



Department
for Environment
Food & Rural Affairs



Department
for Transport

Summary of responses to the government's consultation on the identification of taxis and private hire vehicles entering charging Clean Air Zones

January 2019



Llywodraeth Cymru
Welsh Government



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1. Introduction

1. Air pollution has reduced significantly since 2010, but there is still more that needs to be done to improve the quality of the air we breathe. The most immediate air quality challenge is nitrogen dioxide concentrations around roads, the only statutory air quality limit that the UK is currently failing to meet. In July 2017, the UK government published the UK plan for tackling roadside nitrogen dioxide concentrations. A supplement to the plan was published on 5 October 2018. In July 2018, the Welsh government published their interim supplemental plan to the UK plan. The final plan was published on 29 November 2018. In addition, The Clean Air Strategy, was published on 14 January. This sets out our plans for dealing with all sources of air pollution, making our air healthier to breathe, protecting nature and boosting the economy. The strategy sits alongside three other important UK government strategies: our Industrial Strategy, our Clean Growth Strategy and our 25 Year Environment Plan.

2. Due to the highly localised nature of the problem, local knowledge is crucial in solving pollution problems in areas where statutory limits are being exceeded. The UK government is taking a strong national leadership role and is providing financial and expert support to 61 local authorities in England to develop bespoke, innovative plans tailored to the nature of the nitrogen dioxide problem in their own local area, to bring down levels of this pollutant as quickly as possible. The Welsh Government is taking the same approach with two local authorities in Wales.

3. Clean Air Zones will have a key role to play in delivery of a number of these local plans. Clean Air Zone proposals are not required to include a charging zone. 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 emission standard for their vehicle type in that zone. We are clear however that this must be done in a way that does not unfairly penalise those who bought diesel vehicles in good faith.

4. Several local authorities in England have consulted on proposals for charging Clean Air Zones as part of their preferred option to ensure compliance with NO₂ limits in the shortest

possible time. In some cases, local authorities will implement Clean Air Zones that apply charges to taxis and private hire vehicles (PHVs) but not to private cars. Local authorities may also wish to set a different level of charge for taxis and PHVs and private cars. In these circumstances, local authorities will need to be able to distinguish private cars from taxis and PHVs.

5. Licensing authorities in England and Wales (which are generally unitary authorities, district councils or in London, Transport for London) already hold the registration details of all vehicles which they have licensed as either a taxi or PHV. However, they do not have access to similar information for vehicles licensed by other licensing authorities (subsequently referred to as “out of area vehicles”). As a result it may not be possible for a local authority to identify a taxi or PHV that has been licensed by another authority. This would undermine its ability to effectively operate its Clean Air Zone where charging of taxis and PHVs has been determined to be necessary.

6. The government (references to the government mean the UK and Welsh government) is committed to supporting the delivery of local authority measures introduced under the UK plan for tackling roadside nitrogen dioxide concentrations. A consultation was therefore carried out between 5 October to 2 November on:

- the proposal to create a centralised database to enable the identification of all taxis and PHVs operating in England and Wales, regardless of where they have been licensed, for the enforcement and operation of charging Clean Air Zones; and
- the approach to mandating licensing authorities to share this data through the use of powers under the Environment Act 1995.

7. This document summarises the responses to this consultation and sets out the next steps that the government will take. It does not offer a detailed opinion on the comments received.

