

CABINET
11th February 2015
Public Questions/Statements

1. Question One

Mr Martin Croll of Shrewsbury will ask the following of Mr Steve Charmley, the Portfolio Holder for Business, ip&e, Culture and Commissioning (North):

I'm writing to you in regards to the new taxi legislation that licensing wants to implement and to raise with yourselves the licensing committee the concerns I have about the policy.

The main problem with the emission changes to comply to the Euro Standards on the chart I have attached.

These changes mean that if you have to replace a vehicle after the 1st April 2015 you would need to go to Euro5. This is ok for private hire as most cars after September 2009 became Euro5. These can easily be obtained from as little as £3,500 onwards.

A wheelchair accessible Euro5 minibus you would have to look from March 2012 onwards which means a reasonable vehicle with fair mileage you would be looking at a cost of £15,000 - £20,000 or more to purchase. Not all of these minibuses are wheelchair accessible, so a trip to a coach builder for the vehicle to be modified at a cost of £2,000 - £5,000 depending upon what is necessary. With the changes the licensing department want to bring in this is making it not financially possible with-out getting into a lot of debt. (Or are the council going to help with the purchase, i.e. For example low interest loans. I TAKE IT THAT IS OUT OF THE QUESTION).

I have looked at various vehicles over the last few months in anticipation of the changes and the cost of these vehicles are huge. If I went for a London Taxi it would have to be a TX4 2012 model (first year of manufacture of the Euro5 standard vehicle) at a cost of £24,000 for one with about 100,000 miles on the clock. A Renault Traffic minibus for a 2012 (first year of manufacture of the Euro5 standard vehicle) at a cost of £12,950 +Vat (total price £15,540). This was without wheelchair accessibility. To make it wheelchair access the price would increase by £4,500 which was quoted by a coach builder. All other makes of minibuses were all about the same.

The smaller wheelchair accessible you have to look at 2010 onwards, but not all of them are Euro5. The majority of them you have to go 2012 onwards to make sure. These vehicles range from £10,000 to £14,000 for a decent second hand one, but are hard to find ones that have three seats in the back as most of them are built for a permanent wheelchair and one passenger.

At the moment I run two Hackney carriage vehicles. One vehicle is in the process of being changed, the other I was hoping to change later in the year. I was looking at buying a Peugeot Partner with wheelchair access around 2009-2010, these vehicles go from £7,500 - £9,000. I have had a look at several vehicles at present and not found the right one for me yet. When I have looked at these vehicles I have tried to check what Euro standard they are, but there is not a website where I can put a chassis number or a registration number into to find the information required. This information is also not on the vehicle's V5 either so we are in the dark. We therefore cannot check the Euro standard of these vehicles so how do we know we are not buying a vehicle that we might not be able to plate. This is stupid!!!!!! Spending this sort of money does not guarantee that I will be able to buy a Euro5 vehicle. I was going to spend about £10,000 - £12,000 to replace my minibus. This would mean I cannot use this vehicle due to it not being a Euro5 but would probably be a good 59 or 10 plated vehicle. Why can we not have this????

In most areas around the country they do not use Euro standards to decide what can and cannot become a Taxi, they mainly have an age limit or nothing at all. I believe the fair way to deal with this is an age limit to allow us to be able to afford these vehicles due to the cost. In my opinion as a Taxi owner and business man I would love to see an age limit of between 10-12 years for a wheelchair accessible vehicle and an age limit of up to 10 years for a car. The extra time for a

AGENDA ITEM 4

wheelchair accessible vehicle gives us time to be able to financially afford these vehicles due to the cost. We would also have a minimum age of a vehicle to be no older than 6 years upon the first plate application. This makes it financially feasible.

An age limit is so transparent that it is easily policed by the licensing department and also as the years go by vehicles will become a lot cleaner on the emissions as well as at an affordable rate. Also it makes it a lot clearer for us to make sure we follow the legislation. There are no websites that you can easily get the Euro standards information off unless you know the exact vehicle information. We are Taxi drivers not main dealers so some of this information is not available to us. So I can see someone spending a lot of money on a vehicle that does not fit the Euro legislation that licensing want to bring in by no fault of their own. Also licensing cannot tell us this information either and even a licensing officer I have spoken to has said that an age limit would be a lot better and more transparent and easier to police. We all know the need to help to improve air quality but at what cost!! There are probably 150,000 vehicles in Shrewsbury to 500 taxi's, so how are us changing to these so called better vehicles going to help the air quality. From August 2008 the MOT emissions level dropped, so all vehicles manufactured after this date has to meet this new limit. So vehicles from a 58 plate onwards are cleaner than the ones before. Also some of the Euro4 vehicles are cleaner on emissions than some of the Euro5's. A vehicle registered today would have to pass the MOT limit brought in to force in August 2008.

