

**THE AIR QUALITY (TAXI AND PRIVATE HIRE VEHICLES
DATABASE)(ENGLAND AND WALES) REGULATIONS 2019**

Relevant Portfolio Holder	Councillor A. Kent
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 took effect on 1st May 2019 and the Council will shortly be required to provide relevant information in accordance with the regulations. This report is being prepared to provide information to Members on the implications of the regulations.

2. RECOMMENDATIONS

That Members note the contents of the report.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of complying with the requirements of the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 will be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The legal implications are set out in the main body of the report.

Service / Operational Implications

- 3.3 In 2017, the government published the UK plan for tackling roadside nitrogen dioxide concentrations followed by a supplement in 2018 (together “the plan”).

- 3.4 The plan identified 61 local authorities in England showing exceedances which have been required to carry out feasibility studies and if necessary, develop bespoke plans to bring roadside concentrations of nitrogen dioxide within legal limits in the shortest possible time. The Welsh Government is taking the same approach with two local authorities in Wales.
- 3.5 Clean Air Zones (“CAZs”) will have a key role to play in delivery of a number of these local plans. The Clean Air Zone Framework sets out the minimum requirements for a CAZ and the expected approach to be taken by local authorities when implementing and operating these zones.
- 3.6 CAZs are not required to include a charging element. However, where there are no other viable options to reduce air pollution to legally permissible levels in the shortest possible time, some local authorities may decide to introduce zones where vehicle owners are required to pay a charge to enter, or move within, a zone if they are driving a vehicle that does not meet the particular minimum emission standard for their vehicle type in that zone.
- 3.7 The Framework sets out four classes of charging CAZ:
- Class A - Buses, coaches, taxis and private hire vehicles (PHVs)
- Class B - Buses, coaches, taxis, PHVs and heavy goods vehicles (HGVs)
- Class C - Buses, coaches, taxis, PHVs, HGVs and light goods vehicles (LGVs)
- Class D - Buses, coaches, taxis, PHVs, HGVs, LGVs, cars (motorcycles and mopeds are optional).
- 3.8 Each vehicle type is expected to reach the following minimum standards:
- Euro 4 for petrol driven vehicles (Euro IV for larger vehicles)
 - Euro 6 for diesel driven vehicles (Euro VI for larger vehicles)
- 3.9 Ultra-low emission vehicles with significant zero emission range will never be charged for entering or moving through a CAZ.
- 3.10 Leeds and Birmingham will be introducing charging CAZs in 2020 (class B and D respectively). A number of other authorities have also consulted on the introduction of a charging CAZ.

- 3.11 To implement these schemes, local authorities may need to differentiate between taxis/PHVs and private vehicles. This is because in some cases local authorities will implement CAZs that apply charges to taxis and PHVs and not to private vehicles, or they may wish to set a different level of charge for these vehicles.
- 3.12 Licensing authorities only hold information on taxis and PHVs licensed within their own area so are not able to clearly identify and charge a taxi/PHV entering or moving around their charging CAZ which has been licensed by another authority (also known as 'out of area vehicles').
- 3.13 If local authorities cannot identify all out of area vehicles then this would undermine their ability to effectively operate CAZs where charging of these vehicles has been determined to be necessary.
- 3.14 The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 therefore require all licensing authorities in England and Wales to submit certain information about their licensed taxis/PHVs to a national database to be overseen by the Department for Food, Environment and Rural Affairs (DEFRA) .
- 3.15 Licensing authorities are responsible for ensuring that the data which they provide is accurate, legitimate and up to date.
- 3.16 It is also for licensing authorities to ensure that they have complied with any data protection legislation when implementing their obligations under the Regulations. The Council has signed a Memorandum of Understanding (MoU) with DEFRA with respect to the data that the Council has to provide under the Regulations.
- 3.17 It is anticipated that the Council will be required to begin supplying the required data towards the end of October 2019. In preparation for this all vehicle proprietors will be notified in writing of the obligation placed on the Council to provide the relevant data to DEFRA and the Council's vehicle licence application forms will also be updated to make reference to the Regulations.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

None

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