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| Classification | Item No. |
| Open / Closed | |

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| Meeting: | Licensing and Safety Committee |
| Meeting date: | 5 September 2024 - Licensing and Safety Committee 11 September 2024 - Full Council |
| Title of report: | Review of transitional arrangements for existing Hackney Carriage and Private Hire vehicles in respect of emissions standards. |
| Report by: | Executive Director (Operations) |
| Decision Type: | Council |
| Ward(s) to which report relates | All |

Executive Summary

This report outlines the proposal to amend the Council’s current policy relating to the transitional arrangements to enable vehicle proprietors of non-compliant hackney carriage and private hire vehicles to make a renewal application after the 1 January 2025. 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 Options

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 with a non-complaint vehicle:

1. A vehicle proprietor of a hackney carriage and private hire vehicle licence that is due for renewal after the 1 January 2025 which is non-compliant with emission standards (EURO 4 Petrol vehicles and EURO 6 diesel vehicles) is permitted to make an application to renew the vehicle licence and provided the vehicle passes its compliance test it will be issued with a 12-month vehicle licence. The vehicle licence would be granted subject to a condition that the

non-compliant vehicle is removed from the fleet and replaced with a Euro 4 or 6 compliant vehicle by the 31 December 2025.

2. To delegate powers to the Head of Public Protection/Licensing Unit Manager and/or the Deputy Licensing Officer to suspend any vehicle licence that has been issued after the 1 January 2025 where the vehicle proprietor(s) have not complied with the condition to replace the non-compliant vehicle with a compliant vehicle by the 31 December 2025.
3. To request delegation to the Head of Public Protection/Licensing Unit Manager in consultation with the Chair of the Licensing and Safety Committee to amend Council Policy that relates to the transitional arrangements for existing vehicle proprietors who own non-compliant vehicles to enable access to the clean taxi fund if it becomes available. Any decisions made would be reported in the Operational Report at the next meeting of the Licensing and Safety Committee.

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.

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 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 potential linked funding related to the revised GM Clean Air Plan submissions to Government which will assist licence holders with vehicle upgrade costs.

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 policy was implemented through a full governance process. This report seeks to permit those vehicle proprietors who currently own a non-compliant vehicle to submit a renewal application for a hackney carriage and private hire vehicle and subject to the vehicle passing its compliance test, it will be granted a 12-month licence. The renewed vehicle licence will be granted subject to a condition that the non-compliant vehicle will be replaced with a compliant Euro 4 Petrol or Euro 6 diesel by the 31 December 2025. By making the proposed amendments to Council Policy, vehicle proprietors who currently have a non-compliant vehicle will be able to access any potential funding available through the GM Clean GM Clean Air Plan. Conversely, if no change is made to the existing transitional arrangements this could be detrimental and financially disadvantage affected vehicle proprietors who will not be able to renew vehicle licences after 1 January 2025.

Assessment of Risk:

The following risks apply to the decision:

| Risk / opportunity | Mitigation |
|--|--|
| <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 potential 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 potential future GM funding.</p> | <p>There is no mitigation as the Council is bound by a Government Ministerial Directive in relation to Clean Air to only licence emissions compliant vehicles by 1 January 2026.</p> |

Consultation:

Not applicable

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.

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 – 22 February 2024
Full Council Minutes – 20 March 2024

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 |
| HCV | Hackney Carriage |
| ICE | Internal Combustion Engine |
| PHV | Private Hire Vehicle |

1.0 Background

- 1.1 Members will recall that on the 22 February 2024, a report was considered by Licensing and Safety Committee regarding a 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, Members resolved:
- 1.2 It was agreed by the Licensing and Safety Committee to adopt the following amendment (1) to the existing emission standard and recommended to Full Council that the amendment (1) be approved:
- 1.3 For existing vehicle licence proprietors:
- That the transitional arrangements amended by Full Council on the 22 March 2023, in relation to age and emissions, previously extended from the 1 April 2024 to the 1 April 2026, are amended again and to be in effect from the 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 submissions. The amended policy will state that from the 31 December 2024 a vehicle licence will not be renewed if the vehicle does not meet the current emission standard.
- 1.4 On the 20 March 2024, Full Council ratified the above recommendation from the Licensing and Safety Committee.

