

# LICENSING COMMITTEE (NON LICENSING FUNCTIONS)

## Agenda Item 30

Brighton & Hove City Council

<b>Subject:</b>	<b>Lowering Emissions for Hackney Carriage and Private Hire Vehicles</b>		
<b>Date of Meeting:</b>	<b>06 March 2014</b>		
<b>Report of:</b>	<b>Head of Regulatory Services</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Martin Seymour and Sam Rouse</b>	<b>Tel: 29-2550</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report on the proposals for lowering emissions (harmful to human health and Green House Gases) for Hackney Carriage and Private Hire Vehicles as noted by Environment, Transport and Sustainability Committee on 14 January 2014 in a report proposing a Low Emission Zone for central Brighton.

#### 2. RECOMMENDATIONS:

- 2.1 That Committee approves the proposals contained in the report.
- 2.2 That Committee notes the proposed implementation of a Low Emission Zone in central Brighton as approved by Environment Transport and Sustainability Committee on 14 January 2014 as part of a range of measures to reduce vehicle emissions in Brighton and Hove.
- 2.3 That Committee notes ongoing work to be undertaken with Planning to implement some of the recommendations.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 14 January 2014, the Environment, Transport and Sustainability Committee discussed proposals that included measures for lowering NOx, fine particulate and carbon dioxide emissions from Hackney Carriage and Private Hire Vehicles.
- 3.2 A report to Environment, Transport & Sustainability Committee on 14th January 2014 resolved to declare a Low Emission Zone in Castle Square, North Street and Western Road as far as the junction with Holland Road, with the aim of ensuring that all Public Service Vehicles to meet, as a minimum the Euro 5 emissions standard by 1 January 2015, with only licensed exemptions. Officers are consulting with bus operators, DEFRA and the Department for Transport with a view to making an application to the Traffic Commissioner for a Traffic

Regulation Condition to establish the regulatory framework for the Low Emission Zone.

- 3.3 The proposals are split into a number of areas and have the responsibility of various Committees

**Principles for appointing and revoking ranks by TRO - (Environment, Transport and Sustainability Committee function)**

- Always have regard to the proximity of taxi ranks adjacent to permanent residential in areas of poor air quality (>40 µg/m<sup>3</sup> annual mean NO<sub>2</sub>)
- When designating new rank spaces; assess potential for residential annoyance or nuisance with consideration of the prevailing roadside air quality & noise

The location of taxi ranks can have a harmful impact on residential amenity in terms of noise, fumes and air quality. It is therefore proposed that work is undertaken with officers in Planning to promote the consideration of the impact of the proximity existing taxi ranks on proposals for new residential units in terms of residential amenity. This work will also look at opportunities for providing new taxi ranks as part of larger developments close to retail, commercial, catering and transport links whilst avoiding rank provision adjacent to residential dwellings (within several metres – dependent on local noise and air pollution levels).

- Aim not to lose rank spaces in areas of high demand and seek new opportunities to increase rank numbers in keeping with city population and economic growth

**Licence Conditions – Proposed for March 2014 - Licensing Committee (Non 2003 Licensing Functions)**

- Relax licence conditions for passenger seat width
- Diversify licence conditions for the maximum number of passengers per cab: 1, 2, 3, 4, 6 & 8
- Licence conditions to allow for lighter vehicles that carry fewer passengers opening a niche market opportunity (cars that weigh less are more suited to narrow streets, slow speeds, electric and petrol)
- Taxi design brief: less weight, smaller engine, higher ratio of passenger & luggage space relative to bonnet

**Future changes to Licence conditions Post 2014 – Licensing Committee (Non 2003 Licensing Functions)**

- Auto engine cut off advisable on all new cars
- Cut engine cut pollution signs at selected ranks
- Licence conditions to be based on emission and not age (in practice only the larger taxi minibuses will be more than five years old so this may have to consider exemptions in balance with wheelchair accessibility requirements)
- Local condition requires taxis to pass an oxide of nitrogen test, like the existing MOT certificate for hydrocarbons and carbon monoxide

(consistent with existing US policy and EU directive being considered). To this end a quotation has been requested from Transport Research Laboratory (TRL) for a fleet test. It is expected this will be less expensive than garage tests for individual cars. The aim is to provide evidence re which licensed cars in practice have the lowest NOx and fine particulate emissions in the local environment.

