

PUBLIC PROTECTION COMMITTEE

5 MARCH 2019

Present: Councillor Mackie(Chairperson)
Councillors Dilwar Ali, Derbyshire, Lancaster, Robson, Taylor,
Wood and Simmons

25 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T Davies and Goddard.

26 : DECLARATIONS OF INTEREST

A Declaration of Interest was received from Councillor Rhys Taylor, this was a personal interest as he works for a charity in connection with air quality.

27 : MINUTES

The minutes of the Public Protection Committee held on 29 January 2019 and the Public Protection Sub-Committee held on 29 January 2019 were agreed as a correct record and signed by the Chairperson.

28 : PRESTIGE VEHICLE APPLICATION

RESOLVED: to approve the Hyundai i40 as a prestige vehicle with a ten year age restriction.

29 : AGE, EMISSION AND TESTING REQUIREMENTS

Members were advised that this report outlines current issues around air quality in Cardiff, the current policies in relation to the age and testing of licensed vehicles, and proposes changes to the current regime to deal with the air quality challenges faced by the City.

To meet its requirements under the EU Ambient Air Quality Directive (AAQD), through the Department for Environment Food and Rural Affairs (DEFRA) the UK government published its air quality plan to tackle roadside nitrogen dioxide (NO₂) concentrations in July 2017². The document identified the Cardiff Urban Agglomeration area as a problematic area in terms of continued non-compliance with the EU limit value, for NO₂.

Modelled projections from Defra using its national Pollution Climate Mapping (PCM) model indicated a number of road links in Cardiff that would continue to exceed the EU Limit Value for NO₂ beyond 2021. This modelling projected continued non-compliance of the national annual average NO₂ standard beyond 2021 along the A48, Eastern Avenue and the A4232 near the Cardiff Bay Retail Park.

Welsh Government exercised powers conferred to it under section 85(5) of the Environment Act 1995 and issued a legal direction titled Environment Act 1995

(feasibility study for Nitrogen Dioxide Compliance) Air Quality Direction 2018, to Cardiff Council.

This has required the Council to undertake the following as part of the feasibility study: 30th September 2018 at the latest submit the Initial Plan to set out the case for change and develop options for measures that the local authority will implement to deliver compliance in the shortest possible time; 30th June 2019 at the latest submit the Final Plan to identify in detail the preferred option for delivering compliance in the shortest possible time, including a full business case.

To date the Council has met the first requirement detailed above by submitting an Initial Plan to Welsh Government by the 30th September 2018. The report presented the results of detailed local transportation and air quality modelling which presented significantly different results to the national modelling. The results of the local modelling has indicated that beyond 2021, only the A4161 Castle Street in the City Centre will exceed NO₂ limit value under the AAQD.

There are over 2,000 licensed vehicles in Cardiff, which contribute to roadside NO₂ levels, with the vast majority of these vehicles not meeting the latest Euro 6 diesel emissions standard. As part of the Council's ongoing commitment to improving air quality in Cardiff, it is important that this is considered when reviewing and renewing vehicle policies. A NO_x pollution source apportionment exercise was undertaken on Castle Street which identified that by 2021, 6% of the NO₂ pollution will be from diesel Taxis.

Work is currently ongoing to finalise an Outline Business Case to identify a preferred option(s) which will enable the Council to implement a solution to ensure that compliance with the limit value is achieved in the shortest possible time. One measure being assessed as part of a package of measures in the Outline Business Case is the implementation of the revised age and emission policy proposed within this report. As part of a combined package which also includes improvements to bus emissions and active travel, the Council has been able to model the impact of this proposed policy in improving air quality in Castle Street and elsewhere across Cardiff.

In addition to meeting the requirements of the AAQD, under the Local Air Quality Management (LAQM) regime, Cardiff Council has 4 Air Quality Management Areas (AQMA) declared for exceedances of the NO₂ air quality standard. Monitoring data for 2017 indicates that annual mean concentrations of nitrogen dioxide recorded at sites of relevant exposure, within the already established AQMA, continue to be elevated or exceed the annual mean NO₂ Air Quality Standard (40µg/m³). Coinciding with the projections of non-compliance identified in the feasibility study's initial plan, the LAQM regime and location of the City Centre AQMA also incorporates the A4161 Castle Street link.

