

Report to Environment and Licensing Committee

Subject: Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019 – Memorandum of Understanding 2020 Revision

Date: 12 January 2021

Author: Community Protection Manager

Purpose

To inform Members of changes to the Memorandum of Understanding (MoU) between the Council and the Department for Environment, Food and Rural Affairs (DEFRA), relating to the statutory requirement placed on all local authorities to submit information to DEFRA for the purposes of maintaining a database in relation to all Hackney Carriage and Private Hire Vehicles licensed by the Council.

To delegate authority to the Director of Health and Community Wellbeing to sign the MoUs biannually, as required by DEFRA subject to there being so significant changes to the MoU.

Key Decision

This is not a key decision

Recommendation(s)

THAT:

- 1) Members note the statutory provisions of the Air Quality (taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, and associated statutory guidance.**
- 2) Members note the obligations placed on the Council under the Regulations as outlined in the amended Memorandum of Understanding, signed by the Community Protection and Pollution Control Manager.**
- 3) Members delegate authority to the Director of Health and Community Wellbeing to sign Memorandums of Understanding biannually unless there is a significant change to the MOU.**

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.

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 The Council has been submitting the required information to DEFRA since January 2020.
- 1.3 DEFRA produced an MoU outlining the terms by which the data will be submitted; this was signed December 2019 and reported to the Committee on 14th January 2020.
- 1.4 DEFRA have now revised the MoU attached at Appendix A. This was required to be signed and returned to DEFRA by 30 November 2020.
- 1.5 The wording of the MoU is substantially the same with the following changes:
1. The right reserved for DEFRA to audit has now been removed.
 2. The MoU will be reviewed biannually.
 3. The following clause has been inserted: *‘An extract of the Data may be used by Defra and shared with the Department for Transport to carry out analysis in order to inform the evaluation of local air quality plans to deliver compliance in nitrogen dioxide concentrations in the shortest possible time, and national compliance reporting.’*
 4. The Council will now be required to notify DEFRA of any inaccuracies **as soon reasonably practicable** after the discovery of an error.

2 Proposal

It is proposed that;

- 2.1 Members note the statutory provisions of the Air Quality (taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, and associated statutory guidance.
- 2.2 Members note the obligations placed on the Council under the Regulations as outlined in the amended Memorandum of Understanding, signed by the Community Protection and Pollution Control Manager.
- 2.3 Members delegate authority to the Director of Health and Community Wellbeing to sign Memorandums of Understanding biannually unless there is a significant change to the MOU.

3 Resource Implications

- 3.1 None

4 Appendices

- 4.1 Appendix A – Memorandum of Understanding