

BIRMINGHAM CITY COUNCIL

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

14 MARCH 2018
ALL WARDS

VEHICLE ENGINE SIZES AND ELECTRICALLY POWERED VEHICLES

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 1st 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 12th 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 This report sets out proposals to permit private hire vehicles to be licensed with engines smaller than 1600cc and to permit licensed private hire vehicles and hackney carriages to be powered by electric motors. It recommends that a consultation be carried out based on this proposition.

2. Recommendations

- 2.1 That Committee agrees in principal to the recommendations of the Working Group identified in paragraphs 6.1 to 6.4 of this report to remove the policy requirement for private hire vehicles to have a minimum engine size of 1600cc or 1500cc for the second-generation Toyota Prius.

- 2.2 That officers be instructed to consult with taxi and private hire trade representatives and the wider general public on the proposals in paragraphs 6.1 to 6.4 for a period of 6 weeks, as outlined in paragraph 7.2 of this report.
- 2.3 That a further report be brought to the Committee at the first opportunity to make final recommendations based on the results of the consultation.
- 2.4 That outstanding minute 968 of 17 January 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. That recommendation is recorded as outstanding minute 968 of 17 January 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. Health and Social Care Overview and Scrutiny Report

- 4.1 On 12th September 2017 Birmingham's Health and Social Care Overview and Scrutiny Committee published its report 'The Impact of Poor Air Quality on Health'. It identified that in Birmingham up to 900 deaths per year are linked to man-made air pollution. In adults air pollution is linked to heart disease, diabetes, asthma, obesity, cancer and dementia. In children it is linked to still births, infant deaths, low birth weight, organ damage and premature death. In high pollution areas children are four times more likely to have reduced lung function when they become adults. Taxi and private hire drivers are three times more exposed to pollution than anyone else. The report's first recommendation says:

There is now clear and compelling evidence that poor air quality has an impact on general population health and child development. The evidence also shows that diesel vehicle emissions are the most prevalent and impactful source of health-affecting air pollution in Birmingham. The City Council needs to demonstrate leadership and take ownership of this issue by developing a strategy to address this effectively, with particular emphasis on selected priority hotspot zones where the risk of public exposure is highest.

- 4.2 The most harmful types of pollution are nitrogen oxides and particulates (PM2.5 and PM10). Both pollutants are mainly created by road transport. The largest source is emissions from diesel cars and vans. Just under 40% of cars in the UK now use diesel fuel.

- 4.3 The conclusion of the Scrutiny Report is copied below:

The impact of poor air quality on health and the need to take action urgently to tackle the problem is becoming increasingly clear. The evidence demonstrates that poor air quality is a major public health issue. In Birmingham, Public Health estimate that poor air quality causes approximately 900 premature deaths a year. It is rapidly becoming clear that exposure to air pollution is associated with a much

greater public health risk than had previously been understood and evidence about associated adverse health effects is emerging all the time.

There is also growing recognition that air quality is a major cross-cutting issue. It has a wide impact and any effective response to the issue will require a joined-up approach across a number of Council areas of responsibility. It will also necessitate joint working together with communities, businesses and other partners across the city and across the wider West Midlands region with the West Midlands Combined Authority and the West Midlands Mayor.

Birmingham needs to respond to the challenge of improving air quality and achieving compliance with air quality limits as soon as possible. But local action alone will not be sufficient to produce a successful solution to reducing emissions. Responding to the problem successfully, achieving compliance and bringing about the scale of behaviour change needed will require a very clear and consistent message to be communicated about the health implications of poor air quality. The City Council needs to continue to collaborate with the West Midlands Mayor to build on the vision set out in the Birmingham Connected Transport Strategy and to take a lead to get clarity and commitment about the measures needed to both support sustainable and inclusive growth and to achieve compliance with air quality limits across the region.

- 4.4 The Scrutiny report evidences the need for all parts of the Council to take action to improve air quality. The Licensing and Public Protection Committee can play a key role in supporting the Council's aims through its hackney carriage and private hire vehicle licensing policies.