Information

- 1.5 The report "GM Clean Air the GM Air Quality Administration Committee on 20 December 2023. The report was agreed by the Committee and provided 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.
- 1.6 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.
- 1.7 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 centres of – Manchester and Salford.
- 1.8 GM's investment-led plan proposes using £86.7 million 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.
- 1.9 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.
- 1.10 The TFGM 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

- 1.11 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.
- 1.12 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.
- 1.13 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.
- 1.14 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.

- 1.15 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 potential Clean Taxi Fund will support this by providing sufficient funds for every current non-emission compliant vehicle licensed to a GM authority to receive grant support (if applicable). Further if the fund is opened before 2025 this will enable earlier upgrades, and help to mitigate against the risk of taxis re-licensing with another authority that does not have the same emission standard requirement.
- 1.16 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 potential 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 and feedback received during GM’s Participatory Policy Development, the potential funding will be available to compliant Internal Combustion Engine (ICE) hackneys and seeks to support upgrades to the cleanest vehicle type whilst taking into account feedback.
- 1.17 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.
- 1.18 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 were initially agreed by Full Council on 24 November 2021 with subsequent amendments to the implementation date for transitional arrangements on 22 March 2023, in relation to age and emissions standards extending from 1 April 2024 to 1 April 2026. The current transitional arrangements that were agreed at Full Council on the 20 March 2024.

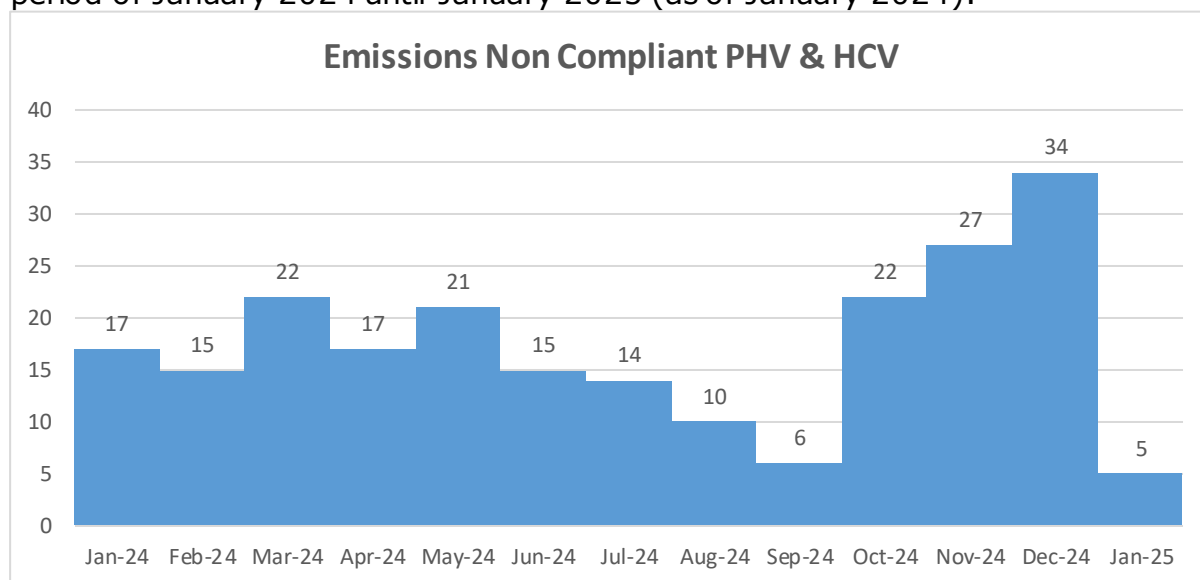
This report seeks approval to amend the current policy by permitting existing vehicle proprietors of current non complaint hackney carriage and private hire vehicles to make a renewal application after the 1 January 2025. The non-compliant vehicle would be subject to a compliance test at either of the Council’s approved testing stations. Provided the vehicle passes the compliance test it will

be issued with a 12-month licence vehicle licence. The vehicle licence would be granted subject to a condition that the non-compliant vehicle is removed from the fleet and replaced with a compliant vehicle by the 31 December 2025.

