

BRISTOL CITY COUNCIL

PUBLIC SAFETY AND PROTECTION COMMITTEE

19 December 2017

Report of: Strategic Director, Neighbourhoods
Title: Amendment to Hackney Carriage Vehicle Standards Policy.
Ward: Citywide
Officer Presenting Report: Nick Carter, Regulatory Services Manager
Contact Telephone Number: 0117 357 4900

RECOMMENDATION

That the Public Safety and Protection Committee:

- a) **Agree to increase the maximum age limit from 12 to 15 years in relation to electric LEVC produced purpose built Hackney Carriages.**

Summary

1. The London Electric Vehicle Company (LEVC) have written to the authority requesting to increase the maximum age limit for the electric TX model from 12 years to 15 years. See Appendix A.
2. This is in recognition that it is a purpose built electric hackney carriage with enhanced quality, & durability and the increase will help incentivise the proprietors to switch to electric vehicles.
3. To help members make an informed decision, LEVC have provided a vehicle for inspection.

The significant issues in the report are:

1. The cost of the new LEVC is undoubtedly expensive (approx. £55K), however that is mitigated by the fuel savings that will be made by switching to electric. Whilst this is clearly a business decision further incentivisation can be

provided via a policy change to extend the maximum age limit from 12 to 15 years. This will enable prospective proprietors to maximise the return on investment.

2. Recognising the quality and durability of the LEVC vehicle, this increase in age limit will help incentivise that change.
3. Other manufacturers of electric hackney carriages will be treated in the same way if such a request was forthcoming and vehicle produced is of a sufficiently high standard and durability.

Policy

4. The Public Safety & Protection Committee implemented significant changes to the Hackney Carriage & Private Hire Vehicle Standards policy on 28th February 2017
5. This specified that the maximum age limit of a hackney carriage is 12 years regardless of fuel type.

Consultation

6. Internal:

- a. Legal Services
- b. Finance Business Support
- c. Strategic City Transport
- d. Air Quality- Sustainable City

7. External:

The Council has consulted with representatives of the taxi trade via newsletter and the taxi forum. Appendix B details the responses received to the consultation and appendix C provides a summary of the responses.

Context

8. On 28th February 2017, the Public Safety & Protection Committee implemented significant changes to the Hackney Carriage & Private Hire Vehicle Standards policy.
9. A number of these policy changes were geared towards reducing emissions from vehicles the council directly regulates. This is set against a background of an ageing fleet of hackney carriages.
10. The policy changes were far reaching, and specifically encouraging a switch towards electric powered vehicles. Indeed all 'new to fleet' vehicles i.e. other than replacement vehicles must be Ultra Low Emission.

11. Bristol now has one of the most advanced vehicle licensing policy's which paves the way Ultra Low Emission Vehicles.
12. At the point in time when the report was presented to committee there were no wheelchair accessible electric hackney carriages available in the market place.
13. As such, the policy was passed setting a maximum age limit for all hackney carriages of 12 years.
14. The market place is changing rapidly and the situation is now different following the launch of the new London Electric Taxi, manufactured by London Electric Vehicle Company (LEVC). This is a purpose built electric hackney carriage and not a conversion like the majority of hackney carriages on the Bristol fleet.
15. Other major motor manufacturers are developing their own models as they look towards the global taxi market.
16. To help incentivise change towards electric there are a number of grants available to prospective proprietors. Information has been distributed via taxi newsletters and through the Hackney Carriage and Private Hire forum.

Proposal

17. To increase the maximum age limit for electric LEVC hackney carriages from 12 to 15 years.

Other Options Considered

18. Do nothing: This would inhibit the switch from traditional fossil fuelled vehicles towards viable electric alternatives.

Risk Assessment

19. As set out in the table below:

The risks associated with the implementation of the recommendations of the report

No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK		RISK OWNER
		(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
1	Any policy decision is open to challenge	Low	Low	Officers have consulted with key representatives of the taxi trade.	Low	Low	

The risks associated with <u>not</u> implementing the recommendations of the report							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK		RISK OWNER
		(Before controls)			(After controls)		
		Impact	Probability		Impact	Probability	
1	Failure to amend the policy as recommended could stifle switch to electric with traditional fossil fuelled vehicles maintaining an advantage	Medium	Medium	Awareness of incentivisation grants and change to vehicle licensing policy.	Low	Low	

Equalities Impact Assessment

20. An Equality Impact Assessment has been produced and is attached as Appendix D.

Legal and Resource Implications

Legal:

The Council has a discretion under the relevant legislation to decide which hackney carriage vehicles it will licence as far as age, size, type and colour are concerned.

There is no statutory duty to consult upon the proposed policy changes and nor is there a general common law duty to do so. A duty of consultation will however exist in circumstances where there is a legitimate expectation of such consultation, usually arising from an interest which is held to be sufficient to found such an expectation, or from some promise or practice of consultation. In this case the Council has consulted with representatives from the taxi trade in line with previous practice.

Where a consultation process is undertaken, case law guides on what constitutes lawful consultation and from this some key guiding principles have been established, in summary that those being consulted must:

- (i) be provided with material upon which a decision is likely to be made;
- (ii) be given enough time for intelligent consideration of that material and to respond to it;

- (iii) be given the opportunity to make considered representations;
- (iv) have their representations conscientiously considered.

It is therefore important that members are satisfied that that any consultation process allows sufficient time to enable any person or body wishing to make representations to obtain relevant material, to consider it and to put their representations to the Council.

Legal advice given by: Lynne Harvey, Solicitor, Legal Services

Financial:

This paper requests agreement that the maximum age limit for LEVC hackney carriages be increased from 12 years to 15 years.

No financial impact is planned.

Jemma Prince (Finance Business Partner) 13/11/17

Financial advice given by: Jemma Prince (Finance Business Partner)

Strategic City Transport:

Bristol City Council is developing an electric vehicle strategy that will form part of the West of England's Joint Local Transport Plan, in which we will set out measures to support the uptake of electric vehicles across the sub-region. As such, the proposed policy changes that are likely to incentivise electric vehicle uptake for electric taxis are supported from a strategic transport perspective.

Transport advice given by: Jodi Savickas, Strategic City Transport Manager.

Sustainability- Air Quality:

The proposals are consistent with the feasibility study for a Clean Air Action Plan to reduce pollution from traffic emissions. The transition to a clean electric taxi fleet is welcomed and is especially important for journeys within the central areas of the city which breach UK and EU limit values for air pollutants.

Air Quality advice given by: Kathy Derrick, Sustainability Team Manager.

Land

Not applicable

Personnel:

Personnel advice given by:

Appendices:

Appendix A	Letter of request from LEVC
Appendix B	Consultation responses
Appendix C	Summary of consultation responses
Appendix D	Equality Impact Assessment

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None