

North Tyneside Council

Report to Cabinet

Date: 22 May 2023

Title: Review of Part of North Tyneside Council's Hackney Carriage and Private Hire Licensing Policy

Portfolio(s): Community Safety and Public Protection	Cabinet Member(s): Councillor Carole Burdis
Report from Service Area: Public Health	
Responsible Officer: Wendy Burke, Director of Public Health	(Tel: (0191) 643 2104)
Wards affected: All	

PART 1

1.1 Executive Summary:

The current North Tyneside Hackney Carriage and Private Hire Licensing Policy ("the Policy") includes a section on vehicle age standards for licensed vehicles which is due to come into force on 1 April 2024. Due to the introduction of the Newcastle/Gateshead Clean Air Zone (CAZ) and the vehicle standards that apply to the CAZ in addition to approaches from the licensed trade about the vehicle age standards section of the Policy, it is considered prudent to test that this element of the Policy remains fit for purpose if implemented in April 2024. It is proposed that a set of revised vehicle standards options should be consulted on.

This report presents to Cabinet the proposed revised vehicle standards options and seeks permission to delegate authority to the Director of Public Health to commence a process of public consultation on the age standards for licensed vehicles section of the Policy after which a further report will be presented to Cabinet at the end of the consultation period for consideration on which, if any, revised vehicle standards criteria should be included in the Policy.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) Authorise the Director of Public Health to commence public consultation on the options for the standards of licensed vehicles that could be included within the North Tyneside Hackney Carriage and Private Hire Licensing Policy as attached at Appendix 1 to this report;
- (2) Agree that a further report be received by Cabinet at the conclusion of the public consultation process when Cabinet will be asked to consider and determine any amendments to the existing age standards of licensed vehicles section within the

North Tyneside Hackney Carriage and Private Hire Licensing Policy, or for the section to be replaced with different vehicle standards, having regard to the consultation responses.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 24 March 2023.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2021 – 2025 Our North Tyneside Plan:

A caring North Tyneside:

- We will work to reduce inequality, eliminate discrimination and ensure the social rights of the people of North Tyneside are key to council decision making.

A secure North Tyneside:

- We will tackle health and socio-economic inequalities across the borough including through our Poverty Intervention Fund to tackle food poverty.

A thriving North Tyneside

- We will bring more good quality jobs to North Tyneside – by helping local businesses to sustain and grow, making it attractive for new businesses to set up or relocate in the borough.

1.5 Information:

1.5.1 Local context

The Authority is the licensing authority for hackney carriages (taxis) and private hire vehicles (PHVs), their drivers and their operators, for the Borough. The overall aim of the licensing regime is to ensure the safety of the public.

The North Tyneside Transport Strategy, approved by Cabinet in May 2017 and revised in 2021, commits to managing North Tyneside's transport network effectively, considering all forms of travel including taxis and PHVs and sets out how the Authority will support the safeguarding of vulnerable people, such as through hackney carriage and private hire licensing policies and the design of infrastructure.

The North Tyneside Local Plan notes that taxis and PHVs will continue to play an important role in the wider transport network and that opportunities to integrate them with other modes of transport will be explored. The regional North East Transport Manifesto sets out objectives to integrate taxis into the public transport network with better interchange and information, ensure high standards of licensing and provision, and encourage greater use of low emission technologies in taxi fleets.

1.5.2 Existing licences in North Tyneside

The Authority licenses around 135 taxis, 707 PHVs, 905 drivers and 24 operators in the Borough. These licenses have been granted in accordance with national legislation and application of the Policy.

The Policy includes information on legal requirements, procedures and standards relevant to taxi and PHV licensing.

The Policy was last reviewed in May 2022 following the release of the new Statutory National Standards for taxis and private hire vehicles. One of the objectives of the Policy is to promote environmental sustainability. To meet this objective the Policy seeks to promote the uptake of zero and ultra-low emission vehicles and to permit licenses to be granted only for those vehicles that comply with particular age requirements within this Policy.