5. Officer / Member Working Group

- 5.1 Officers from Licensing met with the Chair and Vice Chair of the Licensing and Public Protection Committee on 11 January 2018. The meeting was attended by Jacob Roberts, a Technical Project Manager from the Energy Saving Trust to provide a technical perspective.
- 5.2 The Working Group took into account the following considerations in reaching its recommendations, based on its technical advice:
- Engine efficiency has greatly improved in recent years.
 - The improved efficiency of modern engines means that a small engine can be as powerful as a larger older engine.
 - The relationship between vehicle performance and engine size is no longer as clear as it once was.

- Small modern engines are often turbo charged to compensate for the reduced engine size, making their performance and power comparable to larger size engines.
- Petrol engines generate more power per cubic centimetre than diesel engines. A 1.0 litre petrol engine can generate similar levels of power to a 1.6 litre diesel engine.
- Electric vehicles have better acceleration properties than vehicles with combustion engines, partly because they do not have a gearbox, meaning that all the power generated by the motor is available immediately. In city traffic they perform better than vehicles with combustion engines.

5.3 Birmingham is unusual amongst Licensing Authorities in specifying a minimum engine size for its licensed vehicles. For example, in London, Transport for London (TfL) will license a vehicle irrespective of its engine size or whether it is diesel, petrol, electric or hybrid. TfL will also license very small vehicles, such as two-door cars, but in the case of a two-door car it will only license it for one passenger.

5.4 If the Committee tries to adopt a policy that is based on engine size the obvious question that arises is how big does an engine need to be? That question is almost impossible to answer as it will vary according to the weight and size of the vehicle and the power output and there is no obvious correlation between power output and engine size. It would require every model of vehicle to be individually assessed to determine its performance based on power output relative to weight of the vehicle, but based on an arbitrary benchmark figure.

6. Conclusions of the Working Group

6.1 The Group concluded that the Committee should cease to make a requirement that private hire vehicles must have a minimum engine size. Instead, we should accept any vehicle as suitable for licensing, subject to the vehicle being built to carry a minimum of 4 passengers with 4 doors and that we should retain our current dimensional standards for the vehicle and the size of seats. Those criteria are copied below from our approved policies, procedures and delegations report agreed annually by your Committee. These would still apply under a new policy, with the exception of the minimum engine size in the second bullet point, which has been crossed out. The requirement would include that the vehicle should be unmodified and built to the manufacturer's standard. The Working Group recommends that the Committee should accept that a vehicle that has been produced by a manufacturer to carry 4 passengers and their luggage is capable of safely transporting that many people.

