

Notice of meeting and agenda

Additional Regulatory Committee

9.30am, Monday 7 May 2018

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

Contact

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1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 High Street and Playfair Steps Street Traders Association (in relation to item 7.1)

4. Minutes

- 4.1 Regulatory Committee of 16 March 2018 (circulated) - submitted for approval as a correct record.

5. Work Plan and Rolling Actions Programme

- 5.1 None.

6. Business Bulletin

- 6.1 None.

7. Executive Decisions

- 7.1 Street Trading: High Street and Hunter Square Update – report by the Executive Director of Place (circulated)
- 7.2 Taxi Fares Review – report by the Executive Director of Place (to follow)
- 7.3 Age Limitation and Emissions Standards for Taxis and Private Hire Cars (Air Quality) – report by the Executive Director of Place (circulated)

8. Routine decisions

- 8.1 None

9. Motions

- 9.1 None.

Laurence Rockey

Head of Strategy and Insight

Committee Members

Councillors Fullerton (Convener), Arthur, Barrie, Burgess, Dixon, Rose, Neil Ross, Smith and Wilson.

Information about the Regulatory Committee

The Regulatory Committee consists of 9 Councillors and is appointed by the City of Edinburgh Council. The Regulatory Committee usually meets every eight weeks.

The Regulatory Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Stephen Broughton, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 4261, e-mail committee.services@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk.

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Item 3.1

I would like to request a deputation at the next regulatory committee meeting , unless there is opportunity prior to then to discuss the supposed temporary suspension of street trading stances 4-7 on the High Street. Is thiis appropriate at the Licensing Sub-Committee? if only to get clarification on a number of issues.

I have received several conflicting replies, as have several others, from Mr. Hunter over the past year , including that the decision to suspend these licenses was made at the regulatory committee. and it would therefore be that committee who would have to make the decision to re-instate them. I can not find any information on any reports of this discussion happening at committee nor any reports which were attached to this matter and would be grateful if you could point me in the right direction so I may research this ahead of the deputation.

We were told a week after the meeting I am sure you remember well (where we were accused of a breach of council policy that did not exist, which was proved not the case by our solicitor) - that stances 4-7 would be suspended due to works taking place at the customer hub . They were suspended from January 2017, though no work commenced for several months. During the refurbishment stances 4-7 were not obstructed. I asked several times which department had requested the suspension (to Mr. Hunter) and was always told he would look into it and get back to me . He never did. I wrote to him again in January 2018 asking if the work is completed if the stances would be reinstated and when . He said he would loo in to it and contact his colleagues who were doing the work and get back to me. He never did. I wrote to him again this week and was told there is no plans to reinstate them , and that trading on the high street is of a 'temporary nature'.

Stances 4-7 have been there almost 30 years. I have traded in them for over 20 years. I assume if they re to be withdrawn this would be a committee matter and stakeholders could be present to speak and understand what is happening . This is democracy. How is it possible , then , that these stances have been 'suspended' indefinitely with no committee reports ?

I would appreciate any information you have regarding this matter and confirm my deputation and either or both committees as appropriate.

Regards

Chandra Mather

CHANDRA MATHER MSc

-Community Musician - Choir Leader - Performer

Regulatory Committee

9.30am, Friday 16 March 2018

Present

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

1. Taxi Fares Review 2017

1.1 Deputation

The Committee agreed to hear a deputation from Les McVay and Tony Kenmure on behalf of the Edinburgh Taxi Trade in relation to the report by the Executive Director of Place on the Taxi fares Review 2017.

The deputation requested that the Committee consider the issue of the airport pick up fee, everyone appreciated the success of the airport and the benefit that it brings to the economy. Since 2003 the pick up fee was £1.00, the current charge by the airport is £2.80 and the amount recoverable by the taxi is 80 pence. City Cabs have the contract for the rank at the airport but offer permits to other parts of the trade.

All other modes of transport (trams and buses) charge extra to the airport in order to recoup their costs, and the trade was asking for parity in recouping costs. Most other Local Authorities allow airport charges to be passed onto customers.

The airport has now advised that it will charge a blanket fee of £2.80 for rank and pre-booked instead of the existing £2.80 for the rank and £4.00 for pre-booked.

In conclusion he asked that the £2.80 charge be added to the tariff.

Tony Kenmure advised that the trade were disappointed in the proposals to freeze tariffs 3 and 4. These tariffs were incentives for drivers to work at Christmas and New Year, it works out at time and a half for the day shift and 1.8 for the night shift. Most other Licensing Authorities set a rate of double time.

In conclusion he requested that tariffs 3 and 4 be increased to a level to maintain the percentage difference with tariffs 1 and 2.

1.2 Report by the Executive Director of Place

Details were provided of the statutory review of fares which had been commenced. CH2M had been commissioned to undertake the review

Decision

1. To note the report;

2. To note that feedback was sought from the representatives of the taxi trade on the initial CH2M report and where possible had been incorporated in Appendix 2 of the report by the Executive Director of Place
3. To note the recommendations set out in the report from CH2M at Appendix 2 of the report by the Executive Director of Place following consultation with representatives of the taxi trade and note that these are repeated at Paragraph 3.7 of the report;
4. To note that the Executive Director, having considered all of the above, recommends that the committee fixes a proposed fare scale with the following changes to the current fare scale, for reasons set out in paragraph 3.8 of this report, and agrees the proposed new fare scales, as required in terms of section 17 (4A) (b) of the Civic Government (Scotland) Act 1982:
5. All the Fare Tariffs increase, with an increase on the flag drop of 50p for all four tariffs;
6. Additionally increases Tariffs 1 and 2 by 6% on increments thereafter;
7. Applies no increase on Tariffs 3 and 4 beyond the 50p flag increase set out above,
8. Extras in the table to remain unchanged, except for the deletion of the permissible credit card charge;
9. The airport pick up charge to be £2.80
10. Instruct the Executive Director of Place to publish these proposed fare scales in a newspaper circulating in the Council area in the manner required under section 17(4A) (c) of the Act including the date on which the fare scale is planned to take effect, and to report back on any representation(s) received as a result of the consultation.
11. The Executive Director of Place to continue discussions with the Taxi and Private Hire trade in respect of tariffs 3 and 4 and provide an update to committee in a future Business Bulletin

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

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

2.1 Deputations

The Committee agreed to hear a deputations from Jon Givacs on behalf of the Autogas Ltd and Tony Kenmure on behalf of the Edinburgh Taxi Trade 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.

