

North Tyneside Council
Report to Cabinet
Date: 18 September 2023

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

Portfolio(s): Public Health and Wellbeing	Cabinet Member(s): Cllr K Clark
Report from Service	
Area:	Public Health
Responsible Officer:	Wendy Burke, Director of Public Health (Tel: (0191) 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 was considered prudent to test whether this element of the Policy remained fit for purpose if it were to be implemented in April 2024.

At its meeting on 22 May 2023 Cabinet agreed to the commencement of a four-week public engagement into the proposed options available in relation to the vehicle age standards section of the Policy. The responses to the public engagement exercise are set out in Appendix 2 of this report.

This report presents to Cabinet the proposed revised vehicle standards paragraph of the Policy and seeks permission to delegate authority to the Director of Public Health to amend the Policy accordingly.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) Approve the proposed amendments to the existing age standards of licensed vehicles chapter of the Authority's Hackney Carriage and Private Hire Licensing Policy as set out at paragraph 1.5.5 of this report, having regard to the consultation responses at Appendix 2 of this report and the other matters set out in this report;
- (2) Authorise the Director of Public Health, to take all necessary steps to amend the Policy accordingly and to publish the Policy.

1.3 Forward Plan:

28 day's notice of this report has been given and it first appeared on the Forward Plan that was published on 21 July 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.

A green North Tyneside

- We will publish an action plan of the steps we will take and the national investment we will seek to make North Tyneside carbon net-zero by 2030.

1.5 Background Information

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, ensuring high standards of licensing and provision, and encouraging greater use of low emission technologies in taxi fleets.

1.4.1 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 government guidance as well as the 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.'

1.4.2 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 in relation to vehicle standards, whilst others have a mix of age and exhaust emission 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

1.4.3 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 when entering the CAZ are:

Diesel – Euro 6 (introduced 1 September 2015)

Petrol – Euro 4 (introduced 1 January 2006)

Approaches have been made by members of the trade to the Authority requesting that the age standards requirements that would become part of the Policy in April 2024 be re-considered by the Authority and replaced with an emission standard similar to that applied by Newcastle and Gateshead Councils in relation to the CAZ as set out above and that those standards be adopted by the Authority and incorporated into the Policy in April 2024. The reasons given for the request are that there will be a cost to licensed vehicle proprietor to change their current vehicle to meet the Authority's vehicle age standards and the fact that the Newcastle/Gateshead Clean Air Zone (CAZ) uses a vehicle emission standard rather than an age standard which the trade considers to be more appropriate. A consistent approach would be preferable to the licensed trade.

As explained above, 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' published in March 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 respect of the standards expected for vehicles, including emission standards.

1.4.4 Public Engagement

In light of this information and the approaches by the trade, Cabinet approved a period of public engagement on a number of different options in relation to the vehicle age standards paragraph of the Policy to be incorporated into the Policy in April 2024. The engagement ran for four weeks from 5 June 2023.

The following options were 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.

407 responses were received to the engagement exercise. The responses were as follows:

Retain current standards	37%
Replace current age standards with the emission standards to reflect those implemented in the CAZ	33%
Replace current age standards with the emission standards meeting the requirements of Diesel Euro 6 and Petrol Euro 5	22%
Replace current age standards with emission standards meeting the requirements of Diesel Euro 6 and Petrol Euro 6	8%

The makeup of the persons responding was as follows:

As a resident	21%
As a business	3%
As an interested group or organisation	4%
As licensed driver / vehicle proprietor / operator	70%

Other	2%
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Whilst the highest number of responses (37%) indicates a wish to retain the current standards within the Policy, 63% of the responses indicated that there should be a change to the implementation of emission standards rather than age standards. Of those people who wish there to be a change to emission standards 33% want the standards to reflect the CAZ, 22% preferred Diesel Euro 6 and Petrol Euro 5 standards be adopted and 8% preferred the adoption of Diesel Euro 6 and Petrol Euro 6 standards.

