

Classification	Item No.
Open / Closed	

<b>Meeting:</b>	Licensing and Safety Committee
<b>Meeting date:</b>	1 February 2024 - Licensing and Safety Committee 20 March 2024 - Full Council
<b>Title of report:</b>	Review of emissions standard transitional implementation date for existing Hackney Carriage and Private Hire vehicles to compliant vehicle in respect of proposed GM Clean Air Plan.
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

### Executive Summary

This report outlines the proposal to bring forward the implementation of existing standards related to emissions from 1 April 2026 to 1 January 2026 for licensed vehicles eligible for current transitional arrangements. The rationale for this relates to the recent submissions to Government with revised proposals around the GM Clean Air Plan and requirement from Government to ensure a GM agreed emissions standard for all Taxi and Private Hire vehicles by 31 December 2025.

### Recommended Option

It is recommended that the Licensing and Safety Committee considers and adopts the following amendment (1) to the existing emission standard and recommends to Full Council that amendment (1) be approved:

For existing vehicle licence proprietors:

1. That the transitional arrangements agreed by Full Council on 22 March 2023, in relation to age and emissions standards that were previously extended from 1 April 2024 to 1 April 2026 are brought forward by three months to 1 January 2026. This will enable hackney carriage and private hire vehicle owners to meet the agreed GM emissions standard outlined in the revised GM Clean Air Plan. The amended policy will state that from 31 December 2024 a

vehicle licence will not be renewed if the vehicle does not meet the current emission standard.

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### **Key considerations**

This is a Council Function that is delegated to the Licensing and Safety Committee by the Council's Constitution.

This paper is in the public domain.

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### **Community impact / Contribution to the Bury 2030 Strategy**

The changes put forward in this report will facilitate more rapid improvement with clean air through facilitating the replacement of non-compliant (emission) vehicles for both hackney carriage and private hire/private hire vehicles. This could potentially help reduce the time it takes for these vehicles to be upgraded and become compliant with existing emissions standard leading to less carbon emissions and less tailpipe emissions. It will also enable access to the linked funding related to the revised GM Clean Air Plan submissions to Government which will assist with vehicle upgrade costs.

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### **Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

*The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.*

An Equality Impact Assessment (EIA) was undertaken when the existing standards were implemented through a full governance process. This report seeks to bring forward the implementation date for emissions compliance by 3 months to enable access to the GM Clean Taxi Fund support package when it is made available which will provide financial assistance to affected vehicle proprietors. Conversely, if no change is made to the existing transitional arrangements this could be detrimental and financially disadvantage affected vehicle proprietors.

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### **Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
<p>Opportunity: The adoption of the recommended amendments to existing transitional arrangements will enable the hackney carriage and private hire trade in Bury access any future GM funding linked to the revised submissions to Government regarding the GM Clean Air Plan.</p> <p>Risk: Maintaining existing transitional arrangements may jeopardise the revised submissions to Government regarding the GM Clean Air Plan and may prevent the hackney carriage and private hire trade in Bury accessing any future GM funding.</p>	None

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### **Consultation:**

Not applicable

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### **Legal Implications:**

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

The costs of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.

The policy changes recommended, if agreed by the Council, will be implemented and form the basis on which decisions are made on applications for vehicle licences received by the Council.

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### **Financial Implications:**

Revenue and Capital: The Licensing Regime is a self-funded service through the licensing fees. There are no financial implications as a result of this report as the changes do not have any cost implications to the Council.