2.2 Deputation – Autogas Ltd

The deputation highlighted the following:

Autogas had been formed in 2000 providing autogas as a fuel, the main core of business was the gas repowering of TX taxis.

Pre Euro 6 Diesel Black Cabs accounted for a substantial part of the most polluting vehicles in cities. They produce very high amounts of NOx and particulate matter, the most harmful pollutants in the air. Therefore by converting as many of these as possible to LPG will not only reduce emissions, but do it in the place where it is needed most.

Both Birmingham and London have embarked on converting taxis to LPG and have incentivised drivers by offering an additional 5 years extension to the life of their cab which takes the life from 15 to 20 years no matter how old the vehicle is. This means that not only are these cities removing the older and dirtier models off the road, they are helping drivers reduce their operating costs as they can continue to utilise their existing vehicle.

It is just as important to improve the emissions from newer diesel taxi models as the older versions as they are still producing significant levels of pollution. And as they age they will only deteriorate, producing more harmful emissions. This will effect both drivers and the general public.

The benefits of running a taxi on LPG are 99% less particulate matter (PM), 80% less NOx (nitrogen di-oxide) and 7% less CO2. (carbon di-oxide). There is also a significant cost saving for the drivers and taxi companies as the fuel costs will be reduced considerably.

By proposing a 10 year age limit and a 4 year extension to the life of a cab (from the time of re-powering) drivers of newer Taxis are unlikely to make the most of these benefits as it wouldn't make sense for a driver to change a newer vehicle and therefore continue to contribute to the air quality problem. The LPG repowering cost to a driver is currently far more feasible than other alternative fuel solutions.

In conclusion he requested that all LPG Repowered TX Taxis are incentivised by offering either a 4 or a 5 year life extension on top of the proposed age limit.

2.3 Deputation – Edinburgh Taxi Trade

The deputation highlighted the following:

At a Regulatory Committee meeting on 24th October 2017, the taxi trade deputation was supportive of the introduction of age and emission standards although it was submitted that the proposed timelines were too short. The committee concluded that consultation was required between Licensing Officers and the Trade before revising the timelines that were described at the time as “indicative”. The outcome of the consultation is that officers have not revised the schedule other than to defer its implementation by the time taken to conduct the consultation.

Mr Kenmure advised that Taxi and Private Hire Care Licensing: Best Practice Guidance for Licensing Authorities Second Edition, April 2012 stated at Chapter 5.5 Vehicles

“The setting of an age limit beyond which a local authority will not license vehicles is somewhat arbitrary and disproportionate particularly as it is perfectly possible for a well-maintained older vehicle to be in good condition. “

And at Chapter 5.13 Environmental Considerations

“... vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form).”

He further indicated that the indicative proposal was that pre-Euro 5 taxis could not be renewed on their test date beyond December 2018. The trade responded that this may be accomplished by December 2019 which they believed would allow time for operators to revise their business models and financial plans and for sufficient numbers of replacement vehicles numbers to become available. Licensing officers have responded by proposing that the date change to April 2019 which is adjusted only by the time taken to conduct the consultation. The trade response is now adjusted to April 2020 accordingly.

The early deletion of Euro 5 vehicles is the most critical point for the trade as many are still relatively new and under finance agreements. The indicative proposal was that Euro 5 taxis could not be renewed on their test date beyond December 2020. The trade responded that this may be accomplished by December 2021. Licensing officers have proposed that the date changes to April 2021 which is adjusted only by the time taken to conduct the consultation. The trade response is now adjusted to April 2022 accordingly.

Licensing officers have proposed that future hearings may be conducted by the Regulatory Committee to assess the cases of individuals facing hardship due to the proposed schedule. If an achievable schedule is applied at the outset there should be no requirement for this.

Licensing officers propose to prevent an operator from presenting a changed vehicle in future that is older than five years from its date of registration. The trade recommends that this condition should not be applied. Transfers of vehicles within the city that otherwise meet age and emission restrictions, will allow some operators to “trade up” without obliging them to acquire a new vehicle. Inhibiting the opportunity for operators to sell on a 4 or 5 year old vehicle may actually prevent them from changing to a newer, lower emission vehicle. This is entirely contrary to the objectives of the proposal.

The deputation requested the Committee to consider the following:

The trade proposes that all licensed, public hire taxis should have a minimum life-expectancy of 10 years, irrespective of their emission levels but subject to passing annual examinations on all other prevailing criteria. That is enough time for the first owner to depreciate the vehicle and sell it on, facilitating his/her next purchase. There must be a second-hand market for the economy of the trade to survive and this gives enough time for a second owner (probably with a different business model based on single shifts, lower mileage/return) to acquire and depreciate the vehicle.

The trade proposes that the life expectancy of a vehicle would be extended by up to 5 years by converting the engine to Euro 6 or LPG as allowed by Transport For London. If the fabric of a vehicle and its safety specifications were otherwise suitable for examination this is a more ecologically sound proposal than scrappage and the manufacture of a replacement.

- a) There is no difference between the CO2 emissions of Euro 4, Euro 5 or Euro 6 engines.

- b) There is no difference between particulate matter emissions in a Euro 5 or Euro 6 engine which is generally regarded as the most dangerous emission. The NOx emissions of a Euro 5 and Euro 6 engine are 1.8 grams per Km vs 0.8 grams per Km. The trade does not believe that the proposed schedule in front of the Committee is based on any research regarding the measurable benefits of placing these restrictions on the Edinburgh Taxi fleet.
- c) If all taxis are Euro 5 or Euro 6 by April 2022 as proposed by the trade, the maximum age of vehicles in the fleet will be 10.
- d) The trade financial model in Edinburgh is under extreme pressure for several reasons
 - (i) There are 3 new vehicles available to the trade. A TX costs £55K. A Mercedes Vito costs £46K and a Ford ProCab costs £36K but no autos are available until 2019. The finance and depreciation of any of these vehicles over 5 years would cost an operator approximately £1700 monthly before fuel, insurance, servicing, licensing, credit card processing, airport charges and payment to a company or app for work.
 - (ii) Private Hire & Taxi Monthly publishes a league table of national Tariffs. Edinburgh is presently below 200th in the bottom 10% of Tariffs in the UK. Proposals on the Tariff now being submitted to the Regulatory Committee by Licensing Officers would raise our position only to around 185th.
 - (iii) A substantial increase in the Tariff would add to the costs of CEC and increase scope for competitors (see vi) to undercut the licensed taxi trade.
 - (iv) The number of new drivers passing the annual examination has reduced by 50% in the last two years. Less drivers' means less rental income decreased affordability of new vehicles.
 - (v) Forthcoming changes to driver training and qualifications from CEC are likely to reduce that number further.
 - (vi) The number of Private Hire Cars in Edinburgh has more than doubled in 2 years.
 - (vii) Technology companies entering the marketplace with new business models have destabilised the global trade.
- e) The trade has asked Licensing Officers to provide figures on how many taxis there are with each designation of Euro engine emissions. Having provided two sets of widely conflicting figures there was an admission on 09/02/2018 that the data required "cleansing". 221 out of 1316 taxis were unaccounted for and the remainder are unverified. Therefore the total current emissions of the fleet are not known, the benefits of upgrading are uncertain and the financial implications of this proposal cannot be estimated.
- f) Lothian Buses has benefitted from £8.5M in grant funding to improve the emission levels of its fleet. We respectfully invite the committee to consider if the same schedule would have been achievable if the company had to fund the change itself

