

# 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

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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

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- 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

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- 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**

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- 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**

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- 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**

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- 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**

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- 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**

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- 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**

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- 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**

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- 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

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- 10.1 None

### **Paul Lawrence**

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail: [andrew.mitchell@edinburgh.gov.uk](mailto:andrew.mitchell@edinburgh.gov.uk) | Tel: 0131 469 5822

## 11. Appendices

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- 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 10<sup>th</sup> 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 14<sup>th</sup> 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 10<sup>th</sup> 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 14<sup>th</sup> 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 10<sup>th</sup> 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 14<sup>th</sup> 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