



LICENSING COMMITTEE
27 June 2024

ITEM 6

Report sponsor: Charles Edwards,
Director of Place
Report author: Angela Rawson,
Service Manager, Licensing

Review of Hackney Carriage & Private Hire Age & Emissions Policy

Purpose

- 1.1 To review the current Hackney Carriage & Private Hire Age & Emissions Policy as set out by the Taxi & Private Hire Vehicle Strategy 2020.

Recommendation(s)

- 2.1 That Committee accept or reject the petition.
- 2.2 Subject to accepting the recommendation at paragraph 2.1, that Committee approves a 12-week public consultation to consider whether the current Hackney Carriage & Private Hire Age & Emissions Policy requires amending, rescinding or remain and come into effect on 1 January 2025 as previously approved; and
- 2.3 That Committee delegate to the Director of Communities, following consultation with the Chair, the authority to consider any valid representations received within the consultation period and to take appropriate action if required to address such representations.

Reason(s)

- 3.1 Part of the Licensing Authority's responsibility is to ensure that the vehicles being used by licensed drivers are in such a condition that would, insofar as possible, promote public safety. The current Age & Emissions Policy has been in place since 2020 and is due to take effect from 1 January 2025. Following receipt of a petition from 55 drivers requesting an extension of that effective date, it is deemed appropriate to review the policy to determine whether any changes are required.

Supporting information

- 4.1 Derby City Council (The Council) is the Licensing Authority for the regulation of licensed Hackney Carriage & Private Hire Vehicles with a duty to, insofar as possible, promote public safety by virtue of section 47 & 48 of the Local Governments (Miscellaneous Provisions) Act 1976.

- 4.2 The Hackney and Private Hire trades play an important part of our transportation system. The Council is required to ensure that all vehicles licensed by them adhere to minimum set of standards which are applied across the two trades which are consistent and transparent. The power to promote such standards are set out by legislation and licence conditions with a view to focussing the expectations of the trade and the fare paying public and help to ensure a consistent approach is taken to reach those expectations.
- 4.3 On 28 August 2019, Committee approved the Taxi & Private Hire Strategy 2020 which, amongst other things, incorporated an Age and Emission Policy for all vehicles licensed by Derby City Council for the purpose of maintaining a healthy fleet and support the local Air Quality status. The age policy was finally agreed on 7 November 2019.
- 4.4 The Policy put in place the following requirements for licensed vehicles:
- 1) From 1 January 2025, vehicles over the age of 15 years from the date of first DVLA registration will ordinarily be refused a licence unless the vehicle is in exceptional condition and has been approved for use following an Exceptional Condition Vehicle Check (ECVC).
 - 2) From 1 January 2025, all newly licensed vehicles will be required to be a minimum of Euro 6 Diesel or ZEC ULEV.
- 4.5 Paragraph 4.4.1 above makes reference to an 'Exceptional Condition Vehicle Check' (ECVC) for vehicles over 15 years of age from date of first registration. Details of what the ECVC will comprise of forms the subject of a separate report, the intention being to implement those checks once the policy comes into effect on 1 January 2025 or, subject to the outcome of this report, any later date its coming into effect may be postponed to.
- 4.6 The licensed trades, particularly Hackney Carriage owners, have raised concerns regarding the upcoming implementation date and a petition of 55 signatures has been presented to the Council for consideration.
- 4.7 Of the 53 valid signatories, 8 were hackney drivers and the other 45 were private hire drivers. This equates to 4.8% of the hackney vehicle stock and 5.6% of the private hire vehicle stock.
- 4.8 The petition provides the following request:
- 'we the undersigned want Derby City Council Taxi Licensing to either extend the age limit n licensed vehicles for further more years or to keep the system as is in place now with a choice of buying any vehicle. When the decision was made by the committee no one predicted the financial crisis we will be in now. The cost of living has hit everyone hard; mortgages have one up; bills are rising and the work rate has reduced significantly. At this moment of time, it will be extremely difficult to purchase a new vehicle and it will mean to step away from this trade....'*

4.9 It is clear that since 2019 factors such as Covid-19 and the cost-of-living crisis has had an impact on all businesses, large or small. If we look at our licensed vehicle numbers there has been a clear decrease on both sides, some, not all, would probably have been impacted by one or both of the factors in one way or another.

