

LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Friday, 18 December 2020 as a virtual meeting.

Present

Councillors Claire Udy (Chair)
Scott Payter-Harris (Vice-Chair)
Dave Ashmore
Chris Attwell
Tom Coles
Jason Fazackarley
John Ferrett
George Fielding
Hannah Hockaday
Leo Madden
Lee Mason
Robert New
Benedict Swann
Linda Symes
Gerald Vernon-Jackson CBE (from 11:00)

14. Apologies for Absence (AI 1)

There were no apologies for absence.

15. Declarations of Members' Interests (AI 2)

Councillor Dave Ashmore declared a personal interest as the Cabinet Member for Environment and Climate Change.

16. Hackney Carriage and Private Hire Matters - Amendments to the Statement of Licensing Policy (AI 3)

The report having previously been before the Committee on 4 December 2020 was deferred for additional detail to be provided.

Erika Styles, Air Quality Engagement Officer read out a deputation from Mr Bruce Hall, General Manager of Aqua Cars which had also been circulated to the committee. Deputations are not minuted but can be viewed as part of the webcast of the meeting here:

[Licensing Committee, 18 December 2020 on Livestream](#)

A brief adjournment then took place in order for the Chair to consult with the Monitoring Officer regarding whether Councillor Hockaday could take part in the meeting today. Councillor Hockaday had not managed to join the meeting before the start of this item due to technical issues although she been listening to the deputation via the webstream. Following the advice received the Chair said that Councillor Hockaday could take part in the meeting today and updated guidance

from the Monitoring Officer would be circulated to members in due course on this matter.

The report was introduced by Sam Whitfield, Technical Transport Planner. Hayley Trower, Air Quality Lead for Transport, Nickii Humphreys, Licensing Manager and Ross Lee, Licensing Officer were present to answer questions. Sam detailed the changes made to the report since 4 December and advised that the recommendations in the report remained unchanged. The slides that Sam presented were later circulated to the Committee. A minor amendment to recommendation 1. iii) to include the word "is" was outlined during the presentation.

Members' Questions

In response to questions officers clarified the following points:

- Diesel vehicles must meet at least the Euro 6 Emission Standard and for Petrol vehicles at least the Euro 4 Emission Standard, once the Clean Air Zone (CAZ) is introduced otherwise they must pay the charge when driving in the zone.
- The 2019 data shows the city is in exceedance of air pollution levels. The new data would be validated next year once there is a whole year's worth of data.
- The requirement as existing is that vehicles should be under 4 years of age on first licensing so that not would not be a change. Within the Euro 6 Emission Standard there is a huge range and over time the measure will be strengthened so the newer vehicles are more likely to be truer Euro 6 than the older ones.
- The garage examinations show analysis by age groups. Vehicles over three years old in 2016 were failing the prescribed tests by a rate of 63% compared to 48% for vehicles under three years old. In 2018 vehicles over three years old had a 29% failure rate; 2019 a 24% failure rate and 2020, so far, a 34% failure rate.
- Leeds did offer interest free loans but the take-up of grants was much higher. Loans are not something that the Council is exploring at the moment following responses to the public consultation but the Council is open to looking at this again in the future if there is a low uptake in grants.
- The recommendations proposed are about creating a narrative to Government to show that the Council are taking air pollution seriously. Older vehicles create more emissions and there is a legal requirement to meet the legal limits for nitrogen dioxide in the shortest possible time. The CAZ will stay in place until we meet those limits and are able to maintain those limits. If we encourage the newer vehicles then it is likely the CAZ will be in place for a shorter time.
- The Council receive monthly reports from the garage that look at the age profiles and whether vehicles are meeting standards. Taxis are subject to more use than normal vehicles. Data for last month showed that 67% of Hackney Carriage vehicles over 8 years old failed on their annual inspections and 63% of Private Hire vehicles over 8 years old failed. If the Committee agreed to allow vehicles over 8 years of age to be relicensed, this could be of detriment to the travelling public as more failures will mean that the vehicles are off the road for a period whilst repairs are made.

- The upper age limit is a guideline to help officers, the Committee and the trade know what the standards are. It is not unreasonable to have an upper age limit policy provided that the Council can show some flexibility.
- Diesel Euro 5 vehicles emit about 0.18 grams of nitrogen oxide per kilometre. Euro 6 vehicles emit about 0.08 grams of nitrogen oxide per kilometre.
- The Council needs to demonstrate to Central Government that the issue is being taken seriously so the Council can unlock funding for the rapid EV charge points. If the Committee made a decision to increase the upper age limit for relicensed vehicles officers thought that JAQU would not award the funding. Officers felt it would make a material difference and by changing it to 10 years the Council would not secure the funding.
- If the vehicle is compliant they would be able to operate in the city but they will not be eligible for the funding.

