

PARLIAMENTARY DEBATES

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Fifth Delegated Legislation Committee

DRAFT AIR QUALITY (TAXIS AND PRIVATE HIRE
VEHICLES DATABASE) (ENGLAND AND WALES)
REGULATIONS 2019

Tuesday 26 February 2019

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The Committee consisted of the following Members:

Chair: ALBERT OWEN

† Churchill, Jo (*Bury St Edmunds*) (Con)
 † Coffey, Dr Thérèse (*Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs*)
 † Davies, Chris (*Brecon and Radnorshire*) (Con)
 † Debbonaire, Thangam (*Bristol West*) (Lab)
 † Drew, Dr David (*Stroud*) (Lab/Co-op)
 † Hughes, Eddie (*Walsall North*) (Con)
 † Johnson, Diana (*Kingston upon Hull North*) (Lab)
 † Keegan, Gillian (*Chichester*) (Con)
 † Lamont, John (*Berwickshire, Roxburgh and Selkirk*) (Con)

† Mercer, Johnny (*Plymouth, Moor View*) (Con)
 † Paterson, Mr Owen (*North Shropshire*) (Con)
 † Pearce, Teresa (*Erith and Thamesmead*) (Lab)
 † Powell, Lucy (*Manchester Central*) (Lab/Co-op)
 † Seely, Mr Bob (*Isle of Wight*) (Con)
 † Snell, Gareth (*Stoke-on-Trent Central*) (Lab/Co-op)
 † West, Catherine (*Hornsey and Wood Green*) (Lab)
 † Williamson, Chris (*Derby North*) (Lab)

Dominic Stockbridge, *Committee Clerk*

† **attended the Committee**

Fifth Delegated Legislation Committee

Tuesday 26 February 2019

[ALBERT OWEN *in the Chair*]

Draft Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019

8.55 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I beg to move,

That the Committee has considered the draft Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019.

It is a pleasure to serve under your chairmanship, Mr Owen.

We are at a rare point at this moment in history because the statutory instrument has nothing to do with leaving the European Union. It is business as usual. The SI has been scheduled because of its importance in helping councils tackle air quality by taking advantage of being able to recognise which vehicles go in and out of their areas.

Air pollution has reduced significantly since 2010, but more still needs to be done to improve the quality of the air we breathe. The most immediate air quality challenge is that of nitrogen dioxide concentrations around roads, which is the only statutory air quality limit that the UK currently fails to meet. The July 2017 UK plan for tackling roadside nitrogen dioxide identified that clean air zones that included a requirement for vehicle owners to pay a charge to enter, or move within, the zone if the vehicle did not meet the standard for its type was the measure that would achieve compliance with statutory nitrogen dioxide levels in the shortest possible time. The plan requires English local authorities with exceedances to explore whether they can find quicker alternatives. Several local authorities have already consulted on proposals for solutions. For some, this includes the introduction of a charging clean air zone, and Leeds City Council will start to operate a class B clean air zone from early next year.

There are four classes of charging clean air zone in England, all of which charge pre-Euro 6 diesel and pre-Euro 4 petrol taxis and public hire vehicles. Only class D clean air zones will charge personal cars. Local authorities considering class A to C clean air zones have identified the need to differentiate taxis and private hire vehicles and private cars, and have asked the Government to create a database to help achieve that.

Local authorities hold information only on taxis and private hire vehicles licensed in their area. They cannot identify those licensed by another authority. Hence there is a need for all licensing authorities to provide information to a central database, which will form part of the wider infrastructure that the Government are developing to support charging clean air zones.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): At a given time, taxi drivers may drive for personal use a taxi vehicle that would be registered on the database as a private hire vehicle. Have the Government considered how they might make a distinction in the database between when a vehicle is working and when it is being driven for personal use?

Dr Coffey: It will not be for the Government to make that judgment call. It will be for the local authority, because that concerns the charge it intends to impose. The database simply gives local councils the information about which vehicles are private hire vehicles and which are not. When the time comes, if ever, when Stoke-on-Trent City Council has a clean air zone, the hon. Gentleman may wish to take that issue up with it directly.

The purpose of the regulations is to require licensing authorities in England and Wales to supply to a central database certain information relating to taxis and private hire vehicles that have been licensed in their area. The instrument is made using powers under the Environment Act 1995. The database may then be used by local authorities for the purposes of enforcing locally introduced clean air zones that will apply charges in respect of taxis and private hire vehicles. The database will ensure that taxis and private hire vehicles can be differentiated from other vehicles when entering a charging clean air zone.

