

# Notice of meeting and agenda

## Regulatory Committee

**9.00am, Monday 20 May 2019**

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

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

### Contacts:

Email: [lesley.birrell@edinburgh.gov.uk](mailto:lesley.birrell@edinburgh.gov.uk) / [sarah.stirling@edinburgh.gov.uk](mailto:sarah.stirling@edinburgh.gov.uk)

Tel: 0131 529 4240 / 0131 529 5009

## **1. Order of business**

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- 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**

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- 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**

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- 3.1 Deputation Request – Taxi Licence Holders

## **4. Minutes**

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- 4.1 Minute of the Regulatory Committee of 11 March 2019 (circulated) – submitted for approval as a correct record

## **5. Rolling Actions Log**

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- 5.1 Rolling Actions Log (circulated)

## **6. Business Bulletin**

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- 6.1 Business Bulletin (circulated)

## **7. Reports**

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- 7.1 Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Update – report by the Executive Director of Place (circulated)
- 7.2 Measures to Improve Taxi Examination Centre Efficiency and Improve Vehicle Safety – report by the Executive Director of Place (circulated)
- 7.3 Demand for Taxis: Six Monthly Update – report by the Executive Director of Place (circulated)
- 7.4 Private Rented Housing Sector Enforcement Activities – report by the Executive Director of Place (circulated)

## 8. Motions

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8.1 If any

### **Laurence Rockey**

Head of Strategy and Communications

### **Committee Members**

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Councillors Fullerton (Convener), Arthur, Burgess, Dixon, Howie, Mitchell, Rose, Neil Ross and Wilson.

### **Information about the Regulatory Committee**

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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**

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If you have any questions about the agenda or meeting arrangements, please contact Lesley Birrell or Sarah Stirling, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 4240/0131 529 3009 email [lesley.birrell@edinburgh.gov.uk](mailto:lesley.birrell@edinburgh.gov.uk) [sarah.stirling@edinburgh.gov.uk](mailto:sarah.stirling@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/meetings](http://www.edinburgh.gov.uk/meetings).

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Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services ([committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk)).

# Item 4.1 - Minutes

## Regulatory Committee

1.15pm, Monday 11 March 2019

### Present

Councillors Fullerton (Convener), Burgess, Child (substituting for Councillor Wilson), Dixon, Doran (substituting for Councillor Arthur), Mitchell, Rose, Neil Ross and Smith.

### 1. Minutes

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#### Decision

To approve the minute of the Regulatory Committee of 7 January 2019 as a correct record.

### 2. Rolling Actions Log

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The Regulatory Committee Rolling Actions Log was submitted.

#### Decision

To note the remaining outstanding actions.

(References – Regulatory Committee Rolling Actions Programme, submitted)

### 3. Air Weapons and Licensing (Scotland) Act 2015 – Repeal of Theatres Act 1968

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An update was provided on the implementation and changes to the licensing regime as a result of the Air Weapons and Licensing (Scotland) Act 2015. It was anticipated that the Theatres Act 1968 would be repealed early in 2021 and the current exemption within the Civic Government (Scotland) Act 1982 would be removed, thereby enabling a local authority to resolve under section 9 of the 1982 Act to license theatres under its public entertainment licensing regime.

It was proposed to carry out a wider review of the current Public Entertainment Resolution in addition to including theatres.

#### Decision

- 1) To note the proposed approach and time line for inclusion of theatres within the Public Entertainment Resolution.

- 2) To note that this provided an opportunity to review existing policy and terms of the current Public Entertainment resolution.
- 3) To note that the statutory procedure for making a variation to the City of Edinburgh Public Entertainment Resolution 2014 should be commenced immediately.

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

#### **4. Air Weapons and Licensing (Scotland) Act 2015 – Commencement of Sexual Entertainment Venues licensing provisions**

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An update was provided on the implementation and changes to the licensing regime as a result of the Air Weapons and Licensing (Scotland) Act 2015 in respect of Sexual Entertainment Venues.

It was understood that a commencement order could be made shortly which would give an indicative timeline for possible implementation of legislation at a local level in respect of Sexual Entertainment Venues in early 2021.

##### **Decision**

To note the possible commencement of Sexual Entertainment Venue licensing legislation and the intention to carry out a consultation exercise.

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

#### **5. Cinema Licensing: Update and Proposed Licensing Conditions**

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On 22 October 2018 the Regulatory Committee approved in principle proposals to introduce revised conditions for licences issued under the Cinemas Act 1985.

An update was provided following the statutory consultation which had been carried out between 14 November and 12 December 2018.

##### **Decision**

- 1) To note the report.
- 2) To agree proposed conditions of licence for cinemas as set out in Appendix 1 of the report; these to be effective from 1 April 2019.

(References – Regulatory Committee 22 October 2018 (item 11); report by the Executive Director of Place, submitted.)

## Regulatory Committee

20 May 2019

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	07.05.18	Street Trading: High Street and Hunter Square Update	To receive a further report in due course on wider issues of street trading and proposed policies in line with the Public Spaces Protocol.	Executive Director of Place	Summer 2019		Update in Business Bulletin reported to Committee on 7 January 2019.  Further report planned for submission to Committee in Summer 2019.
2	26.06.18	Private Rented Sector Enforcement Activities	1) To agree to receive a further report on future enforcement activities.	Executive Director of Place	April 2019		<b>Report on agenda for this meeting (item 7.5)</b>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			2) To agree to receive a further report proposing a draft policy on improving repairs and other matters as set out in paragraph 3.19 - 3.20 and 3.29 – 3.30 of the report by the Executive Director of Place.				
3	22.10.18	Licence Income	<p>1) To note the report.</p> <p>2) To agree that the content of Appendix 2 of the report by the Executive Director of Place was sufficient and to agree to receive information on the budget and spend on a yearly basis.</p> <p>3) To agree to receive annual reports in a similar format in future years.</p>	Executive Director of Place	October 2019		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
4	22.10.18	Cinemas Act 1985 – Proposed Update to Licensing Conditions	1) To note the report. 2) To agree to consult on the proposed conditions as set out in Appendix 2 of the report by the Executive Director of Place. 3) To note that a subsequent report on completion of the consultation would be prepared for Committee	Executive Director of Place	March 2019		<b>Recommended for Closure – report considered at meeting of 11 March 2019</b>  Consultation undertaken 14 November – 12 December 2018.
5	22.10.18	Training of Taxi and Private Hire Car Drivers	To note the revised timelines for implementation of the taxi and private hire car driver training as follows and to receive an update:  new drivers - 1 May 2019 existing drivers – 1 Sept 2019	Executive Director of Place	October 2019		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
6	07.01.19	Taxi Examination Centre – Vehicle Inspections	<ol style="list-style-type: none"> <li>1) To note the report.</li> <li>2) To support the proposals for improved efficiency and vehicle safety as outlined in paragraphs 3.9 to 3.13 of the report.</li> <li>3) To note that consultation on these proposals with the Hire Car Consultation Group (HCCG) would commence in early 2019, with the final recommendations being reported to the next Committee in May 2019.</li> <li>4) To ask the Executive Director of Place to provide a further report on the issue of missed appointments including measures to address this together with supporting statistical information on any financial impact.</li> </ol>	Executive Director of Place	May 2019		<b>Report on agenda for this meeting (item 7.2)</b>

# Business bulletin

## Regulatory Committee

## Item 6.1

**9am, Monday, 20 May 2019**

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

### Regulatory Committee

Convener:	Members:	Contact:
<p>Councillor Catherine Fullerton</p> 	<p>Councillor Scott Arthur Councillor Steve Burgess Councillor Denis Dixon Councillor Cameron Rose Councillor Stephanie Smith Councillor Donald Wilson Councillor Max Mitchell Councillor Neil Ross</p>	<p>Lesley Birrell, Committee Services 0131 529 4240</p>

**Street Trading**

The Regulatory Services Manager and colleagues from the Licensing Service met the new committee of the Playfair Steps and High Street Traders Association on 7 February 2019. The Association had previously sent council officers proposals about the use of the High Street and Hunters Square areas. At the meeting the Association highlighted areas within the existing High Street trading policy where they felt they could add value, including improved communication between traders and the Council, standardisation of stalls in respect of look and size, allocation of stances, trading periods and future opportunities. The meeting concluded with the Association agreeing to review their plans and making a further submission re their proposals. Further meetings are planned.

**Street Trading: Pedicabs**

The Licensing Service met members of the pedicab trade on 5 April 2019. The purpose of the meeting was to discuss the examination of pedicabs and any other issues arising from the implementation of the new policy. The trade members agreed to work with Council officers and to consider proposals put to the trade regarding vehicle examiners. This follows on from work that Council officers have completed in relation the pedicab testing regime and inspection documentation.

**Sexual Entertainment Venues (SEVs)**

On 11 March 2019 the committee agreed that a consultation would be carried out on the introduction of a licensing regime for SEVs. The consultation will ask whether or not the Council should adopt discretionary powers to licence SEVs and will be posted on the Council's Consultation Hub. Following

The committee has considered reports on street trading and received a deputation from the Association in May 2018.

Street Trading Licences on Playfair Steps were suspended from the end of September 2018 during works for the National Gallery.

The operation of pedicabs within the city had previously given rise to concerns about passenger safety, the operating area and adherence to licensing conditions. On 27 October 2017 a report was presented to the committee proposing a draft policy framework and new conditions.

The committee agreed on 7 January 2019 to approve a proposed revised licensing policy and conditions for pedicabs with an implementation date of 1 April 2019

On 21 March 2019 a commencement order was laid before the Scottish Parliament which provides a discretionary licensing regime for Sexual Entertainment Venues (SEVs). A SEV is defined as a premises where sexual entertainment is performed live, for the direct or

the collation and analysis of the responses received, a further report will be submitted to the committee.

### **Theatres**

On 11 March 2019 it was agreed that a consultation would be carried out to consider the inclusion of Theatres within the current Public Entertainment Licensing Resolution. As Edinburgh is a 'festival city', it is essential to ensure continuity of approach and maintain theatres within a licensing system. The consultation will ask whether or not the Council should adopt discretionary powers to license theatres and will be posted on the Council's Consultation Hub. Following the collation and analysis of the responses received, a further report will be submitted to the committee.

### **Taxi & Private Hire Training**

The training course content has been developed and the City & Guilds certification process is currently ongoing. After discussions with the trade it has been agreed that more detailed course content information will be shared at the next Hire Car Trade Group meeting.

Suitable premises has now been identified within the existing Council portfolio and the relevant logistical and financial arrangements are in the process of finalisation. The desired premises will be suitable for customer needs and will include appropriate classroom style accommodation.

Unexpected delays in procurement of specialist services and recruitment of appropriately trained, highly skilled staff is being addressed and it expected to be concluded in the near future.

indirect financial benefit of the organiser and for the sole purpose of sexual stimulation of members of the audience.

On 21 March 2019 a commencement order was laid before the Scottish Parliament which repeals the Theatre Act 1968 and removes the exclusion of theatres from the definition of "place of public entertainment", thereby enabling a local authority to resolve under section 9 of the 1982 Act to license theatres under its public entertainment licensing regime. This comes in to effect on 27 January 2021.

The committee has agreed to the Licensing Service developing a training programme for all current and new taxi and private hire drivers.

This training course will cover several topics including; passenger and road safety, licence conditions, first aid, professional customer service and service for passengers who require additional assistance.

# Regulatory Committee

2.30pm, Monday, 20 May 2019

## Age Limitation and Emissions Standards for Taxis and Private Hire Cars - Update

Executive/routine

Wards

Citywide

Council Commitments

### 1. Recommendations

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- 1.1 It is recommended that the Regulatory Committee:
- 1.1.1 Notes the contents of this report;
  - 1.1.2 Supports the proposals outlined in paragraph 4.8 and agrees that they will take effect from 1 July 2019;
  - 1.1.3 Notes the intention to delegate authority to the Executive Director of Place to approve exemptions to age and emissions policy in respect of owners retiring;
  - 1.1.4 Instructs the Executive Director of Resources to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval; and
  - 1.1.4 Agrees the draft changes to policy and conditions.

#### 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 529 4042

Contact: Gordon Hunter, Licensing Regulatory Officer

E-mail: [gordon.hunter@edinburgh.gov.uk](mailto:gordon.hunter@edinburgh.gov.uk) | Tel: 0131 529 4042

## Age Limitation and Emissions Standards for Taxis and Private Hire Cars - Update

### 2. Executive Summary

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- 2.1 Following the decision of the Committee to introduce a Taxi and Private Hire Cars Age Limitation and Emission Standards policy, the Committee instructed the Executive Director of Place to monitor the ongoing implementation of this policy. This report provides the Committee with an update on the implementation of the policy, and advises on proposed changes to policy.

### 3. Background

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- 3.1 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 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 ('City of Edinburgh Taxi and Private Hire Car Driving Resolution 1983').
- 3.2 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 or PHC licence.
- 3.3 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.
- 3.4 On 16 March 2016 the Regulatory Committee agreed:
- 3.4.1 a revised policy on Taxis and Private Hire cars, outlined in Appendix 1, which took effect from 7 May 2018, which:
    - 3.4.1.1 introduced an age limitation in respect of taxis and PHCs; and
    - 3.4.1.2 will incrementally increase the minimum emissions standards for the engines in these vehicles, which will improve emissions standards;

- 3.5 The Committee instructed Council officers to monitor the ongoing implementation of this policy, and if any unforeseen issue arise to report these back to the committee, so that it could consider any modifications of the policy which would assist with its ongoing implementation.

## 4. Main report

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- 4.1 The Council previously updated standard licensing conditions for taxi and private hire car vehicles and drivers in 2016. These conditions were further updated following the decision of the Regulatory Committee to introduce a Taxi and Private Hire Cars Age Limitation and Emission Standards policy and conditions (Appendices 1 and 2)
- 4.2 The latest policy milestone was **effective 1 April 2019**, when no Taxi or PHC would 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 minimum of Euro 5. Any Euro 0-4 taxi or PHC for which an application to renew a licence was made prior to 1 April 2019 may continue to be operated until its licence expires.
- 4.3 The Licensing Service has received approximately 306 applications to vary licence conditions of Taxi or Private Hire Car Licences since this change in policy. These are referred to the committee to determine whether in each case an exemption to the policy should be made, and the relevant licence should be granted with an exemption to the relevant conditions. There are currently 52 appeals still to be heard. To date 112 variation applications have been refused and 131 granted. 113 were given an extension of 1-2 years; 15 were given an extension of 2-3 years; and three were given an extension of 3 years or more.
- 4.4 Approximately 530 vehicles have already been upgraded to meet the new conditions, which indicates that a proportion of the trade is already working to meet the terms of the policy.
- 4.5 The Committee instructed Council officers to monitor the ongoing implementation of this policy, and should any unforeseen issue arise to report these back to the committee, so that it could consider any modifications of the policy which would assist with its ongoing implementation

### **Retirement policy**

- 4.6 A number of vehicle owners have had a request for exemption to policy heard, and during the hearing have indicated that they intend to retire within the next 1-2 years. The committee has generally been sympathetic to these requests and has granted a number of exemptions.
- 4.7 It is proposed that owners seeking an exemption to policy on the basis of retirement could be dealt with by Council officers under delegated authority, subject to strict criteria. If considered appropriate it is proposed that:

- 4.7.1 Individual owners could be given an exemption of up to a maximum period of one year;
  - 4.7.2 Owners would have to provide a written declaration that it was their intention to retire and the intended date of retirement;
  - 4.7.3 Only one exemption can be dealt with under delegated authority and any further requests are referred to the committee.
- 4.8 It is acknowledged that circumstances can change, and any change to retirement plans would be referred back to the committee for further consideration. In addition, any evidence of bad faith would be referred back to the committee with an immediate request to vary terms of the licence. This may also be considered in the context of an owner's suitability in terms of the fit and proper test.