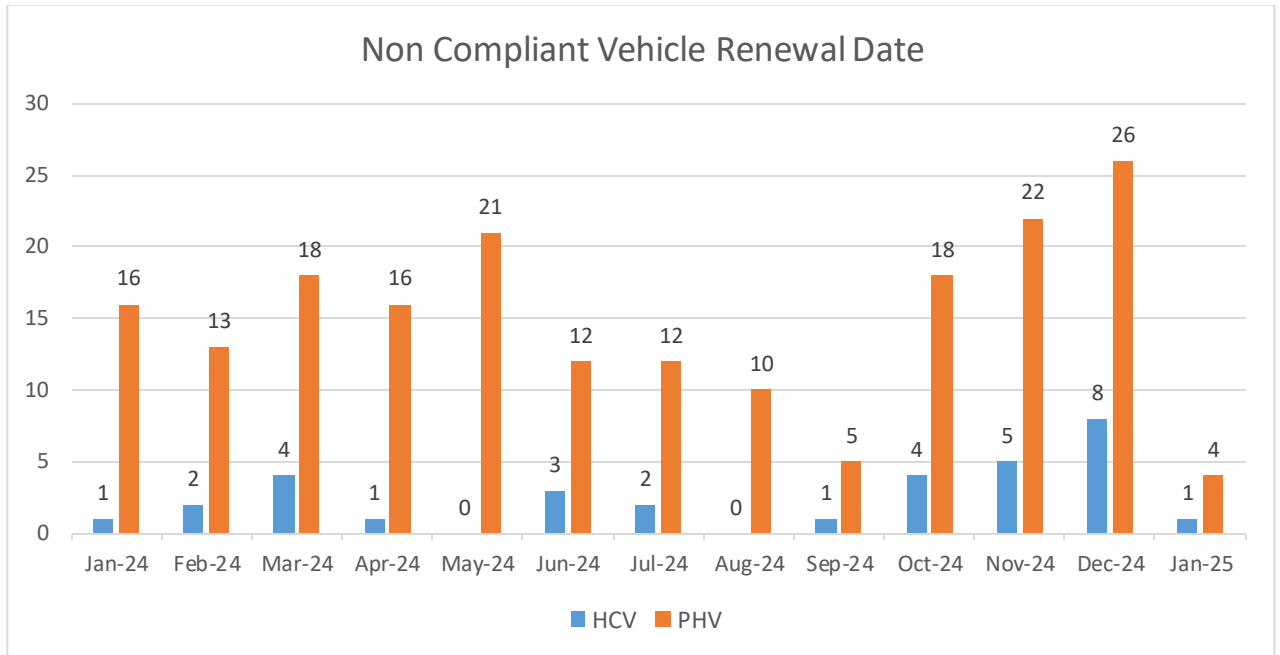
In addition to the above, subject to the Members of the Licensing and Safety Committee approving this report the Licensing Service are requesting delegation to the Head of Public Protection/Licensing Unit Manager and/or the Deputy Licensing Officer to suspend any vehicle licence that has been issued to a non-complaint vehicle after the 1 January 2025 where the vehicle proprietor(s) have not complied with the condition of the vehicle licence to replace the non-compliant vehicle with a compliant vehicle by the 31 December 2025.

2.2 The Licensing Service reviewed the fleet data on the 11 January 2024 and have identified following the assessment of all 760 licensed vehicles at that time. Bury had 225 (29.6%) non complaint vehicles which consist of 193 (25.4%) Private hire vehicle and 32 (4.2%) Hackney Carriages.

