



Oxford City Council
St Aldates Chambers
109 St Aldates's
Oxford,
OX1 1DS

Tel : 01491 729 454
Fax: 01491 729 454

Web: www.licensinglawyers.co.uk
E-mail: enquiries@licensinglawyers.co.uk

6 March 2024

Our Ref : CITO1627/24

Your Ref:

Dear Sirs,

RE: Emission Standards Proposals for Hackney Carriage Vehicles

We are instructed by the City of Oxford Licensed Taxicab Association ("COLTA") following the meeting of the General Purposes Licensing Committee ("GPLC") to consider the implementation of new emission standards for Hackney Carriages ("taxis"). We would be grateful if this letter and all of the papers considered by the GPLC can be provided to the members of the full Council meeting that is due to consider the formal adoption of the implementation programme.

Our client is grateful for the compromise that was suggested by the GPLC at its last meeting to consider the implementation but feel that additional latitude is required, given all of the circumstances that have been laid out.

COLTA accepts that there is a potential benefit in improving the emission standards of vehicles, not least by setting an example, and as a matter of principle has no objection to new criteria being brought into force, but there is an issue in relation to the speed of implementation.

A deferral until 2027 is sought for the new standard of ULEV vehicles to be introduced.

In common with a number of local authorities, the policy in the past has been that the maximum age for a Hackney Carriage and Private Hire vehicle has been five years at the time of initial application. Once licenced, a vehicle could be used beyond the age of 5 years. In 2013, the arrangements for the maximum age of vehicle was amended, similar to arrangements in place with a number of other authorities. The proposals now seek to implement a significant change to the previous policies.

It is helpful to consider actions taken by other authorities. As a comparison, Transport for London have in place a policy that Euro 3, 4, 5 and 6 diesel taxis, as well as vehicles converted to operate on Liquid Petroleum Gas, have a maximum age of 15 years once they have been granted a licence. There are some exceptions, in the main those that held an exemption prior to November 2019. This includes vehicles that were of some form of classic or niche type. It is suggested that regard should be had to this example, not least because of the issues of pollution that exist within London might be anticipated in many parts to be significantly worse than in Oxford. What is currently proposed for Oxford is however a more stringent requirement.

As matters stood before 2014, a person could have purchased a vehicle and had no end date where it would be eligible for renewal. Between then and 2020, it is understood that the arrangements were that a new vehicle could be licensed and its life expectancy to operate under a licence would at that point be up to 12 years, ie expiring in 2032. At that point, there would be a need to invest in a new vehicle. It was further expected that by 2020 needed to meet Euro 4 by 2020. The trade met this requirement as a demonstration of co-operative working. The commitment of the trade has also been shown by the number of ULEVs which have been brought into service and the impact of this may not have been fully appreciated when the GPLC met to consider the proposals.

With the current proposals, there would be a need to purchase a vehicle much earlier and the initial calculations on viability would need to be re-worked. It could be that buying a vehicle with a 12 year life was viable, but not one that had a 6 year life. In implementing the ULEV standard at this stage, there would be a significant financial disbenefit to the trade with additional finance required to purchase a replacement vehicle earlier than originally anticipated. The margins of profit on operating a taxi would not necessarily permit this. The financial information presented to the GPLC would seem to support this proposition.

The benefit to be achieved by implementing the ULEV standard for Taxis is relatively low when compared to the volume of traffic in Oxford as a whole. Figures produced by Oxfordshire County Council (source Oxfordshire Local Transport Plan 2006-11) identify the volume of traffic on the roads : For example, Botley Road was quoted as being used by 25,500 vehicles per day, Woodstock Road by 17,000 per day, Iffley Road by 19,000 vehicles per day. That situation is almost certainly worse today.

As was explained at the GPLC, there is currently a maximum of 107 Hackney Carriages that can be licensed in the city and this represents a miniscule proportion of the vehicles that are on the roads. This number is even smaller when it is considered that just 73 of the vehicles are at Euro 4 standards and 2 are at Euro 6 with the remainder being compliant. 34 vehicles are already electric.

The impact that has to be considered is that just of these 73 vehicles, out of what is likely to be somewhere approaching 100,000 that use Oxford's roads every day, are affected. The emissions by this small number of vehicles is comparatively tiny and it is suggested that removing them will have no measurable benefit on air quality. It is suggested that any impact

is less than 1% and could be argued to be less than 0.001%, having regard to the number of vehicles that use the roads of Oxford every day.

As mentioned, a limit is imposed on the number of taxis that may be licensed within Oxford. This is a positive move and prevents any increase beyond that limit and therefore restricts the potential impact of such vehicles. The greater issue is that of the uncontrollable numbers of other vehicles that may enter the city.