and further; how achievable it would be if the individually drivers had to fund the change.

- g) Central Taxis and City Cabs devoted time and resources to provide supporting data and help CEC compose a bid to the Office of Low Emission Vehicles for a grant in 2016. Seven figure funding was available to support the financing and infrastructure required to introduce low emission vehicles to the taxi fleet. When it was discovered that CEC would have to match-fund any award the proposal to OLEV was withdrawn.
- h) The trade maintains its position that a review of license fees is required so that operators are not paying a premium when presenting a new vehicle.
- i) In clause 1.2 of the papers presented to Committee on 24th October 2017 it is proposed that conditions can be amended in future as Euro Emission Standards develop. Any further, radical changes to the structure and economy of the taxi trade should go to consultation with the trade and presentation to the Regulatory Committee. However, agreeing to a minimum/maximum age of 10 years from first registration would provide some future-proofing to this proposal and further reviews based on emission may not be required.

2.3 Report by the Executive Director of Place

The Regulatory Committee in October 2017 instructed the Executive Director of Place to conduct further consultation with representatives of the hire car trade concerning the introduction of an age limitation and emissions standard.

Details of the outcome of the consultation were provided.

Motion

- 1. To approve the recommendations in the report by the Executive Director of Place subject to the following amendments
- 2. The timeframe for phasing out Euro 5 taxis to be extended by 1 year
- 3. No vehicle will be submitted new if it is not a Euro 5 or Euro 6 and from 1 October 2018 must be Euro 6.
- 4. Vehicles converted to LPG may be permitted to operate up to a maximum of 14 years from registration
- 5. To instruct the Executive Director of Place to amend the proposed conditions for taxis and Private Hire Cars and submit these to the Regulatory Committee for approval
 - moved by Councillor Fullerton, seconded by Councillor Dixon.

Amendment

- 1. To approve the recommendations in the report by the Executive Director of Place subject to the following amendments

2. Recommendation 1.2: add “subject to substituting in paragraph 3.12.2 ‘1 April 2023’ for ‘1 April 2021’ and thereafter ‘31 March 2024’ for ‘31 March 2022’, amending subsequent references accordingly”.
- moved by Councillor Smith, seconded by Councillor Neil Ross.

Voting

For the motion: 5 votes
(Arthur, Barrie, Cameron, Dixon and Fullerton.)

For the amendment: 3 votes
(Councillors, Neil Ross, Rose and Smith)

Decision

To approve the motion by Councillor Fullerton

(Reference – Regulatory Committees 24 June 2016 (item 7), 21 November 2016 (item 9) and 24 October 2017 (item 1); report by the Executive Director of Place, submitted)

Dissent

Councillor Burgess requested that his dissent be recorded in respect of the above decision

3. Minutes

Decision

To approve the minutes of the Regulatory Committees of 8 January and 6 February 2018 as correct records.

4. Rolling Actions Programme

The Regulatory Committee Rolling Actions Programme for the period 3 May 2013 to 16 March 2018 was presented.

Decision

To note the Rolling Actions Programme.

(References – Regulatory Committee Rolling Actions Programme, submitted)

5. Business Bulletin

The regulatory Committee Business Bulletin of 16 March 2018 was presented.

Decision

To note the Business Bulletin

7. Demand for Taxis within the City of Edinburgh

The Council has a policy of limiting the number of taxi licences issued within the City, utilising the powers available to it under Section 10 (3) of the Civic Government

(Scotland) Act 1982. This power can only be used if the Council is satisfied that there was 'no significant demand' for taxis which is unmet. The Council was required to keep this position under regular review.

The Regulatory Committee on 16 November 2012 approved as part of its work plan to commission consultants to review the provision of taxis within the city, and specifically to identify whether there was any 'significant unmet demand' for taxis.

Demand was reviewed regularly since that date, with the results of interim surveys being reported to the Regulatory Committee. Following a procurement exercise, CH2M was commissioned in January 2017 to undertake a comprehensive survey of demand for taxis and undertook the research between March 2017 and June 2017.

The Regulatory Committee on 21 August 2017 having received a presentation on CH2M report agreed to publish the report on the Consultation Hub and invite comment from interested parties on (i) the survey and its conclusions; and (ii) views on whether the Council should maintain the taxi limitation policy.

Decision

1. To note the report from CH2M and the conclusion that no significant unmet demand exists;
2. To note the feedback received after the report was published on the Consultation Hub: and
3. To agree to maintain the limitation policy and therefore determine that the limit of 1316 licences should remain.

(Reference – Regulatory Committees 21 August 2017 (item 5); report by the Executive Director of Place, submitted)

8. Consultation Response: Licensing of Funfairs (Scotland) Bill

Details were provided of the action by the Executive Director of Place in consultation with the Convener of the Regulatory Committee in accordance with Committee Terms of Reference and Delegated Functions 4.1 to submit a response to the Scottish Government consultation on the Licensing of Funfairs (Scotland) Bill.

Decision

To note the action taken

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

Regulatory Committee

9:30am, Monday, 7 May 2018

Street Trading: High Street and Hunter Square Update

Item number	11
Report number	
Executive/routine	Executive
Wards	City Centre (Ward 11)
Council Commitments	

Executive Summary

The Committee has previously received reports about street trading and in particular information that the demand for stances in the High Street is significantly higher than the number of stances available.

The Committee previously agreed to suspend stances 4 – 7 to allow essential maintenance work to be carried out within the City Chambers.