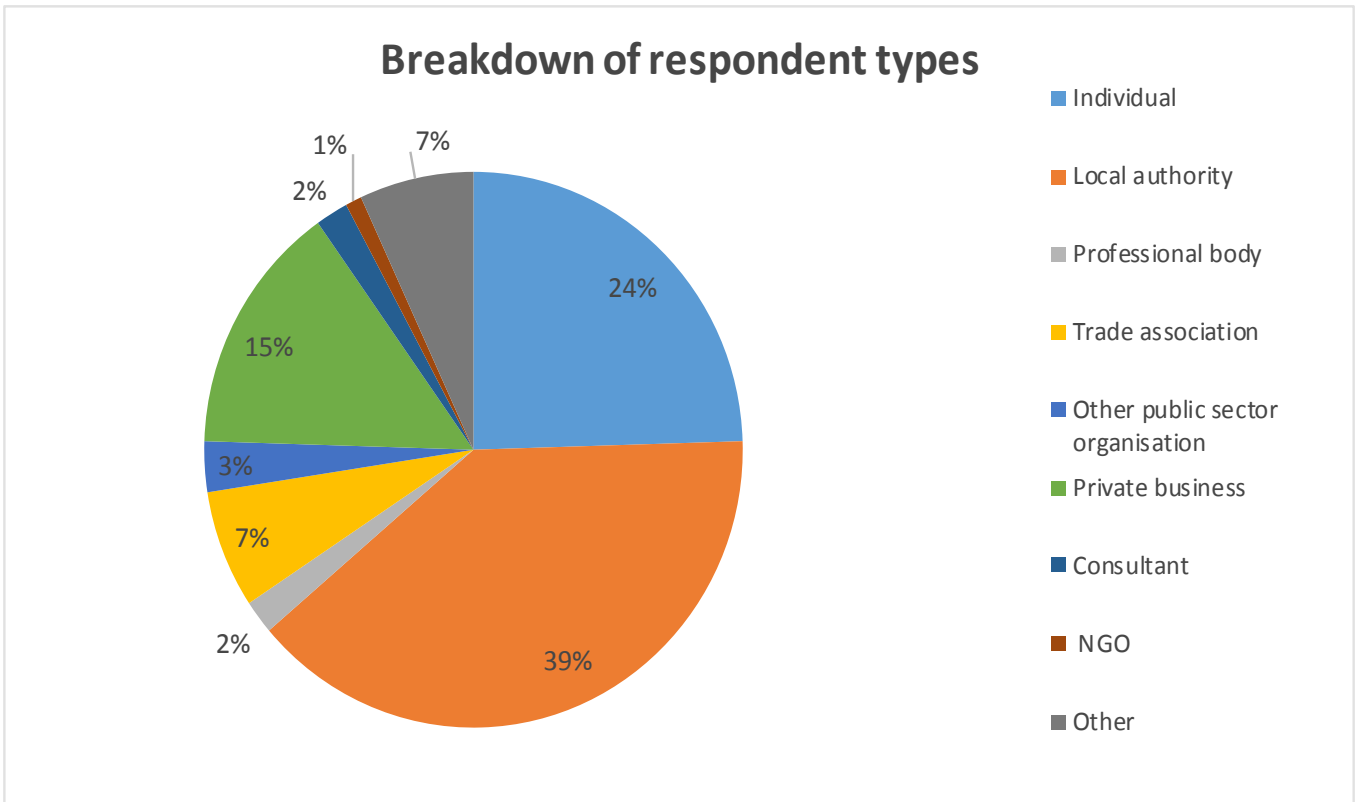
1.1 Number of responses

8. In total 102 responses to the consultation were received. These were made up of:

- 94 responses through Citizen Space online portal responding directly to the questions;
- 8 responses by email or post.

9. For the email or postal responses, where respondents answered the specific consultation questions these have been included in the analysis statistics throughout this document. Where they provided more general comments the views have been picked up in the broader analysis and in picking out key themes from all of the comments. A list of respondents can be found at Annex A. A breakdown of the types of respondents can be found in figure 1.