I am hoping you look at this and discuss these points because I am very afraid that even spending £20,000 on two vehicles over the next 12 months might not be enough to keep me in business and force me to stop my business and end up without a job and an income if this new legislation is brought into force. I love what I do and the people I meet, most of the work I do is with the disabled people who are either in wheelchairs or suffer with other disabilities. Due to this I feel very passionate and I will try to continue to fight to keep me job and the jobs of my fellow taxi drivers.

We all know we are an easy target for people in the air quality department as we are policed by the council. The only way we are going to reduce the pollution is to work together not just being dictated to.

13:53
shropshire.gov.uk
100%

Regulation 574/2009 (which implements and amends Regulation 1274/2002)

Renewal/New Application	Fuel	Period	European Emission Standard
Renewal	Any	Until 31 March 2016	Euro 3
Renewal	Any	1 April 2016 to 31 March 2018	Euro 4
New	Diesel	1 April 2015 to 31 March 2018	Euro 5
New	Petrol	1 April 2015 to 31 March 2024	Euro 5
Renewal	Petrol	1 April 2018 to 31 March 2024	Euro 5
Renewal	Diesel	1 April 2018 to 31 March 2022	Euro 5
New	Diesel	1 April 2018 to 31 March 2024	Euro 6

3b.13 The required European Emission Standards will be updated in line with current legislation when this Policy is reviewed.

Safety

3b.14 Vehicles must meet the following safety standards as defined by the European New Car

The Portfolio Holder, Mr Steve Charmley, will respond as follows:

In summary, the Council understands your concerns to be:

1. Introduction of the European Emission Standards (Euro Standards), in particular Euro 5, will place an impossible financial burden on your business.
2. You have experienced difficulty in verifying the specific Euro Standards applicable to vehicles.
3. The Council is introducing Euro Standards when it would be better to introduce a vehicle 'age policy'.
4. Around how the introduction of the Euro Standards will improve air quality when the number of taxis is small compared with the overall number of vehicles driven on the road.

In response, the Council's position is:

1. There is no expectation on the part of the Council that you must opt for a particular type of vehicle; the Policy specifically provides flexibility in this respect. The Council's current proposals are such that they allow businesses sufficient time to make appropriate financial plans. Officers are willing to provide advice on the options available to you, e.g. if you have a vehicle that currently meets the Euro 4 standard it can continue to be licensed for use up until 31 March 2018; alternatively, if you have a vehicle that does not currently meet Euro 4 then by replacing it with a vehicle that does meet this standard before the Policy is due to come into force, this vehicle can then also continue to be licensed for use until 31 March 2018. In both scenarios, and in addition to any existing financial plans that you will have in place as part of your ongoing commercial activity, you gain a further 3 years to plan for the required future financial outlay. Normal practice is that most licensed vehicles are replaced between 2 and 5 years after first being licensed depending on the mileage travelled and the policies of each owner/proprietor.

The Euro Standards are mandatory from the specified implementation dates for all new vehicles. Where a vehicle is either constructed after the 'first date' set out in the standards specifications or first registered after the 'second date', it must comply. A specific date is not used as a measure on the basis that many European suppliers introduce Euro Standard compliant vehicles in advance of the statutory dates; consequently, some vehicles older than the dates in the standards will comply – it is a matter of checking the manufacturers specifications (which will be available in the technical documentation) or opting for a vehicle built after the statutory date.

2. The Council does not expect you to verify a specific vehicle's Euro Standard by reference to its chassis or vehicle registration number (VRN). It will be sufficient for the precise make and model of the vehicle to be verified and this can be done either through information on the vehicle's V5 log book or alternatively through one of the following websites:

- <http://www.nextgreencar.com/vehicle-search/>
- <http://www.whatcar.com/>
- <http://www.parkers.co.uk/cars/reviews/>

NB: The V5 log book may not display the Euro Standard but its absence does not mean the vehicle does not meet a particular standard. If you wish to obtain details for a specific chassis number for your own benefit, then enquiries can be made with local vehicle dealers and manufacturers to request documentary confirmation of your vehicle's Euro Standard. There may be a charge for this; however, once you have the documentation it can be used in subsequent years to demonstrate compliance with the Policy. However, the Council wishes to emphasise that this level of verification is not mandatory for the purposes of complying with the Policy.

