

TRAFFORD COUNCIL

Report to: Executive
Date: 21st October 2024
Report for: Decision
Report of: Executive Member for Communities and Safety

Report Title

AMENDMENT TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Summary

The Council's current hackney carriage and private hire vehicle licensing policy was adopted on the 22nd November 2023 and included a provision that the existing licensed vehicle fleet must comply with the new vehicle age and emission standards in support of the GM Clean Air Plan (GM CAP) by 1st April 2026.

The policy was amended by the Corporate Director, Place in consultation with the Executive Member for Communities and Safety, under delegated powers on the 8th February 2024; to the effect that the existing fleet be compliant with the policy standard by 31st December 2025. In order to meet this deadline, the policy was amended to state that from the 1st January 2025 a vehicle licence would not be renewed if the vehicle did not meet both the age and emission standards.

It was anticipated that a Clean Taxi Fund would support this transition by providing sufficient funds for every current non-emission compliant vehicle licensed to a GM authority to receive grant support (if applicable).

The Fund was to be opened before 2025 enabling earlier upgrades. However, due to a delay in the government approving the GM CAP, the timeline has been adjusted and this now means that the Clean Taxi Fund will not be open before Trafford's transition period for age and emission standards comes into effect from the 1st January 2025.

Therefore, a decision is required on how Trafford's Hackney Carriage and Private Hire Licensing Policy can continue to support the GM CAP submission but also best secure funding support for vehicle owners.

Recommendation(s)

The Executive is asked to recommend to Council that it:

1. amend the Hackney Carriage and Private Hire Licensing Policy to remove the following provision:

'that the existing fleet be compliant with the policy standard by 31st December 2025. This will mean that from the 1st January 2025 a vehicle licence will not be renewed if the vehicle does not meet this standard.

And replace with:

'that the existing fleet be compliant with the age and emission standards by 31st December 2025. A vehicle licence will be renewed in respect of a non-compliant vehicle after the 1st January 2025 provided the vehicle passes its compliance test and age test (where appropriate).

The licence will be issued for 12 months but will be subject to a condition that any non-compliant vehicle attached to the licence must be replaced by a compliant vehicle by the 31st December 2025. Where a compliant vehicle is not provided by the 31st December 2025 the licence will be suspended until such time as a complaint vehicle is provided or the licence expires whichever is the sooner.'

2. Delegate authority to licensing officers to suspend hackney carriage and private hire vehicle licences for non-compliance with the age and emission standards as and when the policy comes into effect; and
3. Delegate authority to the Public Protection Sub-Committee to make minor amendments to the Hackney Carriage and Private Hire Licensing Policy where appropriate.

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: joanne.boyle@trafford.gov.uk

Relationship to Policy Framework/Corporate Priorities	<i>The Policy aligns closely with our priorities on Healthy Lives for Everyone and Addressing the Climate Crisis. Its aim is to ensure that our policies and procedures are consistent, appropriate and fair and in line with best practice nationally. It accords with the Council's policy and budget framework and supports the development of an effective and efficient Council.</i>
Relationship to GM Policy or Strategy Framework	<i>The Greater Manchester Minimum Licensing Standards for Taxi and Private Hire is a GM wide initiative, led by the Greater Manchester Licensing Managers Network on behalf of the ten districts.</i>
Financial	<i>Revenue and Capital: The Licensing Regime is a self-funded service. Any additional resource implications will be addressed through the annual fee review.</i>
Legal Implications:	<i>The amendment to the policy, if agreed by the Council, will be implemented and form the basis on which decisions are made on applications received by the Council.</i>
Equality/Diversity Implications	<i>None identified</i>
Sustainability Implications	<i>The Policy supports the GM Clean Air Plan which is consistent with and will support delivery of the Council's priority of Addressing the Climate Crisis.</i>
Carbon Reduction	<i>The Policy supports the GM Clean Air Plan which is a place-based solution to tackle roadside NO₂ which will have a positive impact on carbon.</i>
Resource Implications e.g., Staffing / ICT / Assets	<i>There are no implications for ICT and Assets as a consequence of this report. The staff time implications have been identified and processes will be amended.</i>
Risk Management Implications	<i>Risk to delivery of the interventions detailed within the new policies and procedures will be monitored and updated as required.</i>
Health & Wellbeing Implications	<i>The basic rationale of the Policy is that it will improve standards of safety for the travelling public and the improvements to the vehicle fleet will support the objectives of the CAP in that it will improve health and wellbeing across the borough through improving air quality.</i>
Health and Safety Implications	<i>As set out above the new standards have public safety as a core objective.</i>

1. BACKGROUND

- 1.1 The Government has instructed many local authorities across the UK to take quick action to reduce harmful roadside levels of Nitrogen Dioxide (NO₂) with the Secretary of State (SoS) for Environment, Food and Rural Affairs issuing Directions under the Environment Act 1995 in 2017 requiring them to undertake feasibility studies to identify measures for reducing NO₂ concentrations to within legal limit values in the “shortest possible time”. In Greater Manchester, the 10 local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM) are working together to develop a Clean Air Plan to tackle NO₂ exceedances at the roadside, herein known as Greater Manchester Clean Air Plan (GM CAP).
- 1.2 On the 8th February 2022, a new direction (the Direction) was issued by the SoS¹ which confirmed that the March 2020 Direction to implement a Class C charging Clean Air Zone (CAZ) had been revoked and required that a new plan be submitted to the SoS.
- 1.3 The Direction also states that the local plan for NO₂ compliance, with any proposed changes, must ensure the achievement of NO₂ compliance in the shortest possible time and by 2026 at the latest. It should also ensure that human exposure to concentrations of NO₂ above the legal limit is reduced as quickly as possible.
- 1.4 In July 2022, the 'Case for a new Greater Manchester Clean Air Plan'² was submitted to the Secretary of State. It set out that challenging economic conditions, rising vehicle prices and ongoing pandemic impacts meant that the original plan of a city-region charging CAZ was no longer the right solution to achieve compliance, instead proposing an investment-led, non-charging GM CAP.

