



Report to: Licensing and Environmental Health Committee, 19 June 2023

Report of: Head of Worcestershire Regulatory Services on Behalf of Worcester City Council

Subject: HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE POLICY REVIEW

1. Recommendation

That the Committee:

1.1 Note the contents of this report, and in particular the consultation feedback document at Appendix 1.

1.2 Recommend to Council that it:

- i. Approves an amendment to the existing hackney carriage and private hire vehicle policy, to include that 'No lower or upper age limit restrictions will apply in respect of 'all fully electric' new and replacement hackney carriage and private hire vehicles presented to the Council for licensing'.**
- ii. Approves an amendment to the existing hackney carriage vehicle age policy, to state 'The current lower vehicle age limit applicable to all new, replacement and temporary hackney carriage vehicles is 5 years from the date of first registration'.**

2. Background

2.1 Worcester City Council declared a 'Climate Emergency' in July 2019 and committed to act with the ambition of making the city carbon neutral by 2030. To support this ambition the Council has developed and published the Worcester City Council Environmental Sustainability Strategy 2020 – 2030.

2.2 One of the focus areas in the strategy is 'Transport' with one of its aims being to work with local taxi operators to facilitate the transition to zero emission taxis and introduce a new licensing strategy to support this.

2.3 This is in line with the UK Government's commitment to promoting cleaner motoring by reducing transport emissions and ending the sale of new petrol and diesel vehicles by 2030 and making all passenger vehicle sales zero emission vehicles by 2050.

2.4 During its meeting on 6th March 2023, and to incentivise the transition to electric vehicles, this Committee directed officers to undertake a public and stakeholder

consultation exercise on a proposal to amend the council's hackney carriage and private hire vehicle age policies, as follows:

- That no upper or lower age limit restrictions are to apply in respect of 'all fully electric' new and replacement hackney carriage and private hire vehicles.

2.5 In addition to the above proposal and following a formal request from existing vehicle licence holders at a Taxi Forum meeting, the Committee also directed officers to consult on a proposal to amend the council's hackney carriage vehicle age policy, as follows:

- That the current lower age limit for new/replacement hackney carriage vehicles to be amended from 3 years (currently) to 5 years (proposed).

2.6 The rationale put forward in respect of the second proposal, is that it would enable existing and potential licence holders to purchase a replacement or first-time vehicle at a lower cost (due to older age), thus enabling the difference to be saved and put towards an electric vehicle at some stage in the future whether that be driven via local or national policy requirements.

2.7 There is obviously an element of risk associated with such a policy as the Council has no control over the individual finances of licence holders. It does however provide a further incentive to licence holders to transition and help build a momentum when thinking about a timetable for electrification of the taxi fleet.

2.8 Some concern was raised at Committee about the introduction of an electric vehicle policy which doesn't specify a lower or upper vehicle age limit. Officers highlighted the fact that any change to vehicle age policy would not undermine any other requirement placed on a licence holder or their vehicle in respect of condition, internal space and arrangements, safety, signage, cleanliness etc. furthermore electric vehicles would still be subject to the twice-yearly safety inspections, which are required for all licensed vehicles.

2.9 Concern was also raised regarding the risks associated with extending the current hackney carriage vehicle age limits, in that drivers and operators may simply continue to purchase and use older polluting petrol and diesel vehicles until the Governments cut off dates of 2030 and 2035. Officers highlighted the fact however that the Council may wish to consider its taxi licensing policy position at some stage in the future with a view to legislating (through policy) an 'all electric' or 'low emission' fleet ahead of 2030 and revisit the work undertaken previously that investigated electrification of the taxi fleet.

2.10 In addition, officers will be reviewing the council's hackney carriage and private hire vehicle licensing policies, following the publication of The Department for Transport's "Taxi and Private Hire Best Practice Guidance" which is currently in the final stages of review. The findings will be presented to Committee for consideration at a later date.

3. Consultation

3.1 Consultation was undertaken over an 8-week period between 24th March 2023 and 22nd May 2023. It comprised of a survey which was available to complete online via the Council's website and was promoted by the Council's Communications Team,

across a range of channels. Paper versions of the consultation survey were also made available for those that wished to respond in that way.