### **TRO Fixed Penalties, Civil Enforcement Officers (Environment, Transport and Sustainability Committee function)**

- Avoidance of engine idling and Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 becomes condition of taxi licence<sup>[1]</sup> (potential exemptions for certain temperatures).

### **Planning matters**

- Undertake work with Planning policy to plan for CNG and electromotive rapid charging infrastructure (talks with supermarkets, bus company, SAQP, EV South East)
- Undertake work with Planning to consider scope for new rank spaces as a condition of major developments (funding with S106 and to include alternative refuelling infrastructure).

### **Ideas for further consideration - Licensing Committee (Non 2003 Licensing Functions)**

- Taxi drivers trained and licensed to carry passengers with disabilities therefore number of taxi rank spaces could be balanced with the number of disabled parking bays for private vehicles
- Number of wheelchair accessible vehicles and minibuses is proportional to demand and is justified

3.4 The 3<sup>rd</sup> edition of the Blue Book allows the adoption of the following proposals and gives discretion for officers to vary the number of passengers a vehicle may carry and allows a wider range of vehicles than currently licensed.

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## **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 Consideration has been given to not changing the licensing regulations for taxis. Annual average levels of nitrogen dioxide are however over 50% above limits in

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some streets and these proposals would mean that the taxi service is able to play its part in driving down emissions in the city.

## 5. **COMMUNITY ENGAGEMENT AND CONSULTATION**

Finance and Legal Services, Environmental Protection, Transport Operations, Taxi Forum

## 6. **CONCLUSION**

That members consider the recommendations

## 7. **FINANCIAL & OTHER IMPLICATIONS:**

### 7.1 Financial Implications:

There are no direct financial implications associated with the recommendation in this report, other than for the use of officer time which had been funded from existing Environmental Health & Licensing revenue budgets.

*Finance Officer Consulted: Steven Bedford*

*Date: 10/01/2014*

### 7.2 Legal Implications:

*Lawyer Consulted:*

*Name*

*Date: dd/mm/yy*

### 7.3 Equalities Implications:

Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to Taxis/Private Hire Vehicles is a priority action in the council's Equality Scheme. Improving access to services by public transport is included in the Local Area Agreement.

### 7.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. Improving accessibility is one of the government's four shared transport priorities.

### 7.5 Any Other Significant Implications

The transport industry should be safe, profitable and be a positive experience for all residents and visitors.

## **SUPPORTING DOCUMENTATION**

## **Appendices:**

1. Brighton & Hove 2013 AQMA Rottingdean High Street.
2. Brighton & Hove 2013 AQMA Part of Central Brighton, Hove and Portslade AQMA.
3. Taxi Rank AQ report.
4. Taxi Rank Location Map.

## **Documents in Members' Rooms**

1. None.

## **Background Documents**

1. Map of AQMA (Air Quality Management Area).

Local Authorities have a duty under the Environment Act 1995 to review and assess air quality in their area. Where pollutants are found to exceed standards set out in the air quality strategy for England the local authority has a legal duty to declare an air quality management area (AQMA). This must be followed by an air quality action plan; that states measures to reduce human exposure to pollution in the AQMA; justified with reduced risk of disease and improvements to health and wellbeing.

In accordance with its statutory duties Brighton & Hove City Council has assessed air quality in its area since the 1990s. Based on recent evidence a new AQMA was declared in August 2013. This area is priority for general air quality improvement and compliance with the outdoor limit for nitrogen dioxide.