



Department  
for Environment  
Food & Rural Affairs



Department  
for Transport

# Identification of taxis and private hire vehicles entering charging Clean Air Zones

## A consultation

October 2018



Llywodraeth Cymru  
Welsh Government



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# Introduction

1. Clean air is essential for making sure our cities and towns are welcoming and healthy places for people to live and work, now and in the future. In May 2018, the UK Government published a Clean Air Strategy consultation on the actions being proposed to reduce air pollution and its effects in England. The Road to Zero Strategy, published in July 2018, outlines how the government will support the transition to zero emission road transport and reduce emissions from conventional vehicles during the transition.
2. Air pollution has reduced significantly since 2010. But there is still more to do. 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<sup>1</sup>. 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<sup>2</sup>. A final Welsh Government plan will be published by 30 November 2018.
3. 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.
4. 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

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<sup>1</sup> The UK plan for tackling roadside nitrogen dioxide concentrations:

<https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>

<sup>2</sup> Welsh Government interim supplemental plan to the UK plan for tackling roadside nitrogen dioxide concentrations 2017: <https://beta.gov.wales/sites/default/files/consultations/2018-07/180727-air-quality-plan-consultation-summary-of-responses.pdf>

this must be done in a way that does not unfairly penalise ordinary working families who bought diesel vehicles in good faith.

5. The UK Government published the Clean Air Zone Framework for England in May 2017<sup>3</sup>. The Welsh Government consulted on the Clean Air Zone Framework for Wales between 25 April and 19 June 2018<sup>4</sup>. The final Welsh Framework will be published during autumn 2018. Both Frameworks provide the minimum requirements for a Clean Air Zone and the expected approach to be taken by local authorities when implementing and operating a Clean Air Zone.
6. In implementing a Clean Air Zone, local authorities will need to consider 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. As part of the Autumn Budget 2017 the Chancellor announced £220 million for the Clean Air Fund; a funding pot which local authorities with the most challenging pollution problems will be able to bid into to support those impacted by local air quality plans.
7. Central to the introduction of a Clean Air Zone is consistency in the type of vehicles that will be allowed to enter without being charged. The types of vehicles charged should be sufficient to enable the local authority to meet their legal obligations, whilst also seeking to minimise the impact these plans have on individuals and businesses.
8. Clean Air Zones in England have been grouped into four Classes (A –D) covering different vehicle types. The types of vehicles covered by an English zone broaden from class A to class D with those vehicles that make the most significant contribution to NO<sub>2</sub> emissions considered for charging first.
9. To ensure a consistent approach to vehicles which frequently operate within the Clean Air Zone, taxis and private hire vehicles (PHVs) will be treated on an equivalent basis. All classes of charging Clean Air Zone will cover taxis and private hire vehicles. Private cars will only be covered by a class D charging zone.
10. The consultation on the Clean Air Zone Framework for Wales set out the different vehicle categories to which restrictions may apply. This proposal differs slightly from the way that charging Clean Air Zones are being applied in England. In Wales, the proposal consulted on was for local authorities to have complete flexibility across

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<sup>3</sup> Clean Air Zone Framework, Principles for setting up Clean Air Zones in England:  
<https://www.gov.uk/government/publications/air-quality-clean-air-zone-framework-for-england> f

<sup>4</sup> Consultation on the Clean Air Zone Framework for Wales:  
<https://beta.gov.wales/sites/default/files/consultations/2018-04/180424-clean-air-zone-framework-en.pdf>

the vehicle categories. Responses to the consultation are currently under consideration. The Welsh Government position on vehicle categories to which restrictions may apply will be included in the final Welsh Clean Air Zone Framework

11. Several local authorities in England have recently consulted on proposals for charging Clean Air Zones as part of their preferred option to ensure compliance with NO<sub>2</sub> limits in the shortest possible time. Further proposals may come forward as we continue our work with local authorities to bring roads exceeding NO<sub>2</sub> limits into compliance as soon as possible. The UK government continues to expect that the first charging Clean Air Zones will be delivered by the end of 2019, with a view to achieving statutory NO<sub>2</sub> limit values within the shortest possible time.

## Purpose of this consultation

12. In some cases, local authorities will implement Clean Air Zones that apply charges to taxis and 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.
13. 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.
14. This consultation seeks views on:
  - The creation of 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
  - The approach to mandating licensing authorities to share this data through the use of powers under the Environment Act 1995.

## Relevant documents

15. This consultation consists of:

- (i) the consultation document;
- (ii) a Regulatory Triage Assessment of the impact on businesses of the creation of a centralised database.