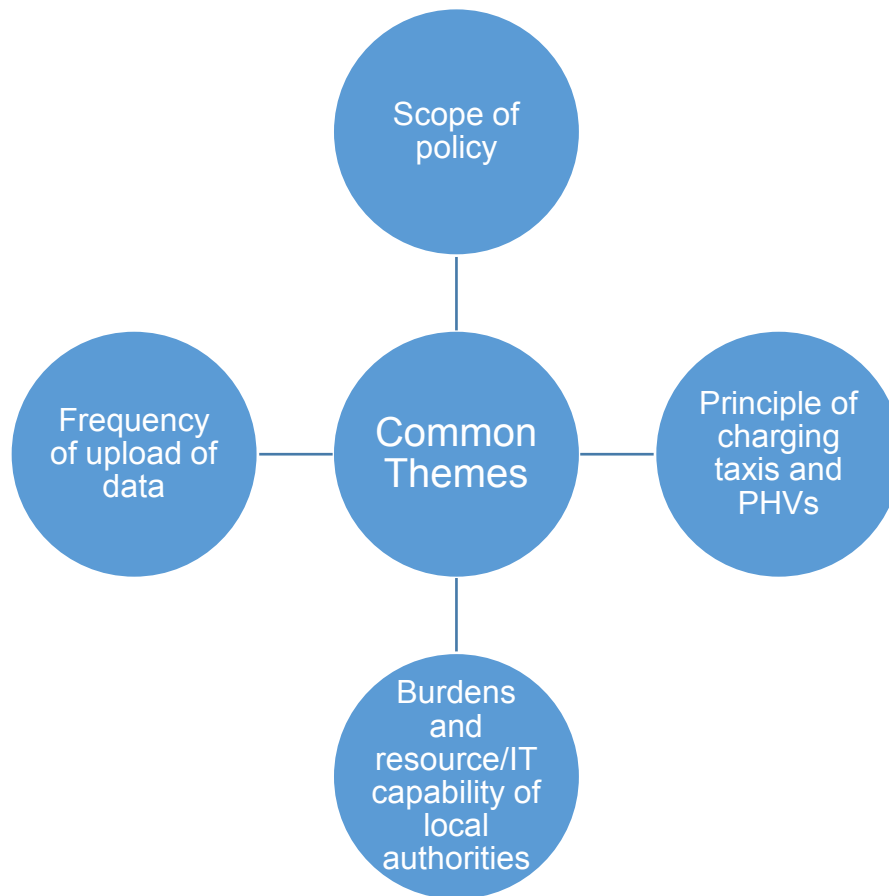
Figure 1: Breakdown of respondent types



1.2 Common themes

10. Common themes that came out of the responses are summarised in figure 2.

Figure 2: Common themes



11. Respondents across a broad range of categories acknowledged the need to improve air quality. The creation of a database to collect and host specific taxi and PHV data to differentiate these types of vehicle from private vehicles in support of charging Clean Air Zones was seen as an effective solution by over three quarters of respondents.

12. A number of respondents were opposed to the general principle of charging taxis and PHVs and this was factored into their responses to a number of questions.

13. The issue of adequate resourcing for local authorities was mentioned in responses to several consultation questions and respondents also commented on the IT capability of local authorities.

14. A number of respondents commented on wider policy issues as part of their responses to several consultation questions, in particular on the work being undertaken by the Department of Transport Task and Finish Group on Taxi and Private Hire Vehicle licensing.

2. Responses by question

Q1. In your view is the creation of a central database to collect and host specific taxi and Private Hire Vehicle data an appropriate way of addressing the difficulties associated with differentiating these types of vehicles from private vehicles in support of charging Clean Air Zones?

15. The majority of respondents (75%) supported the creation of a centralised database as the most effective solution to enable the identification of taxis and PHVs for the enforcement and operation of charging Clean Air Zones. Those respondents who said no, did so for a range of reasons, including: concerns that the database would duplicate the information already held by the DVLA; the database should be expanded to take account of the recommendations made by the Task and Finish Group; and opposition to the general principle of charging taxis and PHVs.

16. A number of respondents commented on the resource requirements for building and maintaining the database and ensuring local authorities were adequately resourced. A small number of respondents also commented on distinguishing between private and business use of taxis and PHVs for charging purposes.

Q2. Do you have any comments on the proposed use of powers under the Environment Act 1995 to mandate all licensing authorities in England and Wales to provide the taxi and PHV data to the database?

17. 44% of respondents commented on this question. Most were supportive of the use of powers under the Environment Act 1995. Comments were raised about the costs of providing the data (which should be borne by central government or those authorities introducing a charging Clean Air Zone), the exemption of councils if they were not close to a charging Clean Air Zone and the missed opportunity to collect a wider set of data.

Q3. What do you see as the main technical barriers to successfully bringing together licensing data on taxis and PHVs into one national database? What evidence do you have, if any, of potential approaches that would address these barriers?