Councillor Vernon- Jackson provided an update on the outcome of discussions held with Portsmouth Disability Forum on 15 December 2020 following the recent Cabinet decision regarding wheelchair accessible vehicles (WAV). He said that the CAZ is to be introduced in 2021 and the modelling suggests without the CAZ Portsmouth would reach compliance in 2023 but with the CAZ it would reach compliance in 2022. Once Portsmouth has reached compliance and can show this is sustainable the CAZ is removed.

The Cabinet looked at the length of sunset period to give WAVs a time limited exemption to paying the CAZ charge. A longer sunset period would mean that WAVs would not be impacted by the introduction of the CAZ in the same way, and so would not be eligible for Clean Air Fund finance in renewing their vehicles. A shorter sunset period would mean that WAVs would still be eligible for funding. The Government has agreed a grant of £4,000 per WAV to change them to meet the standards, Council have applied to government to say this should be £15,000. On that basis the Cabinet opted for a 6 month period during which WAVs are not charged so they can access as large a grant as possible to upgrade their vehicles. This received a positive response from the Portsmouth Disability Forum.

In response to a question relating to grant funding for replacement of non-compliant WAVs officers clarified that the £600,000 is safeguarded. In order for WAVs to access the money the Cabinet have gone with a 6 month sunset period rather than 2 years.

Members' Comments

Members views were divided, some members thought that the officers' recommendations were sensible, because if the Committee changed the upper age limit for vehicles it would jeopardise the funding from JAQU. Other members felt that the concerns of the Committee from the last meeting had not been fully addressed and were very worried that the list of concerns raised in the deputation from Bruce Hall had not been robustly discredited. The Committee noted that the pandemic had hit taxi drivers very hard and some members were not comfortable to support the recommendations as this could have a massive impact on the trade.

A second proposal was made as follows:

- i) That, as a matter of local policy and condition for both hackney carriage and private hire vehicle licenses; all private hire and hackney carriage vehicles presented for initial licensing shall be under 6 years of age on first licensing (increased from 4)*
- ii) Any vehicle may be relicensed until 10 years of age (increased from 8)*

Following this officers gave the following advice to the Committee. Euro 6 was introduced in September 2015. Officers confirmed that the recommendations would not affect the whole fleet of licenced vehicles in Portsmouth. The Authority has 234 Hackney Carriage vehicles and around 900-1,000 private hire vehicles. This proposal would affect about approximately 1,200 vehicles and there are only 321 vehicles that are non-compliant. Of the 321 there are 108 Hackney Carriages, 52 of which are wheelchair accessible. The remainder are private hire vehicles and 6 of these are wheelchair accessible vehicles.

Hayley Trower reminded members that if the Committee moved away from current policy of 4 years for newly licenced vehicles, the authority will not be able to secure the funding for the rapid EV charge points as this worsens existing policy. The advice received from Central Government is that they require a tightening of licensing restrictions and a requirement for zero emission capable vehicles. If the Committee would like officers to go ahead with the amendment officers would make the best argument for that but wished to manage the Committee's expectations.

Councillor Vernon-Jackson joined the meeting at 11am. As he was not present at the start of the meeting he felt he should not be voting on the recommendations today.

A vote on the amendment was taken which was tied and upon the Chair's casting vote the amendment fell. A second vote took place to approve recommendations in the officers' report.

RESOLVED

1. The Licensing Committee approved the proposed amendments to the Statement of Licensing Policy (reference - minute 9/2016) as follows:

i) That, as a matter of local policy and condition for both hackney carriage and private hire vehicle licenses; all private hire and hackney carriage vehicles presented for initial licensing shall be under 4 years of age on first licensing;

and

ii) Any vehicle may be relicensed until 8 years of age, provided the vehicle meets with the requirements of the PATN guidance as approved by the Council and is supported by an evidenced service history in line with the manufacturers guidelines;

iii) That the upper age limit for licensed vehicles is to come into effect on 1st January 2022.

2. That the following statement be attached to the Statement of Licensing Policy (reference - minute 9/2016) in order to secure £0.5 million for rapid EV charging points specifically for use by the hackney carriage and private hire fleet:

"That all newly licensed vehicles be Zero Emissions Capable from

the 1st January 2025".

3. The licensing committee endorsed the proposal that officers will seek to negotiate a restructuring of funding from central Governments Joint Air Quality Unit, in that a greater amount be allocated to Wheelchair Accessible Vehicles.

The meeting concluded at 12.00 pm.

Signed by the chair, Councillor Claire Udy