Before responding to the questions set out in this consultation document we recommend that you read these documents along with the Clean Air Zone Framework for England and the consultation document on the Clean Air Zone Framework for Wales.

## General approach

16. The government (references to the government mean the UK and Welsh Government) proposes creating a centralised database of all vehicles licensed as either a taxi or PHV in England and Wales. This would be populated by local authorities submitting the vehicle registration number (VRN) of all vehicles licensed as either a taxi or PHV (subsequently referred to as 'taxi and PHV data') to a central hosting authority. The local authority will not be required to share any data relating to licensed taxi and PHV drivers or operators and the data will only be used for this purpose described in this consultation.
17. The government's guiding principle is that this database should be designed and hosted in a way that complements existing processes wherever possible in order to minimise the burden on licensing authorities.
18. When a vehicle enters or moves within a charging Clean Air Zone, its VRN will be detected using an Automatic Number Plate Recognition (ANPR) camera. This information will then be checked against the central taxi and PHV database which will interact with the wider charging infrastructure being developed for charging Clean Air Zones.
19. If the owner of a vehicle that does not meet the particular standard for their vehicle type in that charging zone fails to pay the charge within the required timeframe after entering or moving within the zone, the local authority operating the charging Clean Air Zone will then issue a penalty charge to the vehicle's registered keeper (as they currently do for the enforcement of other road traffic legislation). Licensing authorities will not be required to share this information.
20. The government proposes to mandate all licensing authorities in England and Wales to provide the taxi and PHV data to the database. It is vital that all licensing authorities provide this data (as opposed to just those introducing charging Clean Air Zones) in order that local authorities are able to charge all out of area vehicles. Taxis and PHVs licensed in England and Wales are able to operate as PHVs in either country.

21. We propose to use powers under the Environment Act 1995 because the database is for, or connected with, meeting EU obligations relating to air quality. It will require all licensing authorities to submit taxi data to the central database for capturing and storing this information.
22. The government is of the view that the use of powers under the Environment Act 1995 is the best approach for delivering a timely solution ahead of local authorities' implementing charging Clean Air Zones by 2020. The taxi and PHV data will only be used for the purposes of charging Clean Air Zone enforcement as it is necessary for ensuring the relevant air quality obligations can be met.
23. **This consultation will therefore focus solely on the development of a solution to identify taxis and PHVs entering or moving within a charging Clean Air Zones and will not cover other issues relating to the wider taxi and PHV sector.** However, the establishment of the database proposed in this consultation may assist broader work in the future.
24. At a Westminster Hall Debate last year, former UK Government Transport Minister the Rt Hon John Hayes MP, announced the formation of a Task and Finish group to consider any regulatory issues in the taxi and PHV sector and potential remedies. The Group's remit included the current powers of licensing authorities, their application and effectiveness. The Group has considered the merits of a national database for taxi and PHV licensing as a way of improving enforcement of the licensing regime. The Group has now submitted its report and Ministers are considering the recommendations.

**Question 1: 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? If not then why not? Please provide any evidence in support of your answer.**

**Question 2: 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?**

## **Technical approach**

25. The government is working to develop a technical solution to facilitate the creation and sharing of the taxi and PHV data to the database and to minimise the burden placed on licensing authorities. The government has established a working group of



local authority licensing officials (Licensing Working Group) to ensure that any solution meets the needs of licensing authorities. However, we welcome views on the nature of this technical solution in response to this consultation.

26. As the government develops the technical solution we will work with licensing authorities to determine the frequency of updating the taxi and PHV data. This will need to strike a balance between accuracy of detecting vehicles entering or moving within charging Clean Air Zones and the burden placed on licensing authorities. The frequency may vary between licensing authorities to reflect the differences in turnover of licensed vehicles.
27. As a minimum we anticipate that data should be updated on a weekly basis. This is the assumption used in the Regulatory Triage Assessment. However, we understand that this will vary significantly across licensing authorities. We will work with the Licensing Working Group to ensure that a practical solution is reached both for licensing authorities and Clean Air Zone enforcement. However, we welcome views on the frequency with which the taxi and PHV data should be provided in response to this consultation.
28. As stated in paragraph 20 only the VRN of licensed taxis and PHVs is required for the identification of vehicles entering Clean Air Zones. However, the government recognises the need to ensure the data collected is valid. The government could potentially require local authorities to supply further information on the vehicle such as make, model and/or colour to help validate the submitted data. We would welcome views on the submission of further data for the purpose of validating the VRNs submitted.
29. Each local authority implementing a charging Clean Air Zone will have a mechanism for appeals against penalty charges. The government will work with both licensing authorities and local authorities to ensure this includes a mechanism to appeal where the vehicle has been mistakenly identified as a taxi or PHV. The government envisages it will be the vehicle keeper's responsibility to obtain proof that the vehicle has been mistakenly identified from the appropriate licensing authority.
30. Licensing authorities also collect additional information on licensed taxis and PHVs such as whether they have been designated as being wheelchair accessible by the licensing authority. Local authorities implementing charging Clean Air Zones may wish to use this information to exempt or discount certain types of taxi or PHV from a charge.
31. The UK government set out the principles with which any exemptions or discounts should be applied by English local authorities in the Clean Air Zone Framework for England. The principles, upon which exemptions may be granted in Wales are set out in the draft Clean Air Zone Framework for Wales.

