taxi trade to purchase cleaner, low emission vehicles. The proposed policy amendment will support the grant funding scheme by enabling the registration of low emission vehicles as taxis within the borough.</p>

1. Summary of the report

- 1.1 The Council is the Licensing Authority in regard to the issuing of licences for Hackney Carriage Vehicles and Private Hire Vehicles. The Licensing Committee has a key role in setting policy in this area.

- 1.2 On 14 October 2020 the Council declared a climate emergency and set about establishing the Council's carbon footprint with a view to systematically reducing it.
- 1.3 The Environment Act 1995 requires the Council to monitor its air quality and take steps to reduce pollution.
- 1.4 The Council acting as lead applicant acting with Guildford Borough Council; Waverley Borough Council; Woking Borough Council, Elmbridge Borough Council, Reigate and Banstead Borough Council and Epsom and Ewell Borough Council have been awarded £256k capital funding from the Air Quality Grant Funding Scheme 2020/21. The funding is to deliver electric vehicles for Hackney carriages and private hire vehicles operating within Surrey to encourage the uptake of electric vehicles as taxi's.
- 1.5 The Council is now in the process of applying to vary the original scheme to incorporate the purchase of electric taxis by members of the taxi trade. Subject to this variation being approved by the Department of Environment, Food and Rural Affairs ("DEFRA"), the Council will be expected to initiate the scheme and ensure that all funding is spent by 30 April 2023.
- 1.6 The core purpose of this scheme is to support the increased use of electric and other ultra-low emission vehicles (ULEVs). The Purpose of the Air Quality Grant Funding Scheme is to provide support to local authorities in England to develop and all implement measures that deliver air quality benefits within one to two years.
- 1.7 In March 2022, the Mayor of London announced the intention to extend the London Ultra Low Emission Zone (ULEZ), to cover Greater London in 2023 subject to consultation. Heathrow Airport is included within the expansion area for the ULEZ. This extension would inevitably impact upon taxi and private hire drivers and operators in Surrey who drive into Greater London regularly, especially in the Boroughs adjacent to London Boroughs (Spelthorne, Epsom and Ewell, Elmbridge and Reigate and Banstead Given the short timescale for the expansion proposed by the Mayor of London support for the purchase of EVs as replacement vehicles would be helpful to the trade in Surrey.
- 1.8 ULEVs are currently defined as having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe. ULEVs include the following types of vehicles:
 - (a) Battery Electric Vehicles;
 - (b) Plug-in hybrid vehicles;
 - (c) Range Extended Electric Vehicles; and
 - (d) Hydrogen Fuel Cell Electric Vehicles.
- 1.9 Spelthorne Borough Council's Hackney Carriage and Private Hire Licensing Policy (hereafter referred to as 'the Policy') was revised and approved by the Licensing Committee on 20 November 2019.
- 1.10 The Policy includes a requirement at page 17, paragraph 6.1.4 for vehicles to have a minimum engine capacity of 1300cc. ULEVs may not have an engine or may have an engine with a lower capacity. Consequently, this requirement means that the Council is currently unable to authorise the licensing of ULEVs as a hackney carriage or private hire vehicle.

- 1.11 The licensing team received a request from a driver earlier this year to licence a tesla, however due to the current policy this was not permitted.
- 1.12 The current licencing policy does not facilitate the licencing of London black cab style vehicles in Spelthorne. These are referred to in the current policy as “London LTI, Fairway and Metrocab or similar style of vehicle”. This type of vehicle is wheelchair accessible and allowing them to be licenced could help to increase the number of accessible Hackney Carriage’s in Spelthorne. The London style Zero Emission Capable (ZEC) (electric format) vehicles are accessible without conversion.
- 1.13 It is recommended that the Policy is amended to enable the registration of ULEVs as taxis and also permit the licensing of London LTI, Fairway and Metrocab or similar style of vehicle” as hackney carriage vehicles, as set out below:

“6.1.4 Have a minimum engine capacity of 1300cc or be regarded as an Ultra Low Emission Vehicle (ULEV) or have emissions that meet the Euro 6 Emission Standard. All London LTI, Fairway and Metrocab or similar style of vehicle licensed by the Council shall be required to meet the Euro 6 Emission Standard or be a Zero Emission Capable (ZEC) vehicle. The Euro 6 Emission Standard are:

For petrol cars;

CO – 1.0g/km

HC – 0.10g/km NOx – 0.06g/km

PM – 0.005g/km (direct injection only)

PM – 6.0×10^{-11} /km (direct injection only)

For diesel cars

CO – 0.50g/km

HC + NOx – 0.17g/km

NOx – 0.08g/km

PM – 0.005g/km

PM – 6.0×10^{-11} /k

For the purposes of this policy, Vehicles that are ultra-low emission (ULEV) are those with emissions of less than 75 grams of CO₂. ULEV includes battery electric vehicle (BEV), extended range electric vehicle (E-REV) plug-in hybrid electric vehicle (PHEV) or fuel cell electric vehicle (FCEV-hydrogen vehicle).