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### **Background papers:**

Licensing and Safety Committee report and minutes – 16 March 2023

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
CAZ	Clean Air Zone
CTF	Clean Taxi Fund
EIA	Equality Impact Assessment
GM	Greater Manchester

GM CAP	Greater Manchester Clean Air Plan
GMCA	Greater Manchester Combined Authority
HCV	Hackney Carriage
ICE	Internal Combustion Engine
JAQU	Joint Air Quality Unit
NO <sub>2</sub>	Nitrogen Dioxide
PHV	Private Hire Vehicle
SoS	Secretary of State
TFGM	Transport for Greater Manchester
WAV	Wheelchair Accessible Vehicle
ZEB	Zero Emission Bus

## 1.0 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 (NO<sub>2</sub>) 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 NO<sub>2</sub> 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 NO<sub>2</sub> exceedances at the roadside, herein known as Greater Manchester Clean Air Plan (GM CAP).
- 1.2 The GMCA – Clean Air Final Plan report on 25 June 2021<sup>1</sup> endorsed Greater Manchester’s Final CAP and policy following a review of all of the information gathered through the GM CAP consultation and wider data, evidence and modelling work. Throughout the development of the previous Plan, JAQU reviewed and approved all technical and delivery submissions. The Plan was agreed by the ten Greater Manchester local authorities. Within this document, this is referred to as the Previous GM CAP.
- 1.3 On the 8 February 2022, a new direction (the Direction) was issued by the SoS<sup>2</sup> 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 by 1st July 2022 the GM authorities should:

<sup>1</sup> [GMCA 210621 Report Clean Air Plan - FINAL FINAL.pdf \(greatermanchester-ca.gov.uk\)](#)

<sup>2</sup> [The Environment Act 1995 \(Greater Manchester\) Air Quality Direction 2022 \(publishing.service.gov.uk\)](#)

- review the measures specified in the local plan for NO<sub>2</sub> compliance and associated mitigation measures; and
  - determine whether to propose any changes to the detailed design of those measures, or any additional measures.
- 1.4 The Direction also states that the local plan for NO<sub>2</sub> compliance, with any proposed changes, must ensure the achievement of NO<sub>2</sub> compliance in the shortest possible time and by 2026 at the latest. It should also ensure that human exposure to concentrations of NO<sub>2</sub> above the legal limit is reduced as quickly as possible.
- 1.5 In July 2022, the 'Case for a new Greater Manchester Clean Air Plan'<sup>3</sup> 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.
- 1.6 The primary focus of the 'Case for a new Greater Manchester Clean Air Plan' was to identify a plan to achieve compliance with the legal limit value for NO<sub>2</sub> in a way that considered the cost-of-living crisis and associated economic challenge faced by businesses and residents. This would be achieved through an investment-led approach combined with all the wider measures that GM is implementing with the aim of reducing NO<sub>2</sub> emissions to within legal limits, in the shortest possible time, and at the latest by 2026.
- 1.7 The 'Case for a new Greater Manchester Clean Air Plan' proposed using the £123m of Clean Air funding that the Government has awarded to the GM authorities to deliver an investment-led approach to invest in vehicle upgrades, rather than imposing daily charges, and deliver new Zero Emission Buses (ZEBs) as part of the Bee Network (a London-style integrated transport network for Greater Manchester). The new plan would ensure that the reduction of harmful emissions would be at the centre of GM's wider objectives. Within this document, this plan is referred to as the 'New GM CAP'.
- 1.8 Having submitted the Case for a New Clean Air Plan in July 2022 GM was asked by Government in January 2023 to:
- (i) provide modelling results for a benchmark CAZ to address the persistent exceedances identified in central Manchester and Salford, in order for these to be compared against your proposals.*
- (ii) Identify a suitable approach to address persistent exceedances identified in your data on the A58 Bolton Road in Bury in 2025, and to propose a suitable benchmark.*

*(iii) Set out how the measures you have proposed will be modelled and evidenced overall, and to ensure that they are modelled without any unnecessary delay.*