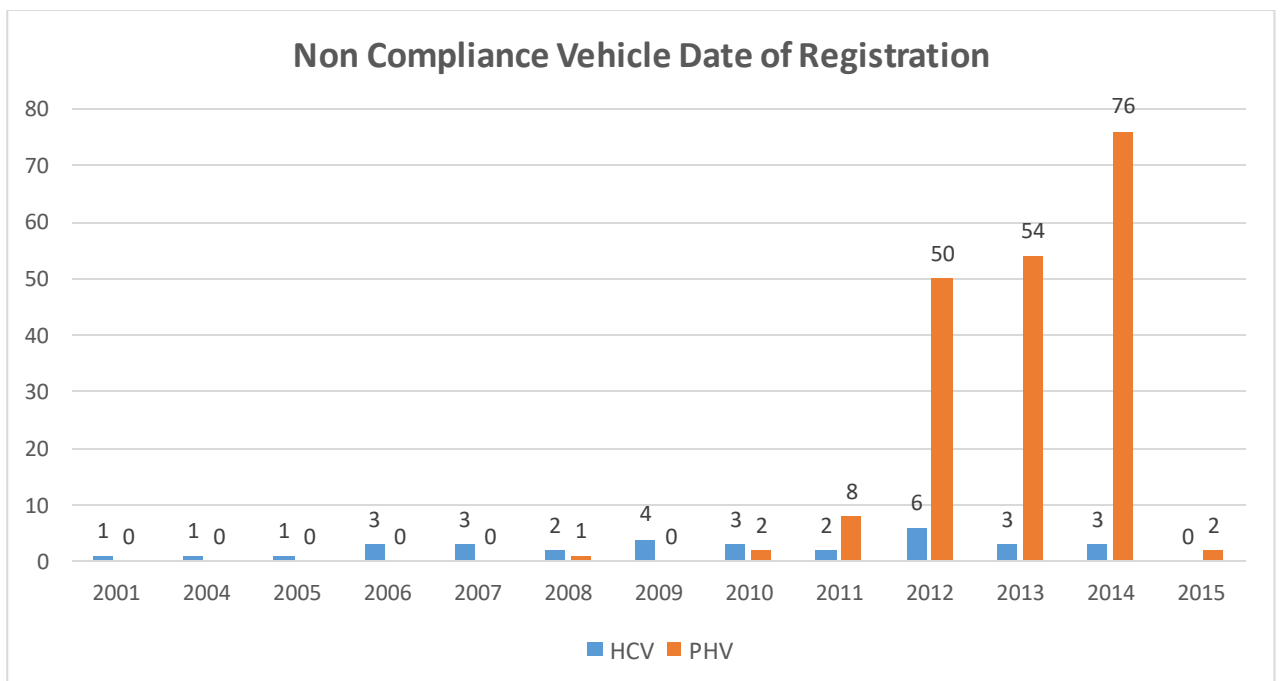
2.3 **Table 1** shows the numbers of vehicles that were not compliant between the period of January 2024 until January 2025 (as of January 2024).



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

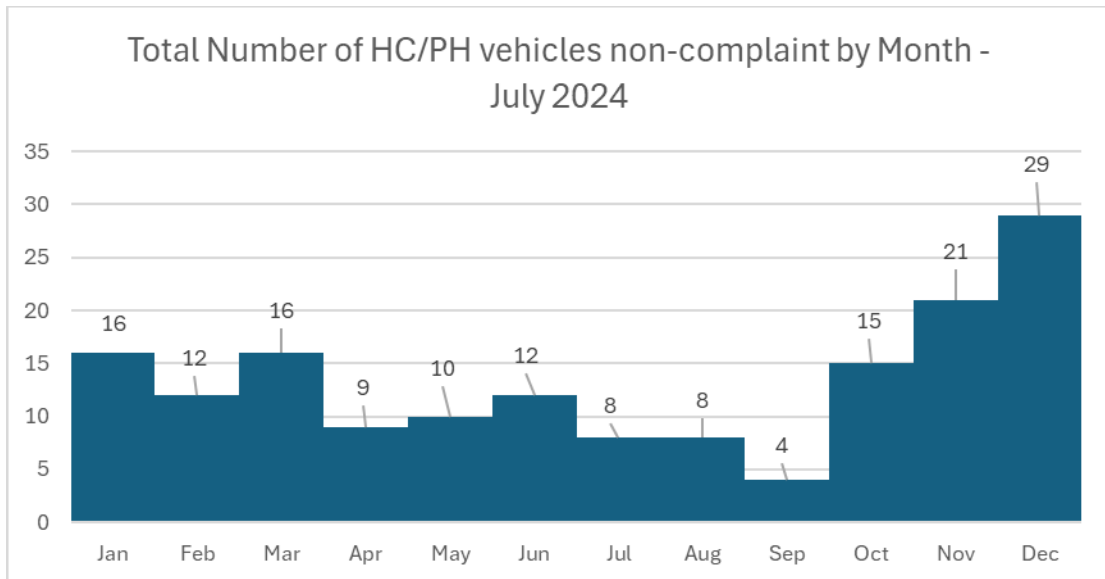


2.5 **Table 3** shows the numbers of vehicles that were not compliant by date of vehicle registration (as of January 2024).

