

BIRMINGHAM CITY COUNCIL

**REPORT OF THE INTERIM ASSISTANT DIRECTOR OF REGULATION AND
ENFORCEMENT TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

SEPTEMBER 2019
ALL WARDS

CLEAN AIR ZONE:
MITIGATION MEASURES FOR HACKNEY CARRIAGE VEHICLES

1. Summary

- 1.1 This report outlines the Clean Air Zone (CAZ) mitigation measures relating to hackney carriage vehicles, for which funding has been secured.
- 1.2 The report explains the matters which could affect the successful implementation of the mitigation measures and proposes measures to resolve the issues.
- 1.3 This report only relates to the mitigation measures for Hackney Carriage Vehicles. Private Hire Vehicles are not affected by the content of this report.

2. Recommendations

- 2.1 An exemption to the moratorium of the issuing of new hackney carriage vehicle licences be granted for those vehicles operated through the Clean Air Fund Fleet scheme. (name subject to confirmation)
- 2.2 Where a conversion has been carried out as part of the Clean Air Zone mitigations (Clean Vehicle Retrofit Accreditation Scheme), the vehicle licence holder will be exempt from the requirement to carry a spare wheel– although they will be expected to carry suitable alternative means of flat tyre repair such as gas/foam inflation kit.

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3. Background

- 3.1 In December 2015 the Government announced that Birmingham would be one of six cities that would be required to put in place a Clean Air Zone in order to improve air quality. Those cities were London, Birmingham, Leeds, Nottingham, Derby and Southampton. That decision was reported to your Committee on 17th February 2016.
- 3.2 The team responsible for introducing the CAZ sought funding from the Clean Air Fund to assist with a number of schemes intended to mitigate some of the financial impact the introduction of a CAZ in Birmingham. This was reported to your Committee in April 2019. The summary of the funding is set out in the letter from Dr Therese Coffey MP, Parliamentary Under Secretary of State for the Environment. (Appendix 1)
- 3.2 Two of the mitigation packages relate to licensed vehicles: One is for the lease/rent of a fleet of Ultra Low Emission Hackney Carriages, and another provides a contribution towards the approved LPG conversion of suitable hackney carriage vehicles.
- 3.3 The fleet of Hackney Carriages will be kept and managed outside of Birmingham City Council by a procured third party to avoid any potential conflict of interest with the licensing authority. They will still be subject to all the same tests and requirements as any other licensed vehicle. The vehicles and those managing the fleet must meet all the standard requirements for licensing in Birmingham, with respect to testing and fitness.
- 3.4 Successful implementation of these mitigation measures would be affected by the current moratorium on issuing new hackney carriage vehicle licences, and also the vehicle standards requirements, which conflict with the manner in which LPG conversions are carried out.

4. The Moratorium on issuing New Hackney Carriage Vehicle Licences.

- 4.1 The moratorium prevents the issue of any new hackney carriage vehicle licences. It has been reviewed regularly since 2008, and each three yearly demand survey has shown no significant unmet demand for hackney carriage vehicles. The latest survey was conducted in 2017 and another will be undertaken in 2020. Should the 2020 review evidence unmet demand, the moratorium will cease entirely.
- 4.2 With the age of the current Hackney Carriage fleet, it is likely a significant number of vehicles will be ineligible for conversion, and as such will not be capable of remaining licensed.
- 4.3 It is anticipated these vehicles will replace those unlicensable vehicles which drop out of the fleet, however the nature of the trade makes it impossible to be sure this will happen. Most vehicles are owned by individual owner drivers and the Licensing Service cannot require individual licensees surrender their licences in order to offset the licences issued under the scheme. So whilst it is

still anticipated the number of licensed hackney carriage vehicles will fall, it cannot be guaranteed numbers will have dropped sufficiently to offset the new licences at the time of issue.

- 4.5 Although this could mean numbers actually increase in the short term, there has been a steady downward trend in the number of vehicle licences in issue since the moratorium was first introduced which is expected to continue. The latest demand survey, completed in 2017, showed the number of licensed hackney carriage vehicles had fallen from 1,466 in 2008 to 1,219 in 2017. Our latest figures suggest the total now stands at 1,105.
- 4.6 Your Committee is asked to agree an exemption to the restrictions imposed by the moratorium in order to allow the issue of up to 80 new plate licences for the leased fleet of ULEV hackney carriage vehicles, which will be made available to rent.
- 4.7 Your Committee is also asked to consider agreeing to extend that exemption to cover any additional vehicles which may be added to that fleet in future, as funding allows.

5. Vehicle Requirements

- 5.1 In order to be licensed, a full size spare wheel or space saver – as supplied by the vehicle manufacturer must be maintained in a usable state.
- 5.2 The LPG conversion process involves installing the LPG tank in the boot, leaving insufficient space for the spare tyre and whatever luggage the customer may have.
- 5.3 It is proposed that, where the conversion has been carried out as part of these Clean Air Zone mitigations (Clean Vehicle Retrofit Accreditation Scheme), the vehicle licence holder will be exempt from the requirement in 5.1 above—although they must carry suitable alternative means of flat tyre repair such as gas/foam inflation kit.
- 5.4 Any such exemption request would ordinarily be required to go before a sub-committee for consideration. It is proposed this matter could be delegated to Senior Officers for expediency.

6. Consultation

- 6.1 The Clean Air Zone has been subject to wide public consultation, as have the resulting measures specific to the licensed trade. Special meetings were held to inform licensed drivers of the proposals and to identify the areas where mitigation efforts could best be targeted.
- 6.2 The proposals within this report do not present anything new, they seek to facilitate the implementation of matters already consulted on. For this reason, no specific consultation has been carried out on this report.

7. Implications for Resources

- 7.1 The lease and hire arrangements will be managed by a third party procured by the Clean Air Strategy Team in order to allow the vehicles to be licensed by Birmingham City Council and to avoid any conflict of interest. All normal licence fees will be charged and the cost of licensing transactions, administration and any compliance action will be met from available funds. No financial burden should fall on the Licensing Service.
- 7.2 Agreeing to the exemptions proposed will prevent multiple individual decisions being put before the sub-committee and therefore save Committee and officer time, as well as allowing more expedient licence transactions.

8. Implications for Policy Priorities

- 8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City, by increasing the availability of Ultra Low Emission Vehicles operating as hackney carriages within Birmingham and contributing to the City Council's efforts to improve air quality.

9. Public Sector Equality Duty

- 9.1 The majority of Birmingham's hackney carriage drivers are of Black, Asian or other Minority Ethnic (BAME) origin, consequently these groups will be most affected by the impact of the CAZ on the hackney carriage trade. It is hoped the measures contained in this report will contribute positively to the City Council's efforts to mitigate those effects, by providing drivers an alternative route to accessing vehicles compatible with the requirements of the CAZ.
- 9.2 An Equality Assessment was carried out in relation to the Clean Air Zone.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