### **Euro 5s**

- 4.9 The first policy milestone took effect on 1 October 2018, from which date no taxi or PHC would 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. This prevents Euro 5 or lower vehicles which are not already part of the current City of Edinburgh licensed fleet of vehicles from being tested and licensed. Members will recall that there was evidence that a number of licensed taxi operators were replacing vehicles by purchasing older second hand taxis, which were no longer suitable for licensing in the authority in which they were originally licensed. These second hand vehicles had become available because they failed emission or age standards in those authorities, e.g. London/Birmingham. This measure therefore prevented a short term increase of vehicles which would require to be further replaced when this Council's higher emission standards took effect
- 4.10 The latest policy milestone was **effective 1 April 2019**, after which date no taxi or PHC would 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.
- 4.11 The taxi trade has advised that only a small number of owners are able to finance and purchase brand new vehicles. This has a direct impact of the availability of second hand vehicles, and as a result of the implementation of the policy in October 2018 the availability of Euro 5 vehicles from within the existing fleet is problematic. The number of Euro 5 taxis available for purchase is significantly lower than the required demand to meet the emissions standards. As a result this has created a false market value for vehicles. The trade has asked that consideration is given to relaxing the current policy and allowing the purchase of Euro 5 vehicles from outwith the existing fleet. This would apparently stabilise the aftersales market and create greater availability of suitable vehicles in the short term.
- 4.12 It is proposed by Council officers that the policy that took effect on 1 October 2018 (no taxi or PHC to 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) should be amended to give a date of 1 April 2020. This would allow a number of drivers to make the

necessary step change to achieving full compliance with the policy by 2022. This is a proportionate measure, responding to what is known about the impact of implementation on the trade and availability of vehicles.

### **Electric Vehicles**

- 4.13 The profile of electric vehicles (EV) is now growing and is seen as a contributor to reducing carbon emissions and improving air quality. There are currently 27 LEVC brand vehicles licensed as taxis in Edinburgh; two Tesla vehicles and 16 Nissan Leaf vehicles licensed as Private Hire cars
- 4.14 LEVC (formerly known as the London Taxi Company) is the only company currently supplying a purpose built taxi. The vehicle has been well received in Edinburgh and a number of new LEVC vehicles have already been licensed. The LEVC TX is powered by a full-electric hybrid drivetrain. It continuously drives in full-electric mode, but is recharged by 1.5-litre turbocharged three-cylinder petrol engine. This is the only purpose built 'electric' taxi that is currently available on the market
- 4.15 The taxi trade has highlighted concerns about the current EV infrastructure and the availability of charging points.
- 4.16 The City of Edinburgh Council is committed to improving EV infrastructure, and an EV Action Plan has been designed to increase charging infrastructure across the city and to encourage the uptake of EVs. The EV Action Plan is overseen by the Transport and Environment Committee
- 4.17 Regulatory Committee members were keen to encourage conversion to Electric Vehicles and Council officers were asked to consider measures that would provide some form of incentive. It is proposed that the current policy and conditions be amended **effective 1 April 2020** to allow any electric taxi or PHC, which is not a hybrid vehicle, to be an exception to the 10 year age limit and allow an additional four years of operation. Subject to meeting normal conditions about roadworthiness and ongoing six monthly compliance test from the vehicle's 10<sup>th</sup> anniversary, this will allow a vehicle to 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.

### **Hybrid Vehicles**

- 4.18 Hybrid cars have electric elements to their powertrains, but cannot be considered 'electric cars' due to the presence of a petrol engine. The term 'hybrid' is technically quite vague (Appendix 3), but in the context of cars almost always refers to a petrol-electric powertrain. This means that the car uses a combination of electricity stored in batteries and petrol stored in a tank to propel the car forward.
- 4.19 At the time of manufacture/registration hybrid cars will all have a Euro rating which reflects the vehicle's emissions level. It is therefore not proposed to make any changes to the policy in this regard.

## **LPG Vehicles**

- 4.20 Prior to 2018, licensing conditions prevented the use of LPG vehicles and they had never previously been considered appropriate for licensing. The hire trade expressed an interest in allowing existing taxis to be converted to LPG vehicles. The committee agreed that any existing vehicle licensed by the Council can be adapted to Euro 6 or converted to LPG, provided that the following can be shown by the operator and that any modification is carried out at the owner's risk:
- 4.20.1 it is assessed as safe by the Taxi Examiner; and
- 4.20.2 it is accompanied by an approval certificate obtained from the Driver and Vehicle Standards Agency (DVSA).
- 4.21 The scheme of delegation does not allow Council officers to approve vehicle conversions, and all applications to convert existing vehicles will be referred to the committee for consideration.
- 4.22 In line with the approach for electric vehicles set out above, such conversion should be subject to meeting normal conditions about roadworthiness and ongoing six monthly compliance test from the vehicle's 10<sup>th</sup> anniversary of registration. This will allow a vehicle to 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.

## **Retro Fit/Replacement engines**

- 4.23 The committee previously agreed that any existing vehicle licenced by the Council can be adapted to Euro 6 or converted to LPG if it is assessed as safe by the Taxi Examiners and is accompanied by an approval certificate obtained from DVSA.
- 4.24 A number of enquiries have been made by the trade about retro fitting of vehicles with EV capability, although no firm proposals or applications have been made or vehicle specifications submitted to the Council. In the interim it is proposed that any request to retrofit or for conversion of an existing taxi or PHC vehicle is dealt with on a case by case basis. Provided that the following can be shown by the operator and that any modification is carried out at the owner's risk, conversion may be considered appropriate:
- 4.24.1 it is assessed as safe by the Taxi Examiners; and
- 4.24.2 it is accompanied by an approval certificate obtained from DVSA
- 4.25 A number of enquiries have also been made by the trade about replacement engines, which could potentially change the emissions rating of an existing vehicle. Upgrading a vehicle's engine does not automatically mean that there is an improvement to the emissions level, and a number of other components would also require to be upgraded.
- 4.26 In more general sense, just because a vehicle has been converted does not mean that its Euro rating will change. DVSA advises that there is no mechanism to reclassify a vehicle's Euro rating. Once a vehicle has been given a classification it will always have this, and the V5 vehicle registration document cannot be changed

in that respect. The Euro rating remains with the vehicle for its lifetime. DVSA can re-categorise the vehicle's emissions level, and an application can be made to the Driver and Vehicle Licensing Agency (DVLA) that allows the tax bracket to be changed. This would in essence dictate that the vehicle has a different emission rating, which would then form part of any future MoT process. However, the vehicle would still retain its original Euro rating.

- 4.27 The Scheme of Delegation does not allow Council officers to approve vehicle conversions, and all application to convert existing vehicles will be referred to the committee for consideration.

#### **After market devices**

- 4.28 There are a number of after market devices and fuel additives that manufacturers claim can improve fuel economy and/or reduce exhaust emissions.
- 4.29 The majority of after market devices require ongoing maintenance and do not provide a permanent or fixed effect on emissions. It is not proposed to allow the inclusion of after market devices within the age and emissions policy, and any application submitted would be dealt with on a case by case basis.
- 4.30 Proposed changes to conditions and policy are shown in Appendix 4.

## **5. Next Steps**

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- 5.1 Council officers will monitor the implementation of the proposed changes and provide a further update in 12 months

## **6. Financial impact**

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- 6.1 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 vehicle 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
- 6.2 The Council's scale of fees for licensing applications was approved with effect from 1 April 2019. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

## **7. Stakeholder/Community Impact**

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- 7.1 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

- 7.2 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.
- 7.3 This policy 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
- 7.4 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 7.5 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.
- 7.6 Representatives from the taxi and private hire car trade were consulted on at meetings of the Hire Car Consultation Group on 4 October 2016, 1 March 2017, 30 November 2017, 2 February 2018, April 2018, October 2018 and 5 March 2019
- 7.7 Council officers continue to discuss implementation with the trade during regular meetings.

## **8. Background reading/external references**

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- 8.1 None

## **9. Appendices**

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- 9.1 Appendix 1 – Taxi and Private Hire Cars Age Limitation and Emission Standards (new policy agreed by the Regulatory Committee on 16 March 2018)
- 9.2 Appendix 2 - Licensing Conditions
- 9.3 Appendix 3 – Hybrid Vehicles
- 9.4 Appendix 4 – Proposed changes to taxi and private hire car conditions and policy.

**Taxi and Private Hire Cars Age Limitation and Emission Standards 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 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 Condition 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.

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 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

### **HYBRID CARS**

Hybrid cars, have electric elements to their powertrains but cannot be considered 'electric cars' due to the presence of a petrol engine.

The term 'hybrid' is technically quite vague, but in the context of cars almost always refers to a petrol-electric powertrain. This means the car uses a combination of electricity stored in batteries and petrol stored in a tank to propel the car forward. The details of this arrangement will vary from car to car.

A hybrid vehicle will almost always be able to charge its own batteries using the petrol engine. In some cases, this is all the petrol engine is there for – to recharge the batteries, which power the electric motors. In other types of hybrid, the petrol motor drives the wheels directly, but an additional battery/motor combination adds some electric drive.

The main advantages of a hybrid are that it should consume less fuel and emit less CO<sub>2</sub> than a comparable conventional petrol or diesel-engined vehicle.

Hybrid car owners also get extra benefits in the shape of lower [first year road tax](#) and [company car tax](#).

Hybrid cars have a conventional engine, an electric motor and a battery. There are a number of different types of hybrids and each works in a different way.

#### **Parallel hybrid cars**

These are the most common type of hybrid, and the [Toyota Prius](#) is the most widely known example. The car's wheels can be powered in three different ways: either directly by the engine, by the electric motor alone, or by both power sources working together.

When pulling away, and at speeds up to 15mph, the Prius only uses the electric motor for power, making it very economical for stop-start city driving. The petrol engine cuts in as speed increases, and it is used most during hard acceleration.

Whenever you decelerate or use the brakes, the regenerative braking system produces electricity and stores it in the battery for use later on. The battery is big enough that the electric motor can power the car for up to 1.25 miles.

Toyota also uses this system in the [Yaris](#) and [Auris](#) hatchbacks and [Prius+](#) MPV hybrids, while cars from [Audi](#), [BMW](#), [Citroen](#), [Land Rover](#), [Lexus](#), [Mercedes-Benz](#), [Peugeot](#), [Porsche](#) and [Volkswagen](#) work on the same basis.

#### **Range extender hybrid cars**

These only use their conventional engine to produce electricity for a generator that recharges the batteries. The engine never drives the car, it only produces energy for the electric motor.

The [BMW i3](#) with Range Extender is one of the most popular examples. The [Honda Jazz Hybrid](#) also uses an electric motor to help their relatively small conventional engines when required.

Hybrids are also categorised as either strong or mild depending on the amount of battery power they have. With more battery capacity, strong hybrids can drive further than mild ones on electric power only.

The Suzuki Ignis is a mild hybrid, and one of the cheapest hybrid cars available

In 'mild hybrids', the amount of electric power that drives the wheels is limited. The car won't normally drive on electric power alone, but a small electric motor can be used to fill in the gaps. These systems are cheaper than 'full hybrid' models but have a much smaller benefit in terms of emissions.

### **Plug-in hybrids**

As the name implies, this type of hybrid can be plugged into an electric outlet to recharge their batteries, as well as being charged on the move.

Effectively, they are a halfway house between conventional hybrids and full electric vehicles. Although they have a conventional engine, they also have larger batteries than regular hybrids and can drive longer distances on electric power alone - up to 30 miles in some cases. When used correctly; there is no requirement to plug the car in (unlike with electric cars) and many owners choose not to. There are a growing number of plug-in hybrids on offer, including the [Mistubishi Outlander](#), [Toyota Prius](#) and [Volvo V60](#).

### **Electric car, or 'EV'?**

An electric car is one that runs on, and is 'charged up' with, electric power. Petrol or diesel is never used to refuel an electric car. The electricity that powers an electric car is stored in batteries before being used by electric motors to drive the car's wheels; the addition of a fossil fuel engine would make it a hybrid.

Electric cars are becoming commonplace thanks to certain financial advantages, including government grants and the lower cost of "filling up" compared to a tank of petrol. They're considered better for the environment due to the fact they emit no exhaust gases. Popular examples of electric vehicles (often abbreviated to "EV") include the Nissan Leaf, [Renault Zoe](#), and [Tesla Model S](#) but the choice is expanding rapidly.

Electric vehicles have several key benefits when compared to ordinary petrol and diesel cars, as well as increasingly popular hybrid cars. Electric vehicles emit no pollution at the tailpipe, which means they have a much smaller local environmental impact. They operate very quietly and are generally extremely easy to drive, with no real gearbox to speak of and a great deal of power at low speeds. You can drive an electric car on an automatic-only driving licence.

Most importantly they can be charged up at home. You can in certain circumstances 'refuel' an electric car using an ordinary three-prong plug wherever you find a socket, which is pretty much everywhere. While many owners choose to install a slightly more sophisticated 'plug' at home for faster charging, it's perfectly possible to use the existing setup on your drive or in your garage. Faster chargers, such as those found in car parks and at petrol stations, are also useful for EV owners.

## **LECV Taxi**

TX is a range-extended electric vehicle. This means that it is always driven electrically by a motor and powered by a battery. The electric range of 81 miles, combined with flexible plug-in charging options, gives most taxi drivers the ability to complete their day on electric power.

Because the nature of a taxi driver's work is varied and unpredictable by its nature, TX also has a small petrol range-extender fitted. This is not connected to the wheels and cannot drive the cab as an engine, it acts as a generator to send electrical energy to the battery and ensures drivers are able to complete their fare before needing to stop to recharge. It is this technology which overcomes the range anxiety faced by many operators and gives the confidence to consider an ultra-low emissions cab.

As well as emitting none of the harmful particulates associated with a diesel engine, TX combined CO<sub>2</sub> emissions on the official WLTP drive cycle, which includes use of the range-extender, is only 20 g/km. This compares to between 212 and 244 g/km for a diesel London Taxi (depending on model / age) and represents a huge step towards improving the air quality in our cities.

## **Hydrogen fuel cell car?**

At the moment, petrol, diesel and electricity are the only practical ways of transferring energy to a car for most people. The millions of plug sockets and thousands of fuel stations make it relatively easy to refuel a hybrid, EV or pure Internal combustion engine (ICE) car in Britain, even if there are downsides to both. However, for the more adventurous (and geographically serendipitous) there is another way – hydrogen.

A hydrogen fuel cell car is refuelled with compressed hydrogen. The car itself then turns the hydrogen into electricity, which it uses to drive its wheels. The emission from this process is pure water, which is clean enough to drink.

The technology is still in its infancy, but there are some clear advantages over fossil fuels, as well as a number of benefits in comparison to plug-in electric vehicles. Hydrogen is generated via a process called electrolysis, which can be done on a small scale in-situ; theoretically, an individual pump or station can create its own hydrogen using on-site renewables or excess electricity from the grid. It can also be pumped into a car quickly, closely resembling the process of refuelling a petrol car.

At the moment, there are only a handful of [hydrogen pumps in the UK](#). Some even exist at motorway service stations now but it is expected that this coverage will expand significantly over the next couple of years. It's too early to recommend this technology to most buyers but hydrogen fuel cell mobility already has enormous potential for small fleets.

Whatever happens, it's important to remember that technology develops rapidly, and that there's more to mobility than petrol pumps and charging cables.

## **What are the benefits of a hybrid car?**

Driving a hybrid is similar to driving a conventional automatic car, so there's little compromise on performance.

Most strong hybrids will have a choice of power modes, too, ranging from eco to power, enabling the driver to choose maximum efficiency or performance depending on the driving conditions.

Range anxiety shouldn't be an issue and you because hybrids charge up their own batteries and don't necessarily need a charging point.

Although the tax benefits of hybrid ownership aren't as big as they used to be, company car drivers still pay less Benefit-In-Kind (BIK) tax than drivers of petrol or diesel cars, and cars emitting less than 75g/km qualify for London congestion charge exemption.