Taxi and Private Hire Vehicle (PHV) Measures

- 1.5 Taxi and PHV measures represent an important mechanism for reducing exceedances under the Investment-led Plan and are grounded in the ability of the GM authorities to reduce emissions through licensing conditions.
- 1.6 The appraisal of the Investment-led Plan has been developed on the basis that an emissions standard, requiring licensed hackneys and PHVs to be a minimum of Euro 6 (diesel) or Euro 4 (petrol) by 31st December 2025, will have been adopted by all GM Authorities.
- 1.7 The Council's current licensed vehicle age and emissions policy position is:
Hackney Carriage and Private Hire Vehicle Age standard
 - Private Hire Vehicles (PHV) – must be less than 10 years old
 - PHV Wheelchair Accessible Vehicles – must be less than 15 years old
 - Purpose built Hackney Carriage Vehicles – must be less than 15 years old

¹ [The Environment Act 1995 \(Greater Manchester\) Air Quality Direction 2022 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/104241/the-environment-act-1995-greater-manchester-air-quality-direction-2022.pdf)

²

https://assets.ctfassets.net/tlpgbw1k6h2/7jtkDc5AODypDQlw0cYwsl/67091a85f26e7c503a19ec7aeb2e8137/Appendix_1_-_Case_for_a_new_Greater_Manchester_Clean_Air_Plan.pdf

- To remove the exceptional condition (age) test.

That the standard be implemented for new to licence vehicles from the 1st December 2023; and that the existing fleet be compliant with the policy standard by 31st December 2025. This will mean that from the 1st January 2025 a vehicle licence will not be renewed if the vehicle does not meet this standard.

Hackney Carriage and Private Hire Vehicle Emission Standard

To require licensed vehicles to be compliant with the current Euro emissions standard - (Petrol Euro 4 - vehicles registered from 1st January 2006) and (Diesel Euro 6 - vehicles registered from September 2015):

- For new to licence vehicles from the 1st January 2022; and for the existing fleet vehicles are compliant with the policy standard by 31st December 2025.* This will mean that from the 1st January 2025 a vehicle licence will not be renewed if the vehicle does not meet this standard.

*vehicle must also be compliant with the age policy

- 1.8 In the investment led plan, it is therefore assumed that by 2026 100% of the GM taxi fleet will be compliant with the emission standards. It is intended that the Clean Taxi Fund will support this providing sufficient funds for every current non-emission compliant vehicle licensed to a GM authority to receive grant support (if applicable).
- 1.9 The Fund was to be opened before 2025 enabling earlier upgrades, and helping to mitigate against the risk of taxis re-licensing with another authority that does not have the same emission standard requirement.
- 1.10 However, due to a delay in the government approving the GM CAP, the Investment-led Plan timeline has been adjusted, and this now means that the Clean Taxi Fund will not be open before Trafford's transition period for age and emission standards comes into effect from the 1st January 2025.
- 1.11 Therefore, a decision is required on how Trafford's licensing policy can continue to support the CAP submission but also best secure funding support for vehicle owners.

Proposal

- 1.12 It is proposed to amend the Hackney Carriage and Private Hire Licensing Policy to remove the following provision:

'that the existing fleet be compliant with the policy standard by 31st December 2025. This will mean that from the 1st January 2025 a vehicle licence will not be renewed if the vehicle does not meet this standard.'

And replace with:

'that the existing fleet be compliant with the age and emission standards by 31st December 2025. A vehicle licence will be renewed in respect of a non-complaint vehicle after the 1st January 2025 provided the vehicle passes its compliance test and age test (where appropriate).'

The licence will be issued for 12 months but will be subject to a condition that any non-compliant vehicle attached to the licence must be replaced by a compliant vehicle by the 31st December 2025. Where a compliant vehicle is not provided by the 31st December 2025 the licence will be suspended until such time as a compliant vehicle is provided or the licence expires whichever is the sooner.'

2. OPTIONS

2.1 The Council has two options:

- it could decide to accept the proposed amendments; or
- it could decide not to accept the proposed amendments.

2.2 If the Council decides not to adopt the proposed amendments to the Policy this would not prevent it from continuing to carry out its statutory licensing functions; however, it could open up the possibility of challenges to the Council as its current policy is predicated on the taxi trade being able to access the Clean Taxi Fund in order to support the purchase of a vehicle which complies with the Council's vehicle age and emission standards.

2.3 It is the view that to adopt the amendment would be the best approach for Trafford given that the proposals are consistent with the approach taken by other GM Authorities.

3. RECOMMENDATION

3.1 It is recommended that the Executive note the content of the report and recommends to Council that it:

3.1.1 Approve the proposed amendments to its Hackney Carriage and Private Hire Licensing Policy;

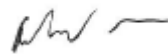
3.1.2 Delegate authority to licensing officers to suspend hackney carriage and private hire vehicle licences for non-compliance with the age and emission standards when the policy comes into effect; and

3.1.3 Delegate authority to the Public Protection Sub-Committee to make minor amendments to the Hackney Carriage and Private Hire Licensing Policy where appropriate.

Key Decision (as defined in the Constitution): No
If Key Decision, has 28-day notice been given? N/A

Finance Officer Clearance: PC
Legal Officer Clearance: SL

[CORPORATE] DIRECTOR'S SIGNATURE



To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