3. There is a mix of emission standards and vehicle age based policies across other Councils, with neither being significantly more prevalent than the other. Age policies do not keep pace

with the changes in environmental protection requirements and can lead to arbitrary decisions being made on the maximum permitted age of vehicles compared with the introduction of standards that aim to reduce emissions and can be updated in line with future technological developments. This is the fundamental purpose of the Council's desire to introduce such standards into the proposed Policy. The current proposals mean that Euro 5 compliant vehicles could continue to be licensed for between 10 and 12 years, e.g. a 2012 registered Euro 5 compliant diesel vehicle, licensed for the first time on 1 April 2015 could (providing all other conditions are met) be repeatedly renewed and the vehicle continue in use until 2022.

4. The introduction of the emission standards for hackney carriages and private hire vehicles will not of itself solve the air quality issues that face Shropshire and other communities; however, neither will doing nothing. The Council is committed to protecting the environment and specifically, in this respect gave a commitment in 2008 to tackle emissions from hackney carriage and private hire vehicles under its responsibilities to improve air quality. In particular, there are a number of Air Quality Management Areas in Shropshire with Action Plans that include the implementation of such controls. Consequently, the Council has a specific obligation to introduce emission standards for hackney carriages and private hire vehicles. More generally, the Council also has a responsibility to 'lead by example' in the communities it serves. By introducing emission standards for hackney carriages and private hire vehicles, the argument to secure 'buy in' from other public vehicle providers and the public at large is strengthened.

2. Question Two

Mr Richard Price of Shrewsbury will ask the following of Mr Steve Charmley, the Portfolio Holder for Business, ip&e, Culture and Commissioning (North):

This policy requires any vehicle that is presented for a new licence after April 1st 2015, is euro emission 5 spec or higher, regardless of it being a new entry to the trade, or to replace a vehicle already being operated.

Most drivers operate their vehicles under a set period replacement cycle that reflects their own financial situation, an accident can cause this to be cut short, and potentially under the new policy, making replacement impossible should the vehicle be written off, as an insurance pay out for a write off of a euro 4 spec vehicle would not cover the cost of replacing it with a euro 5, and depending on at what point that vehicle is in its life cycle, could put a driver out of business if he was not financially ready to upgrade.

Therefore we the taxi trade in Shrewsbury, would like to ask that a special clause added to the policy, that would allow a currently plated vehicle to be replaced on a like for like basis (i.e. replacing a 56 reg euro 4 with a 56 reg euro 4), if it were to be written off by the insurance company following an accident. This clause to be implemented from April 1st 2015 to March 31st 2017 and only under the specific circumstances stated and would only be done as a transfer of the existing plate, not extending the expiry date of the plate in any way.

This clause would allow a driver to continue on their pre accident replacement schedule, and therefore not putting them out of business due to having an accident.

Mr Steve Charmley will reply as follows:

In summary, the Council understands your concern to be:

The disproportionate financial burden that will be placed on vehicle owners to replace vehicles that are 'written off' by insurers, following accident damage, with a Euro 5 compliant vehicle irrespective of the European Emission Standards specification of the vehicle that has been written off;

AND that you have suggested a 'special clause' be added to the draft Policy to address this concern.

In response, the Council:

Notes your suggestion for the addition of a 'special clause' to the draft Policy and, in particular, notes the specific nature of this suggested clause to ensure any such amendment would not extend the expiry date of a licence subject to renewal under normal circumstances.

And confirms that, under Agenda Item 7, an amendment to the draft Policy will be proposed to address the concern you have raised taking into account the suggestion you have made to amend the draft Policy. This proposal will be the subject of further debate during the Cabinet meeting.

3. Question Three

Mr Matt Young of Shrewsbury will ask the following of Mr Steve Charmley, the Portfolio Holder for Business, ip&e, Culture and Commissioning (North):

I am writing with regards to the new Licencing policies proposed by Shropshire Council Licencing Department due to be presented to the cabinet during your meeting on 11th February.