### Hybrid Pros

- **Cleaner energy.** Because hybrids run on a combination of petrol and electricity, they emit less pollution than petrol or diesel only vehicles.
- **Regenerative braking.** Much of the energy produced during braking is captured and fed to the battery. This action increases the charge available to the electric motor, which results in less fuel consumption. It can also extend the life of brakes.
- **Weight savings.** Many hybrids are constructed using lightweight materials, so they don't consume as much energy as their full-weight counterparts.
- **Smaller engines.** Because they don't have to power the car alone, the petrol engines used in hybrid cars are usually small, light, and highly efficient.
- **Higher resale value.** Hybrid versions of popular vehicles remain in high demand on the used car market. With a hybrid, you will likely recoup a higher percentage of the original investment at point of re-sale.

### Hybrid Cons

- **Performance.** Most hybrids are built for economy, not speed. Total output and acceleration lag behind comparable gas-only vehicles. To conserve weight, hybrids usually aren't equipped with sport-tuned suspensions and other performance enhancements found on non-hybrid models. The location of the battery pack often results in less-than-ideal weight distribution, which can affect handling.
- **Price.** Although the gap is narrowing, hybrids remain more expensive, sometimes by a significant margin. Many buyers find this trade-off to be unacceptable.
- **Maintenance:** Hybrid vehicles generally cost more to repair, and not all mechanics have the equipment and know-how to fix them properly.

## Proposed Taxi and Private Hire Cars Age Limitation and Emission Standards new policy.

### 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 and 6 monthly compliance test from the vehicles 10<sup>th</sup> anniversary this will allow a vehicle to 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
3. **Effective 1 April 2020** to allow any Electric Taxi or PHC, which is not a hybrid vehicle, to be an exception to the 10 year age limit and allow an additional 4 years of operation. Subject to meeting normal conditions about roadworthiness and 6 monthly compliance test from the vehicles 10<sup>th</sup> anniversary this will allow a vehicle to 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

4. **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.
5. **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

6. **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.
7. **Thereafter effective 1 April 2020** no 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.

### **Electric Vehicles**

8. Any Electric Taxi or PHC, which is not a hybrid vehicle, to be an exception to the 10 year age limit and allow an additional 4 years of operation. Subject to meeting normal conditions about roadworthiness and 6 monthly compliance test from the vehicles 10<sup>th</sup> anniversary this will allow a vehicle to 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.

### **Hybrid Vehicles**

9. Hybrid cars, have electric elements to their powertrains but cannot be considered 'electric cars' due to the presence of a petrol engine. The term 'hybrid' is technically quite vague, but in the context of cars almost always refers to a petrol-electric powertrain. This means the car uses a combination of electricity stored in batteries and petrol stored in a tank to propel the car forward.
10. Hybrid cars at time of manufacture / registration all have a Euro rating which reflects the vehicles emissions level.

### **LPG Vehicles**

11. Prior to 2018 licensing conditions prevented the use of LPG vehicles and they had never previously been considered appropriate for licensing. All application to convert existing will be referred to committee for consideration.
12. Any existing vehicle licenced by CEC can be converted to LPG provided that the following can be shown by the operator and that any modification is carried out at the owner's risk:
  - a. It is assessed as safe by the Taxi Examiners;
  - b. it is accompanied by an approval certificate obtained from DVSA; and
  - c. after such conversion subject to meeting normal conditions about roadworthiness and 6 monthly compliance test from the vehicles 10<sup>th</sup> anniversary this will allow a vehicle to 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.

### **Retro Fit / Replacement engines**

13. any existing vehicle licenced by CEC can be adapted to Euro 6 provided that the following can be shown by the operator and that any modification is carried out at the owner's risk:
  - a. It is assessed as safe by the Taxi Examiners;
  - b. it is accompanied by an approval certificate obtained from DVSA.
14. In more general term just because a vehicle has been converted does not mean that its Euro 6 will change. DVSA advise that there is no mechanism to reclassify a

vehicles Euro once a vehicle is given a euro classification it will always have this and the V5 vehicle registration document cannot be changed in that regard. The Euro rating once issued remains with the vehicle for life.

15. All application to convert existing will be referred to committee for consideration.

### **After market devices**

16. There are a number of aftermarket devices and fuel additives that manufacturers claim can improve fuel economy and/or reduce exhaust emissions. The majority if not all aftermarket devices require ongoing maintenance and do not provide a permanent or fixed solution to emissions accordingly they have not been included within the policy and any application submitted would be dealt with on a case by case basis.

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.

### **Retirement policy**

17. Owners seeking an exemption to policy on the basis of retirement can be dealt with by council officer under delegated authority and given an exemption of up to a maximum period of 1 years dependant on circumstance.

a. Owners would have to provide a written declaration that it was their intention to retire and the intended date of retirement.

b. Only one exemption can be dealt with under delegated authority

18. It is acknowledged that circumstance can change and any change to retirement plans would be referred back to committee for further consideration. In addition any evidence of bad faith would also be referred back to committee with an immediate request to vary terms of the licence and it may also be considered in context of an owner's suitability in terms of the fit and proper test.

## Licensing Conditions

Condition 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.

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 April 2020** 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 is an Electric Vehicle or 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

Condition 303:-

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 April 2020** 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 is an Electric Vehicle or 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

# Regulatory Committee

2.00pm, Monday, 20 May 2019

## Measures to Improve Taxi Examination Centre Efficiency and Improve Vehicle Safety

Executive/routine

Wards

Citywide

Council Commitments

### 1. Recommendations

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- 1.1 It is recommended that the Regulatory Committee:
  - 1.1.1 Notes the contents of this report and discharges previous remits from the Regulatory Committee on 7 January 2019;
  - 1.1.2 Supports the proposals outlined in paragraph 4.8 and agrees that they will take effect from 30 September 2019; and
  - 1.1.3 Agrees the draft policy.

#### 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 529 4042

Contact: Gordon Hunter, Licensing Regulatory Officer

E-mail: [gordon.hunter@edinburgh.gov.uk](mailto:gordon.hunter@edinburgh.gov.uk) | Tel: 0131 529 4042

## Measures to Improve Taxi Examination Centre Efficiency and Improve Vehicle Safety

### 2. Executive Summary

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- 2.1 This report provides details of the measures considered necessary to improve the efficiency of the Taxi Examination Centre (TEC) and to improve the standards of vehicles presented for inspection, thus reducing the need for vehicle retests. The approach should drive up the overall standard of vehicles operating on a daily basis, ensuring that they are safe, roadworthy and fit for purpose.

### 3. Background

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- 3.1 As the licensing authority under the Civic Government (Scotland) Act 1982, the Council has a duty to ensure that taxis and private hire cars (PHCs) are safe, roadworthy and fit for purpose. Both taxis and PHCs are required to be inspected upon application for new licences or renewal of existing licences. New vehicles (intended to replace an existing licensed vehicle) are also required to be inspected. In addition, licensed vehicles may be subject to spot checks or called in for ad-hoc inspections, as required by Police or Council officers
- 3.2 The testing of taxis and PHCs is carried out at the Council's test facility, the Taxi Examination Centre (TEC) operated by Fleet Services at the Murrayburn Road council depot. The TEC also carries out similar examination and enforcement functions for both West Lothian and Midlothian councils.
- 3.3 As previously reported, a culture exists amongst some operators where vehicles are submitted for test and any faults identified in the test remedied thereafter. This practise needs to be addressed, as maintenance should be carried out on an ongoing basis. Vehicles should not only be presented for test in a compliant condition, but should be maintained at that level on a daily basis to ensure public safety and wellbeing.
- 3.4 The national average pass rate for MOTs is currently circa 70% for Class III and IV vehicles. By comparison, the City of Edinburgh average pass rate in 2018 for licensed vehicles was 49% for taxis and 58% for PHCs.

## 4. Main report

- 4.1 The Taxi Examination Centre (TEC) is managed by City of Edinburgh Council Fleet Services and is an approved MOT testing station authorised and governed by the Driver and Vehicle Standards Agency (DVSA). All licensed vehicles, irrespective of age, are tested to MOT standards. This includes emissions testing, where applicable, and a full compliance check with City of Edinburgh Council's Taxi and Private Hire licensing conditions. The licensed fleet is therefore more rigorously tested and controlled than private vehicles (Appendix 1).
- 4.2 During 2017/18 and 2018/19 the TEC continued to experience pressure and an increase in waiting times for new vehicles to be inspected. This resulted from a range of issues, including:
- 4.2.1 an increase in the number of PHC licence applications and vehicles submitted for inspection;
  - 4.2.2 an increase in the number of appointments missed
  - 4.2.3 an increase in the number of change of vehicle applications; and
  - 4.2.4 a high initial failure rate leading to re-inspections.
- 4.3 The following table shows information provided by the TEC for the number of vehicles passing the test on the first occasion and the number of vehicle examination hours lost to missed appointments in 2018.

<b>Measure</b>	<b>January – December 2018 Taxi</b>	<b>January – December 2018 PHC</b>	<b>January – December 2018 Overall</b>
Council-licensed vehicles tested passing first time	49%	58%	55%
Appointments missed	3% (equates to 216 lost hours)	8% (equates to 844 lost hours)	6% (equates to 1060 lost hours)
Tests abandoned due to poor vehicle condition	1% (equates to 92 lost hours)	2% (equates to 248 lost hours)	2% (equates to 340 lost hours)

- 4.4 A number of measures have now been implemented to address increased demand at the TEC. These include:
- 4.4.1 two additional vehicle inspection ramps, which have been operational since March 2018; and
  - 4.4.2 where it is apparent that any vehicle has not been prepared for inspection it will not be tested, the test will be abandoned, and a retest fee applied
- 4.5 An increase in the staffing resource at the TEC is being reviewed to reflect the increased volume of vehicle licence applications and increased fleet size. This will also support increased enforcement activity on the roadside

- 4.6 Initial discussions were held with trade representatives through the Hire Car Trade Meeting (HCTM) during 2018. A range of options designed to improve TEC efficiency and vehicle safety were identified and are shown in Appendix 2. The trade was given a final opportunity to respond to the proposals prior to the Hire Car Trade Meeting on 5 March 2019.
- 4.7 Representatives from the trade, through HCTM members, were broadly supportive of the proposals and also expressed support for increasing effective enforcement action in regard to taxi and PHC licence holders who are in breach of the conditions of licence. Only one written response to the proposals has been received (Appendix 3). A number of the concerns expressed in the representation received are addressed in Appendix 1, which details the requirements of an approved MOT testing station.
- 4.8 It is proposed that the following measure should be implemented:
- 4.8.1 Where a vehicle fails inspection, the TEC currently offers a retest within 10 days. However, this inevitably contributes to workload, and to waiting times for test dates for other applicants. Where a retest takes place within 10 days, provided the reason for failure falls within a range of defined defects (Appendix 2), the retest does not currently incur any additional charge. However, the regulations governing MOT testing by Authorised Test Stations permit a retest fee of up to a maximum of half of the original MOT test fee.
- Where a retest takes place within 10 days, provided the reason for failure falls within a range of defined defects (as shown in Appendix A) and only requires a partial retest, the retest will incur an additional charge which is equivalent to half of the permitted MOT Test fee i.e. £27.43
- Where a retest takes place within 10 days and requires a full retest, the retest will incur a further full examination fee.
- 4.8.2 The guidance issued in respect of MOT testing stations by the Vehicle and Operator Services Agency for minor defects permits a process known as 'pass after rectification' (Appendix 2), where such defects may be rectified within one hour after the test, but before recording the results. The TEC would continue to offer this facility to allow vehicles with minor defaults to be retested. This would facilitate retesting of vehicles which had, for example, a blown bulb which had occurred immediately prior to the test taking place, or other similar minor defect.
- No fee would be levied for vehicles with minor defects
- 4.8.3 The TEC currently offers test dates for new applications at the earliest opportunity. In the case of licence renewal applications, the licence holder is advised of the test date 13 months in advance (at the time of the previous compliance inspection) and a reminder is sent to the licence holder one month in advance of the actual test date. This is to assist the licence holder and to enable the TEC to manage resources in an efficient manner. Failure by applicants to keep appointments, and accommodating a new test date

within 10 days of the original appointment, has a negative impact on the efficient use of resources and adversely affects the TEC's ability to offer test dates to other applicants.

Licence holders who fail to keep appointments will no longer be prioritised, unless good cause can be demonstrated, and may not be given a test date within 10 days. While 'Good Cause' is not defined, it could include events such as a bereavement, serious illness, vehicles involved in an accident etc. This mirrors the criteria applied in the [Policy on 'Good Cause'](#) for late licence renewal applications (Appendix 5)

- 4.8.4 Introduction of risk based inspections in respect of licence holders whose vehicles have poor records of maintenance, are identified as having serious defects at inspection, or are presented for inspection in an unsafe condition. It was initially proposed that after six months, vehicles in these categories would be subject to re-inspection in terms of conditions 3 and 56 of the licence conditions for taxis and PHCs respectively - and liable to be recalled for inspection at any time given two days' notice.

Introduction of a risk based inspection regime in respect of licence holders whose vehicles have poor records of maintenance, are identified as having serious defects at inspection, or are presented for inspection in an unsafe condition. Vehicle will be inspected every six months. In addition licence holders may liable to be recalled for inspection at any time given two days' notice.

- 4.8.5 Licence holders whose vehicles are habitually found to be defective, and who have failed to engage with officers to improve the condition and management of their vehicles, may be reported to the Licensing Sub-Committee with a recommendation to refuse the renewal of the licence, or to suspend the licence until the licence holder has undertaken the appropriate steps to remedy the issue. In more serious cases, the recommendation may be to revoke the relevant licence.

Licence holders whose vehicles are habitually found to be defective, and who have failed to engage with officers to improve the condition and management of their vehicles will be reported to committee for consideration

## 5. Next Steps

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- 5.1 Council officers will monitor the implementation of the proposed changes and will include findings in the next Taxi Examination Centre Performance update to committee.
- 5.2 Work is under way to review and increase the staffing resource at the TEC to reflect the increased volume of vehicle licence applications and increased fleet size. This will also support increased enforcement activity on the roadside.

- 5.3 Council officers continue to consult with trade representatives via the HCTM to ensure that taxis and private hire cars (PHCs) are safe, roadworthy and fit for purpose.

## **6. Financial impact**

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- 6.1 The costs of the TEC are paid for by fees generated by taxi and PHC licence applications to the Council. West Lothian Council and Midlothian Council are charged for the work undertaken on their behalf.
- 6.2 Taxis and PHCs are tested to MOT standard, and inspected to ensure compliance with any relevant conditions of licence. The standards of vehicles presented for inspection falls well below the national average pass rate of circa 70% for Class III and IV vehicles (statistics available on DVSA website). This resulted in 1060 lost hours in respect of missed appointments and 340 lost hours in respect of abandoned tests in 2018 (approximately 200 working days).
- 6.3 The proposed measures should reduce the need for vehicle retests and improve the efficiency of the TEC.

## **7. Stakeholder/Community Impact**

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- 7.1 The TEC is an Approved MOT Testing Centre and all licensed vehicles are tested to MOT standards, irrespective of age. This includes emissions testing where applicable, and therefore the licensed fleets between new registration and three years old are more rigorously tested and controlled than private vehicles.

## **8. Background reading/external references**

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- 8.1 [Taxi Examination Centre – Vehicle Inspection Pass Rates](#) – Regulatory Committee, 24 June 2016
- 8.2 [Taxi Examination Centre - Performance Update](#) - Regulatory Committee, 17 February 2017
- 8.3 [Taxi Examination Centre – Vehicle Inspection Pass Rates](#) - Regulatory Committee, 8 January 2018
- 8.4 [Taxi Examination Centre – Performance Update](#) – Regulatory Committee, 7 January 2019

## **9. Appendices**

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- 9.1 Appendix 1 - Taxi Examination Centre and MOT test Requirements
- 9.2 Appendix 2 - Proposed Measure to improve TEC efficiency and improve vehicle safety
- 9.3 Appendix 3 - Edinburgh Private Hire Drivers response

- 9.4 Appendix 4 - Draft Policy on Vehicle examinations
- 9.5 Appendix 5 - Policy on 'Good Cause' for late licence renewal applications

### Taxi Examination Centre and MOT test Requirements

The Taxi Examination Centre is managed by City of Edinburgh Council Fleet Services and is an approved MOT testing station authorised and governed by the Driver and Vehicle Standards agency (DVSA). All licensed vehicles irrespective of age are tested to MOT standards, this includes emissions testing where applicable and a full compliance check with City of Edinburgh Council Taxi and Private Hire licensing conditions. The licensed fleet is therefore more rigorously tested and controlled than private vehicles.