It is suggested that the benefit of implementing the ULEV standard for these vehicles is proportionally very low in scientific terms, as far as the emissions that are generated are concerned. Nevertheless, as a demonstration of principle it is agreed that such implementation does help to demonstrate good practice and this is why the implementation is not opposed in its entirety.

Given that the benefit in reducing emissions is likely to be low, the most significant advantage in introducing the standard is to make a public declaration as to the way forward with transport within the city. Put another way, the benefit is to educate the public on the advantage of ULEVs. Simply having the standard in force is not enough and to be successful, part of the implementation process should be to embark on a publicity programme so that the public is aware of the work that is being done by both the Council and the trade. There is significant scope for the Council and the trade to work together on this and by delaying the final implementation date gives a longer period for a public education scheme to be developed and implemented. There is already a waypoint that could be publicised in the number of vehicles that are already to the ULEV standard, but it appears that many opportunities to do this have been missed in the past.

We therefore suggest that in view of the work already done and the tiny proportion of vehicles that make up the trade, it would be better for all concerned to embark on a unified strategy to promote ULEVs. This is likely to yield more benefit than just implementing the scheme as currently proposed and if the Council is serious about reducing emissions within the City it presents an opportunity that did not exist before. For the trade, there would be an advantage in that the industry is promoted and for the residents of Oxford it may help to convince them to use a ULEV – whether their own or a taxi – in preference to petrol or diesel alternatives.

The matter of joint working is one that was promoted by the Council in the past and there was at one point a forum for officers to meet with the trade. It would be beneficial if this could be re-established to promote a better trade within the city.

The Council will of course recognise that there is a duty to act in a way that is proportional in its decision-making process and the law as set out in *Eastside Cheese Company & Anor, R (on the application of) v Secretary Of State For Health [1999] EWCA Civ 1739*, extolls the decision in *R v MAFF ex parte Fedesa [1990] ECR 1*: “when there is a choice between several appropriate measures recourse must be had to the least onerous, and the disadvantages caused must not be disproportionate to the aims pursued”.

In this instance, there is the ability of the Authority to firstly decide whether or not to implement the scheme. That decision has already been taken and significant progress made towards the introduction of ULEV vehicles. The next stage is the one that is presently under consideration, namely when that scheme should be applied.

It would seem that the disadvantages – namely the cost to the trade and the difficulty of obtaining and securing maintenance for the vehicles – are disproportionate to the small advantage of reducing the existing 73 vehicles out of the many thousands that use Oxford's roads every day. By extending the implementation to 2027, there could however be agreement from the trade that the approach is the correct one to take.

The report to the GPLC included the results of a public consultation, which overwhelmingly supported a deferral of the scheme for three years. The weight of opinion here should not be overlooked, otherwise the process of public consultation is entirely devalued and there is a risk of the accusation that public consultations are pointless and undermines the proposition of a democratic process. The response rate of over 82% in favour of a deferral for three years is weighty indeed.

It is noted that the resolution of the GPLC included a number of outcomes that relied upon others, particularly the cabinet members for Inclusive Economy and Partnerships and for Citizen Focused Services and Council Companies. Some of those requests may well have financial implications upon the local authority and would require additional work to be undertaken. It is suggested that those requests may take some time to implement and because of budget and work-setting cycles could result in additional time being required. The provision of servicing and testing of low emission vehicles is a particular example that was cited and discussions to date have not managed to resolve the issue. This is fundamental to the scheme being implemented.

From the resolutions of the GPLC, it seems clear that additional work is therefore required before the requirement to meet the ultra-low emissions standard is implemented. An earlier implementation may well be set up the trade to fail in the aspiration of meeting the standard. The result could be a lack of availability of suitable licensed vehicles and this not just prejudices the operators of those vehicles but also the residents of and visitors to Oxford.

Finally, the Council will be acutely aware of some of the issues that have affected the viability of the trade over recent years. The COVID pandemic is of course one but there have been others, including the situation with road closures in Oxford, such as Botley Road, which has a major impact on the trade. The rise in interest rates and what has been described as the current financial crisis have also taken their toll on the trade and the availability of funding to purchase new vehicles that are compliant with the ULEV standard.

For all these reasons, it is suggested that the Council should resolve the following ;

1. That the introduction of the new ULEV standards should be implemented in January 2027 at the earliest.

2. That the Council should embark on a significant and sustained publicity campaign throughout the period leading up to the implementation date and should take every opportunity to engage the trade in such promotion.
3. That the Council should work with the licensed trade and service providers to ensure that there are sufficient service facilities and charging points that are available to the licensed trade within Oxford before the standards are implemented
4. That the Council should establish a regular forum with the licensed vehicle trade to promote joint working and collaboration on matters of joint interest.

Such an approach would still meet the objectives of reducing vehicle emissions and would demonstrate the Council's approach of working proactively with the trade to introduce best practice.

Yours faithfully,



Licensing Lawyers

This page is intentionally left blank