- 1.9 Greater Manchester Authorities have been undertaking the work required to supply this further evidence and on 8 March 2023 submitted the first element, 'Approach to Address Persistent Exceedances Identified on the A58 Bolton Road, Bury'<sup>4</sup>.
- 1.10 In April 2023, Government advised TfGM that it was to pause any new spending on bus retrofit as it had evidence that retrofitted buses have poor and highly variable performance in real-world conditions.
- 1.11 In the light of the Government's new evidence, JAQU issued revised general guidance to authorities producing Clean Air Plans nationwide requiring that air quality modelling should no longer assume any air quality benefits from a retrofitted bus. The Government also advised that it anticipated a six-month focused research programme to quickly investigate the causes of poor bus retrofit performance and how it could be improved would be reported in Autumn 2023.
- 1.12 To date the outputs of this study have not been made available to GM and in the absence of the government's bus retrofit study and GM has incorporated the revised guidance from JAQU, requiring that air quality modelling should no longer assume any air quality benefits from a retrofitted bus into the modelling which underpins the development of its Clean Air Plan to produce an report that appraises the ability of the Investment-led Plan and a benchmark CAZ to deliver compliance with the legal limit value in the shortest possible time and by no later than 2026.

## **Information**

- 1.13 The report "GM Clean Air the GM Air Quality Administration Committee on 20 December 2023. The report was agreed by the Committee provides an update on the Case for a new Greater Manchester Clean Air Plan and confirms that an appraisal of GM's proposed investment-led plan has been undertaken against a benchmark charging Clean Air Zone (CAZ) in the centre of Manchester and Salford.
- 1.14 Using the government's updated technical guidance, that 'no air quality benefit' should be assumed from bus retrofit, GM now has evidence to show that its investment-led, non-charging Clean Air Plan can deliver compliance with the government direction to bring nitrogen dioxide levels within legal limits in 2025.
- 1.15 Modelling predicts if GM did nothing there would be twelve exceedances of nitrogen dioxide in 2025. The majority of these would be in the regional centre – Manchester and Salford.

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<sup>4</sup> <https://democracy.greatermanchester-ca.gov.uk/documents/s24939/Appendix%203.%20GM%20CAP%20A58%20Bury%20Measure%20Report%20DRAFT%20for%20AQAC%20Approval%20Feb%2023.pdf>

- 1.16 GM's investment-led plan proposes using £86.7 Clean Air funding already awarded, for investment in zero-emission buses, taxi and private hire vehicle upgrades (through a Clean Taxi Fund) and measures to manage traffic flows on some roads in the centre of Manchester and Salford.
- 1.17 Modelling shows GM's investment-led plan can achieve compliance in 2025 and that compliance is not achieved in 2025 or 2026 by a benchmarked category C charging CAZ.
- 1.18 The GM's evidence shows that the investment-led, non-charging plan can achieve compliance in 2025. However, it is for government to determine what measures GM is to implement – only the Investment-led Plan complies with the requirement placed on the 10 GM local authorities to deliver compliance in the shortest possible time and by 2026 at the latest.

### **Taxi and Private Hire Vehicle (PHV) Measures**

- 1.19 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.
- 1.20 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 31 December 2025, will have been adopted by all GM Authorities.
- 1.21 This means that licences issued by Bury will have to have a compliant vehicle attached to the licence by 31 December 2025 at the latest. Licensees can apply at any time during the currency of their licence to replace the vehicle attached to that licence, and therefore must ensure that they have sourced and purchased an emissions compliant vehicle in good time to ensure they have a compliant vehicle licensed by 31 December 2025. Officers will advise the trade further with regards to application deadlines to ensure sufficient time for processing and vehicle testing prior to the licence being issued.
- 1.22 The Council's current licensed vehicle emissions policy is a petrol vehicle must be Euro 4 and a diesel vehicle must be a Euro 6.
- 1.23 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 with all GM Authorities working to achieve this. It is intended that the Clean Taxi Fund will support this providing sufficient funds for every current non-emissions compliant vehicle licensed to a GM authority to receive grant support (if applicable). Further the is to be opened Fund 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.
- 1.24 A Clean Taxi Fund (CTF) of £30.5m is proposed to offer funding to support upgrades of taxis to cleaner vehicles through two routes. These are:



- Core Taxi Fund of £22.5m – based on the 2021 GM CAP Policy, the funding is eligible to non-compliant, GM-licensed hackneys and PHVs. The financial support has been uplifted with inflation, with an associated air quality benefit derived from minimum emission standards across the 10 GM Authorities.
- Electric Hackney Upgrade Fund of £7.9m – based on the Bradford scheme<sup>5</sup> and feedback received during GM's Participatory Policy Development<sup>6</sup>, the funding is available to compliant Internal Combustion Engine (ICE) hackneys and seeks to support upgrades to the cleanest vehicle type whilst taking into account feedback.

- 1.25 The Air Quality Administration Committee recommended that each GM Authority puts appropriate arrangements in place to facilitate a transitional start date for the implementation of emission standards by the 1 January 2025 with the end transition date being the 31 December 2025. Ultimately it is for the government to determine what measures GM is to implement, the appraisal shows that only the Investment-led Plan complies with the requirement placed on the 10 GM Authorities to deliver compliance in the shortest possible time and by 2026 at the latest.
- 1.26 The report has been submitted to the Secretary of State for Environment, Food and Rural Affairs setting out that whilst we await their response the GM Authorities will, on the anticipation of the Clean Taxi Fund being agreed, make preparations to ensure a minimum taxi emissions standard will have been adopted by all GM Authorities.

## **2.0 Bury Council's position**

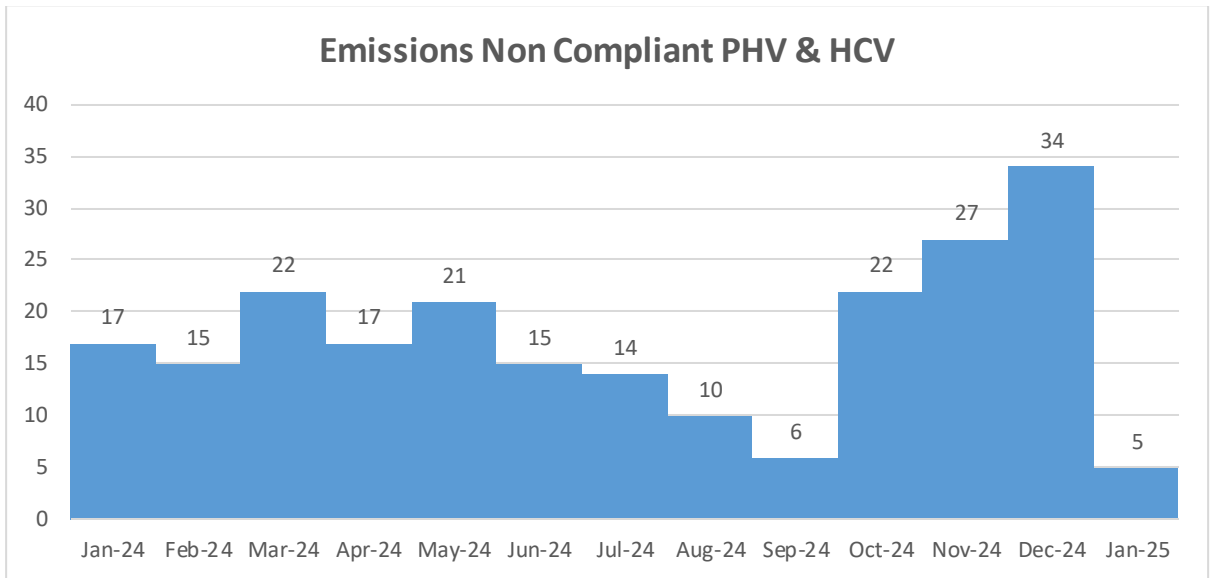
- 2.1 The transitional arrangements agreed by Full Council on 22 March 2023, in relation to age and emissions standards were previously extended from 1 April 2024 to 1 April 2026. This report seeks approval to amend and bring forward the implementation date by three months to 1 January 2026. This will enable hackney carriage and private hire vehicle owners to meet the agreed GM emissions standard outlined in the revised GM Clean Air Plan submission to Government. If agreed the amended policy will state that from 31 December 2024 a vehicle licence will not be renewed if the vehicle does not meet the current emission standard to ensure that on the 1 January 2026 all licensed vehicles in Bury will comply with the GM emissions standard.
- 2.2 The Licensing Service have reviewed the fleet data on the 11 January 2024 and have identified following the assessment of all 760 licensed vehicles we currently have 225 (29.6%) non complaint vehicles which consist of 193 (25.4%) Private hire vehicle and 32 (4.2%) Hackney Carriages.