18. 81% of respondents commented on this question. There were concerns that the database could result in additional workload and costs for local authorities. They used a variety of IT systems. Some respondents felt that it would be quite straightforward to provide data whilst others raised potential interface problems, data protection issues and the need for data sharing agreements. The simpler the system (in terms of process, and data required) the easier it would be to use and maintain an accurate database.

Q4. Do you feel the proposal that Local Authorities should provide taxi data on a weekly basis as a minimum are, or are not, appropriate? If not, what frequency do you feel is an appropriate minimum? Do you have any other comments on the frequency with which local authorities should provide taxi data to the database?

19. The majority of respondents (58%) agreed that weekly was sufficient. Concerns were raised by others that this would not be frequent enough. Some respondents suggested a real time update would be best as this would reduce the amount of manual handling, keeping costs to a minimum and reducing errors and omissions. On the other hand, smaller licensing authorities or those some distance from a charging Clean Air Zone did not see the need for a weekly update with suggestions ranging from monthly, quarterly or even annually. Comments revealed a wide range in the technology available to licensing authorities.

20. There was concern that where errors or omissions occurred in the data then the burden of proof would fall on the registered keeper if a penalty notice was incorrectly issued. In addition, the registered keeper may not always be the driver. One vehicle may be driven by a pool of drivers. There would need to be a way of ensuring that the correct driver paid the charge.

21. Others noted that there would be additional workload on already stretched local authorities and queried if local authorities have the time, capability and resources needed to provide this service.

Q5. What additional vehicle data should licensing authorities be required to submit in order to validate the taxi and PHV data? What evidence do you have, if any, that this additional data would provide effective validation?

22. 75% of respondents commented on this question. Some respondents felt that additional information should be provided in relation to the driver of the vehicle. Other suggestions included colour, make, model and age of vehicle, Euro standard, MOT, wheelchair accessible vehicles (WAVs) and operator details associated with the PHV. Some respondents cautioned against providing further information. There would need to be a clear benefit since this would increase the scope for inaccurate and inconsistent data being provided by licensing authorities

Q6. What additional vehicle data do you feel should be collected in order to facilitate exemptions of certain types of taxi or PHV from a charge, if any?

23. 72% of respondents answered this question. Some respondents felt that WAVs should be exempt from charges in a Clean Air Zone and that this information should be recorded in the database. Others suggested that the Euro standard of the vehicle should also be

recorded. Other suggestions included make and model of vehicle, number of passenger seats, retrofit details and use of vehicle for specialist contracts.

Q7. Do you agree with the assumptions made in the Regulatory Triage Assessment?

Q8. Do you agree with the resulting conclusions of the Regulatory Triage Assessment?

Q9. Are you aware of any additional data that could inform the Regulatory Triage Assessment?

24. The majority of those who responded to questions about the Regulatory Triage Assessment felt that the assumptions and resulting conclusions were broadly correct and were a fair assessment based on current information. It was noted that the actual outcome would depend on the format in which information was transferred to the central database and the software required. Concerns were raised about the potential impact on licensing officers particularly in respect of the initial upload of data and the pressure that this might put on departments. Data was provided in relation to this. Some respondents felt that the scope of the Regulatory Triage Assessment should be broadened to include wider impacts on the taxi and PHV sector of the introduction of charging Clean Air Zones.

Q10. If you have any further comments you would like to make on the government's approach to enabling local authorities to impose relevant charges on taxis and PHVs, please provide them here.

25. 56% of respondents commented on this question. We received a range of opinions on the development of the proposed database. Some respondents told us a centralised charging system should be set up across the country with a single, robust method of enforcement. Some also said data should be held centrally for the sake of efficiency and to act as a back up to locally held information. A centralised system would stop drivers registering in one area and working in another. One respondent felt there should be a centralised system as many local authorities do not have the resources or competence to establish a local data base. Other respondents felt locally established systems could respond better to varying local conditions.

26. Quite a few respondents raised the issue of data control, with some seeing this as an opportunity to use the data collected by a range of organisations and for a wider variety of purposes. Conversely, others expressed concern at what they described as excessive surveillance.