Whilst much of the policy is acceptable, I am particularly concerned about the emission levels proposed for new licenced vehicles from April 2015 onwards.

I understand Licencing has proposed a Euro Emission 5 engine for any new plated vehicles as well as plate transfers from April 2015.

This proposal will have a significant impact on any driver involved in any type of accident or who has mechanical/technical issues with their vehicle. For example, a driver currently driving a Euro 4 vehicle purchased 6 months ago (probably for between £2-3000), under the new proposals will be able to renew the plate on this vehicle up to 2018. However, if this driver is involved in a none-fault accident or experiences a serious mechanical failure on, for example, 2nd April 2015 which results in the vehicle being damaged beyond repair, this driver now needs to find around £8-10,000 to replace the vehicle unless it is a commercial vehicle class (ie a minibus) in which case they will require upwards of £15,000 to replace the vehicle with a Euro 5 standard alternative.

I would ask the members of the cabinet to consider if they experienced a situation where their own private vehicle was damaged beyond repair and they were then told they would HAVE to find 4 to 5 times the value of the car to replace it with no option to replace it with an exact like for like vehicle - would they consider this to be fair? If we then add into this equation that not only did they HAVE to find a considerable amount of money to replace their car but also, if they didn't comply with this rule they would lose their job and their livelihood and be forced to retrain for a new job which they may or may not be able to find and may or may not pay as well and, whilst coping with this sudden and total change in their employment situation, also needed to continue paying all their bills and their mortgage. Would the members of the cabinet find this an acceptable and fair situation?

I understand why Licencing are imposing an emissions standard and I welcome any reduction in pollution, however, the implementation of Euro 5 is too big a step in the timescales proposed from where we are now due to the cost of these vehicles.

I also welcome the idea of upgrading the quality of some of the taxis and private hire vehicles currently being used, however, we have to be fair to the driver who has, up until now, been perfectly within his or her rights to operate an older vehicle probably valued at between £750-£1000 which is MOT'd two or three times per annum to ensure its' road worthiness who is now being told that, should that vehicle fail them or if they are involved in a non-fault accident they will be required to find upwards of £8000 just so they can continue working.

This proposal will force people into debt as many will have to use loans to finance these Euro 5 vehicles and, being self-employed, they are unlikely to find a low cost loan and many will be forced away from mainstream loan providers to the higher interest providers making repayment even more expensive and difficult. This is, of course, assuming they can even get a loan as I am sure you appreciate, there are people with an adverse credit history who will be refused any type of finance which will only exacerbate their situation when they are unable to purchase the necessary vehicle and, therefore, find themselves unemployed.

So, whilst I welcome a better quality of vehicle and a very slight improvement in air quality, I would welcome even more the opportunity for every driver - existing and new - to be able to earn a fair income for the job we do without being forced into debt purchasing Euro 5 vehicles especially if they were happily driving a Euro 4 and expecting to do so for three more years until another driver misjudges a distance and writes off their car leaving them with a massive financial burden through no fault of their own.

I would urge the cabinet, therefore, to reject the proposals put forward by Licencing until at least 2018 when the cost of a Euro 5 engine maybe more within reach for the self-employed taxi and private hire drivers in Shropshire. In my opinion, much more investigation is required into the impact and the cost implications of these new proposals (which seem to be being pushed and rushed through) and the entire process should be deferred for 12 months to allow further consultation with those effected.

Thank you for taking the time to consider my views and I hope they provoke further discussion around these proposals before they are considered for implementation.

Mr Steve Charmley will reply as follows:

In summary, the Council understands your concern to be:

The disproportionate financial burden that will be placed on vehicle owners to replace vehicles that are either 'written off' by insurers following accident damage or suffer serious mechanical failure making them uneconomical to repair with a Euro 5 compliant vehicle irrespective of the European Emission Standards specification of the vehicle that has been written off or suffered serious mechanical failure;

AND as a consequence you are asking Cabinet to reject the current proposals being considered as part of the draft Policy until at least 2018 and that the process ought to be deferred for 12 months to allow further consultation with those affected.

In response, the Council:

Confirms that, under Agenda Item 7, an amendment to the draft Policy will be proposed that aims, in part, to address the concern you have raised regarding the disproportionate financial burden that you would face under the currently drafted Policy. This proposal will be the subject of further debate during the Cabinet meeting.