Regulation 3 will place a duty on all taxi and private hire vehicle licensing authorities in England and Wales to supply certain information at least once a week. That information will include the vehicle registration number, the start and expiry dates of the vehicle licence, whether a vehicle is a taxi or a private hire vehicle, and the name of the licensing authority. Additional information required and the means of providing it will be set out in supporting guidance, which will be published before the regulations come into force.

The regulations extend to England and Wales and apply to all 315 taxi and private hire vehicle licensing authorities, including Transport for London. Given the geographical location of charging clean air zones, it is important that all taxis and private hire vehicles registered in England and Wales are recorded on the database.

The creation and maintenance of the database itself will not have a significant impact on businesses. A regulatory triage assessment has been prepared to assess the impacts on licensing authorities. The database will be designed and hosted in a way that complements existing processes wherever possible, in order to minimise the burden on licensing authorities. Licensing authorities will be funded for this additional work in line with the new burdens principle.

The draft regulations are necessary to support local authorities in introducing charging clean air zones where these have been demonstrated to be the quickest way to reduce roadside nitrogen dioxide concentrations to legal limits. We cannot rely on a voluntary approach for the submission of information covered by the draft regulations, given that there are 315 licensing authorities in England and Wales. Without a centralised database, local authorities will be able to charge only those vehicles that they have licensed in their own area.

The draft regulations and the database are necessary to ensure that measures to charge taxis and private hire vehicles will be effective. Without such a database, the level of reduced emissions from these vehicles will be

less certain, which may result in the need to introduce charging for additional vehicles, possibly including private cars. As such, the creation of the database is an important step in supporting our air quality ambitions and those of local councils. For those reasons, I commend the draft regulations to the Committee.

9.1 am

Dr David Drew (Stroud) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Owen. I make two apologies. First, my voice is terrible, so please bear with me. Secondly, the shadow Minister would normally lead on air quality, but she is otherwise engaged, so she has passed the mantle to me.

May I say at the start what a pleasure it is that we are not talking about our EU withdrawal? Three times last week we did that, so I thought that this Committee must have something to do with Europe. However, it appears that this is very little to do with Europe for once, although European standards are something I presume we should wish to concur with, as EU standards are as high as ours, although we have a long way to go.

Sadly, on air quality, the Government have a long way to go, and have been in the courts on numerous occasions. In April 2015, the Supreme Court ordered the Government to draw up an air pollution plan, owing to breaches of the law. In November 2016, the High Court ruled the Government's plans unlawful and imposed a deadline for drawing up a new plan. In April 2017, the High Court ordered the Government to publish that plan, after they tried to delay doing so. Last year, the High Court once again ruled the Government's plans unlawful.

It will be interesting to know whether the Government have a lawful plan that is unchallengeable by those who take this issue very seriously, as we all do. We all have seared on our minds the death of Ella Kissi-Debrah from asthma in 2013, which is an ongoing case.

Catherine West (Hornsey and Wood Green) (Lab): Does my hon. Friend agree that the increase in deaths, particularly of children and very old folk with respiratory illnesses, is alarming? Does he also agree that the Mayor of London is being brave and bold and—with very little resource—is acting, through his policies, in the interests of the lungs of Londoners?

Dr Drew: I do. To my mind, this is climate change here and now. We sometimes think of climate change as 12 years away and something we can do something about. Sadly, many of our constituents already experience the degradation of the climate because they live in areas that regularly fail decent air quality tests. We should be careful that we do not ignore that and fail to do something about it.

My starting point is that the database, useful as it may be, is a database. It will not actually deal with the problem of how to bear down on some of the issues of poor air quality. We need a much more ambitious transport strategy that deals not only with taxis and private hire vehicles but vehicles in general. I will ask the Government several questions on that.

It is vital that these statutory instruments are not a matter of paying lip service to this issue but are a means by which we can do something fundamental.

The Government will say that it is up to local authorities, but if the local authorities do not have the means, they cannot do anything about air quality. It is beginning to disturb our constituents. People ask me, "What are you going to do about the air quality?" This is in Stroud, which is supposedly a rural area, but in parts of it the air quality regularly fails a decency standard. We ought to do something and be seen to be doing something.