3.2 Information on the consultation, along with details on how to respond were also sent directly to:

- Worcester City hackney carriage and private hire licence holders
- The Worcester Taxi Association
- National Private Hire and Taxi Association
- Licensed Private Hire Car Association
- West Mercia Police
- Safer Roads Partnership
- Worcestershire County Council - Relevant contacts at Worcestershire County Council, including those responsible for safeguarding children and adults and arranging home to school transport
- Relevant interest groups, including those that represent people with disabilities and the elderly
- Relevant local business groups via Worcester BID
- Elected Members

3.3 In total, the consultation attracted 132 responses. Of those, 78 indicated that they were holders of either a taxi/private hire driver, vehicle, or operator licence. In addition to these, there were also responses from West Mercia Police, City Councillors, local residents, local businesses, users of taxi's or private hire vehicles and local interest/community groups. A copy of the questions and all the responses received during the consultation are attached at **Appendix 1**.

3.4 In response to proposal 1 ("That no upper or lower age limit restrictions are to apply in respect of 'all electric' new and replacement hackney carriage and private hire vehicles"), 69 respondents (66%) agreed with this proposal. Of the 35 (34%) respondents that did not agree with the proposal, some of the relevant reasons cited were:

- A vehicles age and condition should always be taken into account when considering whether it is suitable to be licensed,
- Electric vehicles should not be exempt from the licensing requirements
- Electric vehicles will deteriorate with age
- Electric vehicles need to be safe
- Older electric vehicles will be bought onto the fleet in coming years
- There is support to extending the age restrictions, but not removing them entirely, as having no age may create problems for the future

3.5 When respondents were asked to put forward possible alternatives to the current upper and lower vehicle age limits for member and officer consideration, many took the opportunity to simply site financial hardship as being an issue, rather than putting forward suitable alternative age limit suggestions for consideration. Of the other various options put forward, there was no clear indication from the responses of a preferred vehicle lower or upper age limit.

3.6 In response to Proposal 2 ("That the current lower age limit for new/replacement hackney carriage vehicles to be amended from 3 years (currently) to 5 years (proposed)"), 87 respondents (87%) agreed with this proposal. Of those in favour with

the proposal the majority again cited financial hardship as their main concern, whilst others made the following relevant comments:

- This should be temporary and there should be proof that this is what the individual license holder is intending to do. Otherwise the roads will be flooded with older taxis, and we will be in the same place in 5 years' time.
- I think this is a fair proposal as most cars that are 5 years old have been designed to be economical and have low emissions
- As previously stated, our responsibility is to the safety of passengers, we should not be reducing standards
- Keep the current 3-year rule. Extend the life of each vehicle by 2 years
- You are lowering standards which should not happen
- This would only bring older hackney vehicles in
- If this specifically for electric / ultra-low emissions vehicles. Otherwise no

3.7 In summary, the majority of respondents are in favour of both proposal 1 and proposal 2. The perception that safety and condition of vehicles would be undermined as a result of both proposals can be significantly, if not fully mitigated by the fact that any change to vehicle age policy would not undermine any other requirement placed on a licence holder or their vehicle in respect of condition, internal space and arrangements, safety, signage, cleanliness etc. Furthermore electric vehicles would still be subject to the twice-yearly safety inspections, which are required for all licensed vehicles.

4. Preferred Option

4.1 Having considered the results of the recent consultation exercise and also the comments put forward by the respondents, the preferred options being put forward for Member consideration are:

4.2 Proposal 1 - Introduce a new licensing policy for fully electric vehicles only, where there are no lower or upper age limit restrictions on vehicles which can be licensed with the Council as either a hackney carriage or private hire vehicle. All other conditions and policy implications will still apply.

4.3 Proposal 2 - Amend the current hackney carriage vehicle age policy, by increasing the lower age limit restriction from 3 years to 5 years.

5. Alternative Options Considered

5.1 Members may wish to consider the following alternative options:

5.2 Introducing an age limit for electric vehicles has been considered, in line with those of the Hackney Carriage vehicle age policy. However, it is highly likely that given the technological advances in electric vehicles that drivers would be required to buy a more modern type of vehicle to ensure size criteria is met and that they have sufficient mileage range to meet their needs.

