



Notice of a meeting of Licensing Sub-Committee - Miscellaneous

**Wednesday, 6 April 2022
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	David Willingham (Chair), Angie Boyes (Vice-Chair), Alisha Lewis, Diggory Seacome and Jo Stafford
Officers:	Vikki Fennell and Jason Kirkwood

The Council has a substitution process and any substitutions will be announced at the meeting.

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Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE PREVIOUS MEETING Minutes of the meeting held on 18 January 2022.	(Pages 3 - 8)
4.	APPLICATION FOR A HACKNEY CARRIAGE VEHICLE PROPRIETOR'S LICENCE Report of the Senior Licensing Officer	(Pages 9 - 14)
5.	DRAFT LICENSED VEHICLE EMISSION AND WHEELCHAIR ACCESSIBILITY POLICY Report of the Licensing Team Leader	(Pages 15 - 26)
6.	ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND WHICH REQUIRES A DECISION	

7.		LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION The committee is recommended to approve the following resolution:- That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely: Paragraph 1: Information relating to any individual Paragraph 2: Information which is likely to reveal the identity of an individual	
8.		EXEMPT MINUTES To approve the exempt minutes of the meeting held on 18 th January 2022.	(Pages 27 - 28)
9.		REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE Report of the Licensing Team Leader	(Pages 29 - 40)

Contact Officer: Claire Morris, Democratic Services, 01242 264130
Email: democratic.services@cheltenham.gov.uk

Licensing Sub-Committee - Miscellaneous

Tuesday, 18th January, 2022

5.00 - 8.30 pm

Attendees	
Councillors:	David Willingham (Chair), Angie Boyes (Vice-Chair), Alisha Lewis, Diggory Seacome and Jo Stafford
Also in attendance:	Vikki Fennell and Jason Kirkwood

Minutes

1. **APOLOGIES**

There were no apologies.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **APPLICATION FOR A VARIATION OF A SEXUAL ENTERTAINMENT VENUE LICENCE**

The Senior Licensing Officer introduced the report as published.

There were no further questions from the applicant or the objector.

Pictures of the proposed leaflets and the minibus were distributed to both the committee and the objectors.

The Rev Coombes then addressed the Committee as an objector. He made the following points:

- There was disappointment that the venue was seeking a further variation to the licence as this variation seemed to attract more objections than the original application.
- The variation doesn't comply with the Council's own policy on SEV's and the onus should be on the licensee to show why the Council should deviate from policy.
- It goes against the Government's policy to make the streets safe for women and girls. Violence against women is currently in the headlines with the murder of Sarah Everard and Ashling Murphy, he felt that the Council would be irresponsible if they agreed to grant the variation.
- The Minster Exchange project is going to attract more people to the area and the SEV may discourage people from visiting the area.

In response to Member questions the Rev Coombes confirmed that he didn't recall that there was a lot of litter found last time. The Chair confirmed that the policy regarding leafletting was different last time.

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The Rev Coombes stated that his objection was more to solicitation rather than leafletting.

Cllr Mason then addressed the committee as an objector. He clarified that some of the points that he was making were on behalf of the constituents who had contacted him as well as his own points. They were as follows:

- There is already a large percentage of women who think that the town is unsafe during raceweek
- Councillors will remember that they adopted Safety of Women at night and that the Council have already given their ruling on this. He felt that granting this was contrary to the night safe code.
- Clarification was requested on whether the clientele and the performers would be in the minibus together.
- PN17 Code of Conduct states that operators must not distribute anything that will cause a nuisance and annoyance.
- The grant would be a retro step.
- There has been a lot of work done to improve the town and to gain Blue Flag status (this was accepted by the committee that Cllr Mason meant the Purple Flag schem) . Does this fit in with that?
- We have taxi drivers to take people to the venue – is it necessary to provide a mini bus.

He concluded by saying that so much has been done to improve the night time economy and this will be derogatory to this.

In response to Member questions Cllr Mason responded as follows:

- He confirmed that he had been contacted by approximately 10 people/organisations including GRASAC and a church group.
- He did not consider advertising of comedians who may cause offense to be the same as advertising a SEV.

The Police and Crime Commissioner (PCC) started by offering an olive branch to the Chair in that he offered to discuss the criticism of the way he dealt with the initial application. He then stated that he was only at the meeting to discuss the current matter and made the following points:

- As PCC one of his six priorities is to tackle violence and intimidation against women and girls and do whatever he could to tackle some of the root causes of the crime.
- misogyny was a big problem (lack of respect for women)
- There was a 95% increase in reported incidents of stalking last year
- There had been a rape in Montpellier Gardens during the race meet in December of 2021. It was made clear by the committee that the venue was not an SEV at this point.
- He had attended the Reclaim the Night march last November where the women he talked to at that march strongly objected the sexual objectification of women whether in private or public.
- There was no justification for the venue to seek a change in their conditions and that they should not be allowed to openly tout for business and provide transport that would have both the dancers and the customers on.