Two non-governmental organisations are most concerned about air quality. Friends of the Earth has made countless reports on local air quality monitoring objectives, to check which local authorities are doing something about that and which are not. It is good to hear about the Mayor of London but, sadly, too many local authorities do not have the facility to get on top of this issue. It is astonishing the number of places with an air pollution problem. It does not affect just some people some of the time, but an awful lot of people all the time.

ClientEarth, which has taken the Government to court on a number of occasions because of their lack of an effective plan, welcomes this statutory instrument and sees the database as necessary, but there is not as much detail as it would like. We have the database, but what do we do with it? It is all right having this information, but someone has to compute it and ensure that someone is acting on it. Will the Government impose standards on those local authorities that fail to do what they should do as a result of the database? The statutory instrument allows the Secretary of State to set up the database, but there is no duty to pursue it.

I have some questions for the Minister. First, where does this statutory instrument fit in the Government's overall strategy of moving towards non-polluting cars? That was the aim by 2040. Are the Government on track to meet that target? In some ways, it is an incredibly ambitious target, but in others it is disappointing, given the scale of the problem.

Dealing with air quality makes long-term economic sense. Some global estimates talk about a cost of £20 billion—I suspect that is a gross underestimate. It will be interesting to know what resources central Government intend to give to local authorities so that they begin to track what is happening—admittedly, with a small number of vehicles, but if it can be done with taxis and private hire vehicles it can begin to be done with private cars. I hear what my hon. Friend the Member for Stoke-on-Trent Central said; at what stage does a vehicle become a public vehicle rather than a private vehicle?

Do the Government really intend to crack down on illegal air pollution? There have been numerous reports from the Environment, Food and Rural Affairs Committee and the Environmental Audit Committee on the means to do something about this. We sometimes use exaggerated terms, but here we do not—it is a public health emergency for those whose lives will be cut short. That requires us to do something drastic.

On Highways England, what are the Government doing with their road strategy to ensure that where there are areas of very high pollution, there are means by which we can control vehicles? I do not know if hon. Members saw what happened in Addis Ababa a few weeks ago; the Government banned vehicles for a Sunday. If anyone has been to that city they will know how polluted it is. They felt that that at least made the point

[Dr Drew]

that people can find ways of living their lives without the petrol or diesel engine, that makes their lives that much worse.

What is the target date for the database being up and running? How does that deal with what local authorities are involved with in their own clean air zones in the interim? It would be useful to know where the joined-upness of the overall strategy is.

The original SI was introduced on 8 January 2019 but was then mysteriously removed, which is not unusual with SIs at the moment. This one, however, has nothing to do with Europe, yet it was removed and a slightly different version was retabled. It would be interesting to know why that happened and why we have a different SI before us.

I ask my usual question about Plymouth—it is good to have one of the Plymouth Members here, the hon. Member for Plymouth, Moor View. I am always intrigued when Plymouth appears in such regulations. Regulation 2(c) mentions

“section 5 of the Plymouth City Council Act 1975”.

Why does that one local authority always get mentioned? I have been in Committees before where Plymouth is mentioned. Either it is more advanced than any other part of the country or it operates under a very different legal framework from other local authorities. I understand there are different terms regarding the City of London, but I never quite understand why Plymouth features.

I hope the Minister can answer my questions, or will write to me. DEFRA should pay a lot more attention to this subject. Air quality is a deciding factor in people's quality of life. For me, it is the start of climate change and we ought to pay much more attention to it. That is why I welcome the small step of the database. I hope it will not just sit on a shelf somewhere; I hope it is a measure through which local authorities, working with central Government, can really begin to make sure that polluting vehicles are dealt with.

9.11 am

Dr Coffey: It is a pleasure to respond to the hon. Gentleman's questions. I would say first that air quality has been my top priority since becoming Environment Minister. There will be Members on this Committee whom I have met in the last two and a half years to discuss the air quality challenges in their areas. There are several Members here whose constituencies are in areas where local authorities are proactively considering the introduction of charging clean air zones. I remind Members that it is their local authorities that have said that the database is necessary.

In terms of our work on non-polluting cars, the hon. Member for Stroud will be aware of our policy to see the end of the sale of conventionally fuelled cars by 2040. On illegal air pollution, he is absolutely right to say that roadside nitrogen dioxide is a challenge. We are working on that and we believe that the database will help councils to tackle some of the more polluting cars that are driving around, particularly in urban centres.