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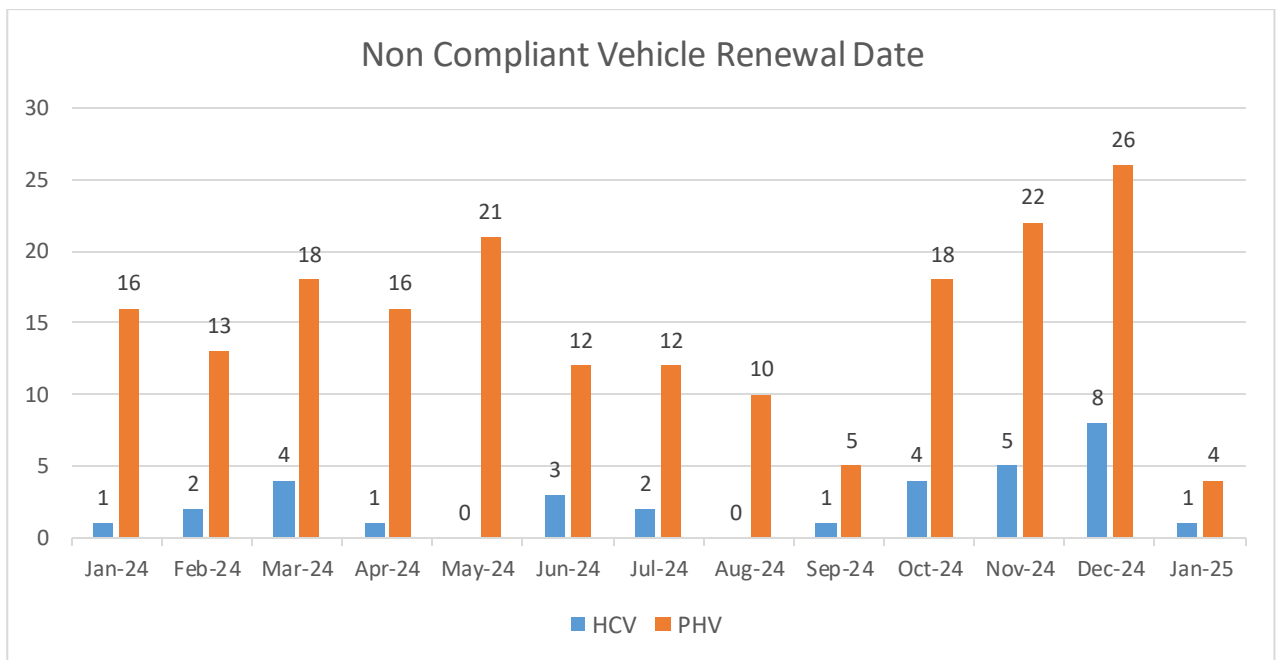
<sup>5</sup> Bradford Council, who operate a Category C charging Clean Air Zone, have launched an additional fund to support Bradford-licensed Hackneys to upgrade to fully electric. The fund is open to owners of Bradford which are already classed as compliant with minimum emissions standards.