5.3 Furthermore, as outlined already within the report, any change to vehicle age policy would not undermine any other requirement placed on a licence holder or their vehicle in respect of condition, internal space and arrangements, safety, signage, cleanliness etc. furthermore electric vehicles would still be subject to the twice-yearly safety inspections, which are required for all licensed vehicles.

- 5.4 Continuing with the lower vehicle age limit of 3 years for hackney carriage vehicles has been considered. With cost however continuing to be cited as the primary reason for why licence holders will not purchase an electric vehicle, then extending the minimum vehicle age limit is an incentivisation tool that would not undermine the safety of vehicles and would importantly mean that all new or replacement vehicles coming onto the fleet would meet minimum emission standard Euro 4 (petrol) and Euro 6 (diesel).

6. Implications

Financial and Budgetary Implications

- 6.1 There are no financial or budgetary implications associated with this report and any work undertaken to progress the recommendations and subsequently the implementation of any policy change will be undertaken by Worcestershire Regulatory Services within existing resources.

Legal and Governance Implications

- 6.2 When considering any application for a Private Hire Vehicle Licence, the Council, in accordance with Section 48(a) (i) (iv) and (v) of the Local Government (Miscellaneous Provisions) Act 1976 shall not grant such a licence unless they are satisfied that the vehicle is suitable in type, size and design for use as a private hire vehicle.
- 6.3 Under Section 47 of the Act the Council may attach to the grant of a hackney carriage licence such conditions as it may consider reasonably necessary.
- 6.4 Under Section 48 of the Act the Council may attach to the grant of a private hire vehicle licence such conditions as it may consider reasonably necessary

Risk Implications

- 6.5 To minimise any risk of legal challenge when introducing new or amending existing hackney carriage and private hire licensing policy, officers have undertaken a full public consultation on the proposals contained within this report, those consulted were licence holders, relevant stakeholders, and the general public. The outcome of this consultation will also be considered by Members of the Licensing and Environmental Health Committee prior to any changes taking place.

Corporate/Policy Implication

- 6.6 All regulatory policies relating to Environmental Health and Licensing approved by Worcester City Council should comply with the Regulators Code. The Regulators Code is made under the provisions of the Legislative and Regulatory Reform Act 2006. It seeks to promote proportionate, consistent, and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.
- 6.7 The proposals set out within this report seek to further incentivise existing and new hackney carriage and private hire vehicle operators and drivers to transition to electric vehicles. This links to the theme of 'Enhancing and Sustaining our Beautiful City for Future Generations' within the Worcester City Plan 2022 – 2027. Within this theme the Council is committed to 'combatting the climate change emergency by leading city-wide measures to reduce carbon emissions' and 'improving air quality through a reduction in carbon emissions.

Equality Implications

- 6.8 The Licensing and Environmental Health Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity.

Human Resources Implications

- 6.9 No Human Resources Implications have been identified.

Health and Safety Implications

- 6.10 As outlined in the report all other criteria that would be applied to vehicles in respect of physical condition, visual condition, safety, and signage etc will remain unchanged and therefore, there are not considered to be any health & safety implications associated with this report.

Social, Environmental and Economic Implications

- 6.11 The removal of age limits in relation to fully electric new/replacement hackney carriage vehicles and new/replacement private hire vehicles may encourage the licensing of electric vehicles by existing licence holders, which will contribute to improving air quality. It will also encourage behaviour change and play a part in the city seeking to become carbon neutral by its target date of 2030.
- 6.12 Enabling operators and drivers to purchase and licence older vehicles will have a positive financial impact and encourage a sustainable taxi fleet to serve the needs of residents and visitors serving both the daytime and night-time economies.
- 6.13 When considering the impact of the proposed amendments to policy, members should note there are currently 253 hackney carriage and 60 private hire vehicles licensed by the Council. Members should further note that the Council has in place a cap or limit on the number of hackney carriage vehicle licences which it issues, this means that any proposed change to policy, as highlighted in this report will not lead to an increase in hackney carriage vehicle numbers.

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Background Papers: None