The council continues to receive complaints regarding the practice of businesses and individuals trading in the High Street and Hunter Square. This requires ongoing enforcement activity by council officers.

Street Trading: High Street and Hunter Square Update

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 notes the content of this report;
 - 1.1.2 agrees not to reinstate stances 4 – 7 for street trading; and
 - 1.1.3 agrees to receive a further report in due course on wider issues of street trading and proposed policies in line with the Public Spaces Protocol.

2. Background

- 2.1 Street Trading is an optional licensing activity under the Civic Government (Scotland) Act 1982. The City of Edinburgh Council exercised its powers by way of resolution to license these activities in 1983, and adopted a street trading policy in 2004.
- 2.2 The Street Trading Policy creates the ability to control and manage activity, and also ensures that traders operate within the same general constraints that apply to any other business. This includes a requirement to comply with relevant legislation and to meet the same minimum standards that any responsible business should observe.
- 2.3 A Street Trader's Licence is required for street trading by any person who is hawking, selling, or offering or exposing for sale any article, or offering to carry out for money or money's worth any service to any person in a public place. Consequently, where an employee is street trading on behalf of an employer, both individuals must be licensed.
- 2.4 A review of the Street Trading Policy introduced in 2004 was carried out by council officers in 2015/2016. The outcome was reported to the Regulatory Committee on 1 February 2016, when the Committee agreed to adopt new standard conditions for Street Trading and to further consult on the current policy. This consultation included the development of an operating plan for a number of areas in the city centre, including the High Street and Hunter Square.
- 2.5 On 24 June 2016 Council officers reported to the committee that the proposed Street Trading consultation in respect of the development of operating plans for the use of public realm space would now be linked to the development of the Council's Public Space Protocol.

- 2.6 Prior to amending the policy in 2006 the Council had received a number of complaints regarding businesses and individuals making multiple applications in the name of employees, associates and family members, in order to unfairly increase their chances in the ballot for licences. As a result of the complaints and enforcement activity by council officers, a number of applicants were called to the Licensing Sub-Committee meeting on 7 October 2016. Following consideration of these applications, council officers were instructed to prepare a report with proposals to address concerns regarding street trading in the High Street and to address the issue of multiple applications.
- 2.7 A further report was considered by the Regulatory Committee on 21 October 2016 when the committee:
- 2.7.1 reaffirmed that street trading on the High Street is intended to be temporary in nature, and given demand for space makes clear in the amended policy that traders should not expect to be trading on the High Street consistently, as detailed in appendix 1;
 - 2.7.2 agreed that the existing policy should be amended in respect of proposed conditions and changes to the application process for temporary Street Traders in the High Street as detailed in appendix 2; and
 - 2.7.3 noted the concern that the current arrangements may be unsustainable and agreed to receive a further report in 2017 on the impact of the proposed changes to the application process and the ongoing feasibility of street trading on the High Street.
- 2.8 In addition, the Committee was asked to suspend stances 4 – 7 to allow essential maintenance work is to be carried out within the City Chambers at 249 High Street, Edinburgh.
- 2.9 A final report containing operating principles for the High Street street trading in general was delayed as a result of the Public Space Protocol consultation. The report was reported to the Transport and Environment Committee in March 2018.

Stances

- 2.10 There are currently eight approved street trading stances in the High Street (see Appendix 3) and five in Hunter Square (see Appendix 4). The stances vary considerably in style and size, ranging from an artist's chair and easel to market type stalls approximately seven metres in length.
- 2.11 Whilst the demand for High Street stances is significant, it is less so for Hunter Square. The stances regularly remain unallocated for this area and are only fully utilised during the busier trading periods.

3. Main report

- 3.1 The Licensing Service was notified by the Property and Facilities Management - Buildings Programme Team that essential maintenance work was to be carried out

to the boiler house within the City Chambers at 249 High Street between 9 January and 31 July 2017. To facilitate the work it was considered necessary to create a secure compound directly outside the building to allow a contamination unit and skip. To ensure safe passage of pedestrians it was also considered necessary to erect segregation barriers.

- 3.2 Council Officers were unable to identify alternative sites to relocate stances, and at the Regulatory Committee on 21 October 2016 agreed to suspend the stances.
- 3.3 The work on the boiler room was then postponed due to other planned work within the City Chambers, including the customer hub works and associated council property (i.e. the separation/sale of 329 High Street and Lothian Chambers).
- 3.4 In May 2017 the Licensing Service was notified by the Customer Hub Project Manager in the Strategic Asset Management team that the Council planned to carry out a business-critical operation in the redevelopment of the Customer Hub at 249 High Street. These were considered essential alterations in the form of a capital project which required the use of the pavement/road area directly outside 249 High St from Anchor Close up to the Quadrangle. This area was required for use as a contractors' compound, and therefore would not be available to traders from 23 June 2017 to 10 November 2017.
- 3.5 The City of Edinburgh Council has an embargo on the use of public realm space for construction work (other than essential repairs) city-wide during the Festival (August). As a result of this, a temporary compound was built in the High Street and then removed in August 2017 and then reinstated.
- 3.6 In addition to the work carried out at the Customer hub other essential cabling work has been carried out in the High Street necessitating the closure of the footway directly outside 249, the most recent closure was in March 2018.

Festival Fringe

- 3.7 There is a long standing practice that stances in both the High Street and Hunter Square are not allocated during the month of August. This area is used as an event space during this period of time.

Other Events

- 3.8 The diverse use and demand of the High Street is significant, and in addition to the suspension of stances for the Festival Fringe it is/has been necessary to suspend trading to allow other activity to take place. Events of this nature include civic ceremonies, parades and processions and memorial services.

Current Position

- 3.9 As part of the Council's transformation programme the offices at 329 High Street have been sold. The Licensing Service has now been advised that following the disposal of this property and its service separation from the City Chambers, Facilities Management was able to redesign the proposed boiler works which negated the need for the separate boiler house and the extensive replacement works planned.

- 3.10 The sale of 329 High Street may have further implications for street traders resulting in the loss of stances 14-17. This is forecast to be completed in the next six to eight months.
- 3.11 Due to the high demand for High Street stances a number of traders have been trading from the Tron Church within the market there. The lease for the Tron Church has come to an end and these traders are now seeking alternative trading locations.
- 3.12 A number of these and other High Street traders also have stances at Playfair Steps or elsewhere in the city.
- 3.13 Feedback from local businesses based in the High Street highlighted that street trading offers little value to the street in terms of goods sold the quality and style of stalls and detracts from the city's World Heritage Status. As a result Council Officers have been unable to identify alternative sites for stances.