Responses from those people indicating a connection with the taxi/private hire trade (300) show that 182 respondents (60%) wish to see a move away from the use of an age limit. Of those who wished to see a change 88 (48%) want the standards to reflect the CAZ, 77 respondents (43%) preferred Diesel Euro 6 and Petrol Euro 5 and 17 respondents (9%) preferred Diesel Euro 6 and Petrol Euro 6.

1.4.5 Proposed amendment

In consideration of the responses received, it is proposed that the Policy is amended to an emission standard as follows:

Emission standards

As part of the need to promote environmental sustainability and reducing pollution caused by road vehicles, this Policy introduces common requirements for emissions from hackney carriages and private hire vehicles. The emission standards set out below aim to assist in meeting the need to improve air quality in the Borough and the wider region.

The following emission 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 meets the minimum emission standards of Euro 6 for diesel vehicles and Euro 5 for petrol vehicles
- (ii) From 1 April 2026 a vehicle licence will not be renewed unless the vehicle meets the minimum emission standards of Euro 6 for diesel vehicles and Euro 5 for petrol vehicles

(iii) From 1 April 2027 a wheelchair accessible vehicle licence will not be renewed unless the vehicle meets the minimum emission standards of Euro 6 for diesel vehicles and Euro 5 for petrol vehicles

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

If any application is refused due to a vehicle failing to meet the age standard the licensee/applicant can appeal to Regulation and Review Committee against the decision to refuse to grant a licence or to the Magistrates' Court or Crown Court as appropriate.

Rationale for the proposed amendment

It is proposed that the Policy is amended to the emission standards set out above for the following reasons. The responses to the engagement exercise indicate that 63% of respondents wish to see a move away from the current age standards. It is expected that the emission standard for diesels will be Euro 6. The emission standards for petrol is recommended as Euro 5 as this will ensure a higher standard of vehicles and will future proof the Policy.

The proposed standard differs from the current age standard as follows:

Date	Current Age Policy	Emissions Policy Euro 6 (diesel)	Emissions Policy Euro 5 (petrol)
April 2024 – new vehicles	Less than 4 years from first registration	Registered since 2015. By April 2024 vehicles will be 8 years of age or less	Registered since January 2011. By April 2024 vehicles will be 13 years of age or less
April 2026 – renewals	Less than 8 years from first registration	Registered since 2015. By April 2026 vehicles will be 10 years of age or less	Registered since January 2011. By April 2026 vehicles will be 15 years of age or less
April 2027 – wheelchair accessible vehicles	Less than 8 years from first registration	Registered since 2015. By April 2027 vehicles will be 11 years of age or less	Registered since January 2011. By April 2027 vehicles will be 16 years of age or less

1.5 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.

1.6 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. The proposals reflect the responses to the engagement exercise.

The implementation of the vehicle emission standards as set out in paragraph 1.5.5 with effect from April 2024 aims to strike a balance between the need to reduce vehicle emissions in the Borough and the wider region which can have a negative impact on the health of individuals as well as contributing to global warming, and the need to keep any additional costs to some of the licensed trade to a minimum. This is demonstrated by the fact that it is now proposed that diesel licensed vehicles could be licensed 4 years older than under the existing age standards Policy and 8 years older for petrol vehicles than would be the case under the existing age standards Policy.

1.7 Appendices:

Appendix 1: North Tyneside Hackney Carriage and Private Hire Licensing
Appendix 2: Responses to the Engagement exercise.

1.8 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, Manager Regulatory, Legal Services (0191) 643 5354

1.9 Background information:

- 1) [North Tyneside Local Plan](#)
- 2) Statutory Taxi and Private Hire National Standards

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

- 3) [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 1.5.5 of the report, an engagement process took place over a four-week period via an online survey. In total 407 responses were received from a mixed range of respondents.

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 was undertaken to inform the consultation process and has now been updated to assess the potential impact of the Policy. The consultation process ensured that all persons, groups, and organisations had an opportunity to participate, including those with protected characteristics. Individual decisions taken under the Policy were also taken with due 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. Through the introduction of an emission standard the local authority will ensure that the most pollutant vehicles, being diesel vehicles, will only be licensed if they are of the highest Euro standard available.

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