

## Slough Borough Council

<b>Report To:</b>	Licensing Committee
<b>Date:</b>	30 <sup>th</sup> October 2023
<b>Subject:</b>	Proposed amendments to the private hire and hackney carriage vehicle policy.
<b>Chief Officer:</b>	Ketan Ghandi - Associate Director, Community and Public Protection
<b>Contact Officer:</b>	Russell Denney-Clarke, Trading Standards and Licensing Manager Rachael Rumney, Principal Licensing Officer
<b>Ward(s):</b>	ALL
<b>Exempt:</b>	NO
<b>Appendices:</b>	<b>Appendix A</b> – Current private hire & hackney carriage vehicle policy <b>Appendix B</b> – Consultation comments <b>Appendix C</b> – Email responses <b>Appendix D</b> – Email response from SBC Environment Management <b>Appendix E</b> – Poll result <b>Appendix F</b> - Hybrid vehicle information <b>Appendix G</b> – Equality Impact Assessment

### **1. Summary and Recommendations**

- 1.1 The purpose of this report is to review the current private hire and hackney carriage vehicle policy with regards to the age and Ultra-low emission standard requirements for licensed vehicles and the introduction of an age limit for wheelchair accessible vehicles (WAVS), to note the consultation responses and decide whether to agree the amendments to the policy.

#### **Recommendations:**

- 1.2 The Committee is requested to consider the proposed policy amendment and resolve: -
- (a) Note the report and comment on the amendments to the private hire and hackney carriage vehicle policy.
  - (b) Note the consultation responses.
  - (c) Agree the amendments to the private hire and hackney carriage vehicle policy having regard to the responses and alternative proposals received from the consultation.
  - (d) Agree to rescind the current vehicle age and specification policy for private hire and hackney carriage vehicles.

- (e) Agree the effective dates of the vehicle policy amendments.
- (f) Agree any amendments to the proposed policy changes, having regard to the responses from the consultation.

**Reason:**

- 1.3 The licensing of Ultra-low emission vehicles (**ULEV**) is due to become mandatory in 2025, with non-compliant diesel, petrol and hybrid vehicles needing to be replaced if they do not meet the ULEV emission standard. The implementation of this policy has been reviewed due to the cost and supply of ULEV compliant vehicles for the licensed private hire and hackney carriage trade and the restrictive number of vehicles that meet the ULEV emission standard.

## **2. Report**

### **Introductory paragraph**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1976, allows the Local Authority to set standards for the granting of hackney carriage and private hire vehicle licences.

### Options considered

- 2.2 Consideration has been given to how the decision sought will help the Council meets its vision, corporate priorities however the nature of the private hire and hackney carriage vehicle policy is outside the scope of these priorities. An individual's decision to licence a vehicle is not within the control of the Council.

### **Background**

- 2.3 The current vehicle policy was approved by the Licensing Committee in 2018 and came into force on 1 September 2018.
- 2.4 The current policy is detailed in full at Appendix A. The policy had a phased implementation, with most licensed vehicles having to meet the ULEV standard by 31 December 2025.
- 2.5 The ULEV emission standard means a vehicle that uses low carbon technologies and meets the following requirements: -
  - emits less than 75g of CO<sub>2</sub>/km from the exhaust (tailpipe)
  - capable of operating zero tailpipe emissions for a range of at least 10 miles.
- 2.6 The ULEV policy can be summarised as follows: -

**New driver applicants** (from 1 September 2018) can only licence vehicles that: -

- Comply with the ULEV emission standard.
- Vehicle must be less than 3 years old at the time of licensing.

**Drivers licensed before 1 September 2018** can licence vehicles that: -

- Euro 6 compliant
- Vehicle must be less than years old at the time of licensing.

- 2.7 The Licensing team had been informed that through Slough Borough Council Low Emission Strategy, a government grant of £370,035 had been secured to create

pilot schemes to assist the licensed trade to transition to ULEV vehicles. To date, the Licensing team have received no information regarding any schemes and the trade has received no financial assistance to encourage licensing of ULEV vehicles.

- 2.8 From 1 January 2025, the ULEV emission standard is due to be implemented for most licensed vehicles. Any licensed vehicle that does not meet the ULEV standard in 2025, will have the renewal application rejected and applicants will have to replace the vehicle with one that meets the ULEV requirement.
- 2.9 Wheelchair accessible vehicles (WAVs) were not included in the 2018 policy change. At present, they can be licensed indefinitely, with no age limit, subject to passing the certificate of compliance test and do not need to meet the ULEV emission standard in 2025.