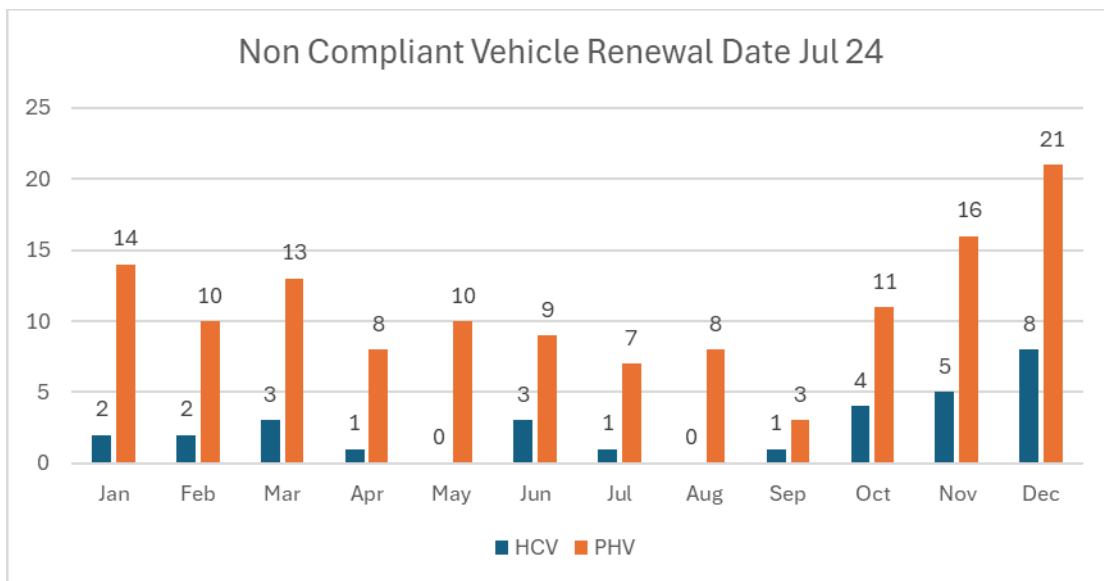


2.6 The Licensing Service have reviewed the fleet data on the 29 July 2024 and have identified following the assessment of all 742 licensed vehicles we currently have 160 (21.5%) non complaint vehicles which consist of 130 (17.5%) Private hire vehicle and 30 (4%) Hackney Carriages.

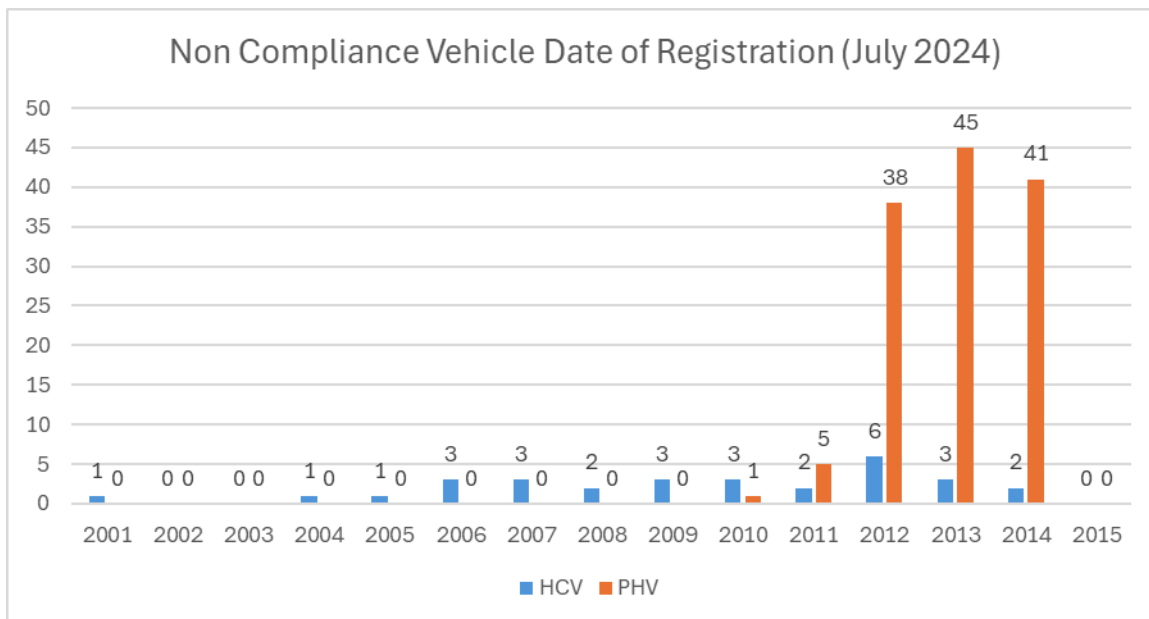
2.7 **Table 4** shows the numbers of vehicles that are not compliant between the period of January 2024 until January 2025 as of July 2024 (as of July 2024).