32. Exemptions should be kept to the minimum necessary in order to maximise the benefits of a zone. However, local authorities may consider ways in which the cost of any charge to enter areas could be reduced for groups they identify as facing particular challenges, so long as this is achieved in a way which does not slow down the achievement of the outcomes of the zone.
33. We welcome views on proposals for the government to facilitate the implementation of local exemptions for certain taxis and private hire vehicles by collecting additional **vehicle** information held by licensing authorities. Any additional information provided by licensing authorities would need to be compliant with data protection requirements.

**Question 3: 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?**

**Question 4: Do you feel the proposal that LAs 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 (please provide any evidence you may have in support of your answer). Do you have any other comments on the frequency with which local authorities should provide taxi data to the database?**

**Question 5: 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?**

**Question 6: 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?**

## **The impact assessment**

34. The Regulatory Triage Assessment considers the costs and benefits of a national database of vehicles licensed as either a taxi or private hire vehicle in England and Wales. It has made certain assumptions in terms of a number of variables such as the time taken to input data into a centralised database.

35. Any additional burdens on local authorities will be funded in accordance with the new burdens doctrine. The attached draft Regulatory Triage Assessment estimates that the total cost to local authorities in England and Wales will be £0.2m per annum (2016 prices) with no direct cost impact on businesses.

**Question 7: Do you agree with the assumptions made in the Regulatory Triage Assessment? If no, please provide supporting evidence.**

**Question 8: Do you agree with the resulting conclusions of the Regulatory Triage Assessment? If no, please provide supporting evidence.**

**Question 9: Are you aware of any additional data that could inform the Regulatory Triage Assessment? If yes, please give details.**

## How you can have your say

### Who can respond?

36. This is a public consultation which is open to anyone with an interest in providing comments. It is likely to be of particular interest to local authorities, the transport sectors, drivers of taxis and PHVs and other organisations with an interest in air quality.

### How to respond

37. This consultation will run for 4 weeks from 5 October 2018 to 23:59 on 2 November 2018.
38. Please respond to this consultation using the Citizen Space consultation system: <https://consult.defra.gov.uk/airquality/identification-of-taxis-and-phvs-entering-charging/>
39. You are encouraged to provide full answers that explain your opinions fully.
40. The government will aim to publish a summary of responses within 12 weeks of the consultation end date.

## Confidentiality and data protection

41. A summary of responses to this consultation will be published and placed on the government website at: [www.gov.uk/defra](http://www.gov.uk/defra).
42. The summary will include a list of names and organisations that responded but not personal names, addresses or other contact details. Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances.
43. If you want information, including personal data, that you provide to be treated as confidential, please say so clearly in writing when you provide your response to the consultation why you need to keep these details confidential. If we receive a request for disclosure under the FOIA, we will take full account of your explanation, but we cannot provide an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.
44. This consultation is being conducted in line with the Cabinet Office “Consultation Principles” and be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.
45. If you have any comments or complaints about the consultation process, please address them to:

Consultation Coordinator  
Area 1C, 1<sup>st</sup> Floor  
Nobel House  
17 Smith Square,  
London, SW1P 3JR.

Or email: [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk).

# Annex A: Questions for consultation

Question 1: 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? If not then why not? Please provide any evidence in support of your answer.

Question 2: 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?

Question 3: 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?

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Question 5: 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?

Question 6: 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?

Question 7: Do you agree with the assumptions made in the Regulatory Triage Assessment? If no, please provide supporting evidence.

Question 8: Do you agree with the resulting conclusions of the Regulatory Triage Assessment? If no, please provide supporting evidence.

Question 9: Are you aware of any additional data that could inform the Regulatory Triage Assessment? If yes, please give details.

Question 10: 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.