

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Licensing Committee
<b>Date of Meeting:</b>	15 June 2023
<b>Subject:</b>	Review of Hackney Carriage (Taxi) and Private Hire Licensing Policy
<b>Report of:</b>	Licensing Operations and Development Team Leader
<b>Head of Service/Director:</b>	Director: Communities
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	Four

## **Executive Summary:**

To consider and approve the draft revised Hackney Carriage (Taxi) and Private Hire Licensing Policy for consultation.

## **Recommendation:**

**To APPROVE the draft revised Hackney Carriage and Private Hire Licensing Policy attached at Appendix A for formal consultation.**

## **Financial Implications:**

None arising directly from this report.

## **Legal Implications:**

Tewkesbury Borough Council may set its own standards for driver, vehicle and operator licensing whilst also taking statutory guidance and best practice into account.

Consultations must be carried out fairly and the recommended consultation period is 12 weeks.

The Council will need to carefully and thoroughly assess the impact of introducing the proposed policy, including the effect on the supply of taxis and private hire vehicles in the area. They should also bear in mind the need for a proportionate approach, ensuring that those licence holders that would not meet the criteria can adapt or change their vehicle within a reasonable time.

Consultation on the policy should include not only the taxi and private hire vehicle trades, but also groups likely to be the trades' customers.

Further legal implications will be provided with the final proposal to Committee for adoption.

Any comments and final documents will be considered by the Licensing Committee prior to referring to Executive Committee for adoption.

**Environmental and Sustainability Implications:**

The Government's website reports that cars and vans represent 19% of all domestic emissions. In Tewkesbury Borough there are 655 licensed taxi and private hire vehicles, so they are only a small percent of the total number of vehicles within the district; however, any reduction in emissions from taxis and private hire vehicles will be a move to improving air quality and help reduce impact on the environment. An all-electric fleet with zero emission is the aim but this must be balanced against cost and impact on the trade along with the infrastructure to support this. The policy proposed in this report seeks to improve emissions by introducing a policy which will result in all taxis and private hire vehicles being Euro 6 emissions or ULEV by 2025 and will see a phasing out of older, higher polluting vehicles up to that date.

**Resource Implications (including impact on equalities):**

No resource implications.

Restrictions on emission compliance of wheelchair accessible taxi and private hire vehicles may result in a reduction in the number of wheelchair accessible vehicles being licensed.

Equally, there could be a positive benefit for people living with a respiratory illness or disability, as the proposed emissions policy will contribute towards cleaner air.

**Safeguarding Implications:**

None arising directly from this report.

**Impact on the Customer:**

Vehicle licence holders will have to comply with new vehicle requirements by 1 January 2026.

All new driver applicants will have to pay for a driver assessment (currently £87).

**1.0 INTRODUCTION**

**1.1** Tewkesbury Borough Council is responsible for licensing taxi and private hire vehicles. As part of its Hackney Carriage (Taxi) and Private Hire Licensing Policy, the Council sets out requirements for driver, vehicle and operator licences.

**1.2** There have been several reviews over the last two years to update the document with the Gloucestershire Common Standards (aligned approach to driver standards), medical criteria (to accept medical summaries from GP's) and to include the M1 vehicle standards for converted vehicles.

**1.3** This review is to amend:

- Driver requirements that have not already been updated as part of the Gloucestershire Common Standards
- Vehicle requirements – introduction of an age and emissions policy
- Updated operator conditions
- Revised plate exemption policy

**1.4** A copy of the draft policy showing tracked changes can be viewed at **Appendix B**.

**1.5** A table of amendments can be viewed at **Appendix C**.

## 2.0 BACKGROUND

### Driver Requirements

2.1 Looking at the current policy (**Appendix D**), there are a handful of differences compared to the rest of Gloucestershire and with regards to the Department of Transport (DfT) Best Practice Guidance:

- Age and experience – change to DVLA licence must have been held for at least 12 months – in line with Gloucestershire and DfT
- Driver assessment – required for all new applicants – currently required across Gloucestershire. This has also meant that Tewkesbury has had a lower standard than the rest of Gloucestershire.

2.2 With regards to the other amendments to the driver section, these are offering further advice and simpler wording to licensees and applicants. Please see **Appendix C** for a full table of amendments.