The database is in beta testing at the moment. It will be ready by the second half of this year. Leeds City Council is expected to be the first council to start using it in earnest, with charging coming into effect on 6 Jan 2020.

We want to ensure that Highways England and the strategic road network are very much connected with the air quality challenge that we face. The chief executive of Highways England chairs a fortnightly meeting with his team to go through the different issues of air quality on the road networks, as well as the new innovations they are taking forward and considering on how to improve air quality. The hon. Gentleman will be aware that a lot of the issue is down to traffic flow. I am not conscious of the challenges of air quality, and I am sure he will welcome the clean air strategy that we published just last month. It has been welcomed by the World Health Organisation as world leading, and it is something for other countries to follow.

One particular element of the road strategy does need to be carefully considered, and we will carry out an assessment of the effectiveness of speed limits, based on the Welsh Government's work on the speed limits that they introduced on part of the M4. Certain councils, such as Basingstoke and Deane for a particular stretch of the A339 that has a speed limit of 70 mph, are considering reducing limits to see if that will help with traffic flows and lower vehicle emissions. As I say, in every part of the country where we have funded councils to do studies and localised modelling, and to undertake local action, they come up with solutions that by and large they think fit best to help their local communities to improve air quality and effectiveness.

Catherine West: Based on the evidence being set out by the Minister, will she consider giving more money to councils so that they can do more such research for their own local solutions?

Dr Coffey: More than £3.5 billion has been set aside to tackle air quality—TfL was given money for that as part of its last settlement—and more money has gone to the Mayor of London and many other councils to make the changes necessary, such as retrofitting buses.

I am conscious that the Mayor of London would like more money, and the Secretary of State has agreed to support a spending review bid to tackle air quality in London. For example, the ultra-low emission zone charge, which will come into effect in a couple of months, is a significant step. The policy was initiated by my right hon. Friend the Member for Uxbridge and South Ruislip (Boris Johnson), but the current Mayor has taken it through. I also encourage TfL to think about its rules for taxis and how they can more quickly be made air-quality-friendly. TfL has made a good start; I am sure that it could go further.

The hon. Member for Stroud asked specifically about Plymouth. That question has come up once before, in an SI on air quality last year, but I am afraid that my officials and I cannot remember the answer precisely, so I hope that he will forgive me if I write to him and the Committee on that specific point. Nevertheless, I am sure that the Committee will consider the draft regulations important in giving local authorities the database that they believe necessary to tackle air quality in their local areas.

Dr Drew: Will the Minister give way before she sits down?

Dr Coffey: I have sat down.

The Chair: Does the Minister wish to take an intervention in the spirit that we are in this morning?

Dr Coffey: In the spirit? Very quickly.

Dr Drew: I thank the Minister very much. I shall be quick. I gather that she is meeting the Mayor of Bristol later today, which is interesting and my Whip will no doubt know about that. Is that common when a local authority or a Mayor has failed an air quality arrangement? I am just praising her—does she say to local authority leaders and Mayors, “You’ve got to do better”, “This is how you can do better”, and, “Here’s some money to help you”? Is that what she does?

Dr Coffey: I am delighted, Mr Owen, that you persuaded me to take that intervention, because I have visited many areas around this country and I spoke to the Mayor of Bristol yesterday. Unfortunately, of all councils, only Stoke-on-Trent City Council is on track with the timeline for delivering the first part of its air quality

plan; sadly, other councils have fallen behind. I have to keep emphasising and pushing the matter, which is why we have included ministerial directions. On directions, the High Court said that we should use further legal instruments with all councils, to ensure that they get on with improving air quality.

I am disappointed, because there has been funding and we need to crack on with this, so yes, I have regularly have done what the hon. Member for Stroud suggests. I have been to Nottingham and Birmingham, and I have met people from Leeds. I have been around the country regularly, although I have yet to visit many places. I am pleased to say that I have been to Derby, too, to meet councillors. Yes, I am looking forward to having a face-to-face with the Mayor of Bristol, although yesterday he assured me on the phone that he will present his plan by the end of March, which is welcome news for the citizens of Bristol.

Question put and agreed to.

9.19 am

Committee rose.