Proposals

- 3.14 Given the current uncertainty in respect of availability within public realm space following the sale of Council property, it is proposed that the status quo is maintained and the suspension of stances 4-7 is not lifted at this time.
- 3.15 A final report containing operating principles for street trading in the High Street and in general was delayed as a result of the Public Space Protocol consultation, which was reported to the Transport and Environment Committee in March 2018.
- 3.16 Council officers will bring forward a report detailing operating principles for street trading in the High Street and city-wide.

4. Measures of success

- 4.1 That the policy for trading in the High Street is suitable for the needs of the city and addresses concerns raised with the Council.

5. Financial impact

- 5.1 There is no direct financial impact on the Council. All costs are contained within existing budgets.

6. Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 Matters raised in this report could be subject to legal challenge, however this can be mitigated as part of the ongoing consultation process. All the proposed changes have been subject to previous consultation considerations. The development of policy in respect of street trading is part of a wider place-making role for the

Council. It is essential that all the strategic aims of the Council are considered and that the licensing of street trading is consistent with these.

7. Equalities impact

7.1 There is no equalities impact arising from the contents of this report.

8. Sustainability impact

8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

- 9.1 Council officers have held a number of one-to-one meetings with relevant parties including licence holders, retailers, event organisers and interested parties.
- 9.2 An online consultation was carried out between 31 July and 15 November 2015, and the outcome of this process was reported to the Regulatory Committee on 1 February 2016. The consultation was designed to assess the understanding of the effects of the approach on different user groups to allow an informed decision to be made on suitable changes.
- 9.3 The Committee adopted the new licensing conditions, however recognising that further work was required in respect of the creation of operating plans for certain areas within the city centre.
- 9.4 At its meeting on 1 February 2016 the Regulatory Committee heard from a deputation of High Street traders who advised the Committee that they were in the process of establishing a Traders' Association and asked that a further consultation meeting should be held with the new association in respect of the creation of the operating plans. The committee agreed that, once fully constituted, council officers would meet with the new association to discuss future plans for the High Street.
- 9.5 On 24 June 2016 Council officers reported to committee that the proposed Street Trading consultation in respect of the development of operating plans for the use of public realm space would now be linked to the development of the Council's Public Space Protocol. It was recognised that both the Public Space Protocol and Street Trading policy were intrinsically linked in terms of the use of the space, customer journey and officer engagement. Joint consultation on the use of public realm space will enable the Committee to consider its policy as part of a wider place-making role within the council.
- 9.6 The Council has engaged widely in respect of the Public Space Protocol and consulted a wide range of stakeholders, including citizens and residents near key public spaces, festivals, heritage bodies, businesses, officers and elected

members, to understand the wide range of perceptions, values and issues around the use and preservation of public space.

10. Background reading/external references

- 10.1 Regulatory Committee – [4 April 2014](#)
- 10.2 Regulatory Committee – [25 September 2015](#)
- 10.3 Regulatory Committee – [24 June 2016](#)
- 10.4 [Public Spaces Protocol](#), reported to 9 March 2018, Transport and Environment Committee

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11. Appendices

- 11.1 Appendix 1 – The current policy and application process for High Street Traders
- 11.2 Appendix 2 – Standard conditions – all street traders
- 11.3 Appendix 3 – High Street Trading Stances
- 11.4 Appendix 4 – Hunter Square Trading Stances

The current policy and application process for High Street Traders

- stances will be allocated on a weekly basis (Monday – Sunday);
- trading hours will not exceed 10:00 – 20:00hrs daily;
- Multiple applications by individuals linked to one business will not be accepted and will be returned;
- traders will require to indicate whether or not they are the sole trader and if they intend to applying for employee licences;
- traders will display in a prominent position, so that it may easily be read by such customers or suppliers, a notice containing the name of the trader and / or business and details if their trading address.
- a separate licence application will be required for each date applied for; the practice of adding multiple dates to one application will no longer be accepted;
- a separate licence application will be required for each location i.e. Hunter Square / High Street applied for; the practice of naming specific stances will no longer be accepted;
- the relevant application fee is submitted at time of application;

The application form requires traders to provide the following information /documentation.

- name of business and or trader;
- details of the stall to be used, including dimensions (not to exceed 8ft in length);
- wind management plan (it is no longer appropriate to produce a generic wind management plan the plan must reflect the actual stall);
- type of goods sold;
- public liability insurance.
- tax reference of the business / trader;
- photograph of proposed stall;
- type of goods sold (which will be then detailed on the licence);
- a copy of public liability insurance including cover for employees where appropriate.

In the event that an application form does not have the relevant information and or documentation it will be considered to be incomplete and will not be entered into the ballot.