### Vehicle Requirements – Age and Emissions Policy

2.3 Currently, there are no age restrictions or an emissions policy for licensed vehicles in the Tewkesbury Borough. This has resulted in a huge number of issues including:

- An influx of private hire vehicle applications from applicants outside of the area. This has resulted in pressures on the licensing service and a rise in enforcement issues.
- Majority of our licensed private hire vehicles working in Cheltenham and Gloucester.
- Frustration from the Gloucester and Cheltenham licence holders due to the higher standards set by those councils. Tewkesbury vehicles work alongside these vehicles that are newer. This has resulted in a bad reputation for Tewkesbury Borough Council.
- Illegal plying for hire taking place in Cheltenham and Gloucester.
- Higher emissions from older vehicles.
- Reduction of availability in the borough of licensed vehicles as it is more attractive to work in Cheltenham/Gloucester.
- Disappearance of the hackney trade.

A change to our vehicle age and emissions requirements has been needed for some time and will be the last piece of work to getting the licensed trade to a level playing field with the rest of the county.

2.4 We currently have 696 licensed vehicles in Tewkesbury Borough. These are all private hire vehicles, and we have no hackney carriages.

2.5 The Euro emissions standards are regulations that define the acceptable amount of exhaust emissions vehicles can release. Euro 6 is the current compliance level for petrol and diesel vehicles and applies to all vehicles registered from 1 September 2015.

2.6 Older vehicles which are not Euro 6 compliant generate higher emissions and pollutants. Older diesel vehicles in particular produce higher levels of nitrogen oxides and particulates which can have serious health implications.

- 2.7** Ultra-Low Emission Vehicles (ULEVs) have very low emissions and emit less than [75g] of CO<sub>2</sub> per km. They include pure electric vehicles and plug in hybrid vehicles. Plug in hybrids can travel longer distances on electric power only than a non-plug-in hybrid vehicle.
- 2.8** Electric Vehicles (EVs) are pure electric vehicles and have no emissions.
- 2.9** The Government's intention is that the sale of new petrol and diesel cars and vans will end by 2030, with all new cars and vans being fully zero emission from 2035. There is information about this on the [Government website](#).
- 2.10** There is no national guidance for local authorities on standards for taxi and private hire vehicle age and emissions. Each authority has different local conditions based on local needs.
- 2.11** Some large urban cities such as London have a policy of EVs only, others have policies based on Euro 6 compliance and many still have just an age policy or no policy at all.
- 2.12** Some inner-city areas, with high pollution levels, have introduced Clean Air Zones where a charge is made to enter for vehicles, including taxi and private hire vehicles, which are below Euro 6 compliance for diesel vehicles or below Euro 4 compliance for petrol vehicles.
- 2.13** In Gloucestershire, most of the local authorities currently have or are planning to have a combined age/emissions policy based on Euro 6 compliance. All have an ambition for all EV fleets, but none have set any timescales so far.
- 2.14** At present, there is still some work to do in Gloucestershire to deliver an infrastructure that can deliver a fully electric fleet. There are also no local grants available for the taxi and private hire trade to invest in ULEVs or Euro 6 vehicles. The only national grant is for new purpose-built ULEV taxis. The grant is up to £7,500 which is taken off at the point of sale. The only vehicles that meet these criteria currently are London cab style vehicles which are very expensive to buy new.
- 2.15** Currently, 294 of our 696 licensed vehicles are of Euro 6 standards.

### **3.0 PROPOSAL**

#### **New Vehicle Applications and Change of Vehicle Applications from 1 January 2024**

- 3.1**
- A new application for a taxi or private hire vehicle licence will be refused if a vehicle is more than five years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
  - An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if a vehicle is more than five years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
  - EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.
  - New WAVs (Wheelchair accessible vehicles) are exempt from the above age policy but will be refused if the WAV is not Euro 6 compliant or ULEV or EV.

## **Vehicle Renewal Applications**

- 3.2**
- From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements.
  - From 1 January 2026, an application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV and over 10 years of age (WAV until 15 years of age).

## **Grandfather Rights**

- 3.3**
- Consideration should be given to the fact that many of the current licence holders will have invested in a vehicle based on the current policy. It is recommended that any proposed change should have a 'grandfather rights' time period built in for existing licence holders as a period of grace. This will give them time to replace their current vehicles in line with a new policy and reduce any unexpected financial impact. A policy that gives grandfather rights to existing non-Euro 6 vehicles up until 2026 would cause the least hardship as those vehicles would have reached the end of their licensed life under the current age policy in any event.