Prior to being approved as examiners, all examiners must:

- Be a skilled mechanic with at least four years' full-time employment servicing and repairing the types of vehicles they are going to test;
- have no [unspent convictions](#) for criminal offences connected with MOT testing or the motor trade, or involving acts of violence or intimidation;
- be 'of good repute' - the Driver and Vehicle Standards Agency will decide this;
- have a [level 2 testing certificate](#) in class 4 and 7 vehicles (group B); and
- have passed an MOT demonstration test after getting the level 2 certificate.

Once qualified, examiners are required to complete and pass an annual online DVSA approved module and assessment.

DVSA requires that each MOT centre has an "Authorised Examiner" who is accountable for any action carried out by staff, that staff are well supervised, fully trained, capable of carrying out an MOT test to required standards and have kept up to date with special notices and MOT scheme changes. The senior examiner at the TEC is the appointed "Authorised Examiner"

The "Authorised Examiner" must carry out quality control checks on each tester at least every two months, which is a minimum requirement.

### MOT Test

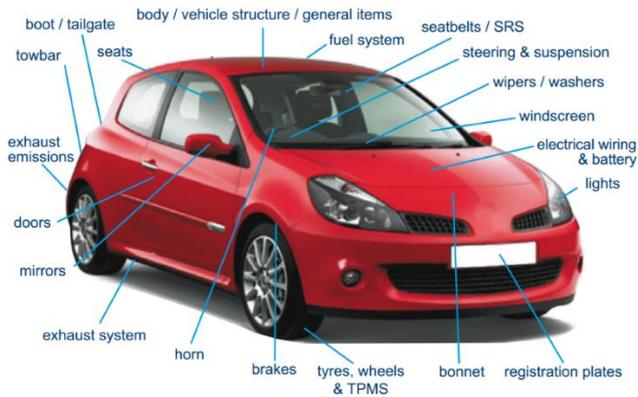
Owners are entitled to watch the test from a viewing area but are not allowed to interrupt the tester.

During the MOT the vehicle will be checked to make sure they meet the legal standards.

The test doesn't cover the condition of the:

- engine
- clutch
- gearbox

Car parts tested in the MOT include:



## Body, vehicle structure and general items

These will be inspected to check that:

- they're free from excessive corrosion or damage in specific areas
- there are no sharp edges likely to cause injury

## Fuel system

The fuel system will be inspected to check that:

- there are no leaks
- the pipes and hoses are secure and in a good condition
- the fuel cap fastens and seals securely

## Exhaust emissions

The vehicle will be inspected, depending on the age and fuel type of the vehicle, to check that it meets the rules for exhaust emissions.

The MOT tester will refuse to test your vehicle if they think that the smoke test may damage your engine.

## Exhaust system

The exhaust system will be inspected to check that:

- it's secure and complete
- a catalyst isn't missing where one was fitted as standard
- it's without serious leaks and not too noisy

## Seatbelts

The vehicle will be inspected to check that:

- the mandatory seatbelts are in place
- they are suitable for the vehicle
- they are in a good condition
- they work properly
- they are attached securely

The malfunction indicator lamps (MILs) or dashboard warning lights will be checked for the:

- air bags
- seatbelt pretensioners (which remove the slack from a seatbelt in the event of a collision)
- seatbelt load limiters (which release a small amount of belt when it's too tight)

## **Seats**

These will be inspected to check that:

- the driver's seat can be adjusted
- all seats are securely fitted and that seat backs can be fixed in the upright position

## **Doors**

These will be inspected to check that:

- the latch is secure in the closed position
- the front doors open from inside and outside the vehicle
- the rear doors open from outside the vehicle
- hinges and catches are secure and in a good condition

## **Mirrors**

The vehicle will be inspected to check for the minimum number of mirrors, their condition and security. Indirect vision devices will also be inspected.

## **Load security**

The vehicle will be inspected to check that the boot or tailgate can be closed properly.

## **Brakes**

These will be inspected to check:

- their condition, including inappropriate repairs or modifications
- their operation and performance (the efficiency test) - the wheels and trims aren't removed as part of the test
- the anti-lock braking system (ABS) and electronic stability control (ESC) (where fitted)

The MILs or dashboard warning lights will also be checked for the ABS, ESC, electronic park brake and brake fluid warning lights.

## **Tyres and wheels**

These will be inspected to check for:

- condition
- security
- tyre size and type
- tread depth

Spare wheels and tyres are not inspected.

Vehicles first used on or after 1 January 2012 will be checked to make sure the tyre pressure monitoring system (TPMS) MIL is working.

## **Registration plates**

These will be inspected to check for:

- condition
- secure attachment
- colour
- characters correctly formed and spaced

## **Lights**

These will be inspected to check:

- their condition
- operation, including high intensity discharge (HID) and light emitting diode (LED)
- the headlamps for cleaning, self levelling and security
- headlamp aim
- main beam warning light working

## **Bonnet**

This will be inspected to check that it closes securely.

## **Wipers and washers**

These will be inspected to check that they work properly so the driver has a clear view of the road.

## **Windscreen**

The windscreen will be inspected to check for:

- condition
- the driver's view of the road

## **Horn**

This will be inspected to check:

- that it works properly
- it's suitable for the vehicle

## **Steering and suspension**

These will be inspected to check:

- their condition
- steering oil level
- they work correctly
- for inappropriate repairs or modification including corrosion to power steering pipes or hoses
- that the steering lock mechanism works properly

The MILs or dashboard warning lights will also be checked for the electronic power steering and steering lock.

## **Vehicle identification number (VIN)**

The VIN will be on vehicles first used on or after 1 August 1980. Your car will be inspected to check that a single VIN is displayed, except on multistage build vehicles (eg van conversion, BMW, Alpina etc).

### **Electrical**

Visible electrical wiring and the battery will be checked.

### **Retest after a repair**

In some cases a vehicle can have a partial retest for free or a reduced MOT fee.

### **Taking it back for a retest the next working day**

Do not have to pay again if the vehicle is taken back to the same test centre before the end of the next working day for a partial retest on one or more of these items:

- access panels
- battery
- bonnet
- bootlid
- brake pedal antislip
- doors (including hinges, catches and pillars)
- dropsides
- electrical wiring
- fuel filler cap
- headlamp cleaning or levelling devices (that does not need a headlamp aim check)
- horn
- lamps (excluding headlamp aim)
- loading door
- main beam 'tell-tale'
- mirrors
- rear reflectors
- registration plates
- seatbelts (but not anchorages), seatbelt load limiter and seatbelt pre-tensioner
- seats
- sharp edges or projections
- stairs
- steering wheel
- tailboard
- tailgate
- tyre pressure monitoring system
- vehicle identification number (VIN)
- windscreen glass, wipers and washers
- wheels and tyres

Taking it back for a retest within 10 working days

Vehicle will need a partial retest if the vehicle is taken from the test centre for repairs and then taken back within 10 working days. Can be charged a partial retest fee for this.

### **Taking vehicle away for repairs**

The vehicle can be taken away if your MOT certificate is still valid.

If the MOT has run out the vehicle can be taken to:

- have the failed defects fixed
- a pre-arranged MOT test appointment

In both cases, the vehicle still needs to meet the minimum standards of roadworthiness at all times.

## **Appeal process**

### **Test result appeals and problems**

There is a right of appeal for an MOT test failure or an opportunity to complain to the Driver and Vehicle Standards Agency (DVSA) if there is a belief that the vehicle should not have passed.

### **Appeals process if vehicle failed an MOT**

It is important that the test results are discussed with the test centre before anyone starts repairs.

An appeal against the failure can be made to DVSA within 14 working days of the test by filling in the [complaint form](#)

DVSA will contact the complainer within 5 days to discuss the appeal.

If DVSA decides to recheck the vehicle, it will be necessary to arrange a date and pay the full test fee again. DVSA will send out an inspection report listing any vehicle defects.

No repairs made until the appeal process has finished.

The MOT Test fees table and complaints notice (shown below) is displayed on the Notice Board within the reception area the Taxi Examination Centre



## MOT Test: Fees

<b>Fees &amp; Classes</b>	<b>Note: Fees not subject to VAT (fees shown are maximum fees)</b>	<b>Age first test certificate required (years)</b>	<b>Fees</b>
<b>Class 1 &amp; 2</b>	Motorbicycles	(3)	<b>£29.65</b>
	Motorbicycles with sidecar (class 1 engine size up to 200cm <sup>3</sup> )	(3)	<b>£37.80</b>
<b>Class 3</b>	<b>3 Wheeled Vehicles</b> (up to 450kg unladen weight)	(3)	<b>£37.80</b>
<b>Class 4</b>	<b>Cars</b> (up to 8 Passenger Seats) <b>and Motor Caravans</b>	(3)	<b>£54.85</b>
	<b>3 Wheeled Vehicles</b> (over 450kg unladen weight)	(3)	
	<b>Quads</b> (max unladen weight 400kg - for goods vehicles 550kg and max. net power of 15kw)	(3)	
	<b>Dual Purpose Vehicles</b>	(3)	
	<b>Private Hire Vehicles and PSVs</b> (up to 8 seats)	(3)	
	<b>Goods Vehicles</b> (up to 3,000kg DGW)	(3)	
	<b>Ambulances and Taxis</b> (Taxis and Private Hire Vehicles may be subject to additional local requirements)	(1)	
<b>Private Passenger Vehicles and Ambulances</b> (9-12 Passenger Seats)	(1)	<b>£57.30</b>	
<b>Class 4A</b>	<b>Includes seat belt installation check</b> (9-12 Passenger Seats)	-	<b>£64.00</b>
<b>Class 5</b>	<b>Private Passenger Vehicles and Ambulances</b> 13-16 Passenger Seats	(1)	<b>£59.55</b>
	<b>Playbuses</b> More than 16 Passenger Seats (with 13 or more passenger seats)	(1)	<b>£80.65</b>
<b>Class 5A</b>	<b>Includes seat belt</b> 13-16 Passenger Seats	-	<b>£80.50</b>
	<b>Installation check</b> More than 16 Passenger Seats	-	<b>£124.50</b>
<b>Class 7</b>	<b>Goods Vehicles</b> (over 3000kg up to 3500kg DGW)	(3)	<b>£58.60</b>
	<b>Partial retest fee</b>		<b>Half test fee</b>
	<b>Maximum fee for duplicate test certificate</b>		<b>£10.00</b>

**Fees apply from Monday 6 April 2010**

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# Retests and Appeals

## Retests (Re-Examinations)

- ▶ Providing the testing station has not changed ownership▶ If the vehicle is brought back to the same test station and retested before the end of the next working day on one or more of the following items only: No Additional Fee (Partial Re-Examination)

Access panels	Entrance door remote control**	Registration plates	Trailer electrical sockets
Battery	Entrance/exit steps**	Seat belts (but not anchorages)	Tyre pressure monitoring system
Bonnet	Fuel filler cap	Seat belt load limiter	Vehicle identification number (VIN)
Boot lid	Headlamp cleaning or levelling devices (not requiring a headlamp aim check)	Seat belt pre-tensioner	Windscreen and glass
Brake pedal anti-slip	Horn	Seats	Windscreen wipers/washers
Break glass hammer**	Lamps (excluding headlamp aim)	Sharp edges or projections	Wheels* and tyres*
Doors (including hinges, catches and pillars)	Loading door	Stairs**	
Door open warning device**	Main beam 'tell-tale'	Steering wheel	
Dropsides	Mirrors	Tailboard	
Electrical wiring	Rear reflectors	Tailgate	
Emergency exits and signs**		Towbars (excluding body around anchorage points)	(* excludes class 1 and 2 ** class 5 only)

- ▶ If the vehicle is left at the testing station for repair and is retested before the end of 10 working days following the day of the initial failure, then only a partial retest is needed for which no fee may be charged.
- ▶ If the vehicle is removed from the testing station for repair and returned for retest within 10 working days following the day of the initial failure, then only a partial retest is needed and a partial retest fee may be charged.

Only one Partial Re-Examination is permissible per full examination

- ▶ In any other case full re-examination **Full Fee**
- ▶ Appeal test fee **Full Fee**

## Appeals

If you wish to appeal against refusal to issue a test certificate for your vehicle:

- ▶ Ask for a form (VT17) - obtainable from this testing station or the DVSA website.
- ▶ Send the form to the Driver and Vehicle Standards Agency Customer Service Centre, address shown below, within 14 working days of the refusal notice issue date.
- ▶ If your appeal is successful, the fee or, if appropriate, part of it will be returned to you.
- ▶ Do not have your vehicle repaired before your appeal is considered. This is because any change to your vehicle may affect the outcome of the appeal.

DVSA Customer Service Centre: **DVSA, The Ellipse, Padley Road, Swansea, SA1 8AN**

Telephone: **0300 123 9000\***

DVSA website: **www.gov.uk/dvsa**

\* Calls provided by BT are charged at a low rate. Charges from other providers may vary. Your call may be monitored or recorded for lawful purposes.

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## Appendix 2 - Proposed Measure to improve TEC efficiency and improve vehicle safety

### Measures to improve TEC efficiency and improve vehicle safety

- Work is ongoing to identify action which could be taken to further reduce the number of vehicles failing when presented for annual test. A culture exists amongst some operators of submitting vehicles for test and thereafter remedying the faults identified in the test. This practise needs to be addressed as maintenance should be carried out on an ongoing basis and vehicles presented for test in a compliant condition. A range of options have been identified as follows:
- Work is underway to review and increase the staffing resource at the TEC to reflect the increased volume of vehicle licence applications and increased fleet size.

**This would allow capacity to increase enforcement activity at street level.**

- Currently the TEC offers a retest within 10 days for vehicles failing inspection however, this inevitably contributes to the workload and to the waiting times for other applicants to be offered a test date. Where a retest takes place within 10 days, provided the reason for failure falls within a range of defined defects, the retest does not currently incur any additional charge. However, the regulations governing MOT testing by Designated Council's permit a retest fee of up to maximum of half of the original MOT part of the test fee. In the case of taxis and PHCs this would be £27.43.

**It is proposed to consider the applying this charge to retests.**

- For minor defects, the guidance issued in respect of MOT testing stations by the Vehicle and Operator Services Agency, permits a process known as 'pass after rectification' where such defects may be rectified within one hour after the test but before recording the results. The TEC would continue to offer this facility to allow vehicles with minor defaults to be retested. This would facilitate retesting of vehicles which had, for example, a blown bulb which had occurred immediately prior to the test taking place or other similar minor defect.

**In these circumstances, no fee would be levied.**

- The TEC currently offers test dates for new applications at the earliest opportunity. In the case of licence renewal applications the licence holder is advised of the test date 11 months in advance (at the time of the previous compliance inspection) and a reminder is sent to the licence holder 1 month in advance of that date. This is to assist the licence holder and to enable the TEC to manage resources in an efficient manner. Failure by applicants to keep appointments, and accommodating retests within 10 days, impacts upon

the efficient use of resources and adversely affects the TEC's ability to offer test dates to other applicants.

**In order to more efficiently manage test appointments, arrangements could be made to prioritise retests for vehicles which fail due to safety concerns. Where a vehicle is presented for test in an unsafe condition, it will be taken out of service until it has been repaired and satisfactorily retested. Where a vehicle fails a test and its current compliance certificate expires before the date of retest, the licence holder would require to take the vehicle out of service until it has been retested and a valid compliance certificate issued. These measures would have the effect of discouraging applicants from presenting vehicles for test in a non-compliant condition**

There will inevitably be circumstances where, for good reason, a test date cannot be kept and, where a short notice cancellation occurs, which may create capacity to offer retests at short notice without compromising other planned inspections

- A number of measures have been implemented to address the increased demand at the TEC including:
  - Installation of a replacement an inspection ramp (1 of 3 ramps). Older ramps require two examiners to operate safely. This new ramp can be operated by a single vehicle examiner, thereby leading to efficiencies in time.

