

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	Euro 5 wheelchair accessible diesel vehicles
DATE OF DECISION:	3 rd November 2021
REPORT OF:	Executive Director Communities, Culture and Homes. Mary D’Arcy

<u>CONTACT DETAILS</u>			
Executive Director	Title	Communities, Culture and Homes	
	Name:	Mary D’Arcy	Tel: 023 8083 4611
	E-mail	mary.d’arcy@southampton.gov.uk	
Author:	Title	Senior Licensing Officer	
	Name:	Russell Hawkins	Tel: 023 8083 2421
	E-mail	russell.hawkins@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

On 24th July 2019 this committee, following directives from the Department for Environment, Food and Rural Affairs (DEFRA) with regards compliance with the EU limit for nitrogen dioxide; imposed conditions on Southampton licensed vehicles. These conditions prohibited the licensing of Euro 5 diesel vehicles by the end of 2022.

Following this decision, it has become apparent that due to the lack of suitable compliant wheelchair accessible vehicles in the marketplace and the effect the coronavirus pandemic has had on the taxi trade locally and nationally, , a large proportion of these vehicles were not going to be replaced, therefore, potentially greatly disadvantaging this sector of the market and their users. In response to this issue, this report proposes to extend the deadline for compliance of these vehicles by two years.

RECOMMENDATIONS:

	(i)	To consider and approve the contents of this report, appendices and any comments or representations made on the policy amendment for both hackney carriage and private hire vehicle policy and conditions attached as appendix 1.
--	-----	---

REASONS FOR REPORT RECOMMENDATIONS

1.	We need to safeguard the current numbers of wheelchair accessible vehicles (WAV’s) licensed by this authority as much as is reasonable to support accessible travel in the City.
2.	The Southampton City Council Clean Air Team has submitted a change request to DEFRA to request permission to allow an extra two years for these particular vehicles. This request has been accepted.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED
--

3.	<p>Choosing to do nothing would be detrimental either to the number of accessible vehicles that are available in the City if drivers choose to replace WAVs with other vehicles, or to our clean air programme if, as possible, these vehicles are licensed in another authority area and continue to work in Southampton. The result of such activity being that these vehicles continue to be in service for many years to come and not replaced with cleaner vehicles as our amended conditions are proposed to require.</p>
DETAIL (Including consultation carried out)	
4.	<p>The current emissions conditions for both types of vehicles are stated in appendix 2</p>
5.	<p>Southampton City Council was required by central government to assess the need for a charging Clean Air Zone. While a charging zone was deemed unnecessary to achieve relevant national air quality objectives, a series of non-charging measures – ‘The Local NO2 Plan’ – was committed to achieve objectives in the shortest possible time. The Council is held under a Ministerial Direction to deliver such measures in accordance with how they were originally set out in the business case.</p>
6.	<p>The Plan includes a series of measures relating to taxis and private hire vehicles (PHVs), including the condition that “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”. As a result of this condition, all taxis and PHVs are expected to meet a minimum Euro 6 diesel standard in 2023. Other taxi measures include, a low emission taxi incentive scheme, two taxi-only rapid charge points and bus lane restrictions for non-SCC licensed vehicles (principally as a mitigation measure for impacts of new licensing conditions on the SCC trade).</p>
7.	<p>In September of 2020 we were approached by a large operator of disabled WAV’s. Their business had been severely affected by the COVID 19 pandemic. They have around 25 vehicles that would need replacing on their fleet during the year of 2022. A basic vehicle that is suitably converted and in reasonable condition would cost around £14,000 on the second-hand market. Therefore, they needed to invest some £375,000 in their business to make it viable.</p> <p>This made licensing in another area a much more attractive option from a financial perspective and would mean that they could still continue to operate in Southampton.</p>
8.	<p>The pandemic did not impact the saloon car trade to nearly the same degree. Euro 6 diesel and euro 4 or higher standard petrol vehicles are far more accessible for this vehicle class. As such, this report and the options presented herein only addresses WAVs.</p>
9.	<p>It is expected that by the end of 2021 – assuming that WAV operators don’t actively upgrade to Euro 6 vehicles in anticipation of the condition – around 40 Euro 5 diesel WAVs will persist in the Southampton fleet. Around half of these vehicles are owned by one operator, with the remainder being shared between two other companies and some being hackney carriages. The companies and hackney fleet all have a similar proportion of Euro 5 vehicles in their fleets.</p>

10.	While the impact of these 40 Euro 5 diesels from a fleet in excess of 1200 licensed vehicles is considered negligible in terms of its impact on local air quality, any changes to Local NO2 Plan measures required a formal change request to central government to amend the ministerial direction associated with it. This change request has been accepted.
11.	Alternative emissions conditions are stated in appendix 1.
12.	A public consultation was started on 5th July 2021 and ran for 8 weeks.
13.	There were no responses from this consultation.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
14.	There is a real risk that not adopting these changes will see a reduction in the numbers of vehicles that we licence with the added risk of operators leaving Southampton and licensing elsewhere. This may reduce the number of vehicles and operators we licence, reducing our income. The number of out of area WAV's working in Southampton will therefore increase further.
<u>Property/Other</u>	
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
15.	Local Government (Miscellaneous Provisions) Act 1976 section 47 (1) Licensing of hackney carriages and applying conditions to those vehicles
16.	Local Government (Miscellaneous Provisions) Act 1976 section 48 (2) Licensing of private hire vehicles and applying conditions to those vehicles.
17.	Local Government Act 2000 – Functions and Responsibilities Regulations 2000 Provides the framework for the discharge of various functions of a local authority.
<u>Other Legal Implications:</u>	
18.	Equality Act 2010 Section 149 of the Act states a public authority must, in the exercise of its functions, have due regard to the need to — a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
19.	Sections 160 to 173 of the Equality Act 2010 relate specifically to taxis and PHVs
20.	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
--	---

RISK MANAGEMENT IMPLICATIONS

21.	There is no risk to service delivery or financial risk for the authority. As not all sectors of the taxi trades agree with each other there may be a minor risk of reputational damage for the authority but this is likely to be limited to within the taxi trades and some of those closely associated with them.
-----	---

POLICY FRAMEWORK IMPLICATIONS

22.	The proposed policy is not contrary to the Council's policy framework
-----	---

KEY DECISION?	Yes/
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Proposed New Conditions/Changes
2.	Current Clean Air Related Conditions

Documents In Members' Rooms

1.	
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
---	------------

Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
--	-----------

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.		
----	--	--