## **WAV's (Wheelchair Accessible Vehicles)**

- 3.4**
- Careful consideration should be given to wheelchair accessible vehicles (WAVs). The Council has 50 licensed WAVs and only two of these are Euro 6 compliant. Concerns were raised at a recent consultation with Stroud District Council's licensed trade that it would be unfair to exempt WAVs from any age and Euro 6 rules applying to other vehicles. There was also concern that, if WAVs are exempt, the trade may opt to buy an older higher polluting WAV as a cheaper option than a vehicle that is less than five years old. The Council should be mindful of equality issues and that it is difficult to encourage the trade to invest in WAVs. Not allowing an exemption for WAVs could result in a further reduction in the number of WAVs available for wheelchair users including for home to school contracts through Gloucestershire County Council. It is therefore proposed to exempt new applications for a WAV from the five year age policy but instead require that new WAV applications must be Euro 6 or above. They will also be exempt from the 10-year upper age limit but be permitted to be licensed until 15 years of age. This would give the trade wanting to invest in a WAV more flexibility in choosing a suitable vehicle but still remove the higher polluting WAVs.

## **Long Term Aims**

- 3.5**
- The ambition for Tewkesbury Borough Council is ultimately for all taxi and private hire vehicles to be EV with zero emissions. Laying out the Council's long-term aims and potential timescales will give the trade opportunity to make choices as to the most appropriate vehicles to buy and will encourage them to begin investing in EVs as we move towards 2030. The proposed policy based on age and emissions will enable the district to move in the right direction towards reducing emissions. This can then be reviewed in five years' time taking account of the situation, including the Governments direction in relation to EVs. At that time, consideration will also need to be made whether the plug-in hybrids that have very low emissions will continue to be permitted or whether only EVs with zero emissions are to be permitted.

## **Vehicle Testing**

- 3.6**
- Currently, the requirement for vehicle testing is an annual MOT for all vehicles under six years of age and six-monthly MOTs over the age of six years.

- 3.7** Stroud, Cheltenham and Gloucester all require a garage compliance test which is an inspection laid out by the Council which goes one step further than an MOT and checks for items relating to licence conditions such as a fire extinguisher, cosmetic appearance, licence plates on display, lifting equipment etc.
- 3.8** The compliance test is extra assurance that the vehicle complies with licence conditions and is good practice throughout the licence profession.
- 3.9** To allow for procurement (if required), it is proposed to introduce a mandatory compliance requirement from 1 June 2024. Vehicles under five years of age would require an annual inspection and any vehicle over five years of age would require a test every six months.

### **Plate Exemption Policy**

- 3.10** Plate exemption applications are made by private hire operators for vehicles which are predominantly (75% of their work) used for clients which are VIP's, executive etc.
- 3.11** The current policy is very basic and does not offer much guidance to either the Licensing Officer or the licence holder for determining or making applications.
- 3.12** The revised policy attached at Appendix H offers in-depth information.

### **Other Amendments**

- 3.13** Other amendments to the vehicle part of the policy are shown in the table of amendments. These amendments are to update the policy with legal requirements and offering further information to Licensing Officers and licence holders.

### **Operators**

- 3.14** The only major changes to operators are the following conditions:
- All operators must inform the Licensing Authority, within 48 hours, if a driver no longer works for them.
  - All operators must inform the Licensing Authority, within 48 hours, if a new driver commences work with them.
  - All operators must submit a list of all licensed drivers and vehicles on the last working day of each month to the Licensing Authority.

This will enable the licensing database to be up-to-date at all times for enforcement and compliance purposes.

- 3.15** The only other amendments are shown in the table of amendments.

## **4.0 CONSULTATION**

- 4.1** A 12-week consultation will be carried out with all licence holders and stakeholders. This will run from 3 July – 24 September 2023.

4.2 This will include:

- Gloucestershire County Council's Integrated Transport Unit
- Gloucestershire Police
- All other Gloucestershire Licensing Authorities
- Ward Councillors
- Town/Parish Councils
- Gloucestershire Sight loss Council
- Citizens Advice Bureau
- Community Safety Partnership
- Website

## 5.0 ASSOCIATED RISKS

5.1 None at present.

## 6.0 MONITORING

6.1 Consultation comments and a revised draft policy will be presented to Licensing Committee later in the year.

## 7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 The Council's Corporate Plan.

Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy – March 2023

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**Background Papers:** [Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(March 2010\)](#)

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**Appendices:** Appendix A – Draft Hackney Carriage and Private Hire Licensing Policy  
Appendix B – Draft Hackney Carriage and Private Hire Licensing Policy showing tracked changes  
Appendix C – Table of amendments  
Appendix D – Current Hackney Carriage and Private Hire Licensing Policy