- the minibus would be “a breeding ground for licentious behaviour and misogynist comments” and that this could lead to inappropriate behaviour later on in the town.
- there was a weakness in both the Councils and the Constabulary’s assessment process which is why there are few objections from the police.
- it is difficult to tell how old people are and that there will be a large amount of litter from the Racecourse to the town generated by the gaudy leaflets.
- He asked if Cheltenham wanted to be remembered for a minibus advertising a SEV and littering.
- the Management of the Race Course did not want to be associated with this venue.
- He raised concern that the minibus service would be taking business away from licensed taxi drivers.
- if one vehicle is allowed would that open the floodgates for more venues to request vehicles.

During the Members questions to the PCC’s he was asked to modify his terminology when referring to the performers and to the mini bus.

The PCC had the following responses to Member questions:

- bringing up the rape that occurred in Montpellier was appropriate to the application as it was linked to race week.
- he had no idea what could or might take place on the minibus.
- He conceded that there was an argument to using the minibus to transport the performers to and from the venue.
- he was not aware of how the venue worked as he has not visited one.
- the post of Chief Officer of Police in the Constabulary does not exist (in Gloucestershire this would be the Chief Constable or whomsoever they have delegated this function to) – the Senior Licensing Officer then explained that the definition was very clear and means that it is the authority delegated to officer of the police.
- he recognised that he needed to familiarise himself with procedure within the Constabulary.

The Chair at this point explained that this was a regulatory committee and that taking the matter based on hearsay is unlawful. He reminded everyone that they are bound by legislation and that not doing so could result in a judicial review.

There was also exception taken to the fact that the PCC inferred that the Committee was not qualified to make a decision on this matter as they were not officers.

There was confirmation given to the PCC that the performers and clients would not be in the vehicle together at any one time.

The majority of people who had spoken to the PCC were against the issue and there were around 50 complaints submitted to him.

There had been some confusion by objectors about the minibus. The Chair explained that the licensing provisions apply to vehicles and vessels as well as

premises, and that this was not an application to use the mini bus for any licensable activity, only to transport potential customers to the venue, or to take performers from the venue

The Applicant's solicitor was then given the opportunity to address the committee. He made the following points:

- He wished to thank the committee and officers for the work and professionalism that they have always demonstrated in his dealings with them. He believed that both were a credit to the town.
- There will be no reference to lap dancing in the leaflets and they will be A7 size (7.4cmx10.5cm)
- His client is there to ensure that a good relationship continues with both the authority and the police.
- The Chief Police Officer had not raised any objections, if they had they would be present to make them heard.
- Most of the objections have been on moral grounds.
- The application is for 6 days out of 365.
- Public safety is of utmost importance to all concerned and the applicant has been praised for taking safety of women very seriously.
- If the application is granted all the staff will be trained and they will be wearing badges to promote safety.
- The applicant did look at producing a leaflet for his clients to provide safety information however there is not a safety scheme prepared to come forward to support this idea.
- At no stage will the customers and the performers be in the mini bus at the same time.

The response to Member questions were as follows:

- The people handing out the leaflets will be fully dressed and in uniform.
- The mini bus driver will be accompanied at all times
- Challenge 25 allows for a margin of error when giving out leaflets but the aim is to target the overs 25's.
- There has never been a under age drinking problem in the venue.
- Leaflets will be reused or recycled
- There will be no music played in the mini bus – it is not a party bus.

Before the matter went to debate the Members asked the Senior Licensing officer to clarify 2 points, responses were as follows:

- if the venue wanted to put banners on the highway then it would need a separate licence.
- as far as he knew there had not been any complaints regarding the mini bus previously.

The matter then went to debate where the Members made the following points:

- clarification sought that the badges will be worn by the people that are distributing leaflets.
- Littering was raised as a concern, however Members were reassured that the applicant was committed to clearing up any that had been discarded.

- Pleased to see that there was a condition and happy to hear all objections.
- Businesses have the right to advertise and if it is refused the applicant is being penalised.
- Would like to see a condition that there were no advertising banners and no distribution within the Minster.
- Pleased with the applicants commitment to make the venue as safe as possible.
- The mini bus seems like a good idea and there will be nothing salacious going on, it is like an additional taxi effectively
- Could the applicant consider giving leaflets only when asked.
- The point was raised that if potential customers are not given a leaflet how will they know that there is a mini bus available.
- There was concern raised regarding the terminology used by the PCC and it being incorrectly reported in the local press.
- The leaflet is not deemed as offensive or particularly distasteful and has the applicant's address on it.
- Freedom of expression is also freedom to offend.