Once the additional ramps are operational, and capacity to inspect vehicles has increased, a further proposal may be to introduce risk based inspections in respect of licence holders whose vehicles have poor records of maintenance, are identified as having serious defects at inspection or are presented in an unsafe condition for inspection.

**Vehicles falling into these categories will be subject to re-inspection after 6 months and liable to be recalled for inspection at any time within terms of conditions 3 and 56 of the licence conditions in respect of taxis and PHCs respectively – i.e. at any time on 2 day's notice.**

- Licence holders whose vehicles are habitually found to be defective, and who have failed to engage with officers to improve the condition and management of their vehicles, may be reported to the Licensing Sub-Committee with a recommendation to refuse the renewal of their licence, or to suspend the licence until the licence holder has undertaken the appropriate steps to remedy the issue. In more serious cases, the recommendation may be to revoke the relevant licence.

## Appendix 3 - Edinburgh Private Hire Drivers response



### Measures to improve TEC efficiency and improve vehicle safety

#### A response by Edinburgh Private Hire Drivers' Association

The TEC has reported that too many cars are being presented unprepared. In a great many cases this is due to licence holders not being able to guess what the TEC examiners are going to fail the vehicle for so they just don't bother to prepare properly. Obviously this isn't an acceptable reason for presenting an unprepared vehicle but the TEC is partially to blame for creating this culture by its own long-standing record of poor testing and accuracy standards. There's too big a discrepancy between different examiners and far too many erroneous or trivial fails. The standard of testing needs to be improved to give vehicle operators a guarantee of accuracy and impartiality. Licensee confidence in the staff at the TEC is exceptionally low and this needs to be addressed. Testing staff need to be better trained and supervised and they need to know that their decisions affect people's livelihoods. There should be consequences for examiners who erroneously fail vehicles.

There should be a full time onsite supervisor or manager, independent of the testers. There should also be clerical counter staff to deal face to face with vehicle operators and to do the admin. Qualified examiners are a resource which should not be wasted doing administration. Examiners should have no contact with licence holders. This is how it works in several other council areas including Glasgow. It means that properly trained customer facing staff deal with licensees and examiners are free to do the specialist job they are trained for. There should be CCTV with audio and video recording in all areas of the TEC. Phone calls to and from the TEC should be recorded.

The appointment system needs a complete overhaul. Right now, certain licensees get preferential treatment when it comes to getting test dates. This is totally unacceptable. Tests should be first come first served and should be bookable, changeable and cancellable online.

Vehicles failed for safety reasons should be signed off by 2 examiners and those examiners must know that their decision may be called into question by a DVSA appeal. Licensees should be given clear printed instructions about how to appeal if they are refused a pass certificate. This information should also be clearly displayed in the waiting room. Borderline failures should be retested immediately by a different examiner. In regard to "pass after rectification" there would have to be a published unambiguous list of clearly defined items for which "pass after rectification" could apply. These items should all be fact or evidence based and should never be opinion based.

The suggestion that certain operators or licensees should receive special attention or be subject to extra check would leave the council and the TEC wide open to allegations of discriminatory or unfair practices. It's not the TEC's role to recommend or suggest sanctions against any licence holder to the licensing committee. In fact, examiners should never know whose vehicles they are testing. All vehicles tested should be treated individually and impartially and not be subject to special conditions. Either a vehicle is fit for use or it isn't. Where a vehicle is found to be unfit for use or unsafe it should only be reported as such to the licensing department if the licence holder has failed to rectify the fault or make the vehicle safe.

If the council wants to implement official MOT retest fees then any MOT station should be able to carry out that part of the test or retest. The council cannot simply pick and choose which parts of the MOT regulations it wishes to adhere to or continue to enforce it's monopoly on carrying out the MOT side of vehicle examinations. All MOTs should be carried out to the same standard regardless of which MOT centre carries out the test. It's DVSA's role to ensure that all MOT inspectors are carrying out examinations in a fair and accurate way. There is no justifiable reason for the council to refuse to accept an MOT carried out elsewhere. Of course, the council should always have the final say when it comes to compliance of its licensing conditions but removing the MOT part of the test would sort out the understaffing problem at the TEC in one fell swoop. In any case, it's only a matter of time before somebody legally challenges the current monopoly and it's unlikely that the council will have any valid lawful defence or justification for operating in this manner. Better to address this now than wait for a legal challenge.

## **Appendix 4 – Draft Policy on Vehicle examinations**

### **1. Policy**

- 1.1 As the licensing authority under the Civic Government (Scotland) Act 1982, the Council has a duty to ensure that taxis and private hire cars (PHCs) are safe, roadworthy and fit for purpose.
- 1.2 Irrespective of the age of the vehicle all taxis and PHCs are required to be inspected upon application for new licences, renewal of existing licences or change of vehicle variation of an existing licence.
- 1.3 All licensed vehicles may be subject to spot checks or called in for ad-hoc inspections, as required by Police or Council Officers.
- 1.4 The testing of all City of Edinburgh taxis and PHCs is carried out at the Council's test facility, the Taxi Examination Centre (TEC)
- 1.5 The Taxi Examination Centre is managed by City of Edinburgh Council Fleet Services and is an approved MOT testing station authorised and governed by the Driver and Vehicle Standards Agency (DVSA). All licensed vehicles irrespective of age are tested to MOT standards (Appendix A), including emissions testing where applicable and a full compliance check with City of Edinburgh Council Taxi and Private Hire licensing conditions. The licensed fleet is therefore more rigorously tested and controlled than private vehicles
- 1.6 The Licensing Service will arrange test dates for new applications at the earliest opportunity
- 1.7 In the case of licence renewal applications, the licence holder will normally be advised of the test date 13 months in advance (at the time of the previous compliance inspection) and a reminder is sent to the licence holder one month in advance of the actual test date. This is to assist the licence holder and to enable the TEC to manage resources in an efficient manner. Failure by applicants to keep appointments, and accommodating a new test date within 10 days of the original appointment, has a negative impact on the efficient use of resources and adversely affects the TEC's ability to offer test dates to other applicants.
- 1.8 Licence Holders who fail to keep appointments will not be prioritised and may not be given a new test date within 10 days, unless good cause can be demonstrated, While 'Good Cause' is not defined, it could include events such as a bereavement, serious illness, vehicles involved in an accident etc.

### **Vehicle Passes Test**

- 1.9 Taxi and PHCs successfully passing a compliance test will be issued with a MOT Certificate and a City of Edinburgh Council Compliance Certificate.
- 1.10 A fee will be charged for any replacement certificates.

### **Vehicle fails test**

- 1.11 Where a vehicle fails an inspection the examiner will outline reasons for the test failure and issue a fault sheet or rectification notice, and if relevant a MOT fail notice

- 1.12 Where a vehicle fails an inspection, the guidance issued in respect of MOT testing stations by the Vehicle and Operator Services Agency for minor defects permits a process known as 'pass after rectification' where such defects may be rectified within one hour after the test, but before recording the results. In these circumstances the TEC will allow vehicles with minor defaults to be retested. This would facilitate retesting of vehicles which had, for example, a blown bulb which had occurred immediately prior to the test taking place, or other similar minor defect. No fee will be levied for vehicles with minor defaults
- 1.13 Where a retest takes place within 10 days, provided the reason for failure falls within a range of defined defects (as shown in appendix A), and only requires a partial retest the retest will incur an additional charge which is equivalent to half of the permitted MOT Test fee.
- 1.14 Where a retest takes place within 10 days and requires a full retest the retest will incur a further full examination fee.
- 1.15 A risk based inspections will apply to all licence holders whose vehicles have poor records of maintenance, are identified as having serious defects at inspection, or are presented for inspection in an unsafe condition. In these circumstance vehicles will be inspected every six months. In addition licence holders may liable to be recalled for inspection at any time given two days' notice.
- 1.16 Licence holders whose vehicles are habitually found to be defective, and who have failed to engage with officers to improve the condition and management of their vehicles, may be reported to the Licensing Sub-Committee with a recommendation to refuse the renewal of the licence, or to suspend the licence until the licence holder has undertaken the appropriate steps to remedy the issue. In more serious cases, the recommendation may be to revoke the relevant licence.

### **Appeals Process**

- 1.17 In the first instance any concerns re an MOT test failure should be discussed with the senior examiner at the TEC who is the appointed "Authorised Examiner"
- 1.18 There is a right of appeal for an MOT test failure or an opportunity to complain to the Driver and Vehicle Standards Agency (DVSA) if there is a belief that the vehicle should not have passed.

### **DVSA Appeals process if vehicle failed MOT**

- 1.19 It is important that the test results are discussed with the test centre before anyone starts repairs.
- 1.20 An appeal against the failure can be made to DVSA within 14 working days of the test by filling in the [complaint form](#).
- 1.21 DVSA will contact the complainer within five days to discuss the appeal.
- 1.22 If DVSA decides to recheck the vehicle, it will be necessary to arrange a date and pay the full test fee again. DVSA will send out an inspection report listing any vehicle defects.

1.23 No repairs should be made until the appeal process has finished.

1.24 If the appeal is upheld a MOT Certificate will be issued by DVSA

**City of Edinburgh Conditions Compliance Inspection Appeals process**

1.25 In the first instance any concerns re a condition compliance test failure should be discussed with the senior examiner at the TEC who is the appointed “Authorised Examiner”

1.26 In the event that matters cannot be resolved the matter should be referred to Fleet/Workshop Manager, Place Management, Russell Road, Edinburgh.

The MOT Test fees table and complaints notice will be displayed on the notice board within the reception area the Taxi Examination Centre

## Appendix A - MOT Test

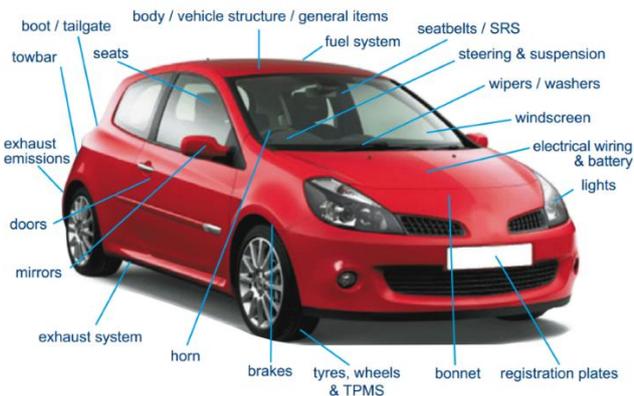
Owners are entitled to watch the test from a viewing area but are not allowed to interrupt the tester.

During the MOT the vehicle will be checked to make sure they meet the legal standards.

The test doesn't cover the condition of the:

- engine
- clutch
- gearbox

Car parts tested in the MOT include:



### Body, vehicle structure and general items

These will be inspected to check that:

- they're free from excessive corrosion or damage in specific areas
- there are no sharp edges likely to cause injury

### Fuel system

The fuel system will be inspected to check that:

- there are no leaks
- the pipes and hoses are secure and in a good condition
- the fuel cap fastens and seals securely

### Exhaust emissions

The vehicle will be inspected, depending on the age and fuel type of the vehicle, to check that it meets the rules for exhaust emissions.

The MOT tester will refuse to test your vehicle if they think that the smoke test may damage your engine.

### Exhaust system

The exhaust system will be inspected to check that:

- it's secure and complete
- a catalyst isn't missing where one was fitted as standard

- it's without serious leaks and not too noisy

## **Seatbelts**

The vehicle will be inspected to check that:

- the mandatory seatbelts are in place
- they are suitable for the vehicle
- they are in a good condition
- they work properly
- they are attached securely

The malfunction indicator lamps (MILs) or dashboard warning lights will be checked for the:

- air bags
- seatbelt pretensioners (which remove the slack from a seatbelt in the event of a collision)
- seatbelt load limiters (which release a small amount of belt when it's too tight)

## **Seats**

These will be inspected to check that:

- the driver's seat can be adjusted
- all seats are securely fitted and that seat backs can be fixed in the upright position

## **Doors**

These will be inspected to check that:

- the latch is secure in the closed position
- the front doors open from inside and outside the vehicle
- the rear doors open from outside the vehicle
- hinges and catches are secure and in a good condition

## **Mirrors**

The vehicle will be inspected to check for the minimum number of mirrors, their condition and security. Indirect vision devices will also be inspected.

## **Load security**

The vehicle will be inspected to check that the boot or tailgate can be closed properly.

## **Brakes**

These will be inspected to check:

- their condition, including inappropriate repairs or modifications
- their operation and performance (the efficiency test) - the wheels and trims aren't removed as part of the test
- the anti-lock braking system (ABS) and electronic stability control (ESC) (where fitted)

The MILs or dashboard warning lights will also be checked for the ABS, ESC, electronic park brake and brake fluid warning lights.

### **Tyres and wheels**

These will be inspected to check for:

- condition
- security
- tyre size and type
- tread depth

Spare wheels and tyres are not inspected.

Vehicles first used on or after 1 January 2012 will be checked to make sure the tyre pressure monitoring system (TPMS) MIL is working.

### **Registration plates**

These will be inspected to check for:

- condition
- secure attachment
- colour
- characters correctly formed and spaced

### **Lights**

These will be inspected to check:

- their condition
- operation, including high intensity discharge (HID) and light emitting diode (LED)
- the headlamps for cleaning, self levelling and security
- headlamp aim
- main beam warning light working

### **Bonnet**

This will be inspected to check that it closes securely.

### **Wipers and washers**

These will be inspected to check that they work properly so the driver has a clear view of the road.

### **Windscreen**

The windscreen will be inspected to check for:

- condition
- the driver's view of the road

### **Horn**

This will be inspected to check:

- that it works properly

- it's suitable for the vehicle

## **Steering and suspension**

These will be inspected to check:

- their condition
- steering oil level
- they work correctly
- for inappropriate repairs or modification including corrosion to power steering pipes or hoses
- that the steering lock mechanism works properly

The MILs or dashboard warning lights will also be checked for the electronic power steering and steering lock.

## **Vehicle identification number (VIN)**

The VIN will be on vehicles first used on or after 1 August 1980. Your car will be inspected to check that a single VIN is displayed, except on multistage build vehicles (eg van conversion, BMW, Alpina etc).

## **Electrical**

Visible electrical wiring and the battery will be checked.

## **Retest after a repair**

In some cases a vehicle can have a partial retest for free or a reduced MOT fee.

## **Taking it back for a retest the next working day**

Do not have to pay again if the vehicle is taken back to the same test centre before the end of the next working day for a partial retest on one or more of these items:

- access panels
- battery
- bonnet
- bootlid
- brake pedal antislip
- doors (including hinges, catches and pillars)
- dropsides
- electrical wiring
- fuel filler cap
- headlamp cleaning or levelling devices (that does not need a headlamp aim check)
- horn
- lamps (excluding headlamp aim)
- loading door
- main beam 'tell-tale'
- mirrors
- rear reflectors
- registration plates
- seatbelts (but not anchorages), seatbelt load limiter and seatbelt pre-tensioner
- seats

- sharp edges or projections
- stairs
- steering wheel
- tailboard
- tailgate
- tyre pressure monitoring system
- vehicle identification number (VIN)
- windscreen glass, wipers and washers
- wheels and tyres

Taking it back for a retest within 10 working days

Vehicle will need a partial retest if the vehicle is taken from the test centre for repairs and then taken back within 10 working days. Can be charged a partial retest fee for this.

### **Taking vehicle away for repairs**

The vehicle can be taken away if your MOT certificate is still valid.

If the MOT has run out the vehicle can be taken to:

- have the failed defects fixed
- a pre-arranged MOT test appointment

In both cases, the vehicle still needs to meet the minimum standards of roadworthiness at all times.

### **Appeal process**

#### **Test result appeals and problems**

There is a right of appeal for an MOT test failure or an opportunity to complain to the Driver and Vehicle Standards Agency (DVSA) if there is a belief that the vehicle should not have passed.

