

## Regulatory Committee

9.30am, Tuesday 24 October 2017

### Present

Councillors Fullerton (Convener), Barrie, Burgess, Dixon, Griffiths (substitute for Councillor Wilson), Munro (substitute for Councillor Arthur), Rose, Neil Ross and Smith.

### 1. Age Limitation of Taxis and Private Hire Cars (Air Quality) Consultation Update

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#### 1.1 Deputation – Central Taxis

The Committee agreed to hear a deputation from Tony Kenmure on behalf of Central Taxis in relation to the report by the Executive Director of Place on a consultation which had taken place regarding the introduction of an age limitation of taxis and private hire cars. The deputation highlighted the following:

- The cost involved in upgrading vehicles which did not meet the minimum emissions standard would place a financial burden on drivers and business owners.
- An increasing number of taxis in Edinburgh had only one owner/driver, as opposed to an owner who hired out use of the taxi to other drivers when it was not being driven by the owner themselves.
- The limitation would make it less financially viable for new drivers to enter the trade, on top of the already high running costs of a taxi.
- The policy would adversely affect the resale value of a taxi.
- Central Taxis were not opposed to the limitation in principle, but needed more time to consider the longer term economic implications.
- The report recommended that taxis under the Euro 5 emissions standard would be required to be replaced by December 2018. As this type of taxi accounted for around half of the Edinburgh taxi fleet, this timescale was unrealistic.

The deputation requested the Committee to consider the following:

- The increased costs which would be incurred by the trade as a result of the introduction of an age limitation policy on the basis of the timeline set out in the report.
- That the trade should have the opportunity to discuss any potential policy with officers and to outline the financial implications of the report recommendations for the trade.

## **1.2 Report by the Executive Director of Place**

An update on consultation activities which had been carried out in relation to the introduction of an age limitation on taxis and private hire cars was presented. The consultation was informed by a feasibility report which was presented to the Committee in November 2016. The aim of the age limitation policy was to improve air quality in the city. An outline was provided of the recommended timeline for the introduction of the policy, with the first phase recommended to begin in December 2018.

### **Decision**

- 1) To note the report;
- 2) To agree that the conditions of taxi and private hire car licences would be amended to include specific conditions to require licensed hire cars to progressively meet Euro 6 Emission Standard or any subsequent Euro Emission Standard (or UK equivalent);
- 3) To agree that the introduction of the emission standard should be incremental with the proposed timeline set out below to be finalised following on from consultation with the trade;
- 4) To implement a Euro 5 Emission Standard as the minimum standard for both taxi and private hire car applications and renewals with an indicative implementation date of 1 December 2018;
- 5) Thereafter, to introduce a Euro 6 Emission Standard as the minimum standard for taxis and private hire car applications and renewals with an indicative implementation date of 1 December 2020;
- 6) From 1 December 2019 to restrict the vehicle age of all new taxi and private hire car licence applications or change of vehicle applications, to less than five years from the date of first registration;
- 7) To instruct the Executive Director of Place to establish a working group, consult with relevant Council Officers and representative trade bodies on the proposed timelines for the introduction of the Euro 5 and Euro 6 Emission Standard, and to report back to the Committee in three months' time;
- 8) To refer the report to the Transport and Environment Committee for information;
- 9) To note that the Executive Director of Place would provide further information on Euro Emissions Standards in the report to be submitted to the committee in three months.

(Reference – Regulatory Committee 21 November 2016 (item 9); report by the Executive Director of Place, submitted)

## **2. Production of Criminal Records Checks for Taxi and Private Hire Car Driver's Licence Applicants Born Outwith the UK**

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### **2.1 Deputation – Seven Sevens Cars Ltd**

The Committee agreed to hear a deputation from Alistair Macdonald on behalf of Seven Sevens Cars Ltd in relation to the report by the Executive Director of Place regarding the production of criminal record information for taxi and private hire car

driver licence applicants who were born outwith the UK. The deputation highlighted the following:

- The deputation supported the policy in principle, however had some concerns regarding instances where drivers could not produce a criminal record check from their country of birth or previous residence.
- There were some countries which were not able to, or refused to, provide criminal record checks for various reasons, such as information not being held centrally. This had prevented some current licence holders from being able to renew their licences under the new policy which made it compulsory for records to be produced on application or renewal.
- Seven Sevens Cars Ltd had experience of a specific case involving a driver who had previously worked as a taxi driver with no concerns however was unable to produce records from his country of birth meaning he could not renew his licence.
- In the UK, criminal records were readily available however this was not the case in other countries.
- The policy was discriminatory to people who had not been resident in the UK since birth.