The Senior Licensing Officer provided the details of the printed matter legislation to the committee

Conditions

Further to the debate, the following conditions were proposed:

1. To only give out leaflets to those that want one
2. Leaflets should not be given to anyone who looks under the age of 25 and definitely not to anyone under the age of 18 – Challenge 25 approach to be taken in the same way a bar would operate for underage sales
3. Nothing should be audible outside the vehicle – this is a standard noise condition but the condition below would take primacy as it is clearer.
4. No music to be played from the minibus or in the vehicle
5. No distribution of leaflets in the Minster grounds, churchyards or outside schools nor libraries before 6pm
6. A provision to clear up the litter generated by the leaflets within 50 metres of each place where leaflets are distributed from – this is a condition on consents for distribution of free printed matter

It was agreed that it would not be practical to enforce point 1 as in general people do not request leaflets and that the standard condition with regards to leafletting would apply.

Having considered all the relevant matters, the committee decided to go to the vote as follows, to grant with such variations as they think fit

The vote was taken as follows:

For: 4

Against: 1

Carried with the above variations

4. LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION

RESOLVED THAT

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:
Paragraph 1; Information relating to any individual
Paragraph 2; Information which is likely to reveal the identity of an individual

5. APPLICATION FOR A HACKNEY CAB DRIVERS LICENCE

The Senior Licensing Officer introduced the report and there were no changes to when the matter came to committee earlier in the month. The applicant had also provided a written statement that had been circulated to the committee prior to the meeting.

After further Member questions and Member debate the matter went to the vote:

The matter went to the vote on 1.4

For: Unanimously found the driver to be fit and proper to hold a hackney carriage drivers licence.

6. EXEMPT MINUTES OF PREVIOUS MEETINGS

RESOLVED THAT

The minutes of the exempt minutes held on 5 January were approved and signed as a correct record.

David Willingham
Chairman

Licensing Sub-Committee – 6 April 2022

Application for a Hackney Carriage Vehicle Proprietor's Licence

Report of the Senior Licensing Officer

1. Executive Summary and Recommendation

- 1.1 The matter before Members is a little complicated as it reflects a situation not envisaged or discussed in the legislation. The Local Government (Miscellaneous Provisions) Act 1976 refers to the grant of a vehicle licence and stays silent on other application types.
- 1.2 In practical terms there are usually 3 types of vehicle licence application: a new application, a renewal and a replacement.
- 1.3 Where the council brings in a newly adopted policy that places new/ amended requirements on a vehicle proprietor - new applications must meet the policy quite quickly but there will be a transitional period to allow for existing licence holders to meet any new requirements by renewing their existing vehicle or replace it 'on a like for like basis' until the end of transitional period.
- 1.4 A new application must meet all requirements of the council for such an application when it is made to the council.
- 1.5 A renewal or replacement application will usually benefit from 'continuity rights' in respect of an existing licence during the transitional period and this will be detailed in the policy itself.
- 1.6 Members are asked to consider whether they would grant a potential vehicle renewal, where the proprietor 'swapped' their vehicle on its last renewal in order that it was licensed as a private hire vehicle to meet the then planned WAV policy implementation.
- 1.7 The details of this case are included at ANNEX 1. The applicant intends to cancel the Private Hire vehicle licence currently on this vehicle and renew the 'original' hackney carriage vehicle licence.
- 1.8 The applicant believes that with the then planned implementation of the WAV policy he was effectively unable to renew/ replace the vehicle when it expired and explains that in ANNEX 2.
- 1.4 The sub-committee is asked to consider the matter and determine whether to:-
 - a) It gives delegated authority to officers to grant an application for a late renewal (as if it was a made on renewal) or
 - b) Decide not to recognise any continuity rights and refuse to provide such delegated authority for an application where the vehicle does not comply with current policy, such as it not being a WAV.

1.5 Implications

1.5.1 Legal

There is a right of appeal against a refusal to grant a licence which, in the first instance, is to the Magistrates' Court.

Contact officer: One Legal

E-mail: legalservices@tewkesbury.gov.uk

Tel no: 01684 272015

2. Background

- 2.1 Permission is sought to make an application for a Hackney Carriage Vehicle Proprietor's licence (a HCV licence) for a vehicle that was not renewed as a HCV in September 2021 when it expired. The applicant swapped the vehicle to a private hire vehicle (PHV) at that time.
- 2.2 Where an individual holds a HCV licence it is usually incumbent on them to renew that licence before their existing licence expires, to benefit from any 'continuity rights' that they may have given to them in having that existing licence. They may 'renew' the existing vehicle or replace it with a new vehicle under the transitional arrangements.
- 2.3 The council had previously adopted a policy that non Wheelchair Accessible Vehicles (WAVs) would no longer be licensed as hackney carriages from 1st January 2022. This meant that non – WAVs could have been replaced with non – WAVs or simply renewed, but the new licence would not expire beyond 31st December 2021. After that date all hackney vehicles were required to be WAVs.
- 2.4 On 21 September 2021 the council decided not to complete that process. The council decided that saloon type (non WAV) Vehicles could continue to be licensed, pending the approval of a new and yet to be decided policy.

https://www.cheltenham.gov.uk/news/article/2588/cheltenham_pursues_climate_ambition_and_improved_accessibility_for_taxis
- 2.5 Prior to that decision being made in September, it would be fair to say that following submissions by members of the licensed trade during the course of 2021 that there was some hope for license holders that the council would change its policy and not continue with the WAV requirement or would delay the final implementation date. The trade had been badly affected by the ongoing pandemic and representations had been to that effect.
- 2.6 It would have been reasonable to surmise that the policy *may* have been changed/ delayed by the council during the course of 2021. Although there was no confirmation from the council or licensing officers that that would happen. Council representatives were meeting representatives of the trade from the early summer to discuss the WAV implementation. **In this instance there is no evidence that the applicant was specifically made aware of a possible change in council policy by council offices when he renewed in September 2021.**
- 2.7 The Licensing Team has recently been approached by a number of vehicle proprietors since the council changed direction and did not decide to implement the requirement for all hackney vehicles to be WAV from 1st January 2022. They have made representations that the uncertainty surrounding the implementation of the WAV policy and the detrimental impact of the pandemic placed them in an invidious situation in respect of their licence renewals when they were due in 2021 or 2020.
- 2.8 They argue that uncertainty led them to choose not to renew and in some cases they disposed of that (previously) licensed vehicle. They argue they could not invest in a WAV at that point and so felt they had no option but to let their licence lapse or swap to private hire as in this instance.

- 2.9 In this instance, the applicant felt his best option was to swap the vehicle to a private hire vehicle and obtain a private hire operator's licence. His vehicle licence would have only been renewed as a hackney for 3 months at that point, he would have been given a partial refund in 2022, but he would then have had to make a new vehicle application in 2022 at additional cost.
- 2.10 After the recent council decision, he now asks for a new licence to be granted on the same basis that it would have been if he had renewed that licence when it originally expired.
- 2.11 For such a decision to be justifiable, if Members are minded to approve such a potential application it would mean that the licence holder would then be in the same position as if they made such an application when their previous licence expired.
- 2.12 Members are asked whether the failure to highlight a possible change of course by the council on implementing the WAV policy justifies effectively allowing a late renewal.
- 2.13 Existing HCV licence holders usually *renew* the licence before it expires and this guarantees continuity of licence in such situations. In this instance, the applicant had swapped his vehicle to Private Hire use before his previous licence expired.
- 2.14 The legislation is silent on the idea of swapping a vehicle from hackney carriage to private hire and back again.

3. Policy Considerations

- 3.1 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the licensee/applicant and the risks to the safety and comfort of the public.
- 3.2 Each case will be decided on its own merits. The authority will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.
- 3.3 The overriding consideration is the safety of the public. Any vehicle application must meet the usual requirements of an application, in any event, such as meeting the council's age policy, provision of a valid MOT and council fitness test. It is felt there is no risk to public safety in connection with this matter.
- 3.4 The council has adopted a local policy to reflect the manner in which it will carry out its licensing responsibilities under the hackney carriage and private hire legislation. The sub - committee must have regard to this policy in making its decision, but it may depart from it where it is considered appropriate to do so. If the sub – committee do depart from it they should provide cogent reasons for doing so.
- 3.6 The original council policy permitted replacement and/ or renewal of non – WAVs provided they did not expire after 31st December 2021, during the transitional period prior to that previously planned date for the provision of a fully WAV licensed hackney fleet.
- 3.7 The council has not yet produced a new vehicle policy and will consult fully on it prior to adoption. However, where reasonable reasons are given to the council a non – WAV is currently permitted to be replaced like for like provided it is Euro 6 or better in terms of emissions and a renewal of such a vehicle is currently permitted, until a new policy is implemented.

4. Licensing Comments

- 4.1 **The licensing sub-committee has recently allowed renewal/ replacement of a small number of hackney carriage vehicle licences, where Members felt a reasonable case had been made to them, in relation to uncertainty about the implementation of the WAV policy.**

Report Author

Contact officer: Jason Kirkwood

E-mail: licensing@cheltenham.gov.uk

Tel no: 01242 264159

Case Specifics

Name of applicant: MR ANDREW BOYD

Previously HCV licence number: HCV189

Date previous licence last expired: 13.09.21

The applicant is seeking an in principal decision to renew his original hackney carriage vehicle licence and he will then surrender his private hire vehicle licence (that he swapped to on the expiry of the hackney carriage licence).

Copies of communication between the applicant and the Licensing Team around the time of the expiry of the 'original' hackney carriage licence.

Following a conversation this morning I'm emailing to question the requirement to change my licence due to the implementation of the WAV requirement.

As my licence was due for renewal in September 2021 I was told I could either renew for three months as hackney189 and then change in December or re licence as private, as I was led to believe that the WAV would be implemented in December I saw no point in processing two application and so licensed as private hire.

As a hackney I was a sole trader, as private hire I had to either work for an operator or register as an operator which incurred additional costs. The WAV ruling hasn't been implemented and as such I should still be able to use my vehicle (as plenty of other drivers are) as a Hackney carriage. Is there anything that can be done about this?

Sent via BT Email App

From: Licensing@cheltenham.gov.uk
Subject: Options for HCV / PHV
Date: Aug 12, 2021 at 12:15 PM
To: andrew boyd
Cc: No data
BCc: No data

Good morning,

During our conversation today 12/08/2021 you confirmed that you want to licence your current HCV189, reg MX63 URR as a Private Hire Vehicle (PHV). You do not want to licence a Wheelchair Accessible Vehicle.

You can either:

- 1) Apply to licence this vehicle as a PHV from your expiry date 13/09/2021. We would licence your vehicle as a PHV for 1 year from 13/09/2021. If you wish to do this, you will need to complete a new PHV application online: https://www.cheltenham.gov.uk/info/39/licences_-_taxi_and_private_hire/157/private_hire_and_taxi_vehicle_licences
- 2) Renew your HCV as normal, using the online renewal link you should have received by email. You will be charged the full £232 renewal fee, and your licence will be limited to 31 December 2021. In December, we will review all of the expiring HCV licences, and look to reimburse an appropriate amount. If you want to then change to private hire, you will need to make a new PHV application (and pay new application fees). We expect to contact all December – expiring HCVs and provide guidance on this nearer the time.

We look forward to hearing from you.

Kind regards,

Miscellaneous Licensing Sub-Committee – 6 April 2022

Draft licensed vehicle emission and wheelchair accessibility policy

Report of the Licensing Team Leader

1. Executive Summary and Recommendation

- 1.1 The authority is consulting on a revised licensed vehicle emission and wheelchair accessibility policy.
- 1.2 The Licensing Committee, acting as lead consultee to the Cabinet Member for Customer and Regulatory Services, is invited to consider the draft policy and provide feedback and comments as it considers necessary.
- 1.3 A copy of the draft licensed vehicle emission and wheelchair accessibility policy is attached at Appendix 1 of this report.
- 1.4 **The Miscellaneous Licensing Sub-Committee is recommended to:**
 - 1.4.1 **Note the draft licensed vehicle emission and wheelchair accessibility policy; and**
 - 1.4.2 **Provide comment and feedback to the Cabinet Member for Customer and Regulatory Services on the draft policy.**

1.5 Implications

- 1.5.1 Legal The Licensing Committee, and sub-committees, act as lead consultee to the Cabinet Member for Cabinet Member Customer & Regulatory Services. It should consider the policy and provide a response for consideration by Cabinet when making a decision on the policy implementation.

Contact officer: One Legal

E-mail: legalservices@tewkesbury.gov.uk

2 Background

- 2.1 Cheltenham Borough Council ("the authority") has declared a 'climate emergency' and committed to become a net zero carbon council and borough by 2030.
- 2.2 In September 2021, the Cabinet Member for Customer and Regulatory Services announced the authority's ambition to transition its licensed hackney carriage fleet to a fully electric wheelchair accessible fleet. In addition, the authority's draft air quality action plan sets out a number of actions, specifically relating to licensed vehicles, that seeks to implement a range of measures to improve emissions from licensed vehicles.
- 2.3 This policy implements the ambition of the authority to operate a fully net zero carbon fleet by 2030. The stated approach by the authority is to implement these requirements in stages focussing on phasing out the most polluting vehicles as a first step.
- 2.4 This policy preserves the authority's commitment to maintain a high level of accessibility. To this end, unless exceptional circumstances apply as outlined in this policy, the requirement for new and replacement vehicles to be fully wheelchair accessible remains unchanged.

Report Author**Contact officer:** Mr Louis Krog**E-mail:** licensing@cheltenham.gov.uk**Tel no:** 01242 262626



Licensed Vehicle Emission and Wheelchair Accessibility Policy

Version Control	
1	Draft for consultation

Introduction

Cheltenham Borough Council (“authority”) has declared a 'Climate Emergency' and committed to become a net zero carbon council and borough by 2030. In September 2021, the Cabinet Member Customer & Regulatory Services announced the authority’s ambition to transition its licensed Hackney Carriage fleet to a fully carbon neutral fleet.

In addition, the authority’s draft Air Quality Action Plan sets out a number of actions, specifically relating to licensed vehicles, that seeks to implement a range of measures to improve emissions from licensed vehicles.

This policy implements these plans and strategies.

Scope & Implementation

This policy applies to Hackney Carriage and Private Hire vehicles licensed by the authority.

The substantive policy document sets out how and when the various measures will be implemented.

Any further questions can be directed to licensing@cheltenham.gov.uk.

DRAFT FOR CONSULTATION

Policy Overview

This policy implements the ambition of the authority to operate a fully net zero carbon fleet by 2030. The stated approach by the authority is to implement these requirements in stages focussing on phasing out the most polluting vehicles as a first step.

This policy preserves the authority's commitment to maintain a high level of accessibility. To this end, unless exceptional circumstances apply as outlined in this policy, the requirement for new and replacement vehicles to be fully wheelchair accessible remains unchanged.

This overview provides a quick reference and easy read guide for licence holders. The detail of this policy can be found set out further down this document.

Staged Implementation

Hackney Carriage Vehicles

The authority will implement its fully net zero carbon fleet in accordance with the table below:

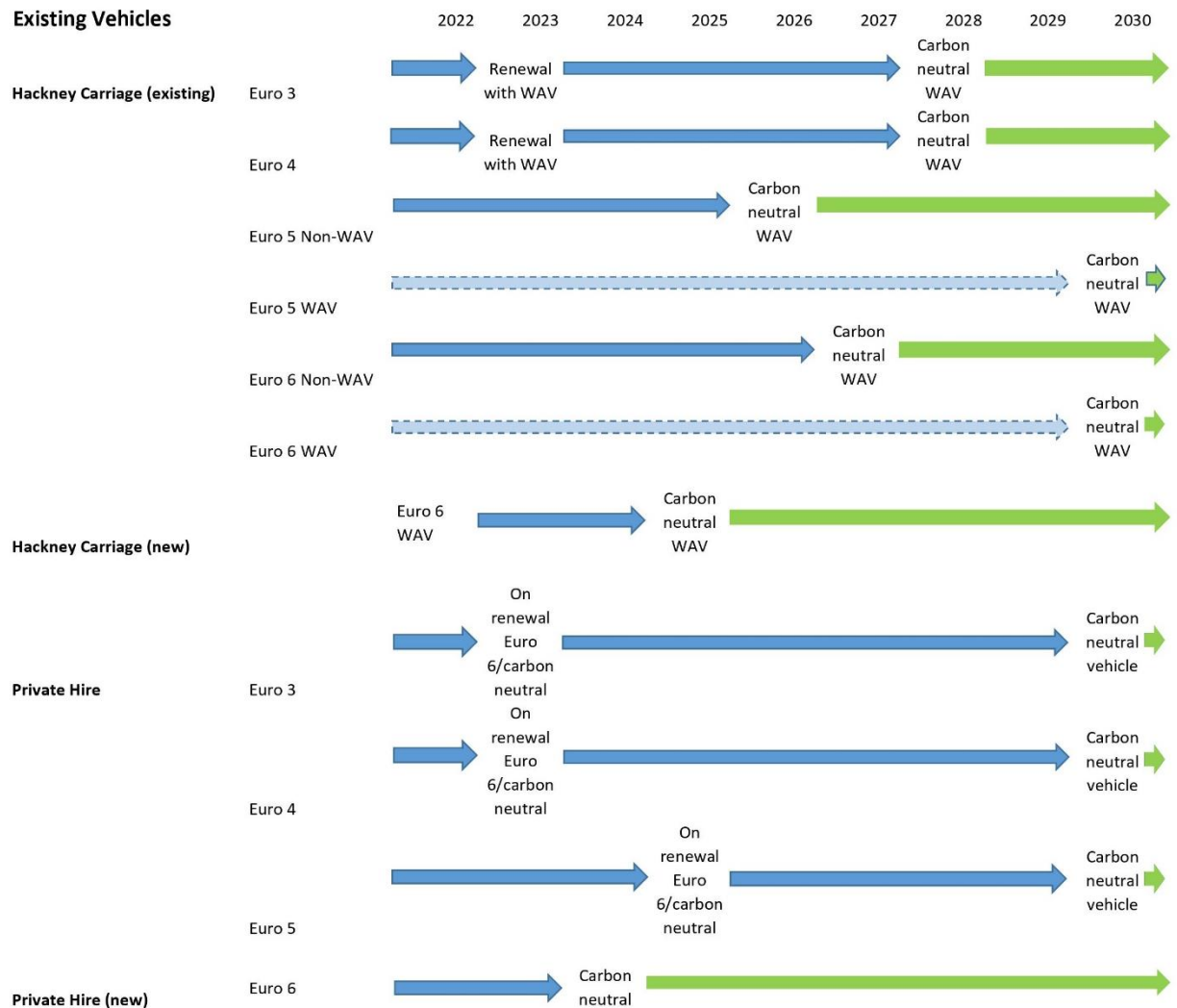
Euro Emission Standards	Replacement Date	Replacement Requirement
Licensed vehicles manufactured to Euro 3 or 4 Standards	Must be replaced on 2023 renewal date	Must be replaced with: <ul style="list-style-type: none"> - silver WAV manufactured to Euro 6; - carbon neutral WAV; or - Euro 6 plug-in hybrid WAV.
		Euro 6 WAV/ plug-in hybrid replacement (above) to be replaced with carbon neutral WAV on renewal 2028.
Non-wheelchair accessible vehicles manufactured to Euro 5 or 6 standards	Must be replaced on 2026 renewal date in accordance with the requirements set out in paragraph 1.5	By the dates specified, licensed vehicles manufactured to Euro 5 emission standards must be replaced with fully carbon neutral wheelchair accessible vehicles
Non-wheelchair accessible vehicles manufactured to Euro 6 standards	Must be replaced on 2027 renewal date in accordance with the requirements set out in paragraph 1.5	By the dates specified, licensed vehicles manufactured to Euro 6 emission standards must be replaced with fully carbon neutral wheelchair accessible vehicles
Wheelchair accessible vehicles manufactured to Euro 5 or 6 standards	Will continue to be licensed in accordance with circumstances prior to mandatory WAV policy cancellation.	<ul style="list-style-type: none"> - WAVs adapted 10 years from the date first licensed but with a maximum permitted licensing period of 2030; or - Purpose built WAVs 14 years from the date first licensed but with a maximum permitted licensing period of 2030. <p>Wheelchair accessible vehicles can only be replaced with another wheelchair accessible vehicle.</p>

Private Hire Vehicles

Euro Emission Standards	Licence date	Replacement Requirement
Licensed vehicles manufactured to Euro 3 and 4 standards	Must be replaced on 2023 renewal date	<ul style="list-style-type: none"> - A petrol vehicle manufactured to at least Euro 6 Emission Standards; - A Euro 6 plug-in hybrid; or - A fully carbon neutral vehicle
		Euro 6 WAV/ plug-in hybrid replacement (above) to be replaced with fully carbon neutral WAV on renewal 2028.
Licensed vehicles manufactured to Euro 5 Standards	Must be replaced on 2025 renewal date	<ul style="list-style-type: none"> - A petrol vehicle manufactured to at least Euro 6 Emission Standards; - A Euro 6 plug-in hybrid; or - A fully carbon neutral vehicle

Overview Chart

Existing Vehicles



Hackney Carriage Vehicles

Existing Licensed Vehicles

- 1.1 The general approach adopted by the authority to facilitate the transition from fossil fuel vehicles to a fully carbon neutral and accessible fleet, is to gradually implement higher emission standards.
- 1.2 In line with this general approach, the oldest and most polluting fossil fuel vehicles will be phased out as an immediate first step:

Euro Emission Standards	Licence date
Licensed vehicles manufactured to Euro 3 Standards	Must be replaced on 2023 renewal date
Licensed vehicles manufactured to Euro 4 Standards	Must be replaced on 2023 renewal date

Table 1

- 1.3 Subject to 1.6 and 1.7, licensed vehicles manufactured to Euro 3 and Euro 4 standards must be replaced with either:
- 1.3.1 Silver WAV manufactured to Euro 6;
- 1.3.2 Fully carbon neutral WAV;
- 1.3.3 Euro 6 plug-in hybrid WAV.
- 1.4 Euro 6 WAV/ plug-in hybrid replacement (above) to be replaced with fully carbon neutral WAV on renewal 2028.
- 1.5 Other vehicles will continue to be licensed in accordance with the table below:

Euro Emission Standards	Licence date
Non-wheelchair accessible vehicles manufactured to Euro 5 Standards	Must be replaced on 2026 renewal date in accordance with the requirements set out in paragraph 1.6
Wheelchair accessible vehicles manufactured to Euro 5 Standards	Will continue to be licensed in accordance with paragraph 1.7.