### **Policy review**

- 2.10 The current policy was created to improve the quality of the private hire and hackney carriage fleet, with an emphasis placed on licensing vehicles that emit fewer emissions in line with the Council's commitment to improve air quality in Slough, which is detailed in the Council's Low Emissions Strategy.
- 2.11 This policy has greatly reduced the number of new private hire vehicle licences granted and has been a significant barrier to entering the licensed trade for new driver applicants.
- 2.12 The COVID19 pandemic and the cost-of-living crisis has further exacerbated the problem. The licensed trade has suffered due to lost income, a decline in Slough's night-time economy, vehicle supply issues and rising costs of both fuel and vehicles. Since 2018, there has been an approximately 50% reduction in the number of licensed private hire vehicle licensed by Slough Borough Council.
- 2.13 The current fleet of licensed vehicles has been reviewed and it has been concluded that meeting the ULEV vehicle standard by 31 December 2025 is not achievable and would place an unreasonable financial burden on the licensed trade. Additionally, licensing a vehicle that is less than the 3 years old requirement is cost prohibitive.

### **Analysis of licensed private hire and hackney carriage vehicles – 25 September 2023**

- 449 - Total number of licensed private hire & hackney carriage vehicles.
  - 38% of licensed vehicles are hybrid or electric vehicles.
  - 14% of licensed vehicles currently meet the ULEV emission standard.
  - 13% (61) of licensed vehicles are wheelchair accessible vehicles (WAVS)
- 2.14 Implementing an upper age limit on WAV's will remove the most polluting diesel vehicles from the private hire and hackney carriage hackney carriage fleet.

### **Consultation**

- 2.15 A public consultation on the proposed changes was held between 16 August – 14 September 2023. The consultees included: -

- private hire and hackney carriage drivers
- private hire and hackney carriage vehicle licence holders
- private hire operators
- all ward Councillors
- Slough taxi federation
- Slough taxi association
- Private hire association
- Jason Newman - Carbon & Sustainability Group Manager
- Royal Borough of Windsor & Maidenhead
- Berkshire Licensing Forum

2.16 Two policy options were proposed, each option was identical except for the implementation dates and the age of the vehicle at the time of first being licensed. Representations to the consultation could be made via email.

2.17 Summary of proposed policy options: -

- Both options **removed** the requirement for vehicles to meet the ULEV emission standard.
- Both options allow for currently licensed petrol, diesel, and mild hybrid vehicles to be renewed and remain licensed until they reach 9 years of age.
- Wheelchair accessible and specialist vehicles can remain licensed until the vehicle reaches 17 years of age.
- The licensing of petrol and diesels wheelchair accessible and specialist vehicles will continue, and these vehicles will not need to be replaced with hybrid or electric vehicles.

<b>Implementation dates - Option A</b>	<b>Implementation dates - Option B</b>
The grant of a new vehicle licences to diesel vehicles will cease on <b>1 January 2025</b>	The grant of a new vehicle licences to diesel vehicles will cease on <b>1 January 2026</b>
The grant of a new vehicle licences to petrol vehicles will cease on <b>1 January 2026</b>	The grant of a new vehicle licences to petrol vehicles will cease on <b>1 January 2027</b>
Vehicle must be less than 5 years old when first licensed	Vehicles must be less than <b>4 years old</b> when first licensed

## **Consultation response**

2.18 There were 113 responses to the consultation. The full responses are attached at Appendices B, C & D.

2.19 Option A was the preferred option receiving 45% of the poll vote (see Appendix E).

2.20 Option B received 44% of the poll vote, whilst 20% wanted the current policy to remain.

2.21 Having reviewed the consultation responses, they can be summarised as follows: -

- Respondents raised concerns regarding the high cost of hybrid and electric vehicles.

- The lack of availability of charging points.
- Limited availability and high cost of wheelchair accessible vehicles.
- Suggested an extension to the implementation date to 2030.

## **Proposed policy – Option A**

2.22 All private hire and hackney carriage vehicles being licensed for the first time, must be less than 5 years old (**see explanatory note 1**) on the date the vehicle licence application is submitted.

Currently licensed petrol, diesels and mild hybrid vehicles can remain licensed until the vehicle reaches 9 years of age.

