

## **BIRMINGHAM CITY COUNCIL**

### **REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**SEPTEMBER 2018**  
**ALL WARDS**

#### **VEHICLE ENGINE SIZES**

##### **1 Summary**

- 1.1 In October 2017 your Committee approved a vehicle emissions policy for private hire vehicles and hackney carriages which will be effective from 1<sup>st</sup> January 2020. That policy ensures that Birmingham's licensed vehicles will be compliant with the emission standards required for vehicles entering a Clean Air Zone.
- 1.2 The new emissions policy is only one part of a range of tools that the Council will use to improve poor air quality in the City. On 12<sup>th</sup> September 2017 Birmingham's Health and Social Care Overview and Scrutiny Report entitled 'The Impact of Poor Air Quality on Health' identified that in Birmingham up to 900 deaths per year are linked to man-made air pollution.
- 1.3 Our existing policy for private hire vehicles stipulates that a vehicle cannot be licensed unless it has an engine size of at least 1600cc. This policy is clearly inconsistent with the Council's ambition to improve air quality and with the new licensing emissions policy which is designed to reduce harmful emissions.
- 1.4 In March 2018 your committee approved in principle the removal of vehicle engine size restrictions for private hire vehicles subject to consultation with the public and the trade.
- 1.5 This report details the responses to that consultation.

##### **2. Recommendations**

- 2.1 That Committee agrees to remove the policy requirement for private hire vehicles to have a minimum engine size with immediate effect.
- 2.2 That Outstanding Minute No. 992 of 14 March 2018 be discharged.

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### 3. Background

- 3.1 On 23 October 2017 your Committee approved a new vehicle emissions policy for licensed vehicles, namely: that Birmingham City Council will not license or permit the use of any vehicle as a hackney carriage or private hire vehicle after 31 December 2019 that does not meet the minimum emission standards of Euro 4 for petrol engines, Euro 6 for diesel engines or is Ultra Low Emission or a Zero Emission Capable Vehicle.
- 3.2 One of the recommendations approved within the same report was: that a short-life officer/member working group be created to consider what criteria or specification Birmingham should adopt for engine sizes or power outputs for electric vehicles and for that working group to make recommendations to the Licensing and Public Protection Committee.
- 3.3 The recommendations of that officer/member working group were brought to this committee in March 2018.
- 3.3 The need to develop a policy for engine sizes arises because of the existing policy that was established many years ago that requires private hire vehicles to have engines no smaller than 1600cc. That policy was created at a time when no importance was attached to emissions. A correlation was drawn between bigger engines and the comfort and safety of passengers. Generally speaking bigger engines were thought of as being better than smaller engines because they were capable of carrying a car full of passengers and luggage and they were capable of faster acceleration.
- 3.4 We are now far more environmentally aware of the impact that bigger combustion engines have on levels of air pollution and of the health effects of pollution on people. Local authorities have been charged under the DEFRA's UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (The UK Plan), to 'develop local plans and implement them at pace so that air quality limits are achieved within the shortest possible time.'
- 3.5 The Committee's new emissions policy that was agreed last October responds to the duty placed on the Council to achieve improvements to air quality (in particular with respect to oxides of nitrogen), but that policy is inconsistent with the current policy which does not allow us to license vehicles with engines smaller than 1600cc, and by implication, does not allow us to license vehicles powered only by an electric motor. Even hybrid vehicles are not permitted under this policy. The widely used Toyota Prius, which has a 1500cc petrol engine and an electric motor, had to be given a special exemption in September 2014 from your Committee to permit their use as private hire vehicles.

- 3.6 By approving a policy that allows vehicles with smaller engines and/or electric motors to be licensed as private hire vehicles the Committee will be taking a further step towards meeting DEFRA's requirement on local authorities to achieve air quality limits in the shortest possible time.

#### 4. Consultation

- 4.1 The proposals put forward to this committee were consulted on from 4<sup>th</sup> May 2018 – 24<sup>th</sup> June 2018. This was later than hoped but delayed due to the Purdah period before the City Council elections.
- 4.2 The results of the consultation are attached as appendix 1 to this report with a summary of the written responses attached at appendix 2.
- 4.3 Over 80% of the respondents to the consultation agreed that the current policy on engine sizes be removed, with 17 of the 22 respondents claiming to be members of the public.

#### 5. Implications for Resources

- 5.1 The cost of licensing a vehicle does not depend on the engine size or the method of propulsion. It is not expected to have any effect on income or expenditure.

#### 6. Implications for Policy Priorities

- 6.1 The Council's Vision and Priorities 2017-2020 document identifies four priorities for Birmingham namely: Children, Housing, Jobs and Skills, and Health. The recommendations in this report support the Council's main priorities at the highest level, in particular those for Health, Children, and Jobs and Skills. These include 'Creating a healthier environment for Birmingham', creating 'an environment where our children have the best start in life', and developing 'a modern sustainable transport system that promotes and prioritises sustainable journeys'.
- 6.2 The adoption of the policy identified in this report will support the recommendations of the Council's Health and Social Care Overview and Scrutiny Committee published on 12<sup>th</sup> September 2017: 'The Impact of Poor Air Quality on Health'.

#### 7. Public Sector Equality Duty

- 7.1 Under the Duty we must have regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

7.2 The recommendations contained in this report will not have any effect on any of our duties under the Equality Act 2010. It is more likely to provide greater opportunity to licence holders rather than to restrict them in their choice of vehicles and it will not affect owners of vehicles that are already licensed.

7.3 For the reasons set out in paragraphs 7.1 and 7.2, we have concluded that an initial Equality Analysis is not deemed appropriate or necessary.

## **ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: