

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

PUBLIC PROTECTION COMMITTEE

Date 22nd October 2019

1. **Report Title:** The Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019
- Submitted by:** Head of Environmental Health Services & Licensing Administration Team Manager
- Portfolio:** Finance & Efficiency
- Ward(s) affected:** All

Purpose of the Report

To inform Members of a new statutory requirement being placed on all Local Authorities to submit information to Department for Environment, Food and Rural Affairs (DEFRA) for the purposes of maintaining a database in relation to all Hackney Carriage and Private Hire Vehicles licensed by them.

Recommendation

To note the new statutory provisions of the Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, and associated Statutory Guidance.

That delegated authority is granted to the Head of Environmental Health Services to sign the memorandum of understanding.

1. **Background**

1.1 The Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019 ("the Regulations") came into force on 1st May 2019. The purpose of the Regulations is to place a statutory duty on all Licensing Authorities in England and Wales to submit specific data to DEFRA on a regular basis for the purpose of creating and maintaining a national database of all licensed vehicles. A copy of the Regulations is attached as Appendix A. The data to be provided and contained in the database is:

- The vehicle registration;
- The issue date of the licence;
- The expiry date of the licence;
- Whether the vehicle is a taxi (Hackney Carriage) or a Private Hire Vehicle (PHV);
- The name of the issuing Authority;
- The licence number;
- Whether the vehicle is Wheelchair Accessible.

1.2 On 18th July 2019 DEFRA published statutory guidance (the guidance) to assist licensing authorities in implementing the Regulations. It provides the details of the data that the Council will be required to submit to DEFRA and advice on how the data will be managed in compliance with Data Protection legislation. The background for DEFRA creating the database is contained with the guidance. A copy of the guidance is attached as Appendix B.

1.3 The guidance suggests that the database should be ready for local authorities to start submitting data before the end of October 2019, however DEFRA's preferred method of data

transfer, via a fully integrated API, is unlikely to be ready before the end of 2019. DEFRA have produced a draft technical specifications document for data transfer, which have been forwarded to the Council's ICT department for comment.

2. **Issues**

- 2.1 The Council has been identified by DEFRA as one of 61 local authority areas showing exceedances in roadside concentrations of nitrogen dioxide. Each local authority is required to bring these concentrations down to be within legal limits in the shortest possible time.
- 2.2 Clean Air Zones (CAZs) are one measure that local authorities may implement to assist with reducing the concentrations of nitrogen dioxide and they may place a charge on vehicles entering or passing through a specified area. Such local authorities that are proposing to introduce CAZ include Leeds and Birmingham. DEFRA have set out the framework for implementing and operating CAZs. There are four possible categories of CAZ that can be introduced and if charges are implemented then all four categories include taxi and private hire vehicles. The purpose of the database is to assist local authorities, which have introduced a CAZ, in differentiating between licensed taxi/PHVs and personal private vehicles.
- 2.3 DEFRA have produced a Memorandum of Understanding (MoU) document for each local authority to sign up to. The purpose of the MoU is to:

“clarify how the Parties will meet their respective obligations under Data Protection legislation in relation to the processing of Personal Data as necessary to meet the requirements of the Regulations”

The MoU has been forwarded to the Council Data Protection Officer for comment before signing. A copy of the MoU is attached as Appendix C.

3. **Options Considered**

- 3.1 That Members note the new statutory provisions of the Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, and associated Statutory Guidance.

4. **Proposal**

- 4.1 That Members note the new statutory provisions of the Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, and associated Statutory Guidance.
- 4.2 That delegated authority is granted to the Head of Environmental Health Services to sign the memorandum of understanding.

5. **Reasons for Preferred Solution**

- 5.1 The Regulations place a statutory duty upon the Council to submit the specified data to DEFRA on a regular basis for the purpose of creating and maintaining a national database of all licensed vehicles.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 *The Council's corporate priorities are:*

- Local services that work for local people
- Growing our people and places
- A healthy, active and safe borough
- A town centre for all

7. **Legal and Statutory Implications**

7.1 The Council will be statutorily obliged to ensure that the required information is send to DEFRA on a regular basis.

8. **Equality Impact Assessment**

8.1 Not applicable

9. **Financial and Resource Implications**

9.1 The transfer of information should be able to be carried out automatically once set up. The maintenance of the database will be carried out by DEFRA

10. **Major Risks**

10.1 Not applicable

11. **Sustainability and Climate Change Implications**

11.1 Not applicable

12. **Key Decision Information**

12.1 Not applicable

13. **Earlier Cabinet/Committee Resolutions**

13.1 Not applicable

14. **List of Appendices**

14.1 Appendix A – Copy of the Regulations;
 Appendix B - Statutory Guidance
 Appendix C – Memorandum of Understanding between DEFRA and licensing authority

15. **Background Papers**

15.1 Not applicable