

Low Emission Standards for Hackney & Private Hire Vehicles

Final Decision-Maker	Communities, Housing & Environment Committee
Lead Head of Service/Lead Director	Head of Housing & Community Services
Lead Officer and Report Author	John Littlemore
Classification	Public
Wards affected	All

Executive Summary

The Licensing Committee at its meeting on 22, November 2018 asked that the decision on implementation of Taxi Emissions Strategy be deferred to enable officers to clarify parts of the draft Emission Standards and Suitability for use of Maidstone Hackney Carriage and Private Hire Vehicles with trade members. This report updates the Committee on the outcome of meetings with the trade.

This report makes the following recommendations to Licensing Committee

1. That the Committee agrees to further defer the decision on implementation of the draft Emission Standard policy to enable a further 4-week period of public consultation on the timing of implementation as it relates to existing licensed vehicles.

Timetable

Meeting	Date
Licensing Committee	28 March 2019

Low Emission Standards for Hackney & Private Hire Vehicles

1. INTRODUCTION AND BACKGROUND

- 1.1 The Licensing Committee considered the issue of drafting and consultation on an emission's standards policy for hackney and private hire vehicles on 29 March 2018 and 22 November 2018. A draft policy was submitted to public consultation but following the completion of this exercise, it became apparent from responses that there was a degree of uncertainty from the trade as to the implications arising out of its implementation.
 - 1.2 The Licensing Committee agreed to defer implementation of the policy until focus groups could take place to enable further clarification with the trade representatives. Two meetings were held in March 2019, which were well attended by the trade.
 - 1.3 It has become apparent from the discussion that the consultation process was misunderstood, as were the implications of specific parts of the policy. This was distilled down to the rate at which existing licenced Hackney vehicles would have to be replaced with either hybrid or fully-electric vehicles.
 - 1.4 In the main the trade understood and supported the direction of travel with regard to the emission's policy. The concern expressed by the trade is that their business plans were based around the existing Hackney & Private Hire Policy and that the new emission's policy in its current draft form would have a financially detrimental impact on those business plans that could not have been taken into account when the existing vehicles were purchased/leased. The relevant paragraphs in the draft policy are contained at Appendix A.
 - 1.5 In order to address this concern and to enable all interested parties to comment on the paragraphs highlighted in Appendix A, a reasonable approach would be to carry out a further period of public consultation. This would be focused on these specific measures, to provide an opportunity for comment and/or to make alternative suggestions.
 - 1.6 The outcome of the further consultation and any possible amendments to the draft can then be considered by the Licensing Committee at a future meeting, prior to recommending the policy for adoption by Communities, Housing & Environment Committee.
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2. AVAILABLE OPTIONS

- 2.1 The Committee could agree to defer implementation of the draft policy in order to permit a further consultation period on the paragraphs of the draft policy set out in Appendix A.

2.2 The Committee could, having taken into account the commentary of this report, decide to recommend the draft policy for adoption by the Communities, Housing & Environment Committee without any further consideration . This approach is not recommended, as the short delay to enable further consultation would ensure the process to adopt the new policy has been fair, transparent and the implications of the draft policy were fully considered. This will also minimise the risk of legal challenge to the adopted policy.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 The preferred recommendation is set out in paragraph 2.1 above for the reasons provided and to negate the potential issues identified in 2.2

4. RISK

4.1 Given that the benefits that come from the adoption of an emission’s policy will be delivered over the long-term, it is not considered that delaying the implementation by a short period of further consultation will place the objectives at risk.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 This is set out in the body of the report.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 Provided in the body of the report.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations in this report will, by themselves, materially affect achievement of corporate priorities.	Head of Housing & Community Services
Risk Management	Already covered in the risk section	Head of Housing & Community

		Services
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	[Section 151 Officer & Finance Team]
Staffing	We will deliver the recommendations with our current staffing.	Head of Housing & Community Services
Legal	<ul style="list-style-type: none"> • The Local Government (Miscellaneous Provisions) Act 1976 allows the Local Authority to deal with conditions for the grant of taxi and private hire vehicle licences. • There is a legal requirement to improve and maintain air quality standards . Air Quality Directive 2008/50/EC13 sets out the obligations of Member States in terms of assessing ambient air quality and ensuring limit values (LV) for certain pollutants are not exceeded. 	[Legal Team]
Privacy and Data Protection	Not applicable	
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Head of Housing & Community Services
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals. The Council recognises the relationship between air quality and health. This issue will be more fully considered at the time the emission standard is	Head of Housing & Community Services

	considered for adoption.	
Crime and Disorder	Not applicable	
Procurement	Not applicable	

8. REPORT APPENDICES

- Appendix 1: Paragraphs subject to further consultation
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9. BACKGROUND PAPERS

Report to Licensing Committee 29th March 2018

"Emission standards for Maidstone Hackney Carriage and Private Hire Vehicles".

Report to Licensing Committee 22nd November 2018

"Emission standards for Maidstone Hackney Carriage and Private Hire Vehicles".

Appendix A

Paragraphs subject to further consultation

1st Phase

New Private Hire & Taxi Vehicles Licence Applications Euro 4 Petrol (Jan 2006) & Euro 6 Diesel (Sept 2015) or higher standard.

Applies to all applications from 1st January 2019.

2nd Phase

Renewal or transfer of Private Hire & Taxi Vehicles Licence Applications Euro 4 Petrol (Jan 2006) & Euro 6 Diesel (Sept 2015) or higher standard.

Applies to all applications from 1st January 2021

3rd Phase

New & Renewal Taxi/Private Hire Vehicle Applications Full Electric, Range Extended Electric, Hybrid Electric, Plug-in Hybrid & Hydrogen.

Applies to all applications from 1st January 2025.

Delegated Powers

Officer's discretion to depart from this policy in exceptional circumstances.