#### **Appeals process if vehicle failed an MOT**

It is important that the test results are discussed with the test centre before anyone starts repairs.

An appeal against the failure can be made to DVSA within 14 working days of the test by filling in the [complaint form](#)

DVSA will contact the complainer within 5 days to discuss the appeal.

If DVSA decides to recheck the vehicle, it will be necessary to arrange a date and pay the full test fee again. DVSA will send out an inspection report listing any vehicle defects.

No repairs made until the appeal process has finished.

The MOT Test fees table and complaints notice (shown below) is displayed on the Notice Board within the reception area the Taxi Examination Centre

## Appendix 5 - Policy on 'Good Cause' for late licence renewal applications

The purpose of this policy is to guide applicants and officers of the City of Edinburgh Council ('the Council') in relation to the late submission of licence renewal applications.

The policy will apply to all late submissions of licence renewal applications in the following categories:

- Taxi Driver
- Private Hire Car Driver
- Taxi Vehicle
- Private Hire Car vehicle
- Second-hand Dealer
- Knife Dealer
- Metal Dealer
- Itinerant Metal Dealer
- Boat Hire
- Street Trader
- Market Operator
- Public Entertainment
- Indoor Sports Entertainment
- Late Hours Catering
- Window Cleaner
- Sex Shop
- Skin Piercing and Tattooing

Hire Car Booking Office.

The [Civic Government \(Scotland\) Act 1982](#) ('the Act') provides that any application for licence renewal must be made before the expiry of the licence. Any application made up to 28 days later will be a 'late application.'

The Act further provides that where a late application is received, the original licence will expire on the date marked on the licence. However, if the Council determines that 'Good Cause' has been shown for the late submission of the application, the previous licence may be held to remain in effect while the renewal is processed.

Prior to making any application, **applicants should consider seeking independent legal advice.**

- I. It is the responsibility of the applicant or their agent to accompany any late application with a written explanation regarding why 'Good Cause' has been demonstrated.
- II. While 'Good Cause' is not defined, it would include events such as a bereavement, serious illness etc. which has had an impact upon the application.
- III. The applicant may be called upon to provide documents or other information in support of their request.
- IV. 'Good Cause' will not be taken to include an applicant's inability to secure or obtain any relevant or essential permissions, consents, leases or vehicles etc. The Council is unable to accept 'Good Cause' where the original licence a) is suspended at the date of expiry or b) subject to civil or criminal proceedings in the courts.

- V. No policy can be fully comprehensive or inclusive, and it is recognised that rules should be enforced in a fair and consistent manner. It is essential, however, that each case is treated on its merits and that decisions are reasonable in the circumstances.
- VI. It is the intention of the Council that, in applying this policy, due consideration will be given to an applicant's personal and domestic circumstances. These circumstances may include, but are not limited to, events described in paragraph II above.
- VII. Determination of 'Good Cause' will be considered by the Director of Services for Communities or their nominated officer, who will determine the response to the request based on the facts and circumstances. A written response will be provided, setting out whether or not 'Good Cause' has been demonstrated and the basis for this.

The decision will be final and there is no right of appeal or review of that decision. This policy does not affect any right to raise a complaint under the Council's [Complaints Procedure](#).

# Regulatory Committee

**2.00pm, Monday, 20 May 2019**

## **Demand for Taxis: Six Monthly Update**

**Executive/routine**

**Wards**

Citywide

**Council Commitments**

### **1. Recommendations**

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1.1 The Committee has asked to:

- 1.1.1 Note the attached report from Vector Transport Consultancy (Appendix 2);
- 1.1.2 Further note that on 12 March 2018 the Regulatory Committee agreed to maintain the limitation policy and to fix the number of available licences at 1,316. This was last reviewed by the committee when it considered a report on an interim survey of demand on 7 January 2019;
- 1.1.3 agree that there is currently no evidence of significant unmet taxi demand and therefore maintains the limit of 1,316 on the number of taxis licensed in the city; and
- 1.1.4 agree to use this survey as the basis for determining demand in any future applications for a taxi licence until the next taxi stance survey is completed.

**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

## Demand for Taxis: Six Monthly update

### 2. Executive Summary

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- 2.1 This report provides the interim update on analysis of demand for taxis in the city. The report provides the Committee with the most recent analysis of demand, carried out by Vector Transport Consultancy in January 2019

### 3. Background

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- 3.1 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 is no 'significant unmet demand' for taxis. The Council is required to keep this position under regular review.
- 3.2 A full demand survey is carried out every three years. In order to ensure that there are not significant changes in demand the Regulatory Committee had previously agreed to commission consultants to review taxi demand at more frequent intervals. These interim surveys are carried out every six to eight months and provide the Committee with data and analysis concerning 'any significant unmet demand' for taxis.
- 3.3 The research findings are generally reported to the Committee at six monthly intervals. The most recent research took place in January 2019 and forms the basis of this report. Appendix 1 shows a summary analysis of the Vector Transport Consultancy report and Appendix 2 shows the full report.

### 4. Main report

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- 4.1 The Council acts as a Licensing Authority for the purpose of licensing taxis within the city. The Council has adopted a policy of limiting the number of taxi licences issued where there is no evidence of significant unmet demand. All applications for taxi licences are currently referred to the Licensing Sub-Committee for a hearing and decision.
- 4.2 The policy of restricting the number of taxi licences within the city attracts considerable debate. One view, generally held by taxi licence holders, is strongly in

favour of retaining the restriction on licence numbers, on the grounds that too many taxis would harm the taxi trade by reducing the business available to each taxi. Some individuals have argued that the policy is a restraint on trade, and seek the removal of the restriction. These individuals typically include people who do not currently have a taxi licence but wish to obtain one, or licensed taxi drivers who wish to operate their own taxi as opposed to driving shifts in taxis licensed to others.

- 4.3 The restriction policy has not been successfully legally challenged since 2011. The Council's policy was challenged in the form of appeals to the Sheriff against decisions of the Licensing Sub-Committee to refuse certain applications for taxi licences. Importantly, the Sheriff's decisions made it clear that, in order to maintain a restriction, the Council must regularly inform itself on provision, and specifically on whether there is any unmet demand. A historic appeal against a previous decision was heard in court 2018 and the Council successfully defended its position.
- 4.4 The Scottish Government has issued guidance for licensing authorities which operate a limitation policy. The guidance clearly indicates that the level of unmet demand must be kept under regular review. The guidance also makes clear that authorities should consider any evidence of 'peak demand' and consider the impact of this when considering if there is 'significant unmet demand'. Examples of 'peak demand' may be after pubs and clubs close at weekends. The guidance also makes clear that peak demand should not be considered in isolation, but balanced against the full range of data. This full survey was last conducted in 2017, the result of which was reported to the Regulatory Committee on 21 August 2017. Interim survey results were last reported to the Committee in January 2019.
- 4.5 The Vector Transport Consultancy research provides the Committee with an up to date review of the level of demand for taxis in the city. If accepted by the Committee, this will form the basis on which individual licences would be considered. Research to update the position with respect to unmet demand will continue to be carried out approximately every six months.
- 4.6 The survey includes the monitoring of periods of peak demand, e.g. after midnight and, in particular, late nights on Fridays and Saturdays. The report shows that overall there is no evidence of significant unmet demand.
- 4.7 The Council has no record of receiving any complaints about the availability of taxis within the city since the Committee last considered this issue, other than about waiting times at Edinburgh Airport. No complaints about the number of taxis have been raised with the Council by the hospitality or business communities. Members will be aware of feedback from the taxi trade that the rising number of PHCs has further suppressed demand for taxis.
- 4.8 There remain 1,316 taxi licences in circulation and there are currently no applications for a new taxi licences pending.
- 4.9 Any future applications for new taxi licences will continue to be referred to the committee for determination in the chronological order in which they were received,

unless there are exceptional reasons to prioritise a particular application (such as the death of a licence holder).

## **5. Next Steps**

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- 5.1 This demand survey will be used to assist the Licensing Sub-committee to determine future applications for new taxi licences.

## **6. Financial impact**

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- 6.1 The cost of the Vector Transport Consultancy research is contained within the income from taxi licence fees.

## **7. Stakeholder/Community Impact**

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- 7.1 This regular monitoring is necessary to allow the Committee the option to maintain its policy of limiting the number of taxis. Interim surveys are carried out on the Council's behalf by Vector Transport Consultancy approximately every six months.
- 7.2 There is a risk that unsuccessful individual applications for taxi licences may be appealed to the sheriff. The research described in this report reduces the risk to the Council from any challenge to the current limitation policy.
- 7.3 No protected groups are affected.
- 7.4 Any increase in the taxi fleet by increasing the number of licences issued would have an impact on the environment within the City, potentially including levels of pollution.

## **8. Background reading/external references**

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- 8.1 [Restriction of Taxi Numbers In Edinburgh: report to full Council 23 August 2007.](#)

## **9. Appendices**

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- 9.1 Summary
- 9.2 Extract from Vector Transport Consultancy report

## **TAXI MONITORING REPORT ANALYSIS**

### **Assessment of Current Demand for Taxi Services in Edinburgh – January 2019**

This report has been prepared on behalf of the Executive Director of Place to assist members of the Licensing Sub-Committee in relation to applications for new taxi licences which may be considered at any meeting on or after 20 May 2019.

Stance observations indicate that there is no significant unmet demand for taxi services at this time.

### **Background**

1. In January 2017, CH2M was commissioned to carry out surveys on the demand for taxi services in the city. CH2M reported on taxi rank observations, interviews and surveys conducted with passengers between April and May 2017. CH2M concluded there was no unmet demand at that time.
2. The conclusions of the CH2M report were presented to the Council's Regulatory Committee on 21 August 2017. Large scale surveys by consultants such as CH2M are obtained approximately every three years.
3. To provide information on taxi demand between the large-scale surveys, interim taxi rank observation surveys are carried out by Vector Transport Consultancy.

### **Stance Observation Survey**

4. Vector Transport Consultancy provided the results of taxi rank surveys which were carried out at least twice at each location in January 2019. A selection of representative ranks was observed on different days and at different times. The 22 ranks selected for observation for both periods reflect locations both within the city centre and outwith it.
5. There are currently 82 taxi stances located throughout the city with a combined capacity for 293 waiting taxis. The stances observed make up 37% of the overall stances within the city.
  - The latest stance observations indicate that, at individual stances at the 22 'core' ranks, most passengers at ranks were able to obtain a taxi immediately. The average wait time per passenger was 2 seconds.
  - At the additional eight ranks surveyed, levels of activity were generally low. Passenger volumes observed were low and no passenger waiting was observed.

### **Additional Information**

6. Between the last interim demand survey being reported in January 2019 and this latest observation period, there is no record of any complaints received concerning a lack of taxis in the city being received by the Council.

## Conclusions

7. The stance observations indicate that most passengers at ranks were able to obtain a taxi immediately. The overall average time that a passenger had to wait at the 'core' ranks observed was 2 seconds.
8. No evidence of 'peak demand' in the form of waiting times longer than three minutes was recorded.
9. Therefore, taking into account the data provided by Vector Transport Consultancy, it has been concluded that there is no evidence of significant unmet demand for taxi services at this time.



**Edinburgh interim survey of taxi stances  
January 2019**

**Survey Report**

January 2019

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# 1 BACKGROUND AND OBJECTIVES

## 1.1 Introduction

This survey has been conducted by Vector Transport Consultancy on behalf of the City of Edinburgh Council.

The survey was undertaken to collect usage statistics from taxi stances around Edinburgh. The survey maintains the approach taken by previous, similar surveys, when surveys were conducted at frequencies of approximately six months.

Following on from the June/July 2018 survey, this survey adopts a similar scope, with 22 core survey sites supplemented by eight stances not regularly surveyed.

The 22 taxi stances to be regularly surveyed are:

- Castle Street
- Cluny Avenue
- Dundas Street
- Frederick Street
- Grassmarket
- Grosvenor Street
- Hanover Street
- High Street
- Holyrood Road
- Little France Crescent
- Lothian Road
- Morningside Road
- Morrison Street
- Nicolson Square
- Queensferry Street
- Rutland Street
- Waverley Bridge
- Wester Hailes
- Edinburgh Airport
- Casselbank Street
- Haymarket Terrace
- Market Street

The City of Edinburgh Council maintains a list of current taxi stances. This list is available online at the following web address:

[http://www.edinburgh.gov.uk/download/downloads/id/3566/licensed\\_taxi\\_stances\\_in\\_edinburgh.pdf](http://www.edinburgh.gov.uk/download/downloads/id/3566/licensed_taxi_stances_in_edinburgh.pdf)

The list indicates 82 taxi stances, of which 22 are regularly surveyed. In order to provide some additional indication of the level of use experienced at the stances which are not regularly surveyed, eight of the stances which are not regularly surveyed during the interim rank surveys, are chosen for a one-off survey during each of the interim rank surveys. A different selection of ranks will be chosen for each of the future interim surveys.



For the interim surveys undertaken during January 2019, eight stances from the list were surveyed. The eight stances surveyed were:

- Fountainbridge
- East Fountainbridge
- Lauriston Place (Tollcross)
- Lauriston Place West
- Lauriston Place East
- Leven Street
- Teviot Place
- Chambers Street



## 2 REGULAR INTERIM RANK SURVEYS

### 2.1 Summary of rank survey results

The results of the regular interim rank surveys are summarised in the following tables.



Table 1 - Summary of interim stance survey results part 1

Site no.	Street	Period	Edinburgh Council Rank No.	Day	Date	Survey Hours	Total no. taxis at rank	Average taxi wait time	Total passengers	Number of passengers who had to wait for a taxi to arrive.	Average passenger wait time for all passengers (mm:ss)	Average passenger wait time for passengers who had to wait for a taxi to arrive at the rank (mm:ss)
1	Castle Street	1	5	Thursday	10/01/2019	12:00-14:00	21	00:19:35	17	0	00:00	00:00
	Castle Street	2		Saturday	12/01/2019	12:00-14:00	25	00:23:30	20	0	00:00	00:00
2	Cluny Avenue	1	8	Thursday	10/01/2019	16:00-18:00	1	00:08:26	1	0	00:00	00:00
	Cluny Avenue	2		Saturday	12/01/2019	16:00-18:00	1	00:04:35	1	0	00:00	00:00
3	Dundas Street	1	13	Thursday	10/01/2019	12:00-14:00	19	00:23:44	7	0	00:00	00:00
	Dundas Street	2		Friday	11/01/2019	16:00-18:00	26	00:07:31	11	0	00:00	00:00
	Dundas Street	3		Saturday	12/01/2019	12:00-14:00	25	00:12:58	11	0	00:00	00:00
	Dundas Street	4		Saturday	12/01/2019	16:00-18:00	19	00:10:54	7	0	00:00	00:00
4	Fraderick Street	1	19	Friday	04/01/2019	12:00-14:00	32	00:14:40	32	0	00:00	00:00
	Fraderick Street	2		Friday	04/01/2019	21:00-23:00	24	00:18:40	23	0	00:00	00:00
5	Grassmarket	1	28 & 29	Saturday	12/01/2019	12:00-14:00	15	00:21:31	14	0	00:00	00:00
	Grassmarket	2		Tuesday	08/01/2019	00:00-02:00	3	00:01:40	2	0	00:00	00:00
6	Grosvenor Street	1	31	Wednesday	09/01/2019	00:00-02:00	0	00:00:00	0	0	00:00	00:00
	Grosvenor Street	2		Saturday	12/01/2019	16:00-18:00	1	00:03:24	1	0	00:00	00:00
7	Hanover Street	1	33	Friday	04/01/2019	16:00-18:00	39	00:14:58	39	0	00:00	00:00
	Hanover Street	2		Saturday	05/01/2019	12:00-14:00	23	00:24:08	18	0	00:00	00:00
8	High Street	1	34	Tuesday	08/01/2019	02:00-04:00	65	00:08:05	88	0	00:00	00:00
	High Street	2		Wednesday	09/01/2019	16:00-18:00	37	00:13:08	38	0	00:00	00:00
	High Street	3		Friday	11/01/2019	12:00-14:00	27	00:21:39	15	0	00:00	00:00
	High Street	4		Friday	11/01/2019	16:00-18:00	37	00:16:22	43	0	00:00	00:00
	High Street	5		Saturday	12/01/2019	12:00-14:00	25	00:33:18	18	0	00:00	00:00
	High Street	6		Saturday	12/01/2019	16:00-18:00	36	00:19:19	28	0	00:00	00:00
9	Holyrood Road	1	35	Wednesday	06/01/2019	12:00-14:00	14	00:14:45	4	0	00:00	00:00
	Holyrood Road	2		Saturday	12/01/2019	16:00-18:00	12	00:06:02	7	0	00:00	00:00
10	Little France Crescent	1	51	Wednesday	23/01/2019	16:00-18:00	37	00:11:33	35	0	00:00	00:00
	Little France Crescent	2		Saturday	26/01/2019	12:00-14:00	15	00:15:52	8	0	00:00	00:00
11	Lothian Road	1	54 & 55	Tuesday	09/01/2019	12:00-14:00	22	00:24:18	13	0	00:00	00:00
	Lothian Road	2		Wednesday	08/01/2019	16:00-18:00	38	00:12:23	27	0	00:00	00:00
	Lothian Road	3		Friday	11/01/2019	02:00-04:00	7	00:05:37	2	0	00:00	00:00
	Lothian Road	4		Friday	04/01/2019	03:00-05:00	0	00:00:00	0	0	00:00	00:00
	Lothian Road	5		Saturday	05/01/2019	03:00-05:00	15	00:01:53	20	2	00:07	01:09
	Lothian Road	6		Saturday	12/01/2019	12:00-14:00	28	00:18:27	20	0	00:00	00:00