	Private hire vehicle	Hackney carriage vehicle
Number of licences 2023-24	795	164
Number of licences 2022-23	768	168
Number of licences 2021-22	782	180
Number of licences 2020-21	788	188
Number of licences 2019-20	883	243
Number of licences 2018-19	948	271

4.10 Whilst the decline may seem dramatic, and can be attributed to trade trends, there is also a suggestion that a significant number of proprietors/owners are now choosing to license their vehicles elsewhere. Vehicles which are licensed elsewhere are able to continue to lawfully come into the Council's administrative area to trade which can affect the Council's ability to keep members of the public safe where other Licensing Authorities' standards may not align with our own. Putting in place appropriate measures may help to achieve a 'grow your own' culture with drivers returning to Derby City Council as their licensing regulator.

4.11 If we look at the trades in separation, it is clear that the private hire trade has more accessibility to a large varietal range of vehicles, both by way of design and emission capability, including hybrid and electric models. They do tend to be younger by transition and the choice is wider with the price range being more favorable.

4.12 The hackney trade however do have more restrictions on their vehicle specification and are a more visible City Centre offer. In basic terms requiring them to be side loading, wheelchair accessible London style cabs in black and sporting the Derby City yellow strip. The difficulty being experienced with having a defined specification is that the range of vehicles is not so widely available and the electric end of the market are very expensive. At the time of writing this report, there is only one full electric car available in the specification range and the competition for second-hand vehicles has increased exponentially. There has also been a reduction in the makes and models available with some of the Euro 6 vehicles which were available when the strategy was implemented not actually being manufactured now which obviously limits choice even more.

4.13 The framework around the age restriction was evaluated at the time as Derby was being mandated by the Government to manage air quality. The measures prescribed by committee back in 2019 indirectly supported the Council's commitment to meet that mandate.

- 4.14 The Government has had a shift in restrictions on the sale of new petrol and diesel vehicles by deferring from 2030 to 2035. It is of course noteworthy that this is a deferment not a cancellation of the initiative so any change in the Councils policy would still be required to reflect the Governments stance.
- 4.15 Currently just under 42% of our Hackney Carriage fleet is compliant with the current Age & Emissions policy with 89% of our Private Hire fleet being compliant showing the difference between the 2 trades dynamics.
- 4.16 A few of the advantages and disadvantages of deferring the implementation date are listed below:

Pros

- Provides licence holders with more time to engage with an extended policy taking into account the effects of Covid and the cost of living crisis.
- Provides licence holders with more time to source compliant vehicles, which addresses the apparent non-availability of suitable vehicles. Enquiries of a Hackney Carriage manufacturer states 9 months+ waitlist for a new vehicle. As the Private Hire vehicle specification is not as detailed as the Hackneys, 2 random manufacturers state between 6 weeks and 6 months+ for delivery of a new vehicle dependent upon customer requirements.

Cons

- Proprietors and drivers may move to other areas for their licensing needs which would reduce the number of Derby licensed vehicles and conversely increase the number of out-of-town vehicles operating in Derby.
- Having already allowed for a 5-year lead-in period, deferral could create a lack of uncertainty within the trade about the Council's commitment to the initiative, and could encourage additional petition/requests for further extension.
- Retain older vehicle stock for a further 12 months
- Potential disproportionate impact on licence holders who, notwithstanding the 'hardship' alluded to, have already complied with the initiative in advance of the anticipated date stipulated in 2019.

- 4.17 As the effect of any change will be reflected on the hackney carriage and private hire trades, it is suggested that a 12-week consultation be commenced.
- 4.18 In the event that committee accepts the petition and the resolutions at paragraphs 2.2 and 2.3 are passed, a further report will be presented to committee in November 2024 inviting committee to make a final determination.

Public/stakeholder engagement

- 5.1 It is proposed that a 12-week public consultation is undertaken to ascertain the views of partners, stakeholders, users and the trades. The consultation will be available on our website.

Other options

6.1 To maintain the current Age & Emissions Policy as approved in 2019.

Financial and value for money issues

7.1 The cost for the policy review is covered by the licence fees. Fees are reviewed on an annual basis.

Legal implications

8.1 The decision made by committee would amount to an administrative decision by a public authority. In considering the request within the petition, committee should satisfy itself that the request is appropriate and has merit. A balanced consideration of the competing arguments is required, whether to assist with understanding the basis of the request, or else to assess its value against the realisation that other stakeholders have taken active steps to secure compliance with the existing policy, irrespective of the perceived hardship which the petition draws attention to.

Climate implications

9.1 The policy is intended to transition high emission vehicles to newer, lower emission vehicles for both trades which in itself will have carbon footprint benefits.

Other significant implications

10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu	17/06/2024
Finance		
Service Director(s)		
Report sponsor	Charles Edwards, Director	17/06/2024
Other(s)		

Background papers:	None
List of appendices:	