27. A large proportion of respondents were concerned with, what they saw as, unfair costs on already squeezed taxi drivers, with some feeling the costs should be levied on taxi firms instead. Others told us that in their view all road vehicles, not just taxis and PHVs which make up a very small proportion of road traffic and which are already subject to rigorous

testing, should be subject to these controls. One respondent pointed out that disabled and older people already rely disproportionately on taxis and PHVs and they were concerned with costs being increased for these groups. Several respondents told us that there should be greater government support for roll out of cleaner and more efficient taxi vehicles.

28. A small number raised doubts about the severity of the stated air quality issue and told us that, in any case, air quality problems do not adhere to local authority boundaries and need to be tackled at a national level. These respondents also expressed concern that money raised in this way would not be spent in the manner intended.

29. One respondent was vocal in their unhappiness with the four week duration of the consultation, pointing out this did not give them sufficient time to seek meaningful views from their members and suggesting a second consultation be held. This was also a view expressed by other respondents who told us they were broadly in support of the aims of the consultation, but would like to see more detail in a further consultation.

3. Themes from stakeholder events feedback

30. Two roundtable events have been held with the taxi and PHV sector. Whilst generally supportive of the need to tackle poor air quality and creation of a database (albeit containing much more detail for a wider purpose), they were concerned about the principle of being charged to enter a Clean Air Zone if their vehicle did not meet the required emission standard. There was acknowledgment of the Early Measures Funding that had been received by local authorities but they called for more assistance from the government and at a local level to upgrade taxis and PHVs.

31. Some concerns were raised that the work on the database would not take account of the recommendations of the Chair of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing established by the in the Department for Transport led Task and Finish Group on Taxi and Private Hire Vehicle Licensing.

4. Next steps

32. The majority of those who responded to the consultation agreed that the creation of a central database to collect and host specific taxi and PHV data was an appropriate way of addressing the difficulties associated with differentiating these types of vehicles from private vehicles in support of charging Clean Air Zones. They also supported the use of powers under the Environment Act 1995 to mandate licensing authorities to provide certain information on those taxis and PHVs licensed by them to a central database.

33. Given this support we have laid in Parliament a draft statutory instrument – *The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019*. Subject to parliamentary debate, the Regulations will come into force on 1 May 2019. The Regulations will place a duty on all licensing authorities in England and Wales

to supply at least once a week, certain information to the Secretary of State (SoS) relating to taxis and PHVs that have been licensed to operate in their area. This will include as a minimum, the vehicle registration number, start and expiry date of vehicle licence, whether a vehicle is a taxi or PHV and the name of the licensing authority. The Regulations also introduce a power for the SoS to create a database to host that information and for information to be shared with licensing authorities for the purpose of enforcing local air quality measures.

34. Guidance will be issued shortly which will set out in more detail such aspects as the data fields required and the way in which licensing authorities can submit this data to the central portal. The aim is to allow licensing authorities to provide data in the least burdensome way given the range of system capability. Technical processes which will support the sharing of personal data will need to comply with data protection requirements as set out in the General Data Protection Regulation; and data processing stages will need to be open and transparent.

35. Good progress has been made on the development of a prototype for the digital solution for the taxi/PHV database. Preparations are in place to start receiving taxi and PHV data from licensing authorities, with a view to a fully operational database being in place by the second half of 2019. Government will work with licensing authorities as they start to provide this data over the coming months. The taxi/PHV database will link to information contained within other databases being developed to support charging Clean Air Zones, for example Euro standard and retrofit.

36. The consultation proposed a minimum weekly upload of data by licensing authorities. In the longer term we will aim for real time updates in order to reduce the amount of manual handling, keeping costs to a minimum and reducing errors and omissions. For now a minimum weekly update appears to be the most pragmatic approach given the comments received and strikes the right balance between accuracy of the database and cost to licensing authorities. Frequent uploading of data is not expected to be overly onerous, therefore the statutory guidance accompanying the Regulations will encourage more frequent uploading by licensing authorities where possible.

37. The government response to the Chair of the Task and Finish Group's report on regulatory issues in the taxi and PHV sector accepts many of the recommendations, including the creation of a mandatory national licensing database (including details of refusals and revocations). Primary legislation will be required to create such a database meaning that it is highly unlikely that it would be in place in time for the first charging Clean Air Zones. However, this database will be able to build on the technical solution for the identification of taxis and PHVs for charging Clean Air Zone purposes.