Table 2 - Summary of interim stance survey results part 2

Site no.	Street	Period	Edinburgh Council Rank No.	Day	Date	Survey Hours	Total no. taxis at rank	Average taxi wait time	Total passengers	Number of passengers who had to wait for a taxi to arrive.	Average passenger wait time for all passengers (mm:ss)	Average passenger wait time for passengers who had to wait for a taxi to arrive at the rank (mm:ss)
12	Morningside Road	1	58	Wednesday	09/01/2019	16:00-18:00	7	00:11:13	2	0	00:00	00:00
	Morningside Road	2		Saturday	12/01/2019	12:00-14:00	6	00:10:03	6	0	00:00	00:00
13	Morrison Street	1	59 & 60	Friday	04/01/2019	16:00-18:00	16	00:20:46	7	0	00:00	00:00
	Morrison Street	2		Saturday	05/01/2019	12:00-14:00	1	00:10:00	0	0	00:00	00:00
14	Nicolson Square	1	62	Thursday	10/01/2019	00:00-02:00	0	00:00:00	0	0	00:00	00:00
	Nicolson Square	2		Saturday	12/01/2019	16:00-18:00	5	00:12:08	4	0	00:00	00:00
15	Queensferry Street	1	69	Saturday	05/01/2019	16:00-18:00	17	00:06:14	17	0	00:00	00:00
	Queensferry Street	2		Monday	07/01/2019	21:00-23:00	14	00:27:18	9	0	00:00	00:00
16	Rutland Street	1	72	Saturday	05/01/2019	16:00-18:00	28	00:18:52	30	0	00:00	00:00
	Rutland Street	2		Monday	07/01/2019	02:00-04:00	1	00:01:42	0	0	00:00	00:00
	Rutland Street	3		Tuesday	08/01/2019	12:00-14:00	20	00:19:07	25	0	00:00	00:00
	Rutland Street	4		Saturday	12/01/2019	16:00-18:00	29	00:18:15	32	0	00:00	00:00
17	Waverley Bridge	1	79	Saturday	05/01/2019	16:00-18:00	71	00:12:20	105	0	00:00	00:00
	Waverley Bridge	2		Monday	07/01/2019	02:00-04:00	6	00:15:10	1	0	00:00	00:00
	Waverley Bridge	3		Friday	11/01/2019	21:00-23:00	43	00:27:44	51	0	00:00	00:00
	Waverley Bridge	4		Saturday	12/01/2019	16:00-18:00	54	00:16:32	80	0	00:00	00:00
18	Wester Hailes	1	80 & 81	Tuesday	08/01/2019	12:00-14:00	13	00:18:48	16	1	00:23	00:02
	Wester Hailes	2		Thursday	10/01/2019	16:00-18:00	2	00:08:01	2	0	00:00	00:00
	Wester Hailes	3		Saturday	12/01/2019	12:00-14:00	12	00:16:58	10	0	00:00	00:00
	Wester Hailes	4		Saturday	12/01/2019	16:00-18:00	10	00:14:57	5	0	00:00	00:00
19	Airport	1		Friday	18/01/2019	21:00-23:00	75	00:18:28	102	0	00:00	00:00
	Airport	2		Friday	18/01/2019	16:00-18:00	126	00:07:20	208	35	00:08	00:50
	Airport	3		Saturday	19/01/2019	12:00-14:00	75	00:15:29	127	0	00:00	00:00
20	Cassellbank Street	1		Tuesday	08/01/2019	12:00-14:00	17	00:12:10	12	0	00:00	00:00
	Cassellbank Street	2		Friday	11/01/2019	21:00-23:00	2	00:13:01	6	0	00:00	00:00
21	Haymarket Terrace	1		Friday	11/01/2019	16:00-18:00	60	00:13:48	67	0	00:00	00:00
	Haymarket Terrace	2		Saturday	12/01/2019	12:00-14:00	47	00:18:02	58	0	00:00	00:00
22	Market Street	1		Friday	11/01/2019	16:00-18:00	99	00:10:29	132	0	00:00	00:00
	Market Street	2		Monday	07/01/2019	12:00-14:00	76	00:10:07	93	0	00:00	00:00
<b>Total across all ranks surveyed</b>							<b>1629</b>	<b>00:10:14</b>	<b>1777</b>	<b>38</b>	<b>00:01</b>	<b>00:59</b>



## 2.2 Weather conditions during the surveys

The following table presents the maximum and minimum temperatures experienced each day in Edinburgh, during the survey period.

**Table 3 - Maximum and minimum temperatures**

Date	Maximum temperature (°C)	Minimum temperature (°C)
04/01/19	7	4
05/01/19	6	4
06/01/19	9	4
07/01/19	8	7
08/01/19	8	-2
09/01/19	6	-4
10/01/19	10	3
11/01/19	9	6
12/01/19	11	8

General weather conditions during each of the survey periods were as follows:

**Table 4 - Weather conditions**

Daytime	Daytime Weather	Night time weather
04/01/19	Dry and cloudy	Dry
05/01/19	Dry and cloudy	Mostly dry, rain in the early hours
06/01/19	Sunny spells with showers	Rain showers
07/01/19	Sunny spells	Dry
08/01/19	Sunny	Dry and clear
09/01/19	Sunny	Dry
10/01/19	Sunny spells	Dry
11/01/19	Dry with sunny spells	Dry
12/01/19	Dry with sunny spells	Mostly dry, rain in the early hours

During the rank observation periods, the weather didn't vary a great amount. There is no clear evidence that the observations of activity at the taxi ranks were affected by weather.

## 2.3 Commentary on Results

The highest passenger volume observed over any of the survey periods was 208 passengers observed at Edinburgh Airport between 16:00 and 18:00 on Friday afternoon. The most significant passenger waiting occurred at Edinburgh Airport during the afternoon of Friday (16:00 to 18:00), when 35 passengers had to wait for taxis to arrive at the taxi stance. These passengers had to wait for an average of 50 seconds. The passengers waiting at the Airport on Friday afternoon accounted for eighty-three percent of all passengers which were observed to have to wait for a taxi to arrive at the ranks. When taking all the ranks into account, 42 passengers in total had to wait for taxis to arrive at the ranks. These 42 passengers waited an average of 1 minute and 6 seconds.

In total, 1777 passengers were observed. Most passengers arrived at the ranks to find taxis waiting to be hired. Hence, the majority of passengers did not have to wait for taxis.



## 2.4 Maximum taxi waiting times

The maximum time that a taxi was observed waiting at each rank, during each survey period, is presented in the following table.



**Table 5 - Maximum taxi vehicle waiting times**

Site no.	Street	Period	Edinburgh Council Rank No.	Day	Date	Survey Hours	Maximum wait time
1	Castle Street	1	5	Thursday	10/01/2019	12:00-14:00	00:36:49
	Castle Street	2		Saturday	12/01/2019	12:00-14:00	00:48:40
2	Cluny Avenue	1	8	Thursday	10/01/2019	16:00-18:00	00:08:36
	Cluny Avenue	2		Saturday	12/01/2019	16:00-18:00	00:04:35
3	Dundas Street	1	13	Thursday	10/01/2019	12:00-14:00	00:58:32
	Dundas Street	2		Friday	11/01/2019	16:00-18:00	00:17:06
	Dundas Street	3		Saturday	12/01/2019	12:00-14:00	00:37:16
	Dundas Street	4		Saturday	12/01/2019	16:00-18:00	00:33:12
4	Frederick Street	1	19	Friday	04/01/2019	12:00-14:00	00:29:44
	Frederick Street	2		Friday	04/01/2019	21:00-23:00	00:42:56
5	Grassmarket	1	28 & 29	Tuesday	08/01/2019	00:00-02:00	00:03:36
	Grassmarket	2		Saturday	12/01/2019	12:00-14:00	00:43:28
6	Grosvenor Street	1	31	Wednesday	09/01/2019	00:00-02:00	00:00:00
	Grosvenor Street	2		Saturday	12/01/2019	16:00-18:00	00:03:24
7	Hanover Street	1	33	Friday	04/01/2019	16:00-18:00	00:31:06
	Hanover Street	2		Saturday	05/01/2019	12:00-14:00	00:50:24
8	High Street	1	34	Tuesday	08/01/2019	02:00-04:00	00:30:36
	High Street	2		Wednesday	09/01/2019	16:00-18:00	00:24:56
	High Street	3		Friday	11/01/2019	12:00-14:00	00:53:12
	High Street	4		Friday	11/01/2019	16:00-18:00	00:49:24
	High Street	5		Saturday	12/01/2019	12:00-14:00	00:51:45
	High Street	6		Saturday	12/01/2019	16:00-18:00	00:37:52
9	Holyrood Road	1	35	Wednesday	09/01/2019	12:00-14:00	00:40:36
	Holyrood Road	2		Saturday	12/01/2019	16:00-18:00	00:14:50
10	Little France Crescent	1	51	Wednesday	23/01/2019	16:00-18:00	00:29:08
	Little France Crescent	2		Saturday	26/01/2019	12:00-14:00	00:36:45
11	Lothian Road	1	54 & 55	Friday	04/01/2019	03:00-05:00	00:00:00
	Lothian Road	2		Saturday	05/01/2019	03:00-05:00	00:05:36
	Lothian Road	3		Tuesday	08/01/2019	12:00-14:00	00:51:14
	Lothian Road	4		Wednesday	09/01/2019	16:00-18:00	00:34:02
	Lothian Road	5		Friday	11/01/2019	02:00-04:00	00:18:50
	Lothian Road	6		Saturday	12/01/2019	12:00-14:00	00:42:54
12	Morningside Road	1	58	Wednesday	09/01/2019	16:00-18:00	00:26:06
	Morningside Road	2		Saturday	12/01/2019	12:00-14:00	00:28:30
13	Morrison Street	1	59 & 60	Friday	04/01/2019	16:00-18:00	01:27:22
	Morrison Street	2		Saturday	05/01/2019	12:00-14:00	00:10:00
14	Nicolson Square	1	62	Thursday	10/01/2019	00:00-02:00	00:00:00
	Nicolson Square	2		Saturday	12/01/2019	16:00-18:00	00:19:36
15	Queensferry Street	1	69	Saturday	05/01/2019	16:00-18:00	00:14:33
	Queensferry Street	2		Monday	07/01/2019	21:00-23:00	00:50:17
16	Rutland Street	1	72	Saturday	05/01/2019	16:00-18:00	00:43:42
	Rutland Street	2		Monday	07/01/2019	02:00-04:00	00:01:42
	Rutland Street	3		Tuesday	08/01/2019	12:00-14:00	00:31:40
	Rutland Street	4		Saturday	12/01/2019	16:00-18:00	00:43:10
17	Waverley Bridge	1	79	Saturday	05/01/2019	16:00-18:00	00:32:28
	Waverley Bridge	2		Monday	07/01/2019	02:00-04:00	00:42:04
	Waverley Bridge	3		Friday	11/01/2019	21:00-23:00	00:56:06
	Waverley Bridge	4		Saturday	12/01/2019	16:00-18:00	00:37:52
18	Wester Hailes	1	80 & 81	Tuesday	08/01/2019	12:00-14:00	00:41:02
	Wester Hailes	2		Thursday	10/01/2019	16:00-18:00	00:09:08
	Wester Hailes	3		Saturday	12/01/2019	12:00-14:00	00:38:48
	Wester Hailes	4		Saturday	12/01/2019	16:00-18:00	00:37:07
19	Airport	1		Friday	18/01/2019	21:00-23:00	00:37:18
	Airport	2		Friday	18/01/2019	16:00-18:00	00:39:08
	Airport	3		Saturday	19/01/2019	12:00-14:00	00:56:00
20	Cassellbank Street	1		Tuesday	08/01/2019	12:00-14:00	00:28:36
	Cassellbank Street	2		Friday	11/01/2019	21:00-23:00	00:22:10
21	Haymarket Terrace	1		Friday	11/01/2019	16:00-18:00	00:33:26
	Haymarket Terrace	2		Saturday	12/01/2019	12:00-14:00	00:41:42
22	Market Street	1		Monday	07/01/2019	12:00-14:00	00:23:40
	Market Street	2		Friday	11/01/2019	16:00-18:00	00:26:52



## 2.5 Maximum passenger waiting times

The maximum time that a passenger was observed waiting at each rank, during each survey period, is presented in the following table.

Full details of passenger wait times are presented in Appendix E.