Black Cabs also referred to as “London LTI, Fairway and Metrocab or similar style of vehicle” will **only** be licensed as a hackney carriage vehicle.”

2. Key issues

- 2.1 In the event that DEFRA approve the amended scheme, the proposed implementation timetable is set out below:
- Approval of amended scheme by DEFRA – July 2022

- Appointment of SCC as project agent – July 2022
 - Appointment of service provider –October 2022
 - Roll out of amended scheme – December 2022
 - Funds to be spent by the 01 April 2023.
- 2.2 The timescales set out in paragraph 2.1 above require an immediate amendment to the Policy in order to ensure that the Council is able to deliver the scheme.
- 2.3 Legislation requires the Licensing Team to consult on amendments to the Policy prior to the Licensing Committee making a determination on the amendment of an existing policy.
- 2.4 A temporary amendment with limited applicability has therefore been proposed. In effect, the only change to the Policy will be the ability to licence ULEVs. New Applicants and existing taxi drivers will lose none of the agreed procedural measures and safeguards contained within the Policy.
- 2.5 Officers intend to present the Licensing Committee with a more widely amended policy within the year in order to ensure that the Council's Policy is consistent with taxi legislation and guidance.

3. Options analysis and proposal

- 3.1 The options in relation to the Hackney Carriage and Private Hire Licensing Policy are:
- (a) To agree to retain the Policy in its current form. This would mean that no changes are to be made to the Policy; or
 - (b) To amend the Policy as set out in this report subject to any variations that the Licensing Committee considers appropriate; or
 - (c) To refuse the proposed amendment to the Policy. Members may additionally instruct officers to carry out a consultation on the proposed amendment before a final determination is made by the Licensing Committee on the amendment.
- 3.2 The intention of this report is to adopt the temporary minor amendment without carrying out a consultation process. To ensure compliance with the legal duty to consult on amendment to policy, Officers intend to present the Licensing Committee with a more widely amended policy within the year
- 3.3 There are no significant additional resource implications that will derive from the options outlined above.
- 3.4 Members are advised that an inability to licence ULEVs may result in grant funding being withdrawn and/or the Council being unable to deliver the grant funding scheme and that the Borough has declared a Climate Emergency.

4. Financial implications

- 4.1 There are no financial implications anticipated as a result of the proposed amendment.

5. Risk considerations

- 5.1 A policy amendment that is approved without consultation may be subject to a legal challenge. However, the limited nature of the amendment, its lack of

impact on the operation of the Council's taxi licensing duties as well as its temporary nature of the amendment make it likely that the Council will be able to successfully defend such a challenge.

6. Legal considerations

- 6.1 The Licensing Committee's terms of reference within the Council's Constitution includes at Part 4 paragraph 4 a delegation to the Licensing Committee to:

"4. In relation to taxi and private hire licensing: a. the adoption of all policies relating to taxi and private hire licensing."

- 6.2 The Committee's role therefore is to consider the proposed temporary amendment to the Policy decide whether or not to amend the Policy as set out in this report. Risk matters related to decision making is set out in Paragraph 5 above.

- 6.3 The Council has a legal duty to monitor, improve and maintain air quality standards. Air Quality Directive 2008/50/EC13 sets out the obligations for Member States in terms of assessing ambient air quality and ensuring Limit Values (LV) for certain pollutants are not exceeded. The requirements of this Directive have been transposed into domestic law through the Environment Act 1995. The proposed amendment to the Policy will support a scheme designed to comply with the requirements of the Environment Act 1995.

7. Other considerations

- 7.1 Detail any other considerations to be taken into account.

8. Equality and Diversity

- 8.1 The Council will ensure that all taxi drivers within their respective boroughs are notified of the scheme and given the opportunity to participate.
- 8.2 Vehicles may be adapted to accommodate the requirements of disabled passengers.

9. Sustainability/Climate Change Implications

- 9.1 The project is based on grant funding that specifically targets a reduction and an improvement of the air quality for residents.
- 9.2 The choice of low emission/electric vehicle represents a more sustainable mode of transport for taxi journeys.

10. Timetable for implementation

- 10.1 Set out a timetable, if required, showing when the proposal in the report will be implemented.

11. Contact

Name Licensing Service

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Background papers: (There are none).

Appendices:

Appendix A: Proposed Spelthorne Borough Council Hackney Carriage and Private Hire Licensing Policy