STANDARD CONDITIONS – ALL STREET TRADERS

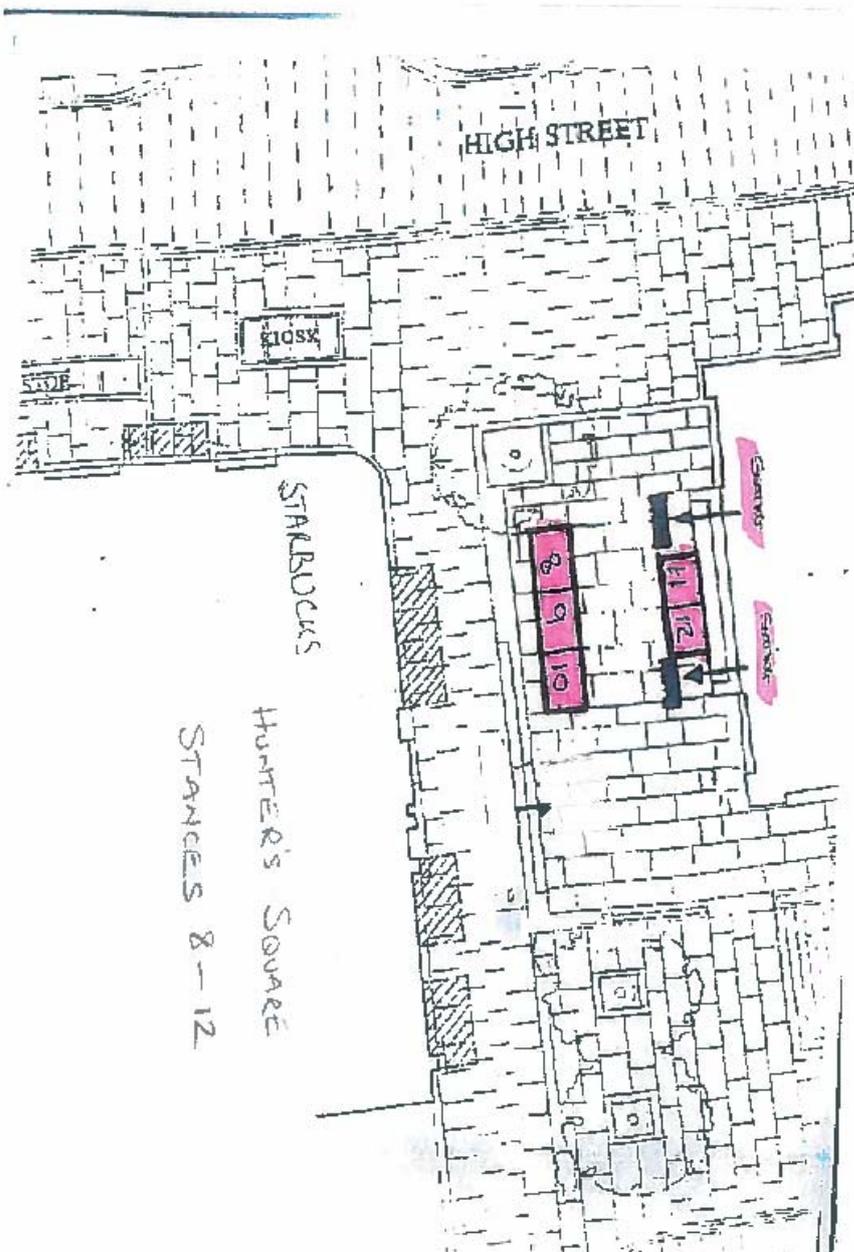
1. The holder of a Street Trader's Licence shall not be less than 18 years of age.
2. The licence holder shall not carry on business on any street so as to unreasonably obstruct road users or affect their safety.
3. The licence holder shall carry on business subject to any direction which the police or authorised officers of the City of Edinburgh Council may reasonably be required to give.
4. The licence holder shall not, without the consent of the Licensing Authority, sell or offer or expose for sale any goods or carry out or offer to carry out for money or money's worth any service at any place other than as specified in their licence. In particular no goods or articles of an objectionable or indecent character shall be sold or offered or exposed for sale.
5. The licence holder shall on all occasions, when carrying on business, behave in a proper and civil manner, and shall not carry on business in such a way as to cause a nuisance or annoyance to any person.
6. The licence holder shall at all times conduct business and position any vehicle used in connection with the business in such a manner that no danger is likely to arise to any other person.
7. Where vehicles are to be used to site or locate street trading units they must follow the Highway Code at all times. This includes NOT driving over public pavements to access an area or to place the unit on a stance. Vehicles may only drive over a pavement at specific designated locations where the kerb has been lowered for this specific purpose for vehicles. Pedestrian dropped crossings should not be used. This will include any deliveries to or servicing of any unit, stance or stall.
8. The licence holder shall only trade from the location or stance detailed on the licence. Any temporary relocation of stance can only be made with the consent of the appropriate Executive Director.
9. The licence holder shall obtain all necessary and appropriate consents prior to commencing trading from any stance and in particular the consent of the owners of any land on which a stance is to be situated or which is adjacent to any stance.
10. The licence holder shall at all times when trading wear the identity card which is issued with the licence. The licence must be displayed on any vehicle or stance.
11. The licence holder shall not lend to or allow any other person to use any licence or identity card issued by the Council.
12. The licence holder shall not sub-let the use of the site to a third party.
13. Licence Holders shall have a Public Liability insurance policy to the value of £1 million

14. The licence holder shall trade only between the hours of operation stated in the licence.
15. All temporary structures shall be designed, erected and maintained to suit their intended purpose. The design and erection shall be to the satisfaction of the Council's appropriate Executive Director's
16. Traded goods must be kept on and traded from the vehicle, trailer or stall. At no time shall such goods be permitted to lie or stand on the surrounding area or be left against adjacent walls or railings.
17. Where the licence allows the holder to sell from a vehicle, kiosk or moveable stall at an approved stance, the vehicle, kiosk or moveable stall shall be capable of being speedily and easily removed.
18. At the end of trading hours on each working day, the licence holder shall immediately remove the vehicle, kiosk or moveable stall from the approved stance and all other ancillary equipment placed on or in the vicinity.
19. The licence holder shall, during business hours and at the end of each day ensure the collection and removal of any paper, garbage or other refuse which may be produced, or may accumulate in the course of trading on any pavement around the stance within a distance of 25 metres either side. If adjacent stances, to which the street trading licence conditions apply, are within 25 metres, any distance to be cleaned shall be the mid-point between the two stances.
20. Any stall or trading unit should not be connected to any utility service i.e. water, gas or electricity supplies either on a permanent or temporary basis and should not therefore be arranged by a Licence holder.
21. All generators must be used and stored in accordance with manufacturer's guidance.
22. The licence holder shall ensure that all music, amplified music and/or vocals are controlled to the satisfaction of the appropriate Executive Director.
23. The Health and Safety at Work etc Act 1974 and all other relevant health and safety legislation must be complied with at all times by the licence holder.
24. Any Authorised Officer of the City of Edinburgh, Fire Officer or, Police Constable or Council shall be permitted to enter and inspect any vehicle, trailer or stall at any time and all reasonable directions and requirements of such officers or of the City of Edinburgh Council must be complied with.
25. A Licence holder who changes his address shall within 14 days thereafter give notice thereof to the Licensing Authority and shall produce his licence to the Licensing Authority who shall update the particulars of such change of address.
26. If during the currency of the licence, the licence holder is convicted of any offence, they shall, within 28 days, provide full details of such convictions, in writing, to the Licensing Authority.

High Street Trading Stances



Hunter Square Trading Stances



Regulatory Committee

9.30am, Monday 7 May 2018

Age Limitation and Emissions Standards for Taxis and Private Hire Cars (Air Quality)

Item number	7.3
Report number	
Executive/routine	
Wards	Citywide
Council Commitments	N/A

Executive Summary

Following the decision of Committee to introduce a Taxi and Private Hire Cars Age Limitation and Emission Standards policy, the Committee instructed the Executive Director of Place to submit for approval proposed conditions for taxis and Private Hire Cars to give effect to that policy.