**Table 6 - Maximum passenger waiting times**

Site no.	Street	Period	Edinburgh Council Rank No.	Day	Date	Survey Hours	Maximum wait time
1	Castle Street	1	5	Thursday	10/01/2019	12:00-14:00	00:00:00
	Castle Street	2		Saturday	12/01/2019	12:00-14:00	00:00:00
2	Cluny Avenue	1	8	Thursday	10/01/2019	16:00-18:00	00:00:00
	Cluny Avenue	2		Saturday	12/01/2019	16:00-18:00	00:00:00
3	Dundas Street	1	13	Thursday	10/01/2019	12:00-14:00	00:00:00
	Dundas Street	2		Friday	11/01/2019	16:00-18:00	00:00:00
	Dundas Street	3		Saturday	12/01/2019	12:00-14:00	00:00:00
	Dundas Street	4		Saturday	12/01/2019	16:00-18:00	00:00:00
4	Frederick Street	1	19	Friday	04/01/2019	12:00-14:00	00:00:00
	Frederick Street	2		Friday	04/01/2019	21:00-23:00	00:00:00
5	Grassmarket	1	28 & 29	Tuesday	08/01/2019	00:00-02:00	00:00:00
	Grassmarket	2		Saturday	12/01/2019	12:00-14:00	00:00:00
6	Grosvenor Street	1	31	Wednesday	09/01/2019	00:00-02:00	00:00:00
	Grosvenor Street	2		Saturday	12/01/2019	16:00-18:00	00:00:00
7	Hanover Street	1	33	Friday	04/01/2019	16:00-18:00	00:00:00
	Hanover Street	2		Saturday	05/01/2019	12:00-14:00	00:00:00
8	High Street	1	34	Tuesday	08/01/2019	02:00-04:00	00:00:00
	High Street	2		Wednesday	09/01/2019	16:00-18:00	00:00:00
	High Street	3		Friday	11/01/2019	12:00-14:00	00:00:00
	High Street	4		Friday	11/01/2019	16:00-18:00	00:00:00
	High Street	5		Saturday	12/01/2019	12:00-14:00	00:00:00
	High Street	6		Saturday	12/01/2019	16:00-18:00	00:00:00
9	Holyrood Road	1	35	Wednesday	09/01/2019	12:00-14:00	00:00:00
	Holyrood Road	2		Saturday	12/01/2019	16:00-18:00	00:00:00
10	Little France Crescent	1	51	Wednesday	23/01/2019	16:00-18:00	00:04:30
	Little France Crescent	2		Saturday	26/01/2019	12:00-14:00	00:00:00
11	Lothian Road	1	54 & 55	Friday	04/01/2019	03:00-05:00	00:00:00
	Lothian Road	2		Saturday	05/01/2019	03:00-05:00	00:02:18
	Lothian Road	3		Tuesday	08/01/2019	12:00-14:00	00:00:00
	Lothian Road	4		Wednesday	09/01/2019	16:00-18:00	00:00:00
	Lothian Road	5		Friday	11/01/2019	02:00-04:00	00:00:00
	Lothian Road	6		Saturday	12/01/2019	12:00-14:00	00:00:00
12	Morningside Road	1	58	Wednesday	09/01/2019	16:00-18:00	00:00:00
	Morningside Road	2		Saturday	12/01/2019	12:00-14:00	00:00:00
13	Morrison Street	1	59 & 60	Friday	04/01/2019	16:00-18:00	00:00:00
	Morrison Street	2		Saturday	05/01/2019	12:00-14:00	00:00:00
14	Nicolson Square	1	62	Thursday	10/01/2019	00:00-02:00	00:00:00
	Nicolson Square	2		Saturday	12/01/2019	16:00-18:00	00:00:00
15	Queensferry Street	1	69	Saturday	05/01/2019	16:00-18:00	00:00:00
	Queensferry Street	2		Monday	07/01/2019	21:00-23:00	00:00:00
16	Rutland Street	1	72	Saturday	05/01/2019	16:00-18:00	00:00:00
	Rutland Street	2		Monday	07/01/2019	02:00-04:00	00:00:00
	Rutland Street	3		Tuesday	08/01/2019	12:00-14:00	00:00:00
	Rutland Street	4		Saturday	12/01/2019	16:00-18:00	00:00:00
17	Waverley Bridge	1	79	Saturday	05/01/2019	16:00-18:00	00:00:00
	Waverley Bridge	2		Monday	07/01/2019	02:00-04:00	00:00:00
	Waverley Bridge	3		Friday	11/01/2019	21:00-23:00	00:00:00
	Waverley Bridge	4		Saturday	12/01/2019	16:00-18:00	00:00:00
18	Wester Hailes	1	80 & 81	Tuesday	08/01/2019	12:00-14:00	00:06:02
	Wester Hailes	2		Thursday	10/01/2019	16:00-18:00	00:00:00
	Wester Hailes	3		Saturday	12/01/2019	12:00-14:00	00:00:00
	Wester Hailes	4		Saturday	12/01/2019	16:00-18:00	00:00:00
19	Airport	1		Friday	18/01/2019	21:00-23:00	00:00:00
	Airport	2		Friday	18/01/2019	16:00-18:00	00:02:58
	Airport	3		Saturday	19/01/2019	12:00-14:00	00:00:00
20	Cassellbank Street	1		Tuesday	08/01/2019	12:00-14:00	00:00:00
	Cassellbank Street	2		Friday	11/01/2019	21:00-23:00	00:00:00
21	Haymarket Terrace	1		Friday	11/01/2019	16:00-18:00	00:00:00
	Haymarket Terrace	2		Saturday	12/01/2019	12:00-14:00	00:00:00
22	Market Street	1		Monday	07/01/2019	12:00-14:00	00:00:00
	Market Street	2		Friday	11/01/2019	16:00-18:00	00:00:00



## 2.6 Conclusions

Stance observations indicate that most passengers at ranks were able to obtain a taxi immediately. When we aggregate all passenger waiting time and divide by the total number of passengers (including both those who didn't have to wait and those who did have to wait) the average wait time per passenger was 2 seconds.

# Regulatory Committee

**2.00pm, Monday, 20 May 2019**

## **Private Rented Housing Sector Enforcement Activities**

**Executive/routine**

**Wards**

Citywide

**Council Commitments**

### **1. Recommendations**

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- 1.1 It is recommended that the Committee:
  - 1.1.1 Notes the contents of this report and discharges previous remits from the Regulatory Committee on 26 June 2018;
  - 1.1.2 Agrees and supports the identified initiatives and priorities for enforcement activities; and
  - 1.1.3 Agrees the draft policy on improving repairs and working with the First Tier Tribunal for Scotland (Housing and Property Chamber).

**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

## Private Rented Housing Sector Enforcement Activities

### 2. Executive Summary

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- 2.1 This report provides details of the Private Rented Housing (PRH) sector Enforcement Activities for 2018/19, and outlines proposed future initiatives and priorities. This report further outlines initiatives to drive up PRH standards, including consulting on a policy covering working with the Housing Repair Tribunal and requiring property owners to carry out improvement works.

### 3. Background

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- 3.1 The City of Edinburgh has the largest PRH sector in Scotland, with over 43,000 registered private landlords.
- 3.2 The Council has a statutory duty to regulate the PRH sector. Private landlords are required to be registered with the Council's Landlord Registration Scheme; and those operating Houses in Multiple Occupation (HMO) require a licence issued by the Council. Subject to limited exemptions, failure to register or to be licensed as required is a criminal offence. Exemptions include renting to family members, resident landlords and holiday lets. The Council is required to consider if any applicant is a 'fit and proper person'.
- 3.3 The Council's Private Rented Services team was restructured during the transformation of Council services in late 2016. Ongoing fine tuning of internal processes will allow the most effective use of resources, particularly in light of the move to three year HMO Licensing.

### 4. Main report

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- 4.1 At April 2019, there are 43,016 registered landlords in the City of Edinburgh and 5,833 licensed HMOs. Over 25% of Edinburgh's housing stock is privately rented, significantly higher than the Scottish average of 15%.
- 4.2 During 2018/19, the PRS Enforcement Team received 353 complaints regarding unregistered landlords or properties, and 152 about unlicensed HMOs. Each complaint is investigated. Some prove to be unjustified. In many other instances,

when contacted the landlord takes immediate steps to rectify any non-compliance. Where landlords continue to evade their legal responsibilities, enforcement action is pursued. A total of 212 landlord registrations applications were received as a result of investigation and enforcement.

- 4.3 Where a landlord is required to be registered but is not, the Council may serve a Rent Penalty Notice (RPN). Similarly, where a HMO is not licensed but should be, a Rent Suspension Order (RSO) may be served. Both actions result in landlords being unable to collect rent until the matter is resolved. This has certainly resulted in landlords taking the enforcement service seriously, and in most instances complying with their responsibilities.
- 4.4 16 RPNs and 38 RSOs were served in 2018/19. As a result of serving such notices, 12 landlord registration applications and 15 HMO licence applications have been received. A further 14 properties have ceased trading as HMOs. Prosecution reports are normally submitted to the Procurator Fiscal when all other enforcement options have been exhausted or in cases of persistent non-compliance. No prosecution reports have been submitted in 2018/19, but a number of investigations are ongoing.
- 4.5 A total of 1,779 complaints and investigation service requests were made to PRS Enforcement in 2018/19. A further 521 enquiries or requests for general advice were received and answered, 82% of these within 28 days. The 2018/19 Key Performance Indicators (KPIs) for PRS Enforcement are given in full at Appendix 1.
- 4.6 Members will recall that changes to the HMO Licence System were agreed in 2017. The Council has now moved to routinely granting three year licences for properties of a suitable standard and compliance history. Previously a one year licence was granted.
- 4.7 Since April 2019 the priorities of the Private Rented Services team have been realigned to make more efficient and effective use of the inspection resources freed up by the move to three year licences. Staff who previously had no spare capacity due to being fully engaged in conducting inspections are now able to answer requests for advice and deal with the initial stages of complaints. Where issues remain unresolved, or require further investigation with a view to enforcement action, these will be passed to the Enforcement Team.
- 4.8 Because of these changes, the Enforcement Team's resources will be concentrated on targeting those landlords requiring robust and sustained enforcement action. Existing enforcement priorities will be expanded in year 2019/20, including:
  - 4.8.1 Investigation of any registered landlord suspected of not being 'fit or proper' and reporting to the Committee for consideration;
  - 4.8.2 More proactive work on targeting all landlords who fail to renew Landlord Registration for their properties, routinely issuing RPNs where appropriate; and

- 4.8.3 Following up all landlords who fail to renew HMO Licences, routinely issuing RSOs where appropriate.
- 4.9 Additionally, the Enforcement Team will develop new initiatives to improve standards and compliance levels, including;
- 4.9.1 Ensuring appropriate physical standards are maintained in let properties, acknowledging that properties may only be formally inspected every three years. This will be achieved by analysing complaints and other intelligence sources before targeting highlighted landlords;
- 4.9.2 Targeting newly built developments to identify let properties and ensure any new privately rented properties are registered or licensed by landlords where required; and
- 4.9.3 Developing robust procedures and intelligence gathering systems in conjunction with Police Scotland to ensure that new landlord registration applications are screened to ensure 'fit and proper' standards. Any applications giving cause for concern to be brought before the committee for consideration.
- 4.10 The Council has powers to enter and inspect living accommodation to assess the state of a property with a view to serving a 'HMO amenity notice', requiring the owner to undertake works to make it reasonably fit for occupation. It is intended to explore more proactive use of these powers, with a view to driving up standards in HMOs.
- 4.11 In line with internal operational changes, the opportunity will be taken to review the current Council advice and guidance available on the Council's website and other sources, in order to ensure that resources are clear and up to date. The Scottish Government has recently published comprehensive guides for tenants and landlords. Appropriate links will be provided on Council webpages.
- 4.12 Since 2 October 2018 it has been a criminal offence to carry out letting agency work without being registered, unless an application was submitted before this date. The Scottish Government Letting Agent Registration Team is responsible for identifying and pursuing any unregistered letting agents operating in Scotland. PRS Enforcement staff are working closely with the Registration Team, passing intelligence and reports of any suspected unregistered agents. Six such reports were passed to the Registration Team in 2018/19.
- 4.13 PRH landlords have a duty to ensure that their let property meets the 'Repairing Standard'. The statutory guidance on determining whether a property meets the repairing standard is attached at Appendix 2. If a tenant believes that a rented house does not meet that standard, they can make an application to the Housing and Property Chamber to decide if the landlord is complying.

- 4.14 The Housing (Scotland) Act 2014 amended the Repairing Standard legislation to allow the local authority to make such an application, with or without the consent of the tenant.
- 4.15 At present the City of Edinburgh Council does not make applications on behalf of tenants but encourages them to apply to the Housing and Property Chamber directly. Exceptions may be made where the tenant is vulnerable and requires support. Currently basic advice is given to support tenants make their own applications to the Tribunal.
- 4.16 It is now intended to consult partners and other interested parties on whether to continue the current approach, or whether applications should be made on behalf of other tenants. It is envisaged that this exercise will be completed by the end of June 2019. The outcomes of this consultation and any resulting policy adjustments will be reported to a future committee.

## **5. Next Steps**

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- 5.1 The operational measures outlined will proceed prioritising the initiatives identified. The Directorate will consult and feed back in due course.

## **6. Financial impact**

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- 6.1 There will be no additional costs arising from these enforcement activities.
- 6.2 The proposed operational restructuring will improve efficiency and reallocate staff resources freed up by moves to three year licensing.
- 6.3 Improved targeting of landlords failing to renew registration or HMO licences will maximise revenue generation.

## **7. Stakeholder/Community Impact**

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- 7.1 The Private Rented Housing Sector is of major significance, and standards affect the quality of life of much of the community. The refocused efforts of the PRS service will better discharge statutory responsibilities and progress targeted initiatives.
- 7.2 There are no significant effects on climate change or sustainable development which require steps to mitigate adverse effects.

## **8. Background reading/external references**

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- 8.1 [Private Rented Sector Enforcement Activities Report, Regulatory Committee 26 June 2018](#)

## **9. Appendices**

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- 9.1 Appendix 1 - PRS Enforcement Key Performance Indicators 2018/19.
- 9.2 Appendix 2 - Statutory Guidance on the Repairing Standard

## Appendix 1

### PRS ENFORCEMENT - KEY PERFORMANCE INDICATORS

KPI	Indicator	Target	Performance	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	TOTAL
PRS1	Complaints re: HMOs completed within 28 days	80%	No. received	19	22	17	23	23	30	26	32	18	31	35	34	310
			%	84	68	65	66	57	56	62	54	55	71	78	82	66.5
PRS2	Complaints re: rented accommodation / landlords completed within 28 days	80%	No. received	86	66	57	49	70	50	50	57	48	37	47	45	662
			%	73	80	65	56	50	52	55	53	73	75	79	82	66.1
PRS3	PRS Enquiries and advice requests completed within 14 days	90%	No. received	58	63	53	45	64	49	48	42	26	36	40	39	563
			%	94	93	95	70	81	72	66	72	75	75	95	93	981
PRS4	Empty homes brought back into use		No. closed cases	0	9	5	0	4	1	5	2	3	2	3	3	37

### Enforcement Update

CODE	ACTIVITY	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	TOTALS
E1	Suspension of Rent Orders issued	1	0	2	4	1	2	9	4	4	4	3	4	38
E2	Rent Penalty Notices issued	1	0	1	2	1	1	2	2	0	2	1	3	16
E3	Warning letters issued	0	2	0	10	14	7	22	11	33	15	47	41	202
E4	Landlord Registration received due to enforcement	23	22	16	12	21	9	14	19	27	9	17	23	212

### **The Repairing Standard**

The Repairing Standard, contained in the Housing (Scotland) Act 2006, covers the legal and contractual obligations of private landlords to ensure that a property meets a minimum physical standard.

Landlords must carry out a pre-tenancy check of their property to identify work required to meet the Repairing Standard (described below) and notify tenants of any such work.

Landlords also have a duty to repair and maintain their property from the tenancy start date and throughout the tenancy. This includes a duty to make good any damage caused by doing this work. And, on becoming aware of a defect, landlords must complete the work within a reasonable time.

A privately rented property must meet the Repairing Standard as follows:

- the property must be wind and water tight and in all other respects reasonably fit for people to live in
- the structure and exterior (including drains, gutters and external pipes) must be in a reasonable state of repair and in proper working order
- installations for supplying water, gas and electricity and for sanitation, space heating and heating water must be in a reasonable state of repair and in proper working order
- any fixtures, fittings and appliances that the landlord provides under the tenancy must be in a reasonable state of repair and in proper working order
- any furnishings that the landlord provides under the tenancy must be capable of being used safely for the purpose for which they are designed
- the property must have a satisfactory way of detecting fires and for giving warning in the event of a fire or suspected fire
- the property must have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health

To comply with the Repairing Standard, private landlords must have regard to the guidance issued by Scottish Ministers on:

- Satisfactory provision for detecting and warning of fires
- Electrical installations and appliances in private rented property
- The provision of carbon monoxide alarms in the private rented sector

If, after a landlord has been notified of any problem, it is not attended to satisfactorily or if there is disagreement about whether or not there is a problem, then tenants have the right to refer the matter to the First-tier Tribunal for Scotland Housing and Property Chamber. <https://www.housingandpropertychamber.scot/> which has power to require a landlord to carry out work necessary to meet the standard.

Further guidance and information on the repairing standard -  
<https://www.housingandpropertychamber.scot/>

**Rights of access to a property**

The landlord is entitled to enter the property to inspect any repairs required or to carry out repairs. The tenant is required to give the landlord reasonable access to do this. The landlord should normally arrange a suitable time with the tenant, but can enter the property, at a reasonable time of day, provided they have given the tenant 24 hours' notice in writing. (If an emergency repair is required, the landlord can claim immediate access.)