The deputation requested the Committee to consider the following:

- That the policy be altered in order that the inability to produce criminal records would not be a barrier to applicants who were from a country which was unable to provide these.
- That in these cases, the Council should accept proof that the applicant has no convictions from their time in the UK as sufficient evidence and allow the applicants to address the Committee.

## **2.2 Report by the Executive Director of Place**

A report was presented which updated the Committee on issues raised following the introduction of the Council's policy on criminal record checks for licence applicants born outwith the UK. The policy was implemented in response to the Government instructing local authorities that public safety should be prioritised when considering licence applications for taxi and private hire car drivers, and a finding that around 40 percent of suspension requests were for drivers who the Council had been unable to check in the same way as those born in the UK. Previous policy did not state that applicants who were previously resident outwith the UK were required to provide criminal record information. The report highlighted issues surrounding applicants born outwith the UK but who had moved to the UK during childhood.

### **Decision**

- 1) To note the report;
- 2) To agree the minor changes set out in paragraph 3.14 of the report by the Head of Place Development in respect of applicants who were children, thus considered to be below the age of criminal responsibility in Scotland i.e. 12, when they entered the UK;

3) To note there would be no further change to the existing policy.

(Reference – Regulatory Committee 19 September 2016 (item 8); report by the Executive Director of Place, submitted)

### **3. Request for Variation of Licence Conditions – Private Hire Car Licences**

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#### **3.1 Deputation – United Private Hire Drivers’ Association (UPHD)**

The Committee agreed to hear a deputation from Mark Greenhalgh on behalf of UPHD in relation to the report by the Head of Place Development regarding their request for a variation to their licence conditions to allow a sticker to be displayed on private hire vehicles. The deputation highlighted the following:

- The sticker would be transparent and placed on the opaque section of the rear windscreen of the vehicle, therefore it would not have any impact on visibility.
- The taxi examiner had recommended the application be refused however UPHD believed there were a number of taxis and private hire cars in Edinburgh which displayed similar stickers but did not have the relevant licence variations granted.
- The stickers were intended to make members of the Association easily identifiable to each other, to promote membership and raise awareness of the Association’s existence.

The deputation requested the Committee to consider the following:

- That the licence variation be granted.

#### **3.2 Report by the Executive Director of Place**

A request for a licence variation from UPHD to allow a sticker with the UPHD logo to be displayed on their members’ vehicles was received. The report highlighted the relevant licence conditions and the Committee was asked to consider the request.

#### **Decision**

- 1) To note the report;
- 2) To refuse the exemption request;
- 3) To note that the Executive Director of Place would discuss the issue with the United Private Hire Drivers’ Association on possible options for display of the stickers.

(Reference – report by the Executive Director of Place, submitted)

### **4. Minutes**

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#### **Decision**

To approve the minute of the Regulatory Committee of 21 August 2017 as a correct record.

## **5. Rolling Actions Programme**

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The Regulatory Committee Rolling Actions Programme for the period 3 May 2013 to 24 October 2017 was presented.

### **Decision**

To note the Rolling Actions Programme.

(References – Regulatory Committee Rolling Actions Programme, submitted)

## **6. Street Trader Licensing – Pedicabs: Update and Proposed Licensing Conditions**

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Approval was sought to carry out a consultation regarding a review of the licensing conditions for pedicabs operating in Edinburgh. When the conditions were agreed initially, it was thought that the street trader licence holders would be driving the vehicles and providing the service themselves, however it had emerged that this was not the case, prompting the request for a consultation.

### **Decision**

- 1) To note the content of the report;
- 2) To agree to consult on the proposed draft policy framework and conditions, in line with statutory requirements;
- 3) To agree to receive a final report on the outcome of the consultation.

(Reference – Regulatory Committees 27 January 2012 (item 1) and 20 June 2014 (item 6); report by the Executive Director of Place, submitted)

## **7. Public Safety at Sports Grounds Annual Update 2016/17**

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The annual update on the Council's responsibilities regarding public safety at sports grounds was presented.

### **Decision**

To note the report.

(Reference – Regulatory Committee 21 November 2016 (item 6); report by the Executive Director of Place, submitted)