The Policy includes the following:

'The following age standards will be implemented over a four year period:

- (i) From 1 April 2024 no new vehicle licence will be granted for the vehicle unless it is less than 4 years old
- (ii) From 1 April 2026 a vehicle licence will not be renewed unless the vehicle is less than 8 years old
- (iii) From 1 April 2027 a wheelchair accessible vehicle licence will not be renewed unless the vehicle is less than 8 years old.

All 'Full electric' and 'zero emission at source' vehicles will be exempt from the age standards set out above.'

1.5.3 Emission Standards

Other licensing authorities use varied approaches to vehicle standards with some authorities having no environmental considerations being given at all in relation to the formulation of their policies whilst others have a mix of age and emissions requirements forming the basis of their vehicle standards.

Introduced by the European Union (EU) in 1992, the Euro Emissions Standards are a set of regulations designed to define the acceptable amount of exhaust emissions that vehicles sold in the EU can release. The standards have the aim of reducing the emissions of the harmful chemicals into the atmosphere, which includes Carbon Monoxide, Oxides of Nitrogen, Hydrocarbons and Particulate matter.

Euro 6 is the most recent standard, introduced in 2015. Euro 7 is expected to be implemented in 2025 and is expected to be the final Euro Emissions Standard before all new cars become electric.

A vehicle will need to comply to a certain set of restrictions dependent upon when it was manufactured. The details below show the different Euro Standards and the date from which they were applied to new car registrations:

- Euro 1 - 31st December 1992

- Euro 2 - 1st January 1997
- Euro 3 - 1st January 2001
- Euro 4 - 1st January 2006
- Euro 5 - 1st January 2011
- Euro 6 - 1st September 2015

1.5.4 Recent changes and requests for changes

On 30 January 2023 a Clean Air Zone (CAZ) was introduced in Newcastle and Gateshead. The zone, which covers central Newcastle and routes over the Tyne, Swing, High Level and Redheugh Bridges, applies to licensed taxis and private hire vehicles. All taxis and private hire vehicles that do not meet the national Clean Air Zone emissions standards will be subjected to a charge for entering the zone.

The emission standards to be met are:

Diesel – Euro 6 (introduced 1 September 2015)
 Petrol – Euro 4 (introduced 1 January 2006)

Approaches have been made by members of the trade requesting that the age standards contained within the Policy be revisited by the Authority and replaced with an emission standard similar to the above stated standard. The reasons given for the request are the cost to the proprietor to change their current vehicle to meet the Authority's vehicle age standards and the introduction of the Newcastle/Gateshead Clean Air Zone (CAZ) and the standards adopted in that regard.

An emission standard considers the level of emissions from a vehicle rather than the age of a vehicle. In a consultation document from the Department for Transport entitled 'Taxi Private Hire Vehicle Licensing – Best Practice Guidance for Licensing Authorities in England released in 2022 the following was included:

'Licensing authorities should not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.'

It should be noted that this document remains a consultation document and has yet to come into force however it may be an indication of the direction of travel in respects of the standards expected for vehicles. The concern regarding age standards is that they may not allow for older electric vehicles. It should be noted however that the current age standards in the Policy do not include electric vehicles which can be any age.

1.5.5 Options to be considered

In light of this information and the approaches by the trade it is considered that a period of public engagement on a number of different options would be helpful in assisting the Authority to decide if an amendment to the current age standards in the Policy is required.

An Officer working group considers that the following options should be consulted on:

1. retain current age standards;
2. replace current age standards with the emission standards to reflect those implemented in the CAZ;

3. replace current age standards with the emission standards meeting the requirements of Diesel Euro 6 and Petrol Euro 5; or
4. replace current age standards with emission standards meeting the requirements of Diesel Euro 6 and Petrol Euro 6.

It is proposed that any change would be implemented from 1 April 2024 for new and renewal applications.

1.5.6 Public engagement

An engagement period of four weeks is suggested to be held to enable responses to be received from those wishing to comment on the alternative options to age standards. At the end of the engagement period a further report will be provided to Cabinet for consideration.