This report provides the Committee with details of the new the conditions following the changes to policy.

Age Limitation and Emissions Standards for Taxis and Private Hire Cars (Air Quality)

1. Recommendations

- 1.1 The Regulatory Committee is asked to:
 - 1.1.1 Note the contents of this report and the age limitation and emission standards policy previously agreed by the committee, as detailed in Appendix 1; and
 - 1.1.2 Agree proposed conditions of licence for taxis and PHCs as set out in Appendix 2, which are required to implement the policy agreed in Appendix 1, these to be effective from 7 May 2018.

2. Background

- 2.1 The licensing of taxis and private hire cars (PHCs) is an optional activity in terms of the Civic Government (Scotland) Act 1982 ('the Act'). The City of Edinburgh Council, as Licensing Authority under the Act, passed a resolution in terms of Section 9 of the Act to the effect that Sections 10 to 23 of the Act shall have effect throughout the city, and that licences shall be required for taxis and PHCs from 1 July 1984 ('The City of Edinburgh Taxi and Private Hire Car Driving Resolution 1983').
- 2.2 Section 10 of the Act requires the licensing authority to be satisfied as to the suitability in type, size and design of a vehicle for use as a taxi or PHC before granting or renewing a taxi licence or a PHC licence.
- 2.3 In terms of the Act, when granting or renewing a licence, in addition to any mandatory or standard conditions to which the licence is subject, the licensing authority may (a) disapply or vary any standard conditions so far as is applicable to the licence; and (b) impose conditions. The conditions shall be such reasonable conditions as the licensing authority thinks fit.

- 2.4 On 16 March 2016 the Regulatory Committee agreed:
- 2.4.1 a revised policy on Taxis and Private Hire cars, outlined in Appendix 1, which:
 - 2.4.1.1 introduced an age limitation in respect of taxis and PHCs; and
 - 2.4.1.2 will incrementally increase the minimum emissions standards for the engines in these vehicles, which will improve emissions standards.
- to take effect from 7 May 2018.

3. Main report

- 3.1 The Council has previously approved standard licensing conditions for taxi and private hire car vehicles and drivers. These were last reviewed in 2016 and took effect from 1 December 2016.
- 3.2 Following the decision of the Regulatory Committee to introduce a Taxi and Private Hire Cars Age Limitation and Emission Standards policy, as detailed in Appendix 1, the Committee instructed the Executive Director of Place to submit for approval proposed conditions for taxis and Private Hire Cars to give effect to that policy.
- 3.3 The proposed conditions are attached at Appendix 2 and, if agreed, will thereafter be applicable in respect of any taxi or PHC licence granted or renewed from 7 May 2018. The conditions have been prepared to take account of the timeline agreed by the Committee for implementation. Taxi and PHC operators will therefore be aware from the timeline when individual conditions required to implement the policy will apply to their vehicles, both in respect of the age limitation and the emission standards.
- 3.4 Any applicant for the grant or renewal of a taxi or PHC licence may request that a standard condition should be disapplied in relation to their licence. Where an applicant seeks an exemption from the standard conditions in relation to either the age limitation or emission standards, such applications will be referred to the Committee for determination on a case by case basis. It will be for individual applicants to set out their position as to why the condition/s should not be applied. Discussions with the trade have suggested that there will be a number of situations where such requests will be made. For example, this might be relevant in the case of undue hardship which would be caused where a vehicle still has outstanding finance but the new conditions would prevent it from being licensed further. In any such case, were an applicant's requests for exemption to be refused, the applicant will be entitled to appeal the Committee's decision to the Sheriff.

- 3.5 Noting the trade's concerns about the number of vehicles affected, it is proposed that the committee is given a report every 12 months detailing:
- 3.5.1 The updated profile of the fleet in terms of emission standards;
 - 3.5.2 The number of vehicles estimated to be affected by the April 2019 and 2021 deadlines;
 - 3.5.3 Any evidence that licences are being surrendered or a drop in the number of vehicles operating in the city as a result of the changes;
 - 3.5.4 The number of operators who have successfully requested an exemption from the conditions.
- 3.6 These measures will allow the committee to mitigate the impact of the conditions on a case by case basis, if appropriate to do so, and to monitor the ongoing implementation of this policy. Should an unforeseen issue arise, the committee can consider any modifications of the policy which will assist with its ongoing implementation.

4. Measures of success

- 4.1 That the standard of the licensed hire fleet is maintained at a level to be expected in the capital city, delivering improvements that:
- 4.1.1 Provide safe and efficient transport options for residents and visitors;
 - 4.1.2 reduce carbon emissions;
 - 4.1.3 Improve air quality; and
 - 4.1.4 contribute to meeting UK air quality objectives (AQO).

5. Financial impact

- 5.1 Overall the change to conditions will not create any additional costs to the Council budget. The mitigation measures previously agreed (allowing any operator who applies to change their without paying the normal change of vehicle variation fee) are estimated at £60,000 over four years. This will be contained within the licensing budget.
- 5.2 The Council's scale of fees for licensing applications was approved with effect from 1 April 2018. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

6. Risk, policy, compliance and governance impact

- 6.1 The development of policy in respect of the licensing of taxis and private hire cars is part of the wider policy-making role for the Council. It is essential that all strategic aims of the Council are considered, and that where appropriate the taxi and private hire car licensing policy is consistent with these aims.
- 6.2 There is risk that any decision to amend or change existing policy in relation to the specification of vehicles suitable to be licensed for use as taxis and private hire cars could be subject to legal challenge
- 6.3 Air Quality Management Areas have been declared at five areas across the city where air quality assessment has identified that UK air quality objectives (AQO) are not being met.

7. Equalities impact

- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 7.2 The contents and recommendations described in this report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.

8. Sustainability impact

- 8.1 This will reduce the carbon footprint of the taxi and private hire car trade within the city and contribute to the Council's Sustainable Energy Action Plan to reduce carbon emissions across the city by 42% by 2020.

9. Consultation and engagement

- 9.1 Representatives from the taxi and private hire car trade were consulted at a meeting of the Hire Car Consultation Group on 4 October 2016, 1 March 2017, 30 November 2017 and 2 February 2018.
- 9.2 An online consultation was published on the Council's Consultation Hub between 21 April and 2 June 2017. 718 responses were received. The outcome of the consultation was the subject of a report to the Regulatory Committee on 23 October 2017.
- 9.3 Trade representatives were invited to make written representations as they saw fit and, where made, these have been included in this report.