There are 3 types of vehicle currently licensed by the authority; saloon/MPV vehicles, saloon/MPV vehicles designated as 'prestige', and purpose built hackney carriages, which are vehicles constructed specifically as hackney carriages that can carry a person whilst sitting in a wheelchair.

Existing Vehicle Licensing Requirements were outlined to Members.

In order for a vehicle to be classed as 'prestige', it must undergo a subjective assessment made by Members of the Public Protection Committee. A variety of vehicles are currently licensed as prestige and include MPV style vehicles such as the Fiat Doblo, Peugeot Euro 7, and Citroen Berlingo, and saloon type vehicles such as the Ford Mondeo, Toyota Avensis, Audi A8, and Jaguar XF. A full list of prestige vehicles is attached at Appendix B.

There are currently 946 hackney carriages and 1,264 private hire vehicles licensed in Cardiff. Of those licensed, the average age of a hackney carriage is 8.5 years old, with 32% of the fleet over 10 years old. The average age of a private hire vehicle is 5.9 years old, with 8.7% of the private hire fleet over 10 years old. Of the vehicles that are currently licensed, there is 1 vehicle that meets the Euro 2 standard, 3.5% meet Euro 3 standard, 42% meet Euro 4 standard, 42% meet Euro 5 standard and 12.5% meet Euro 6 standard. Therefore, more than 87% of the current fleet does not meet the latest emission standards.

It is proposed that:

- All applications for the grant of a new vehicle licence, or for the change of vehicle on a current licence, must comply with the draft Age/Emission Policy Guidelines attached at Appendix C.;
- The prestige status classification for vehicles is removed; and.
- The following paragraph will be inserted into the Exceptional Condition policy:

Consideration for an exemption from the age restrictions will only be given to vehicles that meet or exceed the Euro 6 emission standard, or Ultra Low Emission Vehicles (ULEV). Alternative fuel vehicles must meet the equivalent of the Euro 6 emission standard.

Members were advised of the details of the proposed policies in relation to the vehicle types, the maximum age at which they can be licensed and the frequency that they are tested.

The proposed policy changes will affect the way in which a significant number of hackney carriage and private hire vehicles will be licensed and tested. Therefore, the draft policy changes will need to be consulted on extensively with the public, trade and other stakeholders.

The proposals detailed in this report provide an opportunity to:

- Improve the fleet of licensed vehicles in the city;
- Help to ensure that the public travel in vehicles with the latest safety technology;
- Contribute to assisting the Council in complying with the legal direction to achieve compliance with the EU Limit Value for NO₂ in the shortest possible time, and reduce CO₂ emissions;
- Ensure a supply of suitable modern vehicles for customers;
- Continue to provide affordable options to the trade.

The Chairperson invited questions and comments from Members;

Members noted that Castle Street has slow moving traffic and asked if anything was proposed to address this. Officers explained that discussions were being held with the Cabinet Member on a number of measures to address issues in Castle Street and Westgate Street to reduce traffic and its impact and to make things easier for cyclists too.

Members noted that a lot was being predicted on European Standards and asked how the UK would stand legally if treaties were to fall after Brexit. Officers advised that any legislative change would become part of UK legislation and there was no intention to make any changes in the short term; Members attention was drawn to paragraph 2.4 of the report that states that the legislation is already enshrined in UK law and passed to Welsh Government; however in the long-term as legislation changes things may change. Officers added that this was a consultation, the information from which would then need to be collated and brought back to committee, this would not happen until after the Brexit deadline and more likely to be around May time.

Members asked if any work was being done with other Local Authorities about cross border flows. Officers advised that there was a Welsh Government White Paper on National Standards and work was being undertaken across local authorities to address the cross border issues. The Shared Regulatory Service will also feedback Members views.

Members asked if there was anything the Council could do in regard to lobbying for additional funding, such as a Scrappage Scheme to help. Officers advised that lots of options were being explored to tap into funding to assist the trade including cleaner vehicles and also infrastructure in the City to support electric vehicles; an incremental approach was being taken.

Overall Members welcomed the report and were pleased to part of moving the issue forward.

Resolved to:

- a) Carry out a consultation with the public, trade and other stakeholders on the proposed policy changes;
- b) Reject the proposed policy changes and continue with the existing licensing framework.

30 : NATIONAL REGISTER OF TAXI LICENCES

Members were advised that the Local Government Association (LGA) has commissioned the development of a national register of hackney carriage/private hire driver licence refusals and revocations. The aim is to assist local authorities in determining whether applicant's are 'fit and proper' to obtain a licence.