With respect to your desire to defer the process for a further 12 months to allow further consultation, this is not held to be appropriate given that extensive consultation has already been undertaken with those affected as set out below:

- Strategic Licensing Committee (SLC) held 19 March 2014 - Members granted permission to consult with the trade.
- Taxi Forums held across the county between the 15 and 24 April 2014 – advertised in advance in local press/on website/direct to individuals where email addresses known
- Proposed amendments from trade put forward at SLC on 21 May 2014; Members concluded period of formal consultation to be undertaken from 2 June 2014 to 24 August 2014.
- Further amendments made to proposed policy - put to SLC on 24 September 2014; Members concluded that a further period of consultation be undertaken from 29 September 2014 to 2 November

2014 - during this period an additional Taxi Forum was held on 28 October 2014 – further public advertising undertaken via local press/on website/direct to individuals where email addresses known.

- Proposed amendments were put to SLC on 10 December 2014; Members requested minor changes and recommended the revised Policy to go to Cabinet on 11 February for adoption and implementation.

4. Question Four

Ms Samantha Williams of SD Travel will ask the following of Mr Steve Charmley, the Portfolio Holder for Business, ip&e, Culture and Commissioning (North):

In regards to the emissions standards required for vehicles from April 2015, when transferring a license from one car to another the current proposals are unfair to the majority of drivers particularly those who may be unfortunate enough to have a vehicle written off in a non-fault accident or suffer severe mechanical faults and as such a policy which takes in to account the financial capabilities and recognises the economic difficulties faced by many operators and drivers is needed.

As such would you agree that a change to the policy to allow one of the following should happen?

- Allow transfers to take place on a like for like basis or
- Allow transfers to take place where the replacement vehicles are required to meet more attainable specific conditions such as:
 - an age limit of 8 years but
 - being a newer vehicle than the original and also
 - comply with the Euro standard at least that of the original vehicle (with a minimum Euro 4 standard).

Mr Steve Charmley will reply as follows:

In summary, the Council understands your concern to be:

The disproportionate financial burden that will be placed on vehicle owners to replace vehicles that are either 'written off' by insurers following accident damage or suffer serious mechanical failure making them uneconomical to repair with a Euro 5 compliant vehicle irrespective of the European Emission Standards specification of the vehicle that has been written off or suffered serious mechanical failure;

AND that you have suggested alternative options that could be incorporated into the draft Policy to address this concern.

In response, the Council:

Notes your suggestion for alternative options and confirms that, under Agenda Item 7, an amendment to the draft Policy will be proposed that aims, in part, to address the concern you have raised taking into account the alternative options you have suggested. This proposal will be the subject of further debate during the Cabinet meeting.

5. Question Five

Mr David Wilson will make the following statement on behalf of Central Taxis (Shrewsbury and Diamond Cars (Shifnal):

Since 6 April 2014, the Council has been obliged to undertake hackney carriage and private hire licensing in accordance with the Regulatory's Code of by virtue of section 23 of the Legislative and

Regulatory Reform Act 2006. The Council has already acknowledged this at paragraph 1.9 of the draft policy.

Paragraph 3 of the Code requires regulators to make evidence-based decisions when assessing risk.

The proposals to introduce Euro emission and Euro NCAP safety standards are presumably included in the policy with the intention of reducing the risks of pollution and the consequences of road traffic accidents for drivers, passengers and other road users.

The risk of harm from exhaust emissions are extremely well documented and known, which is why Europe has implemented Air Quality Standards and Emission Standards. For the same reasons and pursuant to its statutory duties, the Council has declared five Air Quality Management Areas in the county.

The need for a policy to help address the problem of exhaust emissions cannot be disputed, but the current proposals are too complicated to be readily understood for the period between 2015 and 2018 the draft policy contains seven different provisions. This must be simplified in a way that achieves the objective of reducing pollution without placing an undue financial burden on the trade and their customers.

The same cannot, however, be said in relation to vehicle safety standards and the Council's proposal to adopt Euro NCAP safety standards. The Euro NCAP is a voluntary scheme introduced to assist consumers to make informed decisions about the safety aspects of different passenger cars. That is not to say that there is no compulsory European safety standard, because there is, it is the European Community Whole Vehicle Type Approval and every vehicles, whatever it type, confirms to those safety standards.