- 9.4 The Regulatory Committee Meeting on 16 March 2018 heard deputations from Trade representatives.

10. Background reading/external references

- 10.1 None

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Executive Director of Place

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11. Appendices

- 11.1 Appendix 1 - Taxi and Private Hire Cars Age Limitation and Emission Standards new policy agreed by the regulatory committee on 16 March 2018.
- 11.2 Appendix 2 - Licensing Conditions

Taxi and Private Hire Cars Age Limitation and Emission Standards new policy agreed by the regulatory committee on 16 March 2018.

Taxi or PHC licensed by the City of Edinburgh Council

Age Limit

1. **Effective 1 April 2020** there will be an Age Limit applied to Taxis and Private Hire Cars (PHC) licensed by the City of Edinburgh Council, Subject to meeting normal conditions about roadworthiness, a taxi and PHC can be submitted for test prior to the 10th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.
2. **Effective 1 April 2020** Any Taxi or PHC which is converted to LPG will be an exception to the above age limit and allowed an additional 4 years of operation. Subject to meeting normal conditions about roadworthiness a converted vehicle can be submitted for test prior to the 14th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.

In addition to vehicles requiring to meet the above age limits, the emission standards set out below will also apply with the relevant date for both age limitation and emission standards being the earliest date applicable in either category.

Emission Standards

3. **Effective 1 April 2019** no Taxi or PHC will thereafter be accepted for test unless it is Euro 5 or above. Any Euro 0-4 Taxi or PHC which has passed its test and is licensed prior to 1 April 2019 may continue to be operated until its licence expires or **31 Mar 2020** whichever date is earliest.
4. **Effective 1 April 2022** no Taxi or PHC will thereafter be accepted for test unless it is Euro 6 or above. Separately to this requirement, any Euro 5 Taxi or PHC that has passed its test and is licensed prior to 1 April 2022 may continue to be operated until its licence expires or **31 Mar 2023** whichever date is earliest.

Taxi or PHC not currently licensed by the City of Edinburgh Council

5. **Effective 7 May 2018**, no vehicle will be accepted for licensing as a Taxi or PHC or as a replacement vehicle for an existing Taxi or PHC licence unless it is either Euro 5 or 6.

6. **Thereafter effective 1 October 2018** no vehicle will be accepted Taxi or PHC will be accepted for licensing as a Taxi or PHC or as a replacement vehicle for an existing Taxi or PHC licence unless it is a Euro 6.

Any applicant for either the grant or renewal of a taxi or PHC licence may request that a standard condition be disapplied in relation to his/her licence. Where an applicant seeks an exemption from the standard conditions in relation to either the age limitation or emission standards then such applications will be referred to Committee for determination on a case by case basis and it will be for individual applicants to set out their position as to why the conditions should not be applied. In any such case, were an applicant's requests for exemption to be refused then the applicant will be entitled to appeal the Committee's decision to the Sheriff.

Licensing Conditions

Current Taxi Conditions

256. Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval as an M1 vehicle, is purpose built for use as a Licensed Vehicle and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.
257. All Licensed Vehicles in Edinburgh must be readily wheelchair accessible

Proposed Taxi Conditions

Amend Condition 256 as follows:-

Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval as an M1 vehicle, is purpose built for use as a Licensed Vehicle and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.

In addition to the above:-

From **7 May 2018** any motor vehicle to be licensed in respect of a new taxi licence or replacement vehicle under an existing taxi licence will require to be a Euro 5 or 6 taxi vehicle

From **1 October 2018** any motor vehicle to be licensed in respect of a new taxi licence or a replacement vehicle under an existing taxi licence will require to be Euro 6 taxi vehicle.

From **1 April 2019** any motor vehicle to be submitted for test in respect of either a new or existing taxi licence will require to be (or exceed) a Euro 5 taxi vehicle. Any Euro 0-4 taxi vehicle licensed as a taxi prior to 1 April 2019 may continue to operate until that licence expires or 31 March 2020 whichever date is earliest

From **1 April 2020** all Licensed Vehicles must be less than 11 years old from the date of first registration (other than a Licensed Vehicle which has been converted to LPG). A Licensed Vehicle submitted for test in respect of renewal of a taxi licence prior to the 10th anniversary of its registration may continue to operate as a taxi until the expiry of the licence period following upon renewal of such licence. A Licensed Vehicle which has been converted to LPG submitted for test in respect of renewal of a taxi licence prior to the 14th anniversary of its registration may continue to operate as a taxi until the expiry of the licence period following upon renewal of such licence:

From **1 April 2022** any motor vehicle to be submitted for test in respect of either a new or existing taxi licence will require to be (or exceed) a Euro 6 taxi vehicle. Any Euro 5 taxi vehicle licensed as a taxi prior to 1 April 2022 may continue to operate until that licence expires or 31 March 2023 whichever date is earliest

Current PHC Conditions

303. Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Community Whole Vehicle Type Approval, and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles, in force at the time of licensing.

Proposed PHC Conditions

Amend Condition 303 as follows:-

Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.

In addition to the above:-

From **7 May 2018** any motor vehicle to be licensed in respect of a new PHC licence or replacement vehicle under an existing PHC licence will require to be a Euro 5 or 6 vehicle

From **1 October 2018** any motor vehicle to be licensed in respect of a new PHC licence or a replacement vehicle under an existing PHC licence will require to be a Euro 6 vehicle.

From **1 April 2019** any motor vehicle to be submitted for test in respect of either a new or existing PHC licence will require to be (or exceed) a Euro 5 vehicle. Any Euro 0-4 vehicle licensed as a PHC prior to 1 April 2019 may continue to operate until that licence expires or 31 March 2020 whichever date is earliest

From **1 April 2020** all Licensed Vehicles, other than a Licensed Vehicle which has been converted to LPG, must be less than 11 years old from the date of first registration. A Licensed Vehicle submitted for test in respect of renewal of a PHC licence prior to the 10th anniversary of its registration may continue to operate as a PHC until the expiry of the licence period following upon renewal of such licence. A Licensed Vehicle which has been converted to LPG and submitted for test in respect of renewal of a PHC licence prior to the 14th anniversary of its registration may continue to operate as a PHC until the expiry of the licence period following upon renewal of such licence

From **1 April 2022** any motor vehicle to be submitted for test in respect of either a new or existing PHC licence will require to be (or exceed) a Euro 6 vehicle. Any Euro 5 vehicle licensed as a PHC prior to 1 April 2022 may continue to operate until that licence expires or 31 March 2023 whichever date is earliest