<sup>6</sup> [Participatory Policy Development - Summary of Stakeholder Engagement Report](#) Page 14, point 8

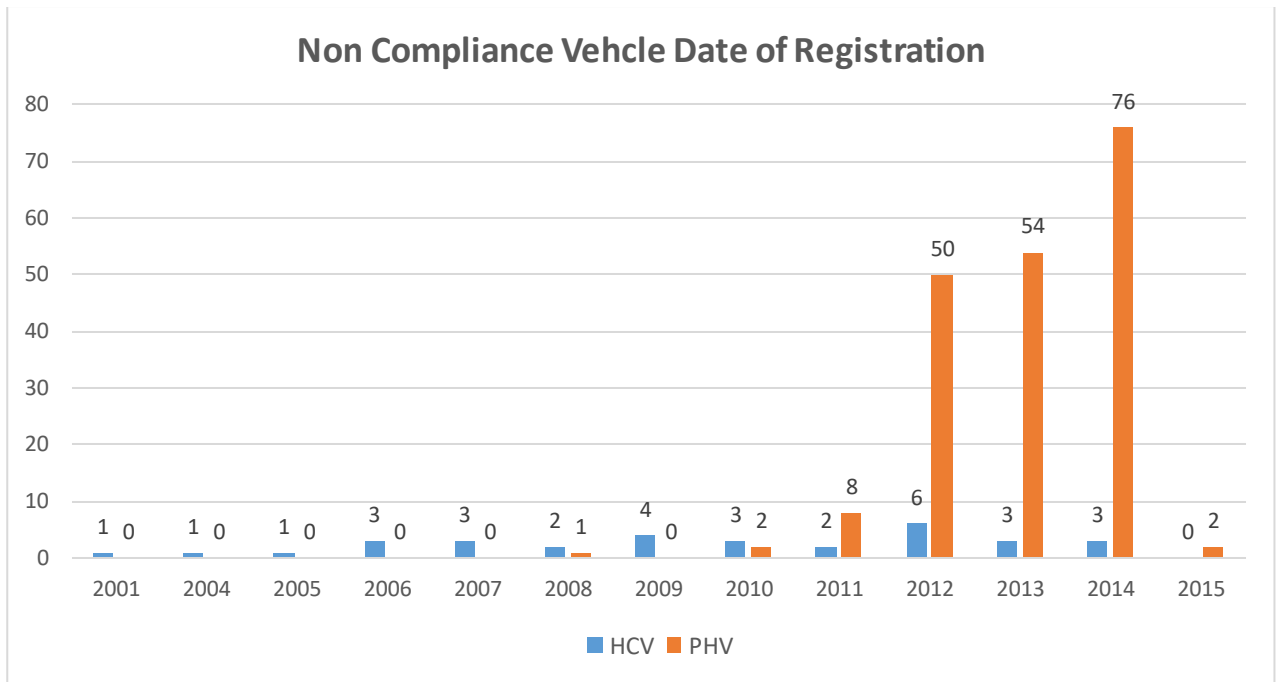
2.3 **Table 1** shows the numbers of vehicles that are not compliant between the period of January 2024 until January 2025.



2.4 **Table 2** shows the numbers of vehicles that are not compliant by renewal date between the period of January 2024 until January 2025.



2.5 **Table 3** shows the numbers of vehicles that are not compliant by date of vehicle registration.



### 3.0 Conclusion & Recommendation

3.1 It is recommended that the Licensing and Safety Committee considers and adopts the following amendment (1) to the existing emission standard and recommends to Full Council that amendment (1) is approved:

For existing vehicle licence proprietors:

1. That the transitional arrangements agreed by Full Council on 22 March 2023, in relation to age and emissions standards that were previously extended from 1 April 2024 to 1 April 2026 are brought forward by three months to 1 January 2026. This will enable hackney carriage and private hire vehicle owners to meet the agreed GM emissions standard outlined in the revised GM Clean Air Plan. The amended policy will state that from 31 December 2024 a vehicle licence will not be renewed if the vehicle does not meet the current emission standard.