With the greatest of respect, to seek to impose the Euro NCAP standards is a legally challengeable folly, unless the Council has empirical evidence to support its assessment of risk. At no point throughout the whole of the process of developing and consulting upon this policy has the Council ever alluded to, let alone produced any evidence to demonstrate a need for such a policy. Another of my clients has already won, what was probably the first legal challenge under the Regulators' Code, in relation to a policy concerning seating configuration that was not based on evidence.

Because it is a voluntary scheme, manufacturers do not submit every vehicle, particularly minibuses that are based on commercial vehicles, for Euro NCAP testing. Somewhat ironically, by restricting the trade's access to such vehicles, the Council will force consumers travelling in large groups to hire two vehicles rather than one large one, which will result in an increase in harmful exhaust emissions.

Mr Steve Charmley will reply as follows:

In summary, the Council understands your concerns to be:

- The current proposals set out for the introduction of the European Emission Standards are too complicated to be readily understood for the period between 2015 and 2018 and you want these simplified in a way that achieves the objective of reducing pollution without placing an undue financial burden on the trade and their customers.
- The introduction of the Euro NCAP safety standards is not based on empirical evidence to support the Council's assessment of risk and is, therefore, legally challengeable under the Regulators' Code.

In response, the Council's position is:

The Council must have regard to the Regulators' Code when developing policies and operational procedures that guide regulatory activities. If the Council concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the Council is not bound to follow that provision, but should record that decision and the

reasons for it. Consequently, whilst the Code rightly indicates the Council should make evidence-based decisions when assessing risk, this does not mean there must be indisputable empirical evidence that satisfies a 'beyond reasonable doubt' level of proof.

The Council's intentions behind the introduction of the European Emission Standards and Euro NCAP proposals is to:

- promote the Council's priorities and outcomes associated with keeping people from harm, promoting health and managing the environment.;
- contribute to improving air quality by reducing the impact of emissions both generally and specifically in relation to the five Air Quality Management Areas identified within Shropshire, including taking steps to "Review Licensing conditions to progressively reduce numbers of older, very high mileage Taxis and Private Hire Vehicles"; and
- improve the safety of vehicles and thereby reduce the severity of the consequences of road traffic collisions for passengers, drivers and pedestrians.

Given that the proposals set out in respect of the European Emission Standards are dealing with the introduction of new requirements, it is inevitable that a degree of complexity will exist. However, the Council has thought carefully about how best to balance the reduction in complexity whilst maintaining clarity (taking into account that the provisions form part of a temporary transitional period) against the financial burden that will be created by over-simplifying the process to introduce the requirements. The conclusions reached were informed by specific feedback received from the hackney carriage and private hire trade during the informal and formal consultation periods. The Council remains of the view that the proposed provisions achieve the most appropriate balance between reducing complexity, providing clarity and reducing the financial burden on the trade; however, further consideration will be given to the relevance of including Euro 6 requirements at this particular time.

With respect to the proposed Euro NCAP provisions, whilst Euro NCAP is a voluntary scheme, it does not exist simply to enable consumers to make informed decisions about the safety aspects of different passenger cars, although clearly this is service that the organisation provides. However, more significantly, Euro NCAP demonstrates the commitment of seven European Governments (including the UK) as well as motoring and consumer organisations in every European country to improving the safety of motor vehicles. It provides a realistic and independent assessment of the safety performance of some of the most popular cars sold in Europe and is at the forefront of driving safety improvements in vehicles.

European Community Whole Vehicle Type Approval ensures vehicles satisfy minimum automotive requirements, including safety, for various 'types' of vehicles; this means a large number of different vehicles satisfy Whole Vehicle Type Approval through a single 'type approval' process. Conversely, Euro NCAP is vehicle specific and focuses directly on improving safety. This is of direct relevance to the Council as it is particularly concerned to ensure a higher level of vehicle safety is maintained for its licensed hackney carriage and private hire vehicles in order to increase the protection afforded to passengers, drivers and pedestrians.

With respect to the empirical evidence available to demonstrate a need for introducing the Euro NCAP safety rating requirements into the Policy, the Council has based its decision on evidence (including real-life injury studies) that demonstrates a correlation between the star rating of a vehicle and the level of protection afforded to passengers and drivers, i.e. injury risk is reduced in line with every increase in star rating. It would be unacceptable for the Council to wait for actual injury and/or fatalities to be linked specifically to the driving of hackney carriage and private hire vehicles, particularly given the evidence available and that one of the Council's priorities is to keep people from harm. Consequently, by introducing the requirement for vehicles to comply with the more rigorous Euro NCAP safety standards the Council can demonstrate it is taking proactive measures to prevent harm and reduce the impact of harm on drivers, passengers and pedestrians.