38. The Regulatory Triage Assessment (RTA) has been finalised following a review of the consultation responses. This shows the estimated cost to licensing authorities of providing information to the database. The creation of the database itself will not cause direct costs to businesses. Although some concerns were raised that the potential costs identified for licensing authorities were either incorrect or needed to be examined in more detail, very

little information was provided against which costs and assumptions set out in the RTA could be reviewed. The majority of respondents supported the analysis undertaken in the RTA. We will therefore look to fund these costs, plus any potential familiarisation costs, in line with the new burdens principle.

39. The consultation responses received and roundtables with representatives of the PHV/Taxi sector, have highlighted the sector's concern about the principle of charging vehicles who enter or move around within a charging Clean Air Zone and do not meet the required emission standard. The principles for setting up Clean Air Zones, including the charging of certain types of vehicles, was set out and addressed in the Clean Air Zone framework published in May 2017.

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612592/clean-air-zone-framework.pdf). Taxis and PHVs have been identified through modelling as high frequency users which emit higher levels of pollution within the zone on a per vehicle basis.

40. Local authorities will need to consider the most appropriate solution for ensuring that NO₂ limits are met within the shortest possible time. If they propose to implement a charging Clean Air Zone, they will need to assess the impact on individuals and businesses, and the need for any mitigating measures. They will also need to take action as necessary to support growth and protect the economy of their local high streets and town centres. A £220 million Clean Air Fund is available for local authorities with the most challenging pollution problems to bid into to support those impacted by local air quality plans.

41. The taxi and PHV sector should continue to work with local authorities as they develop their local plans to ensure that their sector's needs are fully recognised. £1.6m has already been provided to local authorities to help bring forward early measures to improve air quality ahead of local plans. This has supported a range of incentive schemes related to taxis and PHVs including supporting switching to ULEV models, try before you buy and leasing schemes to demonstrate in use savings, and help with electric vehicles such as dedicated charging infrastructure at taxi ranks. We will continue to engage with the taxi and PHV sector as local authorities develop their plans.

Annex A: List of respondents¹

247 Transport Solutions
Addison Lee Group
Autogas Ltd
Barnsley Metropolitan Borough Council
Basingstoke and Deane Borough Council
Berkshire Education Travel Ltd
Birmingham City Council
Bolsover District Council
Bradford Metropolitan District Council
Caerphilly County Borough Council
Call and Ride Ltd
CGI IT UK Limited
City of London Corporation
City of York Council
Coventry City Council
District Councils' Network
Doncaster Council
Dudley Council
East Riding of Yorkshire Council
Energy Saving Trust
Fareham Borough Council
First Travel Solutions Limited
Gedling Borough Council
Guildford Borough Council Licensing
Huntingdonshire District Council
Ipswich Borough Council
Kirklees Council
Licenced Private Hire Car Association (LPHCA)
Licensed Taxi Drivers' Association (LTDA)
Liverpool City Council
Local Government Association
Luton Borough Council
National Private Hire and Taxi Association
National Taxi Organisation
Newcastle City Council
Newcastle under Lyme Borough Council
Oldham Council (collective response on behalf of the ten Licensing Authorities in Greater Manchester)
Oxfordshire County Council
PATROL (Parking and Traffic Regulations Outside London) Joint Committee
Redcar and Cleveland Borough Council
Reigate & Banstead Borough Council
Rushcliffe Borough Council

¹ List excludes the names of individuals as per Departmental consultation guidance.

Safe Systems CCTV Ltd
Self Employed Network
Slough Borough Council
South Hams District Council
South Somerset District Council
South Tyneside Council
Southampton Hackney and Private Hire Association (SHPHA)
Stroud District Council
Taxi Owners Association
The Private Hire Board
Transport for London (TfL)
Unite the Union
United Private Hire Drivers branch of the IWGB union
Wakefield Council
Worcestershire Regulatory Services
Wycombe District Council
Wyre Forest District Council