

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	CHANGE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS – CLEAN AIR		
DATE OF DECISION:	24 JULY 2019		
REPORT OF:	SERVICE DIRECTOR - TRANSACTIONS AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
NOT APPLICABLE	
BRIEF SUMMARY	
Report of the Licensing Manager to consider changes to vehicle conditions following the Special Cabinet Meeting on the 22 nd January 2019 to deliver compliance with the EU limit for nitrogen dioxide.	
The Sub-Committee is requested to consider and determine this report.	
RECOMMENDATIONS:	
(i)	That the Sub-Committee consider adding conditions to the hackney carriage conditions to restrict and then end the use of Euro 5 category diesel engine vehicles.
(ii)	That the Sub-Committee consider adding conditions to the private hire vehicle conditions to restrict and then end the use of Euro 5 category diesel engine vehicles.
REASONS FOR REPORT RECOMMENDATIONS	
1.	Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 provide for Licensing Authorities to attach to the grant of a licence for either a hackney carriage or private hire vehicle such conditions as they may consider reasonably necessary.
2.	Southampton City Council is required to reduce levels of pollution in the city as quickly as possible and has therefore been required by central government to implement changes that will reduce emissions and improve air quality.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	

3.	Council have considered introducing a charging scheme whereby commercial vehicles including taxis and private hire vehicles that do not meet prescribed emission standards will be charged for each day they enter the city.
DETAIL (Including consultation carried out)	
4.	<p>Southampton City Council is required to reduce levels of pollution in the city as quickly as possible and has therefore been required by central government to implement changes that will reduce emissions and improve air quality. The reason for this is due to the growing evidence that poor air quality is responsible for a range of health issues including cancer, respiratory and heart illnesses.</p> <p>Southampton has identified that road transport is the most significant contributor to poor air quality in the city and therefore action to improve emissions from road vehicles would be a quick and effective way to meet clean air targets.</p>
5.	<p>With regards to the taxi and private hire fleet in Southampton, The Council proposed to ensure we had a clean air compliant fleet by the 1 January 2023 and that the uptake of low emission, hybrid vehicles was incentivised through the ongoing offer of grants.</p> <p>This effectively means that the older euro 5 emission standard diesel vehicles will be phased out during 2022. Additionally from 2020 no new or replacement vehicle that is euro 5 diesel emission standard will be issued a licence. Typically, diesel vehicles manufactured after 1 September 2015 should be euro 6 compliant but it is recommended that owners of such vehicles should check with the manufacturer.</p> <p>To implement this change the following additional conditions are proposed to be added to each licence type:</p> <ul style="list-style-type: none"> • 3.5. No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be granted a licence on or after 1st January 2020 other than by way of licence renewal unless the vehicle has been converted with approved CVRAS technology. See 3.5.2 • 3.5.1 No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be licensed or relicensed by way of renewal on or after 1st January 2022 unless the vehicle has been converted with approved CVRAS technology. See 3.5.2 • 3.5.2 Any vehicle fitted with approved Clean Vehicle Retrofit Accreditation Scheme (CVRAS) technology (e.g. a CVRAS LPG conversion) may be exempt from condition 3.5 and 3.5.1 subject to the vehicle meeting all other relevant conditions and on production of approved certification
6.	To support the trade in meeting these requirements, Southampton City Council has obtained central government funding to allow grants to be available to upgrade from a non-compliant vehicle to a hybrid, plug-in hybrid