Whilst not every make and model of vehicle is tested, the most popular and those that sell in the greatest numbers are. A significant number of suitable vehicles are available that meet NCAP 4 and 5 star ratings. There is also a mechanism to lobby for certain makes/models to be tested and hackney

carriage and private hire vehicle proprietors, owners and operators can each avail themselves of this opportunity if they so wish.

The hackney carriage and private hire licensing regime administered by the Council does not extend to minibuses, i.e. any vehicle with seating for more than 8 passengers (not including the driver) will not be licensed by Shropshire Council under the terms of the proposed Policy; this is not a change and is the position under the current Policy. Euro NCAP have carried out tests on a range of vehicles that seat 6 passengers, e.g. MPV type vehicles/'people carriers', etc. and since 2012 testing has extended to vehicles that seat 7 or 8 (and, whilst not directly relevant, even 9) passengers. There are already examples of such vehicles meeting 4 and 5 star safety ratings. There is also an unequivocal commitment from a number of other manufacturers that improvements will be made to the safety of those makes/models that are rated at 3 stars or below.

The Euro NCAP ratings requirements do not apply to vehicles that have been specifically constructed or converted for disability access (e.g. this includes minibuses originally with more than 8 passenger seats that have since been converted to carry wheelchairs and no longer seat more than 8 passengers and can, therefore, be licensed) and any M1 vehicle that has been adapted to be a hackney carriage (and has been accepted by an authorised officer of the council to be licenced only as a private hire vehicle) where the adaptations are approved by the Vehicle Certification Agency (VCA) and have VCA certification to European Whole Vehicle Type Approval (EWVTA) or GB Low Volume Small Type Approval. This exemption is already set out in the proposed Policy at paragraphs 3b.14 and 3c.11.

In addition, the Council has chosen not to require vehicle owners/proprietors to satisfy a separate Council based compliance testing regime on the basis that the revised Policy proposed that vehicles pass relevant MOTs, comply with the European Emissions Standards and the higher Euro NCAP safety ratings.

6. Question Six

Mr Paul Merrieffield of Comet Cars will ask the following question of Mr Steve Charmley, the Portfolio Holder for Business, Ipe, Culture and Commissioning (North):

In the new Taxi & Private Hire Licensing policy it states that vehicles must have certain NCAP safety ratings. These ratings are only recently voluntarily becoming industry standards. Whilst the majority of cars will have NCAP ratings, vehicles such as minibuses are as yet not being included in these tests. Vehicles before 2009 are also given 3 separate ratings, not just an overall rating.

My question is :

Will there be allowances within the licensing policy for vehicles that do not have an NCAP rating (such as the majority of all minibuses) and for licensing purposes of pre 2009 vehicle which of the 3 categories (adult, child or pedestrian) will the licensing department be using?

Mr Steve Charmley will reply as follows:

In summary, the Council understands your concerns to be in relation to the introduction of the Euro NCAP safety standards and in particular:

1. the implications for vehicles that do not have a Euro NCAP rating, e.g. minibuses; and
2. which star rating category (adult, child or pedestrian) will be used for pre-2009 vehicles.

In response, the Council's position is:

1. If vehicles do not have a Euro NCAP safety rating of 4 or 5 stars, the current intention of the Council is that such vehicles will not be licensed as hackney carriages or private hire vehicles. However, these requirements do not apply to vehicles that have been specifically constructed or converted for disability

access (e.g. this includes minibuses originally with more than 8 passenger seats that have since been converted to carry wheelchairs and no longer seat more than 8 passengers and can, therefore, be licensed) and any M1 vehicle that has been adapted to be a hackney carriage (and has been accepted by an authorised officer of the council to be licenced only as a private hire vehicle) where the adaptations are approved by the Vehicle Certification Agency (VCA) and have VCA certification to European Whole Vehicle Type Approval (EWVTA) or GB Low Volume Small Type Approval. This exemption is already set out in the proposed Policy at paragraphs 3b.14 and 3c.11.