1.6 **Decision options:**

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet approve the recommendations at paragraph 1.2 of this report.

Option 2

Cabinet does not approve the recommendations at paragraph 1.2 of this report.

Option 1 is the recommended option.

1.7 **Reasons for recommended option:**

Option 1 is recommended for the following reasons:

Option 1 is recommended to ensure that the Policy remains transparent, accountable, proportionate and consistent.

1.8 **Appendices:**

Appendix 1: North Tyneside Hackney Carriage and Private Hire Licensing

1.9 **Contact officers:**

Joanne Lee, Head of Public Protection, (0191) 643 6901

Stephanie Graham, Senior Licensing Officer

David Dunford, Senior Business Partner, (0191) 643 7027

John Barton, Team Leader Governance and Regulatory, Legal Services (0191) 643 5354

1.10 **Background information:**

- 1) [North Tyneside Local Plan](#)

2) [North Tyneside Hackney Carriage and Private Hire Licensing Policy](#)

3) Statutory Taxi and Private Hire National Standards

[Statutory guidance overview: Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](#)

4) [Equality Impact Assessment](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications directly arising from the report. The costs of preparing the Policy and the associated consultation arrangements can be met from existing revenue budgets.

2.2 Legal

Taxi and Private Hire Vehicle (PHV) legislation is primarily concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The legislation provides a broad framework for the licensing of drivers, vehicles and operators whereas the detail of how this is done, including standards and conditions, is the responsibility of licensing authorities.

There are a number of other Acts which are also relevant: for example, the Equalities Act 2010 which places a duty on local authorities to take steps to meet the needs of those with a protected characteristic such as the need for the Authority to provide a list of wheelchair accessible taxis and PHVs.

Whereas Cabinet cannot make decisions in relation to the licensing of individual drivers, vehicles or operators under the legislation, it is permitted to adopt a Policy such as the Hackney Carriage and Private Hire Licensing Policy. The Policy will then be considered by the Regulation and Review Committee when decisions need to be taken in relation to individual drivers, operators and vehicles.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation will take place with Cabinet Members, Members and service areas.

2.3.2 External Consultation/Engagement

As outlined in section 1.5.3 of the report, an engagement process will commence to allow the Policy to be updated. An online survey will be available for respondees to make consultation responses as well as written responses.

2.4 Human rights

There are aspects of the administration of licences that may impact on the human rights of individuals residing in the Borough and licence holders.

Article 1 of the First Protocol entitles a person to the peaceful enjoyment of his/her possessions. A possession may include a Licence to use possessions. However, balanced against that is the ability of the Licensing Authority to enforce such laws under the national licensing legislation as is necessary to control the use of such property, including a licence.

2.5 Equalities and diversity

The Policy has been drafted having regard to the Authority's Public Sector Equality Duty. An Equality Impact Assessment has been undertaken to inform the consultation process and it has been updated to assess the potential impact of the Policy. The consultation process will be undertaken to ensure that all persons, groups and organisations will have an opportunity to participate, including those with protected characteristics. Individual decisions taken under the Policy will also have to be taken having regard to the Public Sector Equality Duty

2.6 Risk management

There are no risk management implications directly arising from this report. Risks associated with delivery of the Authority's Public Protection function are monitored via the Public Health risk arrangements.

2.7 Crime and disorder

The North Tyneside Hackney Carriage and Private Hire Licensing Policy seeks to ensure the safety of the travelling public and therefore contributes to preventing crime and disorder.

2.8 Environment and sustainability

Journeys by taxis and private hire vehicles represent a significant number of daily trips on the local highway network both within the Borough and beyond. The local authorities in the area are currently working on measures to tackle air quality caused by roadside pollution.

PART 3 - SIGN OFF

- Chief Executive x
- Director(s) of Service x
- Mayor/Cabinet Member(s) x
- Chief Finance Officer x
- Monitoring Officer x
- Assistant Chief Executive x