Vehicles manufactured to Euro 6 Standards	Must be replaced on 2027 renewal date in accordance with the requirements set out in paragraph 1.6
Wheelchair accessible vehicles manufactured to Euro 6 Standards	Will continue to be licensed in accordance with paragraph 1.7.

Table 2

- 1.6 Licensed vehicles manufactured to Euro 5 or Euro 6 emission standards must be replaced with fully carbon neutral wheelchair accessible vehicle.
- 1.7 Recognising that some vehicle proprietors have already converted to WAVs under the previous policy, the authority will honour the maximum vehicle age limits under which they were licensed but subject to a maximum period to 2030 to coincide with the authority's carbon neutral commitment:
 - 1.7.1 **WAVs adapted** 10 years from the date first licensed but with a maximum permitted licensing period of 2030; or
 - 1.7.2 **Purpose built WAVs** 14 years from the date first licensed but with a maximum permitted licensing period of 2030.

Replacement Vehicles

- 1.8 Wheelchair accessible vehicles can only be replaced with another wheelchair accessible vehicle.
- 1.9 Unless exceptional circumstances apply, non-wheelchair accessible vehicles must be replaced with:
 - 1.9.1 silver WAV manufactured to Euro 6;
 - 1.9.2 fully carbon neutral WAV; or
 - 1.9.3 Euro 6 plug-in hybrid WAV.

Exceptional Circumstances

- 1.10 The authority will, on a case-to-case basis, allow existing vehicle licence holders to, in exceptional circumstances, replace their vehicle on a "like for like" basis. Exceptional circumstances would relate to an *acute* situation where an existing licensed vehicle either:
 - 1.10.1 sustains *significant* damage that renders the vehicle unroadworthy; and/or
 - 1.10.2 suffers *acute* and substantial mechanical failure

but where the licensed vehicles would otherwise have been considered fit for licensing had the damage or mechanical failure not occurred.
- 1.11 Note that exceptional circumstances will not apply in cases where a licensed vehicle comes to a *natural* end of its fitness due to, for example, natural wear and tear, age of the vehicle or inability to pass statutory or other fitness assessments.

Maximum Age Limits

Carbon neutral Wheelchair Accessible Vehicles

- 1.12 The authority does not impose a maximum age limit for licensed carbon neutral wheelchair accessible vehicles provided the licensed vehicle continues to comply with the authority's fitness standards for licensed vehicles.

New Vehicles

- 1.13 The policy requirement that all new Hackney Carriage vehicles must be fully wheelchair accessible is preserved in this policy.
- 1.14 The authority will impose an additional requirement that from 1 January 2025, any new Hackney Carriage vehicles to be licensed must be fully carbon neutral wheelchair accessible vehicles.

Private Hire Vehicles

Existing Licensed Vehicles

- 2.1 The authority does not currently have plans to implement a mandatory carbon neutral vehicle policy for licensed private hire vehicles.
- 2.2 To mitigate the environmental impact of the licensed private hire fleet however, this policy aim is to improve the environmental impact by ensuring that older and more polluting vehicles are gradually phased out and replaced by less polluting fossil fuel vehicles.
- 2.3 To this end, the authority will impose the following licensing requirements:

Euro Emission Standards	Licence date
Licensed vehicles manufactured to Euro 3 Standards	Must be replaced on 2023 renewal date.
Licensed vehicles manufactured to Euro 4 Standards	Must be replaced on 2023 renewal date
Licensed vehicles manufactured to Euro 5 Standards	Must be replaced on 2025 renewal date

Table 3

- 2.4 Licensed private hire vehicles must be replaced with either:
 - 2.4.1 A petrol vehicle manufactured to at least Euro 6 Emission Standards;
 - 2.4.2 A Euro 6 plug-in hybrid; or
 - 2.4.3 A fully carbon neutral vehicle.

Maximum Age Limits

- 2.5 Subject to table 3 and 2.6, licensed private hire vehicles will be licensed for a maximum period of 8 years provided the licensed vehicle continues to comply with the authority's fitness standards for licensed vehicles.
- 2.6 The authority does not impose a maximum age limit for licensed carbon neutral vehicles provided the licensed vehicle continues to comply with the authority's fitness standards for licensed vehicles.

New vehicles

- 2.7 1 January 2024, all new private hire vehicles must be either:
- 2.7.1 A petrol vehicle manufactured to at least Euro 6 Emission Standards; or
 - 2.7.2 A hybrid vehicle; or
 - 2.7.3 A fully carbon neutral vehicle.

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