	<p>or full electric vehicle. Grants will also be available to upgrade wheel chair accessible or vehicles that can carry 5-8 passengers from non-compliant to euro 5 or 6 petrol and euro 6 diesel.</p> <p>The council are also currently planning to offer a service to demonstrate the benefits of operating an electric vehicle. This will be done by offering operators/drivers an assessment service and opportunity to trial EV's for free. This will be promoted in the summer and details will be published in the coming months on Southampton City Council webpages.</p>
7.	<p>The Council consulted with the public and stakeholders by writing to each vehicle proprietor notifying them of the proposed changes and inviting representations from them. The public were also consulted via the city council website.</p> <p>Three responses were received as follows:</p>
8.	<p>K&K K&K Hire LTD, KKHireLtd@hotmail.co.uk</p> <p>Hi</p> <p>I do agree that taxis and private hire vehicles in Southampton need to run much more environmentally friendly vehicles, and I do support the council trying to achieve this through adjusting the licencing conditions. I do think that 8 seaters and w/chair accessible vehicles should get a higher amount from the fund because of the extra cost to replace these vehicles. The council can change licensing conditions to achieve their goal of cleaning up Southampton's poor air quality, and the drivers will have no choice but to comply. How are you going to tackle the most polluting lorries that enter Southampton, it would not be fair to tackle pollution issues by targeting the taxi trade because they are an easy target. But good luck in achieving your goals.</p> <p>Kevin May K&K Hire Ltd 28 Parham Drive Boyatt Wood Ind Estate Eastleigh SO50 4NU</p> <p>Tel: 02380 650650</p>
9.	<p>Nick Reeve, ngreeve@ngreeve.plus.com</p> <p>Dear Sir,</p> <p>Given national and international polices on the phasing out of Diesel vehicles completely I do not feel these proposals go far enough.</p> <p>Why not no diesel vehicles will be granted a licence after 2022.</p>

	<p>I support proposals to reduce emissions from public hire vehicles. But can't Southampton lead on this.</p> <p>In addition there seems to be no incentives offered to take up of hybrid and ultra low emission vehicles.</p> <p>Yours faithfully,</p> <p>Nicholas Reeve. 5 Holmwood Court SO16 7PD.</p>
10.	<p>Nik Tarry, nikt33@hotmail.com</p> <p>Hello,</p> <p>I'm totally in favour of this. Personally I think all public transport should be electric. Being stuck behind a diesel bus bellowing smoke out is a health hazard! Especially in the city centre where vehicles are at a standstill for a lot of the time.</p> <p>But there needs to be the infrastructure for charging in place. Fast charging stations and battery banks powered by solar, tidal or wind.</p> <p>Then you have to look at the ships docked with huge diesel engines running. I could go on.</p> <p>It will take a lot of investment, but the benefits will come soon enough.</p> <p>Nicholas Tarry, so157rb.</p>
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
11.	The grant schemes mentioned are funded by central government grant money awarded to the Council to implement its clean air strategy. There is no cost to the general fund or licensing budgets.
<u>Property/Other</u>	
12.	N/A
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
13.	Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 allows a district council to attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.
14.	Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 allows a district council to attach to the grant of a licence.
15.	Any driver aggrieved by the decision not to licence can appeal to a Magistrates' Court.
16.	Any driver aggrieved by the decision can appeal to a Magistrates' Court.

<u>Other Legal Implications:</u>	
17.	Southampton City Council received a ministerial direction in 2017 to develop a plan for local nitrogen dioxide (NO2) compliance (the “Plan”) that would achieve compliance with the EU Ambient Air Quality Directive annual mean limit value for NO2 within the shortest possible time. The Plan that was submitted and approved by the Secretary of State for Environment, Food and Rural Affairs included additional licensing requirements as set out in this paper. Subsequently, the council received a ministerial direction to implement the Plan as soon as possible and at least in time to bring forward compliance to 2019
18.	Human Rights Act 1998 The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person’s Human Rights must be taken having regard to the principle of Proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another’s rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.
19.	A High Court case (Singh v Cardiff City Council) in 2012 decided there was no power of ‘interim’ suspension under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. Suspension can only be used as a ‘final’ sanction. This had the effect of preventing authorities suspending drivers pending the outcome of an investigation and then imposing a further sanction such as revocation at a later date when the investigation was complete.
RISK MANAGEMENT IMPLICATIONS	
20.	My assessment of the impact of this decision is HIGH <ul style="list-style-type: none"> • Failure to meet clean air targets could result in substantial fines being imposed on the authority
POLICY FRAMEWORK IMPLICATIONS	
21.	The decision to determine the implementation of these conditions in the manner set out in this report is not contrary to the Council’s policy framework

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	None
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Email representation from K and K Hire

2.	Email representation from Nick Reeve
3.	Email representation from Nik Tarry

Documents In Members' Rooms

1.	None
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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Privacy Impact Assessment

Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
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Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	