Until the establishment of the register, unless disclosed by the applicant, the Licensing Authority had no consistent way of knowing if that applicant had previously been refused or revoked by another Licensing Authority. This means in determining whether an applicant is a 'fit and proper' person to hold a licence, vital information in the interest of public safety could have been missed.

For example if a driver was revoked by a local authority following a complaint about inappropriate behaviour towards a passenger, that driver could apply for a licence with another licensing authority. If the driver failed to disclose the revocation to the new licensing authority, they would not know that the applicant had been considered unfit to hold a licence by another authority and would have no knowledge of his previous behaviour.

When a grant or renewal application for a hackney carriage/private hire driver's licence is received, Licensing Authority officers will undertake a search of the NR3 register.

All new application forms will be amended to reflect the use of the NR3 register, and anyone added to the register will be informed in writing. A draft policy on the use of NR3 is detailed in Appendix B. The text to be added to Cardiff's Taxi Licensing Policy and Fitness Criteria for Drivers and Operators is detailed in Appendix C.

Members were advised this would only apply to Reprisal and Revocation not Suspensions.

The Chairperson invited questions and comments from Members;

Members asked if this was just for Wales and were advised that no it was a UK wide initiative.

Members asked how long people would remain on the register and were advised it would be for 25 years.

Members requested that Local Authorities take a consistent approach to data entry on the Register and were advised that the format was very controlled.

Resolved to determine the following:

- a) The use of the NR3 register, and if approved:
- b) The NR3 Policy detailed in Appendix B
- c) The amendment to the Taxi Licensing Policy and Fitness Criteria for Drivers and Operators as detailed in Appendix C

31 : WELSH GOVERNMENT TRANSPORT WHITE PAPER

Members were advised that as part of the new devolved settlement for Wales, introduced through the Wales Act 2017, the licensing of taxis, private hire vehicles, drivers and private hire operators became a matter within the legislative competence of the National Assembly for Wales.

The Welsh Government published a White Paper on 10 December 2018 which outlined a number of proposals to legislate for reforming the planning and delivery of local bus services and licensing of taxis and private hire vehicles. This document also included a further consultation, by way of a questionnaire, on the proposed changes to the licensing framework. Part 2 of the White Paper is contained in Appendix A.

The Welsh Government are therefore seeking views on a further proposal to transfer all licensing functions which exist in law (including licencing, fee- and fare-

setting, enforcement, hearing appeals arising from licensing decisions, prosecutions and deciding matters such as whether to apply quantity controls to taxis) away from local authorities and into a Joint Transport Authority. This is referred to in the White Paper as Option A.

The Welsh Government recognise however the significant scale of Option A and the potential for unintended consequences. Therefore, the White Paper also outlines an alternative Option B; to introduce provisions to deal with the issues outlined in the three areas above, but to retain the current 22 Welsh licensing authorities.

Officers advised Members that this topic had been taken to the Bridgend and Vale of Glamorgan Public Protection Committees to obtain Members views; both want Public Protection Committees to continue to look after taxis and keep a local control; therefore they would be recommending Option B back to the Welsh Government. They all welcomed proposals on National Standards, Enforcement and Information Sharing but wanted to retain local decisions and not give all control over to the JTA.

The Chairperson invited questions and comments from Members;

Members welcomed the consultation and considered that the National Standards made sense.

Members asked about the timeframe and were advised that the consultation was until 27 March and there would be a further consultation in the autumn.

Members considered whether all 22 licensing authorities were required and wondered whether a SRS approach could be taken. Officers advised that this would require a whole policy change; Members considered this could be part of the new Local Government Bill in this Welsh Assembly term and that this could be an Option C.

Members agreed that there could be a regional fit especially with the number of taxis coming into Cardiff from neighbouring authorities, there could be an opportunity for some sort of collaboration. Members considered this should be part of this Council's response.

Members asked where the consultation document could be found and were advised that it was on the Welsh Assembly website.

Resolved to:

- a) Note the contents of the report.
- b) Authorise the Head of Shared Regulatory Services to draft a response to the consultation as regards taxi licensing, and incorporate that response into the full Cabinet reply.

32 : URGENT ITEMS (IF ANY)

None received.

The meeting terminated at 11.20 am