2.8 **Table 5** shows the numbers of vehicles that are not compliant by renewal date between the period of January 2024 until January 2025 as of July 2024 (as of July 2024).



2.9 **Table 6** shows the numbers of vehicles that are not compliant by date of vehicle registration as of July 2024 (as of July 2024).



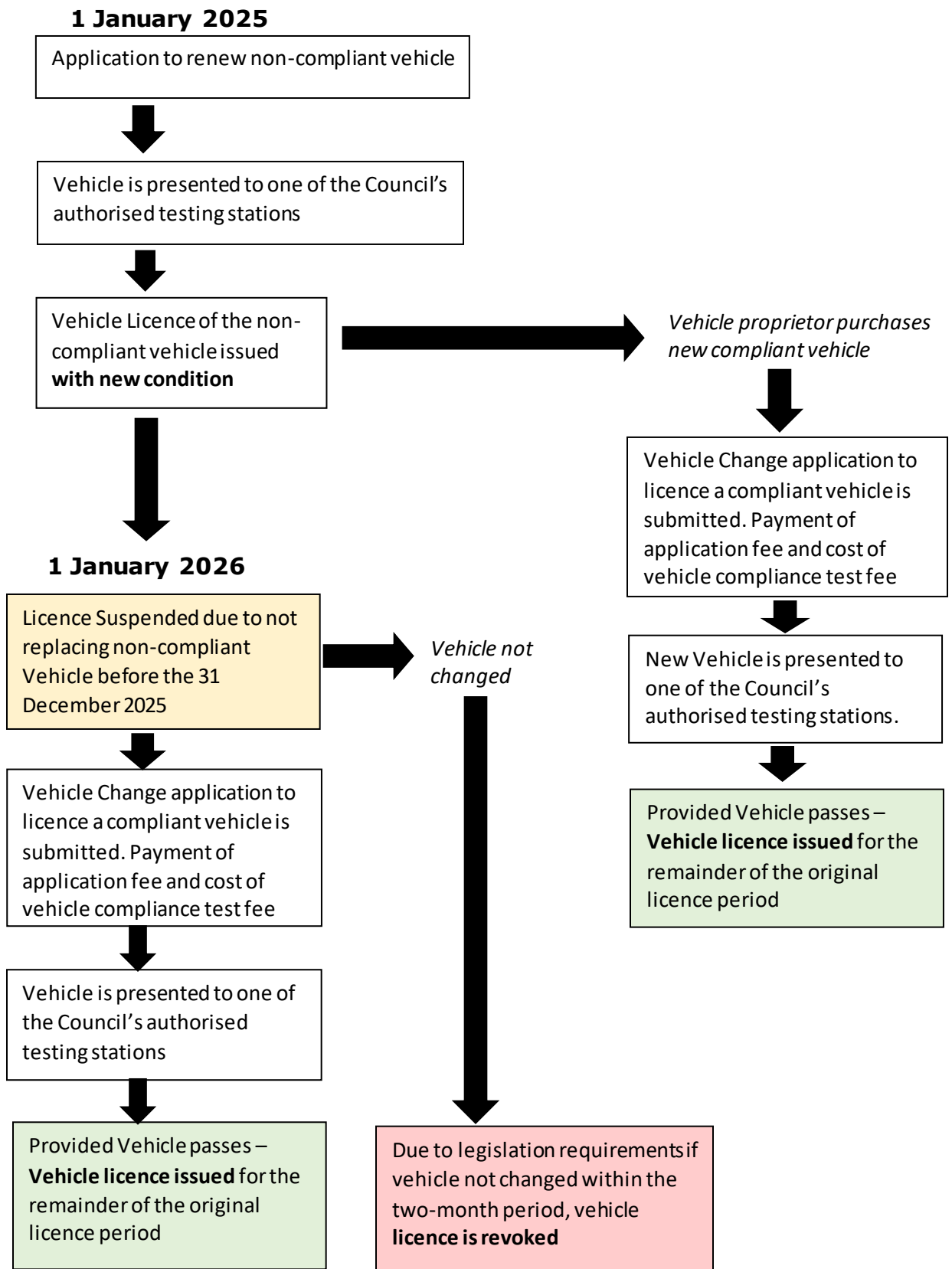
2.10 Members will note that the numbers of non-complaint vehicles have dropped from 225 in January 2024 to 160 in July 2024. Reduction of 65 vehicles - 63 Private Hire vehicles and 2 Hackney Carriages.

