

Bath & North East Somerset Council

MEETING	Cabinet	
MEETING	5 November 2020	EXECUTIVE FORWARD PLAN REFERENCE: E 3204
TITLE:	Amendment to Hackney Carriage and Private Hire Licensing Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix A: Amended Hackney Carriage and Private Hire Licensing Policy		

1 THE ISSUE

- 1.1 The Council's policy on Hackney Carriage and Private Hire Licensing Standards for Drivers, Vehicles and Operators ('the Policy') was agreed by Cabinet in December 2018. The Clean Air Zone (CAZ) which is proposed to be launched in Bath on 15 March 2021, includes charging non-compliant licenced vehicles to enter the CAZ, and the Policy requires licensed vehicles to be compliant with the CAZ scheme.
- 1.2 Since the adoption of the Policy, exemptions have been introduced to the CAZ scheme and an amendment to the Policy is required to ensure it remains aligned. This relates to exemptions for non-compliant wheelchair accessible licensed vehicles and more recently, exemptions for drivers who are waiting for a replacement, compliant vehicle through the B&NES financial assistance scheme or who have failed affordability checks for the B&NES financial assistance scheme.
- 1.3 The Licensing Committee supported the exemption for non-compliant wheelchair accessible vehicles in their meeting of 5 February 2020.

2 RECOMMENDATION

The Cabinet is asked to:

- 2.1 Adopt the proposed amendment to the Policy which provides that all vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards, unless they are eligible for exemptions as detailed in the CAZ scheme.

- 2.2 Note that drivers using vehicles eligible for exemptions under and in accordance with the CAZ scheme will be exempted from enforcement action under the Policy.

3 THE REPORT

- 3.1 In revising the Policy in 2018, the Council included provisions to ensure that licenced vehicles were compliant with the terms of any future CAZ. The Policy also encourages the use of alternative fuels, such as the use of electric powered vehicles. The aim of this was to ensure that the taxi trade contributed fully towards reducing the levels of nitrogen dioxide throughout Bath and the wider authority.
- 3.2 Since the adoption of the Policy, the Council has decided upon its preferred scheme of introducing a Class C CAZ with traffic management in Queen Square and the Full Business Case (FBC) has been formally approved by the Joint Air Quality Unit (JAQU). The Charging Order for the CAZ scheme contains 3 exemptions which are relevant to the taxi trade:
- 3.3 **An exemption for non-compliant wheelchair accessible vehicles for up to 2 years from the launch of the CAZ-** this exemption has emerged following the development of the Equalities Impact Assessment (EQiA) for the CAZ and the need to ensure that vulnerable persons who rely on this method of transport can continue to access facilities and attend medical appointments whilst not being detrimentally impacted by the introduction of the CAZ.
- 3.4 **An exemption for drivers who have successfully applied to the B&NES financial assistance scheme (to upgrade non-compliant vehicles) and are awaiting their replacement, compliant vehicle. The exemption is until the delivery date of the replacement, compliant vehicle or 2 years from the launch of the scheme, whichever is sooner.**
- 3.5 **An exemption for drivers of licensed non-compliant vehicles who are eligible for the B&NES financial assistance scheme (to upgrade non-compliant vehicles) but fail the affordability checks, for up to 2 years from the launch of the CAZ-** this exemption has emerged to support drivers of non-compliant licensed vehicles who are unable to satisfy the affordability criteria and provides extra time to source a compliant vehicle.

4 STATUTORY CONSIDERATIONS

- 4.1 The Policy requires compliance with the CAZ scheme for all licensed vehicles, and the Council could be open to legal challenge if this Policy does not align with the exemptions within that scheme.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 There are no financial impacts to the Licensing Service through the recognition of the relevant CAZ exemptions within the Policy.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

7 EQUALITIES

7.1 The Equalities Act 2020 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people carrying out their activities. The proposed exemptions support the EQiA for the CAZ to ensure that vulnerable groups and those on low incomes are not detrimentally impacted.

8 CLIMATE CHANGE

8.1 The Council declared a Climate Emergency in March 2019, committing it to providing the leadership necessary to enable Bath and North east Somerset to achieve carbon neutrality by 2030. Research undertaken since March 2019 has recommended three immediate priority areas for action which includes the need for a major shift to mass transport, walking and cycling to reduce transport emissions i.e. implementing policies to enable a 25% cut in car and van mileage per person per year by 2030, couple with a 67% switch to fully electric cars and 14% to petrol/electric hybrid, leaving just 10% petrol/diesel cars on the road by 2030. Full electrification of passenger rail is also proposed by 2030.

8.2 The Policy supports the aim of reducing transport emissions through allowing the use of alternative fuels for licensed vehicles. Whilst the exemptions do allow for the use of non-compliant vehicles within the CAZ, it is time-limited and the number of these vehicles is likely to be very small with any negative impact outweighed by the benefits brought to vulnerable groups and those on low incomes.

9 OTHER OPTIONS CONSIDERED

9.1 None.

10 CONSULTATION

10.1 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

10.2 Throughout the development of the CAZ scheme there have been numerous engagement opportunities with the taxi trade, most recently in October 2020, on the exemption for non-compliant wheelchair accessible vehicles. This has been supported and no adverse comments have been received.

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Background papers	<i>Minutes of the Licensing Committee on 5 February 2020</i> https://democracy.bathnes.gov.uk/documents/s59974/Amendment%20to%20Policy%20Hackney%20Carriage%20and%20Private%20Hire.pdf <i>E 3175 Bath Clean Air Plan FBC submission- Jan 2020</i> https://democracy.bathnes.gov.uk/documents/s59779/E3175%20Bath%20Clean%20Air%20Plan%20FBC%20Submission%20January%202020.pdf
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