

**BRISTOL CITY COUNCIL**

**PUBLIC SAFETY AND PROTECTION COMMITTEE**

**20 December 2022**

**Report of: Executive Director, Growth and Regeneration**

**Title:**           **Consideration of a request from Clipper Automotive to accept retrofitted all-electric drivetrain LTI TX4 vehicles for licensing.**

**Ward:**           **Citywide**

**Officer Presenting Report:**    Abigail Holman, Licensing Team Leader

**Contact Telephone Number:** 0117 3574900

**RECOMMENDATION**

The committee are recommended to:

- (1) To refuse the request from Clipper Automotive to make an exception to the Council's Hackney Carriage and Private Hire Licensing Policy 2021-2026.

**Summary**

1. Clipper Automotive have approached the Council with a request (attached at **Appendix A**) that an exception is made to the current Hackney Carriage and Private Hire Licensing Policy 2021-2026, for their retrofitted all electric LTI TX4 vehicles to be licensed.
2. Clipper Automotive convert diesel powered LTI TX4 vehicles to become all electric vehicles. As shown at **Appendix A**, they state the converted vehicles have zero tailpipe emissions and reduce brake dust emissions via regenerative braking. The converted vehicles have Individual Vehicle Approval (IVA).
3. Clipper Automotive have also provided a report from the Vehicle Certificate Agency (VCA) to show that the vehicle meets the requirements of Economic Commission for Europe of the United Nations Regulation 100.01 (Uniform provisions concerning the approval of vehicles with regard to specific requirements for the electric power train). A copy of the report is attached at **Appendix B**.

4. An exemption is requested in relation to two aspects of the Council's policy, namely:

*"Age Limit Policy*

*2. Vehicles presented for licensing on the first occasion shall be EURO 6 or higher standard and less than three and a half years old from the date of registration or, in respect of vehicles that have been imported other than as new into the United Kingdom, less than three and a half years old from the date of manufacture (In the remainder of this policy reference to date of first registration with regard to vehicles which are imported should be construed as date of manufacture)."*

And:

*"Wheelchair Accessibility*

*7. On the grant of any new vehicle licence the vehicle shall be capable of conveying a passenger using a wheelchair and benefit from ECWVTA (European Community Whole Vehicle Type Approval) (i.e. constructed as a purpose built taxi). The applicant must produce the appropriate documentation to evidence ECWVTA at time of application."*

5. Clipper Automotive have provided the details of two of their currently converted vehicles as representative examples. These vehicles were registered in September 2012 and April 2007, considerably over the initial three and a half years old age limit. It would also seem that an exemption from the following policy provisions may be required:

*"4. Any vehicle first registered on or before 31st August 2015 can be relicensed until 10 years from date of first registration.*

*5. Any vehicle first registered on or after 1st September 2015 can be licensed until 12 years from the date of first registration."*

## **Context**

6. Vehicle approval is required for all vehicles driven on public roads. This applies when the vehicle is first built and where it is rebuilt or radically altered. As members are aware the Council has required all new Hackney Carriages to benefit from European Community Whole Vehicle Type Approval (ECWVTA) since 1 May 2008 (with an exception for those with grandfather rights during a transitional period which has now ended).

7. ECWVTA is the highest standard of approval available. For second (or multi) stage conversions it involves the testing of anything that affects the base vehicle's original type approval. Testing includes physical crash simulation on the vehicle shell. Gaining ECWVTA is expensive and time consuming and elements are reassessed for compliance on an ongoing basis to ensure the converters processes adhere to the required standards. Once ECWVTA is achieved the converter can produce an unlimited number of vehicles of that type. A Certificate of Conformity (CoC) is then issued to state that the conversion has been carried out in line with the approved conversion process.
8. IVA is an alternative approval process. Unlike with ECWVTA each vehicle must be individually inspected after conversion. The inspection is visual only, and no physical or crash testing takes place.
9. If members were minded to approve an exception for vehicles that benefit from IVA, officers would recommend that a full public consultation is carried out to seek views from relevant stake holders before a final decision is taken. The move to only permit the licensing of vehicles benefiting from ECWVTA was undertaken to ensure the safety of the travelling public. Members wanted to ensure that passengers in licensed vehicles were safe, and that a converted vehicle would perform as expected should a collision or accident occur. Any alteration to the policy in this regard should be fully consulted upon to ensure all relevant considerations are taken into account.
10. Members will be aware that on 28 November 2022 a clean air zone was introduced in the central area of the city. This was introduced to ensure Bristol meets the legal limits on pollution as soon as possible. As members will be aware in 2021, 28 locations in Bristol exceeded the legal limit for nitrogen dioxide.
11. Air quality was a main consideration of this committee when determining its current and previous policies. Electric vehicles will be important in improving the air quality in Bristol, however officers consider that the requirement of vehicles to benefit from ECWVTA is an essential element of the Council's current policy which should not be departed from. ECWVTA ensures that licensed vehicles are tested to the highest safety standards, thus ensuring the safety of the travelling public in the event of an accident.
12. As detailed at paragraph 4 above, the existing initial age limit when a vehicle is first licensed is under three and a half years. The maximum age limit is 12 years, for vehicles first registered after 1 September 2015. The electric LEVC (London Electric Vehicle Company) may be licensed until 15 years of age.

13. In March 2022 the DFT produced a draft update of their best practice guidance. The Council responded to a consultation on this document and the results have not yet been published. The guidance is non-statutory, and the Council is not required to have regard to it, however it has been a useful document to outline best practice in a number of areas. In respect of vehicles age limits and emissions the draft guidance states:

*“8.28 The frequency of testing required (see ‘frequency of vehicle tests’ above) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle. The setting of an arbitrary age limit may be inappropriate and counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences; a five-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol fuel car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality*

*8.29 Licensing authorities should not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.”*

14. It is important that the Council ensure the vehicles it licenses are safe. In the majority of cases vehicles safety features improve over time as new technology is developed. The age limits are, in part, designed to ensure the vehicles licensed are fitted with the latest safety features. It is recognised that technology can develop at a fast pace and to allow vehicles to remain licensed for extended periods of time may have a negative impact on the safety of the travelling public. However, the Council does not however fetter its discretion by operating an inflexible policy, and would consider deviating where necessary if the circumstances warranted it.
15. With regard to emissions, the Council recognises the importance of this consideration in setting age limits. Members will be considering an alteration to the existing policy via a different report to be presented on 20 December 2022. However, as set out above officers consider that licensed vehicles should be tested to the highest safety standards, thus ensuring the safety of the travelling public, and as such an exception to the requirement of ECWVTA should not be made.

## Recommendations

1. Officers recommend that members refuse the request from Clipper Automotive to make an exception to the Council's Hackney Carriage and Private Hire Licensing Policy 2021-2026.

## Appendices – As links or attachments

Appendix A	Request from Clipper Automotive
Appendix B	VCA Inspection/Test Report