Hybrid (with zero emissions capability) and electric vehicles can remain licensed until the vehicle reaches 12 years of age.

Requests to renew a vehicle licence for a petrol, diesel, or mild hybrid beyond 9 years of age will be automatically refused (**see explanatory note 2**).

### **Wheelchair Accessible Vehicles (WAVs) & specialist vehicles**

WAVs and specialist vehicles must be:

- less than 5 years old at the first time of licensing
- Euro 6 compliant.

WAV's and specialist vehicles can remain licensed until 17 years of age. This applies to both private hire and hackney carriage licensed vehicles.

### **Diesel vehicles – 2025 onwards**

From **1<sup>st</sup> January 2025**, Slough Borough Council will cease to licence diesel vehicles. This applies to vehicle grant applications only.

Currently licensed diesel vehicles will remain so until they reach 9 years of age, subject to valid renewal applications being made before the expiry date of the licence.

WAVs and specialist vehicles will be exempt, and the licensing of diesels permitted.

### **Hybrid & electric vehicles – 2026 onwards**

From **1<sup>st</sup> January 2026**, Slough Borough Council will cease to grant new vehicle licences to petrol and mild hybrid vehicles. Vehicles must be: -

- less than 5 years old at the first time of licensing
- either a hybrid or electric vehicle
- a minimum range of 30 miles with zero emissions

Valid renewal applications for petrol, diesel and mild hybrid vehicles will be accepted until the vehicle reaches 9 years of age.

Hybrid vehicles with zero emission capability and electric vehicles can remain licensed until the vehicle reaches 12 years of age.

WAVs and specialist vehicles will be exempt, and the licensing of petrol & diesels permitted.

Explanatory Note 1: The date of registration detailed in the Vehicle registration document (V5) will be used to determine the age of the vehicle.  
For imported vehicles, the year of manufacture (1<sup>st</sup> January) will be used to determine the age.

Explanatory note 2: Mild hybrids have been excluded as they have no zero-emission capability.

### **3. Implications of the Recommendation**

#### **3.1 Financial implications**

3.1.1 There are no financial implications to the Council.

#### **3.2 Legal implications**

3.2.1 Part II of The Local Government (Miscellaneous Provisions) Act 1976, allows the Local Authority to set standards as it considers reasonably necessary for the granting of private hire and hackney carriage vehicle licences.

3.2.2 Under Part 3.4 (Responsibility for Council Functions) of the Council's Constitution, the Licensing Committee is responsible for:

Determining all functions not reserved to Full Council in connection with:

- Private hire and hackney carriages, including where individuals have been convicted of offences, there is other cause for concern about suitability or officers consider it appropriate to refer the matter to the committee.
- Setting conditions, fares and fees and charges for private hire and hackney carriage licensing.

To approve policy and fees and charges for the above functions where these are not executive functions or reserved to Council.

#### **3.3 Risk management implications**

##### **3.3.1 Risk Management Matrix Score 2**

There is uncertainty from Central Government regarding the implementation date for the ban on the manufacture of petrol and diesel engines. The vehicle policy will be reviewed as and when necessary to ensure our policies align with key priorities.

#### **3.4 Environmental implications**

3.4.1 Consideration has been given to environmental implications, however removing the ULEV emission standard is offset by the approximately 50% reduction in licensed private hire vehicles and the increased number of EURO 6 compliant vehicles in the fleet. It should also be noted that Slough Borough Council are unable to control vehicles licensed by another authority, from entering the borough.

#### **3.5 Equality implications**

3.5.1 No equality issues have been identified, as the proposals will apply to all private hire and hackney carriage vehicle licence holders.

#### **4. Background Papers**

'1' - [Local Government \(Miscellaneous Provisions\) Act 1976](#)

'2' - [Town Police Clauses Act 1847](#)

'3' – [Equality Act 2010](#)

'4' – Licensing Committee Report 12 June 2018 - [\(Public Pack\)Agenda Document for Licensing Committee, 12/06/2018 18:30 \(slough.gov.uk\)](#) – (page 79 onwards)

'5' -Slough Borough Council Low Emission Strategy (LES) - [Microsoft Word - FINAL Appendix 2 - LES Technical Report Final Draft \(slough.gov.uk\)](#)

'6' - [Private hire and hackney carriage vehicle policy 2020 – Slough Borough Council](#)

'7' - [Funds to encourage electric taxis – Slough Borough Council](#)