2.11 The Licensing Service have not undertaken an engagement exercise with the affected Hackney Carriage and Private Hire Trade vehicle proprietors. The reason for this was to enable this matter to be considered by members given the emission standard is bound by the Councils requirement to comply with a Government Directive in relation to air quality.

2.12 Members should note that there is no amendment to the Council's Policy to new vehicles coming on to fleet as these vehicles must be either Euro 4 Petrol or Euro 6 Diesel and must comply with the Council's age policy.

3.0 Proposal to deal to deal with non-compliant vehicles

3.1 Flowchart for the issuing of a licence and vehicle change



4.0 Conclusion

- 4.1 This report seeks approval to amend the current policy by permitting existing vehicle proprietors of current non complaint hackney carriage and private hire vehicles to make a renewal application after the 1 January 2025. The non-compliant vehicle would be subject to a compliance test at either of the Council's approved testing stations. Provided the vehicle passes the compliance test it will be issued with a 12-month licence vehicle licence. The vehicle licence would be granted for a twelve-month period and subject to an additional condition that the non-compliant vehicle is removed from the fleet and replaced with a compliant vehicle no later than the 31 December 2025.
- 4.2 In addition to the above, subject to the Members of the Licensing and Safety Committee approving this report the Licensing Service are also requesting delegation to the Head of Public Protection/Licensing Unit Manager and/or the Deputy Licensing Officer in conjunction with the Chair of Licensing & Safety Committee to suspend any vehicle licence that has been issued to a non-complaint vehicle after the 1 January 2025 where the vehicle proprietor(s) have not complied with the condition of the vehicle licence to replace the non-compliant vehicle with a compliant vehicle by the 31 December 2025.
- 4.3 A further request of delegation to the Head of Public Protection/Licensing Unit Manager to amend Council Policy that relates to the transitional arrangements for existing vehicle proprietors who own non-compliant vehicles to enable access to the potential clean taxi fund when it becomes available. Any decisions made would be reported in the Operational Report at the next meeting of the Licensing and Safety Committee.
- 4.4 If these recommendations are not approved by the Licensing and Safety Committee it will mean that vehicle proprietors of a non-compliant vehicle would not be able to access the Clean Taxi Fund and they would not be able to renew their vehicle licence after the 31 December 2024 and may prevent and/or disadvantage vehicle proprietors of non-compliant vehicles in Bury from accessing future potential GM clean taxi funding.

5.0 Recommendations

- 5.1 It is recommended that the Licensing and Safety Committee considers and adopts the following amendment (1) (2) and (3) to the existing emission standard and recommends to Full Council that amendment (1) (2) and (3) be approved:
- 5.2 For existing vehicle licence proprietors with a non-complaint vehicle:
1. A vehicle proprietor of a hackney carriage and private hire vehicle licence that is due for renewal after the 1 January 2025 which is non-compliant with emission standards (EURO 4 Petrol vehicles and EURO 6 diesel vehicles) is permitted to make an application to renew the vehicle licence and provided the vehicle passes its compliance test it will be issued with a 12-month vehicle licence. The vehicle licence would be granted subject to

- a condition that the non-compliant vehicle is removed from the fleet and replaced with a Euro 4 or 6 compliant vehicle by the 31 December 2025.
2. To delegate powers to the Head of Public Protection/Licensing Unit Manager and/or the Deputy Licensing Officer to suspend any vehicle licence that has been issued after the 1 January 2025 where the vehicle proprietor(s) have not complied with the condition to replace the non-compliant vehicle with a compliant vehicle by the 31 December 2025.
 3. To request delegation to the Head of Public Protection/Licensing Unit Manager in consultation with the Chair of the Licensing and Safety Committee to amend Council Policy that relates to the transitional arrangements for existing vehicle proprietors who own non-compliant vehicles to enable access to the clean taxi fund if it becomes available. Any decisions made would be reported in the Operational Report at the next meeting of the Licensing and Safety Committee.

REPORT ENDS