Whilst not every make and model of vehicle is tested and given a Euro NCAP rating, the most popular and those that sell in the greatest numbers are. A significant number of suitable vehicles are available that meet NCAP 4 and 5 star ratings. There is also a mechanism to lobby for certain makes/models to be tested and you can avail yourself of this opportunity through the Euro NCAP website (www.euroncap.com) if you so wish.

The hackney carriage and private hire licensing regime administered by the Council does not extend to minibuses, i.e. any vehicle with seating for more than 8 passengers (not including the driver) will not be licensed by Shropshire Council under the terms of the proposed Policy; this is not a change and is the position under the current Policy. Euro NCAP has, for a number of years, carried out tests on a range of vehicles that seat 6 passengers, e.g. MPV type vehicles/‘people carriers’, etc. and since 2012 testing has also extended to vehicles that seat 7 or 8 (and, whilst not directly relevant, even 9) passengers. There are already examples of such vehicles meeting 4 and 5 star safety ratings. There is also an unequivocal commitment from a number of other manufacturers that improvements will be made to the safety of those makes/models that are rated at 3 stars or below.

2. With respect to the rating category, the Council confirms that the ‘Overall Rating’ must be used; however, where this is not available, e.g. for pre-2009 vehicles, the ‘Adult Rating’ is the relevant standard. This is already set out in the proposed Policy at paragraph 3c.10 for private hire vehicles. It is anticipated that a further proposal will be considered by Cabinet to replicate this position in paragraph 3b.14 for hackney carriages; however, this will be the subject of further debate during the Cabinet meeting.

7. Question Seven

Mr Jeffrey Herzig will ask the following question of Mr Steve Charmley, the Portfolio Holder for Business, Ipe, Culture and Commissioning (North):

It is unreasonable to expect the owners of vehicles to have 12 months or less to the new proposed emissions levels as there is not enough time to acquire vehicles to the required Euro specifications.

If this policy is allowed to be implemented from the 1st of April 2015, then in 12 months time there will be a vast reduction in the number of private hire and Hackney carriages that are registered as such and we will see a situation where there will be a lack of vehicles for working on Friday and Saturday nights, as we used to have about 10 years ago.

There will also be a lack of vehicles for school runs which the Council rely on to transport children to schools.

I do not object to the principle of the proposed changes, but I feel along with most of the owner drivers that I have spoken to, that a longer time should be implemented to make these changes, not to impose the changes from April 2015.

PLEASE RECONSIDER THE TIMETABLE FOR IMPLIMENTING THE NEW PROPOSALS.

Mr Steve Charmley will reply as follows:

In summary, the Council understands your concern to be:

The proposed transition period to implement the European Emission Standards is insufficient and will lead to a reduction in the number of licensed hackney carriage and private hire vehicles.

In response, the Council states:

Clearly, there is a balance to be found between effective implementation and implementation that drags on unnecessarily ultimately defeating the objective the Council is aiming to achieve, i.e. the introduction of appropriate emission standards to contribute to the improvement of air quality.

The Council's current proposals are such that they allow businesses sufficient time to make appropriate financial plans. The proposed transition period has already been extended to accommodate feedback received from the hackney carriage and private hire trade during the consultation period.

Officers are willing to provide advice on the options available to you, e.g. if you have a vehicle that currently meets the Euro 4 standard it can continue to be licensed for use up until 31 March 2018; alternatively, if you have a vehicle that does not currently meet Euro 4 then by replacing it with a vehicle that does meet this standard before the Policy is due to come into force, this vehicle can then also continue to be licensed for use until 31 March 2018. In both scenarios, and in addition to any existing financial plans that you will have in place as part of your ongoing commercial activity, you gain a further 3 years to plan for the required future financial outlay. Normal practice is that most licensed vehicles are replaced between 2 and 5 years after first being licensed depending on the mileage travelled and the policies of each owner/proprietor.

The Euro Standards are mandatory from the specified implementation dates for all new vehicles. Where a vehicle is either constructed after the 'first date' set out in the standards specifications or first registered after the 'second date', it must comply. A specific date is not used as a measure on the basis that many European suppliers introduce Euro Standard compliant vehicles in advance of the statutory dates; consequently, some vehicles older than the dates in the standards will comply – it is a matter of checking the manufacturers specifications (which will be available in the technical documentation) or opting for a vehicle built after the statutory date.
