



Committee and Date

Cabinet

21 March 2018

**Proposed Amendment to the
Hackney Carriage and Private Hire Licensing Policy 2015 to 2019**

Responsible Officer Professor Rod Thomson, Director of Public Health
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1. Summary

- 1.1 This report sets out proposals to extend the transitional periods currently set out in the Council's existing Hackney Carriage and Private Hire Policy 2015 – 2019 as they relate to the requirements for the licensing of new diesel vehicles as either Hackney Carriages (taxis) or Private Hire Vehicles in order that they continue to meet specific European Emission Standards after 31 March 2018 and until such time as a revised Policy takes effect in 2019.

2. Recommendation

- 2.1 That Cabinet agrees to the amendments to the Hackney Carriage and Private Hire Vehicle Policy as set out in **Appendix A** with effect from 22 March 2018.

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3. Risk Assessment and Opportunities Appraisal

- 3.1 The Council's existing Hackney Carriage and Private Hire Licensing Policy 2015 - 2019 ('the Policy') requires vehicles that are to be licensed as either Hackney Carriages or Private Hire Vehicles to comply with European Emission Standard 5 (Euro 5). To facilitate the implementation of this requirement transitional periods were implemented as part of the existing Policy in tables set out in paragraphs 3b.12 for Hackney Carriages and 3c.8 for Private Hire Vehicles. The relevant extracts from the Policy are reproduced at **Appendix B**.
- 3.2 During the process of drafting the existing Policy, the Council consulted on introducing the requirement for new diesel vehicles to comply with European Emission Standard 6 (Euro 6) from 1 April 2018. However, feedback from the trade in 2014/15 strongly indicated that implementing the Euro 6 Standard in April 2018 would be overly burdensome, given this was the first occasion that the Council had introduced an emission standard as part of its Hackney Carriage and Private Hire

Licensing Policy. As a result, Cabinet made the decision to remove the Euro 6 requirement at the meeting on the 11 February 2015 and, consequently, the Council's existing Policy currently makes no reference to the Euro 6 Standard for either Hackney Carriage or Private Hire Vehicles.

- 3.3** It has recently come to light that following the removal of the Euro 6 Standard in 2015, no provision was made in the Policy for new diesel vehicles after 31 March 2018. As a result, it is now proposed that the requirements in paragraphs 3b.12 and 3c.8 relating to emission standards and their applicability to the licensing of new diesel vehicles are amended to extend the transitional provisions from 31 March 2018 to 31 March 2019 as set out in **Appendix A**.
- 3.4** The amendment is required as officers have recognised that in order for hackney carriage and private hire proprietors to continue their business planning based on the current Policy there is a need for certainty and confidence in the information provided. The proposed amendment will allow proprietors to purchase new diesel vehicles in the knowledge that they will comply with the Council's requirements in respect of emission standards until a revised Hackney Carriage and Private Hire Licensing Policy takes effect in 2019.
- 3.5** A two week consultation period was undertaken between 16 February 2018 and 1 March 2018 through the Council's 'Get involved' web page. An email providing details of the consultation, including a link to the web page was sent directly to all (542) those currently licensed drivers, proprietors of licenced vehicles and private hire operators for which we hold an email address and the Public Protection social media platforms were used to publicise the link to the consultation every other day between 22 February 2018 and 1 March 2018.
- 3.6** The consultation feedback received was limited to four individual responses and these are included at **Appendix C**. The officer responses to the feedback received are set out at **Appendix D**.
- 3.7** The limited responses should not be viewed negatively; rather it is an indication that the proposed amendments are largely not controversial and may be seen as simply regularising the position that interested parties believed was already in force. Of note, is the response that was received from a licensing consultant representing the two largest private hire operators that operate in Shropshire and that this response indicated full support for the proposed amendments. There was one further response in full support of the amendments that also included a further suggestion in respect of extending the transition period for renewal applications for diesel vehicles. The latter point will be considered as part of the wider Policy review that will formally be consulted upon in 2018/19. The remaining two responses suggested removing the European Emission Standards from the licensing process altogether and proposed alternative approaches. It was concluded that it would be more appropriate for these suggestions to be considered as part of the wider review of the Policy that will be undertaken in 2018/19. As a result, no changes have been made to the proposed amendments.
- 3.8** The proposed amendments are in line with the aims of the originally agreed Policy and as such continue to ensure that the human rights of applicants, licence holders and the public who use hackney carriages and private hire services are protected. The proposed amendments will continue to assist the Council to comply with the

Human Rights Act 1998 and to avoid the risk of adverse Human Rights Act implications as a result of undertaking the hackney carriage and private hire licensing function.

- 3.9** Due regard has been given to the public sector equality duty in accordance with the Equality Act 2010. As part of this process social inclusion has also been considered in line with the Council's overall approach to equality and diversity. An Equality and Social Inclusion Impact Assessment (ESIIA) has been completed and is produced at **Appendix E**.

4. Financial Implications

- 4.1** There are no financial implications associated with the proposed amendment. There is also no additional burden on staff time as no changes to procedures are required to implement the proposed amendment.

5. Background

- 5.1** During 2014/15, officers undertook a significant revision of the Council's Hackney Carriage and Private Hire Licensing Policy. The process, including the consultation, was overseen by the Strategic Licensing Committee. Cabinet agreed the final version of the Policy on the 11 February 2015 and it was implemented with effect from 1 April 2015. Further information is available in the links to the background papers.

6. Conclusions

- 6.1** The proposed amendment is a positive step for the hackney carriage and private hire trade and does not adversely impact on the work of the Council's licensing team.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Shropshire Council's Hackney Carriage and Private Hire Licensing Policy 2015 – 2019 <https://shropshire.gov.uk/media/2685/hcph-licensing-policy-2015-2019.pdf>

Report to Cabinet on 11 February 2015 entitled 'Hackney Carriage and Private Hire Licensing Policy 2015 – 2019' and the subsequent Cabinet Decision (Agenda Item 86) <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=130&MID=2658#AI3482>

Cabinet Member (Portfolio Holder)

Cllr Robert Macey, Portfolio Holder for Planning and Regulatory Services

Local Member

The report has county wide application.

Appendices

Appendix A Proposed amendments to the current Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Appendix B Extracts from the current Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Appendix C Consultation responses

Appendix D Officer responses to consultation feedback

Appendix E Equality and Social Inclusion Impact Assessment

Appendix A

Proposed amendments to the current Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Emissions (Hackney Carriages)

3b.12 Vehicles must comply with the following European Emission Standards as defined by EU Regulation 692/2008 (which implemented and amended Regulation 715/2007):-

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 2019	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

Emissions (Private Hire Vehicles)

3c.8 Vehicles must comply with the following European Emission Standards as defined by EU Regulation 692/2008 (which implemented and amended Regulation 715/2007):-

Renewal/New	Fuel	Period	European
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Application			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 2019	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

Appendix B

Extracts from the current Hackney Carriage and Private Hire Licensing Policy 2015 – 2019

Emissions (Hackney Carriages)

3b.12 Vehicles must comply with the following European Emission Standards as defined by EU Regulation 692/2008 (which implemented and amended Regulation 715/2007):-

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Emissions (Private Hire Vehicles)

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Renewal	Petrol	1 April 2018 to 31 March 2024	Euro 5
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