Approved Vehicle Types – Private Hire	LGMPA 76 s48(1)
The private hire licensing provisions apply to a variety of vehicles ranging from four-door saloon vehicles to people carriers, however, those vehicles should be:	
<ul style="list-style-type: none"> built to M1 specification. 	Policy PHVSpec1
<ul style="list-style-type: none"> have a minimum engine size of 1600cc (1500cc for second generation Toyota Prius.) 	Policy PHVSpec2
<ul style="list-style-type: none"> be capable of carrying a minimum of four average sized adults in comfort. 	Policy PHVSpec3
<ul style="list-style-type: none"> All vehicles must be right hand drive and must not have fewer than four road wheels. 	Policy PHVSpec4
<ul style="list-style-type: none"> Cars must have a minimum of four doors giving adequate access to and egress from the vehicle. The design of the car can be saloon, hatchback or estate. 	Policy PHVSpec5
<ul style="list-style-type: none"> Larger vehicles (MPV, minibus, or people mover types) must have sufficient doors of sufficient size to allow passengers to get in and out quickly and safely. 	Policy PHVSpec6
<ul style="list-style-type: none"> Where exit from the rear seats in vehicles equipped with three rows of seats requires operation of a tip seat mechanism, passengers must be able to exit from either side of the vehicle and the tip seats at either end of the middle row must be capable of independent operation. 	Policy PHVSpec7
<ul style="list-style-type: none"> Where a vehicle is equipped with pop-up, or auxiliary seats intended for occasional use only, those seats must not be included in the licensed capacity of the vehicle. 	Policy PHVSpec8
<ul style="list-style-type: none"> Where the vehicle configuration requires a whole bench seat to slide and/or tip for access/egress to the rear seats, the rear seats should not be included in the seating capacity and should be removed to avoid pressure from passengers to carry numbers in excess of the licensed capacity. 	Policy PHVSpec9
<ul style="list-style-type: none"> All vehicles must have a wheelbase (when measured from the centre of the front wheel to the centre of the rear wheel) of at least 2540mm (100 inches). 	Policy PHVSpec10
<ul style="list-style-type: none"> Cars must have a back seat width (when measured in a continuous line from edge to edge) of at least 1220mm (48 inches). 	Policy PHVSpec11
<ul style="list-style-type: none"> Larger capacity vehicles (MPV, minibus, or people mover types) which are fitted with individual seats, or which do not have full width bench seats, must have a minimum 407mm (16 inches) of seat space per passenger across the width of the seat. 	Policy PHVSpec12
<ul style="list-style-type: none"> Seat belts must be provided for all passengers according to the licensed capacity of the vehicle. 	Policy PHVSpec13
<ul style="list-style-type: none"> Vehicles equipped with soft tops, removable hard tops and people carriers (MPV types) described as black on the log book, will not be licensed for the purpose of private hire. 	Policy PHVSpec14
<ul style="list-style-type: none"> Vehicles fitted with darker tints and privacy glass can be licensed where the glass is to factory standard and vehicles are presented to licensing in an unmodified state, vehicles fitted with films, foils, or any other aftermarket tinting will be refused a licence, unless the tinting is removed and the vehicle returned to the manufacturer's standard specification. 	Policy PHVSpec15

<ul style="list-style-type: none"> • Vehicles identified as stretched limousines, or novelty vehicles will be considered outside the scope of this definition, in line with current practice. 	Policy PHVSpec16
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6.2 Retaining the existing dimensional standards would exclude the approval of very small cars, irrespective of the form of propulsion. This is based on the Working Group considering that passengers in private hire vehicles should be able to expect a reasonable standard of comfort. The Working Group was opposed to the prospect of licensing 2-door cars. Even though as in London's case, it is possible to limit the number of passengers by virtue of the vehicle licence, there would be a temptation for drivers to take more passengers than their licence permitted.

6.3 The policy that is proposed above would be applicable to private hire vehicles and taxis, provided that taxis would still be required to be manufactured as purpose built hackney carriage vehicles, or be approved van derivatives.

6.4 The approval of the recommendations of the Working Group will enable the Licensing Service to respond to a growing demand from vehicle drivers, owners and operators to license vehicles with smaller combustion engines and electric motors which are far cleaner and less polluting than vehicles with large petrol and diesel engines. It will also remove the need for drivers to seek individual exemptions from sub-committees to license non-standard vehicles and ensure that the Committee's policy decisions are consistent.

7. Consultation

7.1 The proposals put forward by the Working Group were explained at the Taxi and Private Hire Trade Liaison meeting on 30 January 2018. The proposals were generally welcomed by the trade who have been asking for such a policy change for some while.

7.2 If the Committee approves the recommendations of the Working Group, the proposed policy will be published for public consultation. It is recommended that this should be no longer than 6 weeks. The consultation would be carried out directly with trade representatives and more widely with the general public, private hire operators, drivers and vehicle owners through the Council's BeHeard consultation website.

8. Implications for Resources

8.1 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.

9. Implications for Policy Priorities

- 9.1 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'.
- 9.2 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 12th September 2017: 'The Impact of Poor Air Quality on Health'.

10. Public Sector Equality Duty

- 10.1 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.
- 10.2 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.
- 10.3 For the reasons set out in paragraphs 10.1 and 10.2, we have concluded that an initial Equality Analysis is not deemed appropriate or necessary.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: