

Transport and Environment Committee

10.00am, Thursday, 17 May 2018

Age Limitation and Emissions Standards for Taxis and Private Hire Cars (Air Quality) - referral from the Regulatory Committee

Item number 8.2

Report number

Executive/routine

Wards

Council Commitments

Executive Summary

On 16 March 2018 the Regulatory Committee considered a report by the Executive Director of Place on the responses received to the further consultation with representatives of the hire car trade concerning the introduction of an age limitation and emissions standards for Taxis and Private Hire Cars.

Terms of Referral

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

Terms of Referral

- 1.1 On 16 March 2018 the Regulatory Committee considered the attached report by the Executive Director of Place on the further consultation responses received on the feasibility of introducing a maximum age limit for taxis and private hire cars licensed by the City of Edinburgh Council.
- 1.2 At a meeting on 24 June 2016, the Regulatory Committee approved a motion by Councillor Burgess calling for a report on the feasibility of introducing a maximum age limit for taxis and PHCs in the city.
- 1.3 A feasibility report was presented to the Regulatory Committee on 21 November 2016, which agreed in principle that conditions of licences will be altered to improve the air quality in the city by reducing the emissions from taxis and PHCs and to consult on options to achieve this by either, (i) introducing an age limitation in respect of taxis and PHCs or, (ii) increasing incrementally the minimum emissions standards for the engines in these vehicles, which would improve emissions standards and instructed the Executive Director of Place to consult with the relevant officers, the public and the taxi trade and to report back to the Committee in six months' time.
- 1.4 At a meeting on 16 March 2018, the Regulatory Committee considered a report by the Executive Director of Place on the further responses received to the consultation with representatives of the hire car trade concerning the introduction of an age limitation and emissions standard.
- 1.5 The Committee also received deputations for Autogas Ltd and representatives of the Edinburgh Taxi Trade.
- 1.6 The Regulatory Committee on a division agreed:
 1. To approve the recommendations in the report by the Executive Director of Place subject to the following amendments.
 2. The timeframe for phasing out Euro 5 taxis to be extended by 1 year.
 3. No vehicle will be submitted new if it is not a Euro 5 or Euro 6 and from 1 October 2018 must be Euro 6.
 4. Vehicles converted to LPG may be permitted to operate up to a maximum of 14 years from registration.

5. To instruct the Executive Director of Place to amend the proposed conditions for taxis and Private Hire Cars and submit these to the Regulatory Committee for approval.
6. To refer the report to the Transport and Environment Committee for information.
7. To note Councillor Burgess's dissent from the above decision.

For Decision/Action

2.1 The Transport and Environment Committee is asked to note the report.

Background reading/external references

Regulatory Committee, 16 March 2018

Laurence Rockey

Head of Strategy and Insight

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Appendices

Appendix 1 - Age Limitation and Emissions Standards for Taxis and Private Hire Cars (Air Quality) – report by the Executive Director of Place

Regulatory Committee

9.00am, Friday, 16 March 2018

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

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

Executive Summary

Following approval of a motion at the Regulatory Committee on 25 June 2016 the Committee agreed in principle that the conditions of licences will be altered to improve air quality in the city by reducing emissions from taxis and private hire cars, and instructed the Executive Director of Place to consult with Council Officers, the public and hire car trade on options to achieve this aim.

A subsequent report to the Committee reported the results of the consultation process and made recommendations concerning the introduction of an emissions standard in respect of licensed taxis and private hire cars. The Committee instructed the Executive Director of Place to conduct further consultation with representatives of the hire car trade concerning the introduction of an age limitation and emissions standard.

This report updates the Committee on the outcome of that consultation.

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

1. Recommendations

The Regulatory Committee is asked to:

- 1.1 Note the contents of this report and consultation;
- 1.2 Agree revised policy to implement age limitation and emission standards as detailed in paragraphs 3.12 – 3.13 and 3.16 -3.17
- 1.3 Agree policy measures outlined in paragraph 3.19 which mitigate against undue hardship and will allow the committee to monitor implementation;
- 1.4 Agree revised amendment to the conditions of licence for taxis and PHCs as set out in Appendix 8 which are required to implement the policy agreed at paragraphs 1.2 and 1.3 above, these to be effective from 1 April 2018;
- 1.5 Instruct Officers to continue to discuss measures set out at paragraph 3.19 and to report back if agreement is reached;
- 1.6 Note proposals future improvements at paragraph 3.22 – 3:25; and
- 1.7 Refer this report to the Transport and Environment Committee for information.

2. Background

- 2.1 The licensing of taxis and private hire cars (PHCs) is an optional activity in terms of the Civic Government (Scotland) Act 1982 ('the Act'). The City of Edinburgh Council, as Licensing Authority under the Act, passed a resolution in terms of Section 9 of the Act, to the effect that Sections 10 to 23 of the Act shall have effect throughout the city and that licences shall be required for taxis and PHCs from 1 July 1984 ('The City of Edinburgh Taxi and Private Hire Car Driving Resolution 1983').
- 2.2 Section 10 of the Act requires the licensing authority to be satisfied as to the suitability in type, size and design of a vehicle for use as a taxi or PHC before granting or renewing a taxi licence or a PHC licence, as the case may be.

- 2.3 In terms of the Act, when granting or renewing a licence, in addition to any mandatory or standard conditions to which the licence is subject, the licensing authority may (a) disapply or vary any standard conditions so far as is applicable to the licence; and (b) impose conditions. The conditions shall be such reasonable conditions as the licensing authority thinks fit.
- 2.4 At a meeting on 24 June 2016, the Regulatory Committee ('the Committee') approved a motion by Councillor Steve Burgess as follows:
- 2.4.1 Edinburgh has a large fleet of taxis and PHCs;
- 2.4.2 These vehicles contribute to air pollution, air quality is poor in some areas of the city and that the age of a vehicle may be a contributory factor to the pollution it emits;
- 2.4.3 Other local authorities require taxis and PHCs to be below a certain age, but there is currently no limit to the age of taxis and PHCs in Edinburgh; and
- 2.4.4 Calling for a report on the feasibility of introducing a maximum age limit for taxis and PHCs in the city.
- 2.5 A feasibility report was presented to the Committee on 21 November 2016. The Committee:
- 2.5.1 agreed in principle that the conditions of licences will be altered to improve the air quality in the city by reducing the emissions from taxis and PHCs and to consult on options to achieve this by either:
- (i) introducing an age limitation in respect of taxis and PHCs; or
 - (ii) increasing incrementally the minimum emissions standards for the engines in these vehicles, which would improve emissions standards; and
- 2.5.2 instructed the Executive Director of Place to consult with the relevant officers, the public and the taxi trade, and to report back to the Committee in six months' time.
- 2.6 An online consultation was published on the Council's website between 21 April and 3 June 2017 and a total of 718 responses were received. Additionally, a further nine written responses were received. The volume of replies took a significant period of time to analyse.
- 2.7 The results of the consultation, together with officers' recommendations, were reported to the Committee on 24 October 2017. The decisions of the Committee were:
- 2.7.1 To note the contents of the report;

- 2.7.2 To agree that the conditions of taxi and private hire car licences will be amended to include specific conditions requiring licensed hire cars to progressively meet Euro 6 Emission Standard or any subsequent Euro Emission Standard (or U.K. equivalent);
- 2.7.3 To agree that the introduction of the emission standard should be incremental, with the proposed timeline set out below to be finalised following on from consultation with the trade;
- 2.7.4 To implement a Euro 5 emissions standard as the minimum standard for both taxi and PHC applications and renewals with an indicative implementation date of 1 December 2018;
- 2.7.5 Thereafter, to introduce a Euro 6 emissions standard for taxis and PHC applications and renewals with an indicative implementation date of 1 December 2020; and
- 2.7.6 from 1 December 2019, to restrict the vehicle age for all new taxi and PHC licence applications or change of vehicle applications to less than five years from the date of first registration;
- 2.7.7 To instruct the Executive Director of Place to establish a working group, consult with relevant Council Officers and representative trade bodies on the proposed timelines for the introduction of the Euro 5 and Euro 6 emissions standards, and to report back to the Committee in three months' time; and
- 2.7.8 to note that the Executive Director of Place would provide further information on Euro emissions standards in the report to be submitted in three months' time.

3. Main report

- 3.1 The Directorate has engaged with the hire car trade on the issue of emission standards and has held two formal consultation meetings. In addition, a number of written responses have been received and these are attached at Appendices 1- 5.
- 3.2 These discussions have been constructive and there appears to be an understanding within the trade that some form of emission standard is inevitable. There are issues that the trade remains concerned about and these are discussed in detail below. It is the view of officers that the consultation has gone as far as is possible and there are trade concerns which it has not been possible to reach agreement on a resolution. These concerns are outlined in paragraph 3.7 to 3.10 below and members are asked to consider these when reaching a decision on the recommendations in this report.

- 3.3 The hire car trade has two sectors - taxis and private hire cars (PHCs). Taxi trade representatives have raised a number of issues about the impact specifically on their trade. The PHC trade has not raised any specific concerns but has been fully represented and involved in the discussions. There would appear to be consensus that any policy adopted should apply equally to both taxis and PHCs and no proposal has been put forward to have different rules for each part of the trade.
- 3.4 The overall background remains unchanged. The Council has a strategic priority to tackle air pollution in the City and is in parallel working on proposals for a low emission zones. The council has separate statutory duties to tackle poor air quality and pollution. The broad approach of this report is endorsed by the Transport and Environment Committee. As highlighted in previous reports (see additional reading) the lack of an age limit or emission standard for taxis and private hire cars is unusual. Most Scottish authorities have previously introduced an age limit for hire vehicle and some have introduced measure to reduce emissions, for example in Dundee only allowing any additional new taxis to be licensed if electric. In the UK large urban authorities have additionally introduced specific emission standards for their hire fleets.
- 3.5 As previously reported there is evidence that second hand taxis unable to be licensed in other areas are being bought and licensed by Edinburgh operators, and therefore the quality of the taxi fleet is reducing. A number of pre Euro 4 vehicles have been licensed as replacement newer models and this trend was acknowledged by the trade during previous deputations and the consultation.
- 3.6 A number of other licensing authorities currently restrict the maximum age of a vehicle for which a taxi or PHC licence can be granted primarily on safety grounds but will therefore have a positive impact on emission standards (Appendix 6). The previous [Feasibility Report](#) to the Committee dated 21 November 2016 provides a comprehensive summary of other Scottish licensing authorities' policies and practice.

Concerns from the Taxi Trade

- 3.7 The first concern raised by the taxi trade is the cost and feasibility of replacing a large portion of the taxi fleet, as required by the deadlines outlined above. The trade makes the point that because the Council requires that all taxis must be purpose-built and additionally wheelchair accessible, this in turn limits the models available for licensing. There are currently two to three types of vehicle which are either purpose-built as a taxi or converted for such use and approved for licensing. The cost of such a new vehicle is between about £35K and £50K.
- Noting the potential cost of £35K to £50K, there is concern within the trade that some existing licence holders will be unable to afford a new vehicle and will leave the trade. This is particularly the case when considering the date for phasing out

of Euro 5 vehicles. The trade is concerned that the three to four year window from testing and last use is too restrictive, and the benefits of moving from Euro 5 to 6 are insufficient to justify phasing out Euro 5s. Appendix 7 contains information on the progressive improvement in emission standards for the information of members. In particular members' attention is drawn to the fact that Euro 6 imposes a further significant reduction in nitrous oxide emissions from diesel engines – 67% compared to Euro 5 – and establishes similar standards for both petrol and diesel.

- 3.8 The second concern expressed is that previous reports to Committee have overestimated the number of Euro 6 vehicles currently within the fleet, and therefore underestimated the number of taxis which will be affected. Council officers prepared previous information based when the vehicles were registered with the DVLA. The trade has pointed out that taxis may in fact be of a lesser Euro Standard than the registration date suggests, as a the manufacturers and suppliers may have surplus vehicles awaiting sale, which has created a gap between date of manufacture and first sale.
- 3.9 This issue highlights the benefit of further consultation and officers have worked with the Energy Saving Trust to verify our understanding of the numbers of the fleets with specific Euro standards. As a result the revised totals are as follows.

Euro Standard	Estimate 24/10/17	Revised Figures	+-% Change
E0	0	147	N/A
E1	0	76	N/A
E2	151*	4	N/A
E3	208	133	-36%
E4	308	256	-17%
E5	325	467	+43%
E6	324	159	-51%
Not known	0	74	
Total	1316	1316	

*Original estimate not broken down

- 3.10 The final group of concerns is that the age limit and emissions standards will disadvantage the taxi trade because of an unnecessarily short age limit on the vehicles. This is linked to the limited market for resale of taxis once they can no longer be licensed by the Council. The trade makes the point that, since other licensing authorities in the UK have similar emission standards, the market for resale of second hand taxis continues to shrink.

Amended Proposals

- 3.11 Section 10(2) of the Act allows the licensing authority to specify the type, size and design of taxis and PHCs licensed by them. The Council's aim is to improve the quality of the hire car fleet and thereby to incrementally reduce the pollution caused by tailpipe emissions.

- 3.12 It is recommended that the Committee adopts the following policy for minimum emission standards for taxis and PHCs:

3.12.1 That no vehicle fitted with a Euro 1-4 engine shall be accepted for test after 1 April 2019 and may continue to operate, subject to normal conditions of licence, until 31 Mar 2020; and

3.12.2 That no vehicle fitted with Euro 5 engine shall be accepted for test after 1 April 2021 and may continue to operate, subject to normal conditions of licence until 31 Mar 2022.

In practice that means that a pre-Euro 5 vehicle will have a minimum life span from the date of implementation for 12 months and depending on when it is tested has a maximum period of 24 months before it would no longer be eligible to be licensed.

A Euro 5 will have a minimum life span from date of implementation of 36 months and depending on when it is tested has a maximum period of 48 months before it would no longer be eligible to be licensed. Appendix 8 includes new conditions which it is recommended are adopted to achieve this.

- 3.13 Additionally the following policy measures are recommended to mitigate the effects of these measures on the taxi trade:

3.13.1 The Council will allow existing vehicles to be adapted to a Euro 6 or 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: Appendix 8 includes new conditions which it is recommended are adopted to achieve this policy change, including the requirement to test by the Taxi Examiners and required certification.

3.13.2 That any such modified vehicle shall be allowed to remain in licence for four years from date of modification. Again Appendix 8 includes new conditions which it is recommended are adopted to achieve this.

- 3.14 Finally, in terms of age of vehicles, the original report recommended that the life span of a vehicle licensed in the Council should be five years. This additionally addressed the concern that, unusually amongst licensing authorities, the Council does not have an upper age limit on the vehicles. The Council's taxi examiners are concerned about the integrity of vehicles as they progressively become older.
- 3.15 During consultation the trade highlighted that owners who purchase new vehicles would have between four and five years' finance on them and would expect to sell them on to other operators who would then have finance over a similar period. The trade therefore suggested a maximum age limit of 12 years.
- 3.16 In response, officers accept that the original proposals were too restrictive and therefore recommend the following policy change be adopted:
- 3.16.1 No vehicle shall be accepted for test if it is over 10 years since the vehicle was first registered or licenced and may continue to operate, subject to normal conditions of licence, until a period of 12 months once it reaches the 10 year limit. Appendix 8 includes new conditions which it is recommended are adopted to achieve this
- Officers accept that the resale market for taxis is more limited than that for PHC, but that in itself cannot be a reason not to introduce an age limitations for the fleet and to improve emission standards. It is neither in the Council's nor the trade's interest to allow a progressively older or more polluting fleet.
- 3.17 Concerns remain that some operators are buying second hand vehicles and therefore introducing older and more polluting vehicles to the existing taxi fleet. To prevent the fleet from getting older it is proposed that, from 1 April 2018, no vehicle not previously registered with the City of Edinburgh Council will be accepted for licensing unless it is a Euro 6 vehicle. It would be open to an operator to seek an exemption to this policy and this would be considered at committee. The measures detailed above are designed to improve emission standards
- 3.18 Members will note the changes to the original proposals as outlined above. Clearly these have gone some way to address the concerns of the trade as understood but they do not fully implement the trade's position. It is a matter for the committee to reach a conclusion on whether a sufficient balance has been struck between these concerns and the strategic aim of the policy to improve the quality of the taxi and PHC fleet.
- 3.19 Additionally, the following measures are suggested to ensure that the Committee remains able to respond to any undue hardship caused by the recommendations:
- 3.19.1 As with any condition imposed on an existing licence, a licence holder may seek a variation to the licence requesting exemption from the condition(s). Each application would be referred to the committee prior to

the renewal application being determined and it would be for the applicant to show why they should be exempted. For example, this might be relevant if a vehicle still has outstanding finance but the new conditions would prevent it from being licensed further.

3.19.2 Any operator who applies to change their vehicle as a result of this policy shall be entitled to do so without paying the normal change of vehicle variation fee. This cost is estimated at £60,000 over four years and this will be contained within the licensing budget.

A guidance document will be drawn up outlining factors which could be considered to demonstrate evidence of hardship. Each case will still be required to be considered on its merits. The guidance will not form part of the proposed policy and is simply illustrative to assist the trade and the committee.

3.20 Noting the trade's concerns about the number of vehicles affected, it is proposed that the committee is given a short report every 12 months detailing:

3.19.1 The updated profile of the fleet in terms of emission standards;

3.19.2 The number of vehicles estimated to be affected by the April 2019 and 2021 deadlines;

3.19.3 Any evidence that licences are being surrendered or a drop in the number of vehicles operating in the city as result of the changes;

3.19.4 Number of operators who have successfully applied for an exemption to the conditions.

These measures will allow the committee to mitigate the impact of the conditions on a case by case basis, if appropriate to do so, and to monitor the ongoing implementation of this policy. Should an unforeseen issue arise, the committee can then instruct the Directorate as appropriate.

3.21 As outlined in previous reports, any operator changing their vehicles is entitled to apply to the Energy Saving Trust for an interest free loan for the purchase of a Euro 6 vehicle, and this will significantly assist those affected.

3.22 During the consultation process the trade asked the Council to consider the following additional measures:

3.21.1 Allowing rear loading of wheelchairs, which would open up the taxi market to additional models which are currently not able to be licensed as the Council requires these to be side loading

3.21.2 Considering other makes and models of vehicles as suitable as licensed taxis, again thereby opening the market to additional models.

The background is that the limited market is believed to restrict competition and therefore increase the capital cost of purchasing a taxi.

- 3.23 Officers have responded cautiously to each proposal but suggest that options should continue to be discussed with the trade. It is understood that the trade has discussed rear loading with disability groups. A point made is that most wheelchair users are unlikely to hire a taxi from a rank and therefore a pre-booked hire is less of a problematic for rear loading.

Officers remain concerned that such a change would require a full equalities impact assessment followed by a consultation with affected users. Even if the majority of wheelchair users pre-book there are undoubtedly visitors to the city who don't pre-book. These customers may rely on being able to access taxis at an existing rank, especially at transport hubs.

In terms of different models of vehicle, again officers are happy to continue to work with the trade to evaluate any vehicles that might be put forward for consideration.

Future progress to lower emission standards

- 3.24 The Committee and members of the Transport and Environment Committee have queried how the Directorate would maintain progress in further reducing emissions beyond the recommendations in this report. As previously reported, the major barriers to Electric Public Hire Vehicles being in widespread use are the availability of sufficient charging points for a fleet of over 3000 vehicles, and lack of a custom built electric powered taxi until very recently.
- 3.25 It is recommended that officers ensure that work undertaken in this project is embedded within work to establish low emission zones. Officers will monitor developments in engine emission standards and availability of charging points infrastructure and will report to the Regulatory Committee any scope to further tighten emission standards. It is further recommended that the committee agrees an aspiration that the public hire fleet will be 'zero emissions' by 2035. An update on these matters can be included in the report described in paragraph 3.19 above.

4. Measures of success

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

5. Financial impact

- 5.1 Overall the change of conditions will not create any additional costs to the Council Budget. The mitigation measures detailed in paragraph 3.18 is estimated at £60,000 over four years and this will be contained within the licensing budget.
- 5.2 The Council's scale of fees for licensing applications was approved with effect from 1 April 2017. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

6. Risk, policy, compliance and governance impact

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

7. Equalities impact

- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 7.2 The contents and recommendations described in this report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.
- 7.3 Should consideration be given to the proposals detailed in paragraph 3.22 such a change would require a full equalities impact assessment followed by a consultation with affected users.

8. Sustainability impact

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

9. Consultation and engagement

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

10. Background reading/external references

- 10.1 None

Paul Lawrence

Executive Director of Place

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11. Appendices

Appendix 1 - Trade representation by Tony Kenmuir on behalf of Central Radio Taxis; City Cabs (Edinburgh) Ltd; the Edinburgh Taxi Association and; the Scottish Taxi Federation.

Appendix 2 - Trade representation by Mark McNally on behalf of the Edinburgh Taxi Association.

Appendix 3 – Trade representation by Les McVay on behalf of City Cabs (Edinburgh) Ltd.

Appendix 4 - Representations by Mark Lyon on Behalf of Unite the Union

Appendix 5 - Representations by Mark Whittet dated 30 October 2017 and 14 February 2018

Appendix 6 - Summary of Local Authority Vehicle Age Limitations

Appendix 7 - Emission Standards

Appendix 8 - Licensing Conditions

Appendix 1 - Trade representation by Tony Kenmuir on behalf of Central Radio Taxis; City Cabs (Edinburgh) Ltd; the Edinburgh Taxi Association and; the Scottish Taxi Federation.

From: Tony Kenmuir

Sent: 09 February 2018 10:06

To: Andrew Mitchell; Gordon Hunter

Subject: Age & Emission Restrictions 2nd Deputation.docx

Dear Andrew & Gordon,

Further to our recent consultation we have produced the following feedback on your revised proposals. We still feel that we're not far from reaching an agreement and we appreciate the time you have invested in the consultation process. We will continue to make the point that although we support the proposal we feel that the timelines are too short as they stand.

The following has been endorsed by Central, City, ETA and STF

Best regards

Tony

Age limitation and emission standards for taxi and private hire cars.

Licensing officers have summarised the "Points Made by the Trade" from a written submission by Tony Kenmuir of Central Taxis on behalf of Central Taxis, City Cabs, The Edinburgh Taxi Association and Scottish Taxi Federation; and from a Hire Car Consultation Group meeting where that submission was discussed.

Each of these "Points Made" is followed by a proposal from Licensing Officers and our response to those proposals follows in the same numbered order.

Introduction

The taxi trade deputation represented by Tony Kenmuir of Central Taxis at a Regulatory Committee meeting on 24th October 2017 offered general support for the introduction of age and emission standards. It was however submitted to the Committee that the proposed schedule was considered too short by the trade for a number of reasons. It has since been demonstrated by the trade that the number of "Pre-Euro 5" and "Pre-Euro 6" vehicles in the current fleet was underestimated by Council Officers in the proposal. There was support on the day for further consultation between Licensing Officers and the Trade with the aim of coming back to committee with a revised timescale for implementation.

1. The initial proposal was that pre-Euro 5 taxis cannot be renewed beyond December 2018. The trade responded with support and proposed to extend that by one year to December 2019. We believe that is a more realistic timescale to

implement this radical change to the make up of the fleet and the trade; allow operators to revise their business model and financial plans and for sufficient new vehicles numbers to become available. Licensing officers have responded by proposing that the date change to April 2019. This is actually no concession at all in real terms. The implementation date has only been adjusted by the time it has taken to conduct the consultation and the trade has no more time than before to achieve the proposed targets. We request that this date now be adjusted to April 2020 accordingly. A hardship process has been proposed for license holders who still have finance outstanding on their vehicles at the point they fall behind the emissions targets. It has been explained to us that this does not involve a scrappage scheme or financial support of any kind but allows for individual license holders to plead their case before the committee and each case to be considered on it's own merits; and that an extension to the date may be allowed to an individual. We respectfully submit that this a potentially time consuming, confusing and contentious way to proceed with the implementation of radical change to the trade and clear guidelines should be set out from the start. Following our proposals such a caveat would be unnecessary.

2. As above and we now submit that April 2021 is the minimum required.

** please note that the early deletion of Euro 5 vehicles is the most critical point for the trade in this entire proposal and could be disastrous for the economy of the taxi trade if implemented too soon**

3. The trade sought to agree on a minimum life-expectancy for a licensed taxi and proposed 12 years. Council officers appear to have accepted this principal on the basis of 8-10 years although we note that the word "minimum" has been replaced with "maximum". The trade is in agreement that 10 years could be considered as a maximum life-expectancy and also the minimum. For the avoidance of doubt a taxi that would otherwise be excluded due to it's emission standards would be allowed to continue operating until it reached 10 years from its first date of registration under the trade proposal.
4. As in 3 we agree to a maximum life expectancy of 10 years and propose that this should also be the minimum life expectancy of a vehicle that otherwise passes inspection at the taxi examination centre. We do not agree that it must also comply with 1 and 2.
5. The initial proposal was that taxis could not be added to the fleet by a license holder if they were older than 5 years from first date of registration. The trade resists this as it may prevent the owner of a 5 year old taxi from transferring it to another license holder in order to purchase a newer vehicle with lower emissions. This is contrary to the objectives of the Council in implementing these changes. Council officers have responded with a proposal to prevent second hand taxis being introduced to the fleet if they are not Euro 6. Rather than reach a compromise on this point, the new proposal is actually more stringent than the original one. The trade does not support this.
6. The trade agrees that there are factors including certain safety specifications that would need consideration. If the fabric of a taxi vehicle and its specification were otherwise suitable for examination we propose that conversion of the vehicle to LPG fuel should add 5 years to the life expectancy of the vehicle in parallel with London.

7. The trade suggested during the consultation that rear-loading vehicles may be worth considering if it opened up the public hire taxi market to additional vehicles/conversions and had any prospect of increasing competition in the marketplace and bringing down the capital cost of taxi vehicles which is such a factor in all of these calculations. However, further to discussion and review we do not believe that this is practical or advisable and withdraw this proposal.
8. Primary legislation states that the cost of operating a taxi must be reflected directly in the tariff. It will be on the next tariff review in 18 months that the true cost of this implementation will be calculable and must be implemented. It is bound to have a significant effect on the fare table.
9. The trade maintains that license fees should be revised and adjusted so that owners do not pay an additional fee to introduce a new vehicle.

Additional

In clause 1.2 of the papers presented to Committee on 24th October 2017 it is proposed that conditions can be amended for subsequent Euro Emission Standards. The trade is concerned about the wording of this. We request that any further, radical changes to the make-up and economy of the taxi trade should go out to consultation with the trade and submission to committee before they may be implemented.

The proposals submitted by the trade would have 900 of the oldest and highest polluting taxis off the road by April 2021. This is a significant contribution to the quality of vehicle on offer and to the environment of the city and it will be achieved without the subsidies enjoyed by Lothian Buses and other public transport operators; being funded by private, working individuals.

Appendix 2 - Trade representation by Mark McNally on behalf of the Edinburgh Taxi Association.

From: Edinburgh Taxi Association

Sent: 12 February 2018 05:00

To: Andrew Mitchell; Terry Higgins

Subject: Age Limitation / Emission Standards for Taxi's and PHC's

Dear Licensing officers and Councillors

Age limitation and emission standards for taxis and private hire cars.

Item 1.2 in the proposal presented to committee on 24th October 2017 recommends that the committee 'agrees that the conditions of taxi and private hire car licences *will be amended to include specific conditions* to require licensed hire cars to *progressively* meet Euro 6 Emission Standard or any subsequent Euro Emission Standard (or UK equivalent)'

We require clarity on item 1.2 and the reason for its inclusion as a separate recommendation. Our interpretation of the wording of this specific item is that the licensing department seeks approval *now* to amend the conditions of taxi and private hire car licence in the *future* for the fleet to progressively meet subsequent (future) Euro Emission Standards or UK equivalent.

If this is not the intent of the licensing department, what is the reason for its inclusion as a proposal over and above the other items that detail how licensing officers suggest taxi and private hire vehicles meet Euro 5 and Euro 6 standards?

Revised timescale for implementation response

Item 1 and 2

The initial proposal stated Pre-Euro 5 taxis would have to be replaced by a vehicle of Euro 5 standard or better starting December 2018 and would require all Pre-Euro 5 vehicles to be removed from the fleet by December 2019. The trade requested a further 12 months extension to this. Licensing has proposed a further 4 month extension, from April 2019 to April 2020. This buys the trade no further time to comply as it is cancelled out by this current extended consultation process over the last 4 months from October 17 - February 18. The supposed revised proposal is no different to the original. We now request that the Pre-Euro 5 dates be adjusted to April 2020 to April 2021.

Licensing officers original and revised proposals are unfortunately designed in such a way that leaves operators with a strict deadline to meet and a cliff edge implementation date to comply. This is of particular concern to us with past experience of the licensing departments zero tolerance policy that drivers are met with when applying for Taxi Driver Licenses, this is in relation to late renewals, criminal history checks and immigration documentation. In short if the application is late or deemed incomplete the licence application is not processed let alone granted. We seek clarification and assurances that a

common sense approach is in place to make sure operators that experience difficulty or can't comply have options and won't simply lose their Taxi Vehicle License as they do with Taxi Driver Licenses.

We also request that any changes to the conditions with relation to age/emission restriction are detailed in a letter to all day to day managers and directors clearly outlining the changes. We make this request as changes to the required documentation for processing Taxi Driver Licenses was not circulated to all/any licence holders; drivers are only now learning of these changes when applying to renew their Taxi Drivers License which is often too late.

A hardship process has been suggested to allow individuals to plead their case for committee to consider on its own merits. The ETA do not believe that this process would assist many operators if any as we believe that only exceptional cases would be presented and considered. This process would not assist the majority of operators affected by this proposal.

Items 3 and 4

The trades suggestion of a guaranteed minimum life expectancy of 10 years for an expensive purpose built Taxi is entirely reasonable. This should be allowed whether it meets the Euro criteria in the proposal or not. Council officers state they 'Cannot support trade proposal as it would undermine the policy intent.' The trade made this suggestion because the policy intent is severe and unreasonable.

Early deletion of Euro 5 vehicles is the most critical point for the trade in this proposal. There simply won't be enough second hand Euro 6 vehicles available to operators to meet the current proposed time scale to achieve a full Euro 6 fleet. The majority will still be under credit agreements and in use by the first owner. As highlighted previously the cost of buying a new purpose built vehicle being so high most are financed over 5 and increasingly over 6 years.

Item 5

The ETA didn't support the initial proposal 'to restrict the vehicle age of all change of vehicle applications to less than 5 years from date of first registration.' It prevents second hand vehicles from being sold on to other operators to allow for the original owner to buy a newer less polluting vehicle to add to and renew the fleet. The counter proposal implements a restriction preventing 2nd hand taxis that are not already registered in Edinburgh from being licensed unless it's Euro 6. This new proposal is more stringent than the original. Any restriction of this kind is counterproductive making the transition to Euro 5 and 6 harder instead of easier and is contrary to the objective to *progressively* renew the fleet.

The taxi vehicle economy requires vehicles to be sold on in order for new vehicle purchases to be made. No restriction should be made to prevent the filtering down of vehicles. The current level of work, drivers and tariff cannot sustain the full fleet to be Euro 6 in the next 4 years that's currently proposed. This point has been made repeatedly by the trade and is not being grasped by the licensing department and is not reflected in policy updates.

Item 6

Conversion of a taxi to Euro 6 standard and/or LPG should be accepted and should extend the life of the vehicle by 5 years in parallel with London. If the vehicle is safe and the fabric of the taxi vehicle and its

specification are suitable for examination and it meets with the required euro emissions standard, we see no reason why this should only be an option for vehicles that are already in the existing fleet, this should be an option for new vehicles to the fleet as well.

Item 7

We maintain that rear-loading wheelchair vehicles are worth considering in the future, opening up the public hire taxi vehicle market to additional vehicles and conversions. Introducing more affordable vehicle options and increasing competition in the marketplace might be necessary to bring down the capital cost of new taxi vehicles.

Item 8

Any decision on vehicle age / emission restriction and the resulting costs of implementation will only be realised after the current ongoing fare review. We therefore request to submit evidence of the costs incurred by the trade in the next fare review in 18 months' time and subsequent fare reviews, not in the current fare review with the deadline for implementation fast approaching.

Item 9

The trade maintains that license fees should be revised and adjusted so that owners do not pay an additional fee to introduce a brand new vehicle.

It has been demonstrated by the ETA that the number of Euro 5 and Euro 6 vehicles have been overestimated by council officers in the original proposal's supporting documents. Final figures have still not been released but we have been informed it's estimated there is around 150 Euro 6 vehicles in the taxi fleet. If the estimation is correct Euro 6 vehicles currently account for only 11% leaving 89% of the fleet affected by this proposal if passed. The Civic Government (Scotland) act, when addressing the issue of renewing licenses, requires that conditions shall be *reasonable*. The ETA maintains that it is unreasonable that such a high proportion of vehicles and operators are affected by the proposal and its proposed time scale.

Regards

Mark McNally

--

Edinburgh Taxi Association

Appendix 3 – Trade representation by Les McVay on behalf of City Cabs (Edinburgh) Ltd.

From: Les McVay

Sent: 13 February 2018 15:36

To: Andrew Mitchell; Terry Higgins; Gordon Hunter

Subject: Age Limitation and Emmision Standards for Taxis

Hi Andrew

City Cabs are preparing a response to last weeks Taxi and PHC Trade Meeting with regard to the Age of Vehicles and Emissions.

To enable me to do this, I need to try and understand the methodology that was applied to the process which led to the recommendations that are being put forward for consideration, in particular, the introduction dates for the minimum requirement of Euro 5 and 6 vehicles.

The report that was put forward at this meeting, by Council Officials, stated that the trades proposals to extend the dates for the introduction of the requirement of Euro 5 and 6 vehicles could not be justified. I would be grateful if you could provide me with the considerations and evidence that was used to arrive at the dates put forward by the City of Edinburgh Council and why the proposed extensions cannot be justified?

For the Trade to understand why Council Officials are proposing measures which will have severe consequences for the Public Hire Trade in Edinburgh, I think it is only proper that the reasons and workings behind these decisions should be open to scrutiny.

Bearing in mind that there are flaws in the number of Euro 5 and Euro 6 vehicles that were quoted in your report I hope you can understand the Trade's concerns that other factors that led to the findings may also be flawed.

Another area City Cabs are concerned with is the last minute way that we were informed of the consultation process and the detail of the proposals.

For the meeting held in October, notification was given less than one working day before it took place and the meeting held on 2nd February, the documentation that was to be considered was sent at 9.20pm on the 1st February. I think most would consider this lack of notice to be a poor show and perhaps an indicator of how the whole consultation process is being conducted.

In short and to summarise, the Trade disagrees with the short window of time between the introduction of the Euro 5 and 6 vehicles and would like to consider the evidence that led to this decision being made.

I would also ask for details of the proposed hardship fund that is to be introduced.

I also ask that this e-mail is not taken as a criticism in the way the current consultation process is being conducted but more of an attempt to understand why what we are asking for is not justified and why we cannot be given a reasonable amount of notice for the dates of the meetings and a reasonable amount of time to consider the documentation being put forward for discussion at these meetings.

Les McVay

Company Secretary

Email:

Tel:

Web:



Appendix 4 – Representations by Mark Lyon on Behalf of Unite the Union

ML/CB

12 March 2018

Edinburgh City Council
Waverley Court

4 East Market Street
Edinburgh
EH8 8BG

To Whom it may Concern

Unite the Union – Positioning Paper on Age Limitation of Taxis and PHCs

Abstract

Unite, having consulted with members who operate Taxis and having considered the Council proposals, submit that the extent and, in particular, the timescales under consideration are overly punitive, and likely to impose hardship on operators who have committed to the trade and heavily invested in vehicles at a time before these proposals were tabled.

Unite is very supportive of measures to improve air quality in the city but is also mindful of the relatively short implementation period and the difficulty faced by those effected in the proposed transition timetable.

Unite submits that further impact assessments on the detriment to current owners and drivers should be undertaken and that the proposed timescales should be reviewed.

Unite further submits that there should be two distinct elements to the plan for age limitation, firstly, the desired end point to have vehicles in operation with the best environmental performance but, secondly, to have an extended implementation period to allow existing Taxi owners to transition and manage the significant cost of investing in new vehicles.

Consultation with Unite

It is apparent that Unite has had no input to the consultation thus far and that personal contributions in the name of Unite may have been offered in discussions, submissions and presence at meetings. For the avoidance of doubt, this paper represents the sole contribution to the debate so far and as submitted for consideration.

Context

The Civic Government (Scotland) Act, when addressing the issue of renewing licenses, requires that conditions shall be *reasonable*. Unite submits that the transition timetable is not reasonable in regard to the ability for owners to procure new vehicles in advance of the proposed renewal restrictions.

The guidance offered the Scottish Government, states that *the setting of an age limit beyond which a local authority will not license vehicles is somewhat arbitrary and disproportionate, particularly as it is perfectly possible for a well maintained older vehicle to be in good condition.*

Unite broadly agrees with this guidance and, is informed by its intent, to press for a revised proposal and the 'Grandfathering' of rights to be licensed for existing taxi owners.

Unite represents workers in the public transport arena servicing the city including, state of the art buses, trams, civil air transport aircraft and aircraft passenger supporting vehicles. Unite notes that the direction of change has already led to greatly improved and environmentally compliant vehicles and concludes that the issue of Taxi licensing should be viewed in a wider context involving step change in air quality as a whole. While it is always desirable to have continuous improvement, it is also important to consider the financial challenges faced in such a change by the men and women of the Taxi trade who often present the first and last contact with and service to our valued visitors to the Capital and who have served with distinction in this capacity over many years.

Further context includes the comparative implementation, or lack of thereof, of measures by other authorities. Unite supports sensible and timely measures but does not support trailblazing initiatives that put our members out of business.

Financial Context

The financial realities, and ability to make the substantial investment demanded by these proposals, are informed by a combination of increased number of operating taxis and Private Hire Cars, the recent road adjustments causing difficulties to drivers, the reduction of fare paying passengers as a result. This combination, coupled with the additional proposed burden, would effectively price many of our hard working members out of the business.

In a survey of our consulted cohort, the feedback was that over 78% of those involved would suffer direct and serious financial difficulties. Many reported that they would not be able to continue post the imposed changes.

Comment on proposed mitigation

Unite do not believe that the hardship process would assist the majority of those effected to any significant degree. The proposals refer to license holders with finance beyond the effective dates but this provides only part of the story. Owners, in many cases, have run the vehicles while servicing the debt but with a well-constructed business plan including years of leveraged assets but with prospective years ongoing of utilisation without the burden of debt. These proposals may condemn such individuals who have already weathered the most financially difficult years to further hardship if their vehicles are not licensed.

Unite notes that there may be some coincidental relief offered in connection with the relationship between renewal dates and the cliff edge implementation dates but is concerned that this is effectively random in nature. Unite does not believe this would assist the majority of those effected to any significant degree.

Discussions taken place around retrofit gas operated engines or replacement engines. Unite notes that this would be a viable option if the modified vehicle was permitted to continue operating for a sufficient period in order to offset the cost of the investment. The fixed dates proposed make this option unfeasible at present. Unite submits that modified Taxis should have a revised age limitation.

The idea that owners can sell on vehicles to part-finance new ones is not viable. With the implementation of these restrictions, the vehicles bought in good faith and, in some cases, with

existing debt attached would become effectively worthless overnight, and if some of the owners do manage to sell on, it would surely be a case of just moving the problem somewhere else in any case.

Concluding remarks

Unite is anxious to correct any perceived position previously offered and to clarify that this paper outlines the position of our union.

Unite requests the opportunity to make representation to elected members on behalf of our members prior to any final decision.

Unite submits that the proposed implementation dates are revised, that modified cabs should enjoy a specified exemption and that, in particular, the existing license holders and afforded additional time to make this transition while remaining able to continue to operate.

Submitted on behalf of Unite the Union

Mark Lyon
Unite Regional Officer

Appendix 5 – Representations by Mark Whittet dated 30 October 2017 and 14 February 2018

From: Mark Whittet

Sent: 14 February 2018 13:39

To: Andrew Kerr; Adam McVey; Catherine Fullarton; Terry Higgins; Andrew Mitchell

Subject: 14 FEB; Taxi consultation submission; No probative evidence to support claimed public health benefits from banning diesel taxis

Ps; You have failed to answer - never mind acknowledge - the requirement to produce evidence that the proposed taxi-only diesel ban plan has been 'legally stress-tested' against judicial review. I repeat;

'Has Edinburgh council taken expert legal opinion (ie QC's Opinion) on whether the proposed taxi-only diesel ban plan would withstand judicial review?'

Mr A. Kerr

Chief executive

Edinburgh Council

Cllr Catherine Fullarton, Convenor, Regulatory Committee

Cllr Adam McVey, Convenor, Transport Committee

14 Feb 2018

Dear Sirs and Madam,

Re; Age Limitation of Taxis and Private Hire Cars (Air Quality) Consultation

No probative evidence to support claimed public health benefits from banning diesel taxis

See following extract from the National Records of Scotland**

Extract from the National Records of Scotland**

<https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/general-publications/births-deaths-and-other-vital-events-quarterly-figures/3rd-quarter-2017>

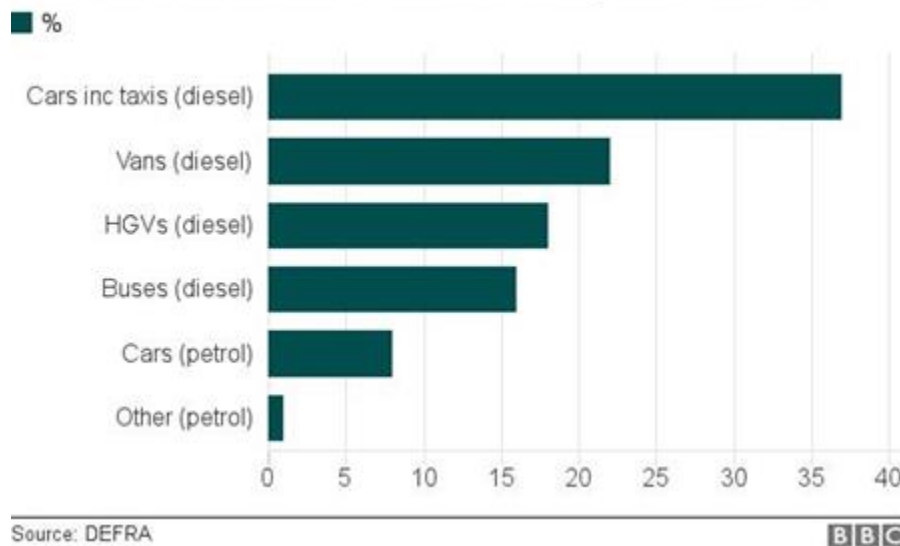
Deaths from respiratory system diseases fell by 8.5 per cent to 1,293; **

** Edinburgh represents about 5% of the population of Scotland; so 5% x 1,293 = 65 deaths during the reporting period 2Q2017

This is not an excessive figure and while these official data do not provide any further breakdown of the precise causes of the respiratory system diseases it can be reasonably assumed that these are *not* all caused by emissions from diesel-engined black taxis.

Ergo, for Edinburgh council to take action to reduce emissions which penalises only one source (black taxis) while taking no action against other, and far larger contributor sources such as the (*hugely more numerous* - see *tale of evidence below from BBC/DEFRA**) private-owned (diesel) cars, (privately) light and heavy goods vehicles, the (privately-owned) commercial bus fleets and also the (publicly owned) city bus fleet is, self-evidently, manifestly unfair, disproportionate and anti-competitive.

What contributes most to roadside nitrogen oxide levels



Source; <http://www.bbc.co.uk/news/uk-40726868>

What about aeroplanes? How much air pollution is caused by aircraft?

In the UK about 1% of nitrogen dioxide emissions are caused by aviation. Far more are caused by people driving to airports in their cars.

Moreover, such (unfair and discriminatory) action against just *one* sector (privately-owned black taxis) will have minimal - even if measureable - public health benefits.

And the non-evidence base 'justification' for the council's proposed (unfair, discriminatory and anti-competitive) prohibition on diesel-engined taxis (ahead of similar action against all other – and more numerous other sources) is even more apparent in

light of the fact that the council has not considered alternative options for reducing diesel-emissions, such as;

- Removing speed humps - which increase emissions from higher engine rpm
- Re-timing and speeding up traffic lights and introducing more left-turn green light filters to maintain flow of (all) traffic
- Spitefully and needlessly closing off side roads, no-entries, etc – which in turn force greater congestion/ slow moving/ queueing – and engine idling/ emissions
- Removing the (needless and largely-ignored) 20mph city-wide speed limits because lower road speed results in higher emissions from greater rpm

Extract from the National Records of Scotland**

<https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/general-publications/births-deaths-and-other-vital-events-quarterly-figures/3rd-quarter-2017>

- The statistics show 13,847 births, 13,185 deaths and 10,870 marriages were registered between April and June.
 - At 13,847, the number of births registered was 411 (2.9 per cent) fewer than in the same period of 2016 and the lowest quarter three total since 2004. The total number of quarter three births fell to a low of around 13,200 in 2001. It then rose to around 15,500 in 2008 before falling in more recent years.
 - At 13,185, the number of deaths registered was 17 (0.1 per cent) fewer than in the same period of 2016. Over the past decade the number of deaths in the third quarter has generally increased each year apart from an unusually low figure of 12,224 in 2013.
 - Compared with the third quarter of 2016:
 - the number of deaths from coronary heart disease rose by 4.1 per cent to 1,533;
 - Deaths from cerebrovascular disease fell by 6.6 per cent to 900;
 - There were 3,960 deaths from cancer (a decrease of 0.6 per cent);
 - Deaths from respiratory system diseases fell by 8.5 per cent to 1,293; **
 - There was an increase of 6.7 per cent in the number of deaths from Alzheimer's Disease (491);
 - The number of deaths from dementia rose by 13.6 per cent to 861 (although respiratory disease, Alzheimer's and dementia deaths are affected by the change in cause of death coding software – [refer to this paper for more details.](#))
 - Over the longer term, deaths from coronary heart disease and cerebrovascular disease have decreased considerably whilst the number of deaths from cancer and respiratory disease has risen slightly. There has been a relatively large increase in the number of deaths from dementia and Alzheimer's disease with such deaths now

accounting for around 10 per cent of all deaths compared to 5 per cent a decade ago.

Yours faithfully,

Mark R. Whittet (LLB, BA, DipLP + Advanced Certificate, Local Govt Management)

cc

Andrew Mitchell, Regulatory Services Manager

Terry Higgins, Licensing Regulatory Officer

----- Forwarded message -----

From: **Mark Whittet**

Date: 30 October 2017 at 14:37

Subject: 30 OCT 2017: XMAS SHOCKING: Edinburgh council to ban 50% of black taxis by Dec 2018 and cut wheelchair-friendly fleet in half

Cllr Catherine Fullarton, Convenor, Regulatory Committee

Cllr Adam McVey, Convenor, Transport Committee

Andrew Kerr, Chief executive, Edinburgh council

30 October 2017

Dear Sirs,

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

(Council Report enclosed)**

Cllr Catherine Fullarton, Convenor, Regulatory Committee

Cllr Adam McVey, Convenor, Transport Committee

Andrew Kerr, Chief executive, Edinburgh council

30 October 2017

Dear Sirs,

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

I write with regard to the above and the meeting of the above council committee on 24 Oct 2017 with the following submission and recommendations to the joint council-trade working/ liaison group, which is due to report back by 24 Jan 2018:

The four key points in this submission are that;

- **The above-proposed policy is unfair and unreasonable on:**
 - **Competition grounds**
 - Failure to consider alternative and/or interim technology and/or traffic-management solutions
 - **Failure to fully and effectively consult** with all/ other user groups – eg NHS, disabled, Help the Aged, BMA, Scottish Ambulance Service
 - Is **Age and Health discriminatory under the Equality Act 2010**
 - Discriminates against one type of (public) transport provider against others (eg lack of re-charging facilities/ lack of state-required infrastructure)
 -
- The **policy-formation/ consultation policy is itself deficient – and is based on inconclusive evidence from its own officials** (that 20mph/ speed humps 'may' reduce particulate vehicle emissions)
- **It fails to meet the council's own stated 'measure/s of success'**
- **Council has failed in its public duty** to take impartial legal advice on the legality of its own proposals and **thereby exposing council-tax-payers to unnecessary and avoidable legal costs.**

Details of the above recommendations and/or objections are appended below.

Yours faithfully,

Mark R. Whittet (LLB, BA, DipLP)

cc

Andrew Mitchell, Regulatory Services Manager

Terry Higgins, Licensing Regulatory Officer

Encl;

(Un)Fair and (Un)Reasonable council process/ policy formation on competition grounds

The timescales proposed in the above document are too short to allow the black-taxi trade to adjust to the severe financial consequences of banning all pre-Euro-5 vehicles from December 2018.

- Further, this would overnight remove 50% of black-taxis from the market. This is neither fair nor reasonable.
 - And it puts the black-taxi supply (which is almost entirely supplied by self-employed sole-traders) at a disadvantage compared to council-publicly funded Lothian Buses and Scot-Rail.
 - It similarly puts the black-taxi supply at a disadvantage compared to private-hire mini-cabs as there is a far wider choice of vehicle (eg private cars) available from the mass-market automotive manufacturers for these traders to choose from – either new-build and/or second-hand.
 - There is only one manufacturer/ supplier of the 'traditional' Hansom-cab black-taxi vehicle – hence Edinburgh Hansom-cab black-taxi owners/operators have no choice of alternative suppliers (so there is no competition to force down prices of such vehicles.
 - A new, battery-powered vehicle-taxi (BPV-black taxi) retails new at £55,000 – which is around twice the price of a (range) of private-cars which mini-cab drivers can choose from.
 - And there is not, and will not be, a fair-trade market in second-hand Euro-6-compliant vehicles for a 5-10 year period.

(Un)Fair and (Un)Reasonable council process/ policy formation on competition grounds; private-hire vehicles

There is an over-supply (or at least a likelihood) of private-hire vehicles, with the issuing of some 2,000 new private-hire licences since Uber was granted its supplier licence.

- This needs to be quantified by the council so as to prevent over-supply, and/or to at least await the supply of central/Scot-Govt guidance on private-hire licences.

Any move by Edinburgh council meantime to permanently ban pre-Euro-6 black-taxis prior to carrying out this highly pertinent study would be prejudicial and contrary to public/ competition policy.

Two other points pertain here:

If Transport for London has withdrawn its private-hire operator licence from UBER, why has Edinburgh council not done likewise?

And – despite a round-robin series of letters from private-hire drivers asking the council for permission to use the Greenways (and their illegal use of bus/black-taxi-cycle) lanes (BBC-lanes), private-hire vehicles are precisely

that; - ie they are private motor cars (hired by private individuals) are are not – unlike black-taxis – public transport.

(Un)Fair and (Un)Reasonable council timescales

Given that the council wants to reduce emissions from black-taxis by 2030, the same effect can be achieved by adopting a 10-year notice-period; ie banning all pre-Euro-5 vehicles from December 2028.

The same (environmental) goal is achieved – in line within council wishes and two years ahead of central government timescales.

And it gives the local black-taxi trade a reasonable period of time to adjust – ie to finance the cost of a Euro-6-compliant BPV (battery-powered vehicle).

- **Edinburgh council itself allows a five year period to provide for (some, not all) battery-powered trucks when traditional diesels are gradually phased out**

The sense of shock and outrage – never mind non-collaboration – from the commercial goods vehicle/ haulage fleet operators if Edinburgh council imposed a similar unilateral ban in these timescales on HGVs is easily imagined – as is the public outrage if people cannot buy goods and services in the shops (OR prices rise too far, too fast).

(Un)Fair and (Un)Reasonable lack of council provision of infrastructure/ re-charging facilities for BPV-taxis

The Edinburgh-black-taxi service is a public (transport) service.

Yet there is almost zero availability of (public) re-charging facilities for electric vehicles.

The council either needs to supply – at (considerable) public cost – such BPV charging infrastructure – by Dec 2018; OR extend the timescales for banning/ removing pre-Euro-6 compliant vehicles (as above)

(Un)Fair and (Un)Reasonable refusal/ absence of public consultation with user-groups: – ie OAPs and public-sector partners (eg NHS Scotland, British Medical Association, Scottish Ambulance Service, Age Concern, Help the Elderly, and other charitable bodies)

Other actions recommended for the council to take meanwhile in the interests of parity with other transport providers and (especially vulnerable) service-users (eg people with medical/ health conditions and mobility issues);

The council should actively and probatively demonstrate, that it has meaningfully consulted with the Taxi-Card scheme/ group users; (eliminating

50% of black-taxis overnight from Edinburgh by Dec 2018 will eliminate 50% of the supply of wheelchair-friendly and OAP-friendly vehicles).

Overnight removal of 50% of wheelchair-friendly Edinburgh black taxi-fleet would also impact adversely on the Scottish Ambulance Service (which is too often a tax-payer-funded taxi service) and limit or inhibit the frail, the elderly, and people with weight and mobility issues from exercising their right to NHS health-care (by not being able to hire a black-taxi for health/ medical appointments with GPs, specialists, and hospitals)

- Failure to do so will render the council liable to judicial review and/or appeal on both age and health-discrimination grounds under the Equality Act 2010.

(Un)Fair and (Un)Reasonable failure of Edinburgh council to consider other and/or interim road/traffic management measures to reduce diesel emissions and Air Quality Standards

These include:

- The failure to follow best practice – as in **England – where the National Institute of Clinical Excellence (NICE) has recommended the removal of anti-speed-humps** because of their impact in increasing vehicular particulate emissions.

The failure to actively (and probatively demonstrate) alternative traffic-management and road-management policies; eg to actively consider how to reduce (without compromising public safety) both the number, location and timings of traffic lights and traffic-light controlled pedestrian crossings

Ditto for the ineffective 20-mph near-universal speed limit; automotive engines perform most efficiently in the mid-rev range (ie in 4th/ top gear) at 30mph); They perform most-ineffectively at (near-constant) 2nd-gear at 20mph – thereby increasing vehicular particulate emissions.

Ditto for council measures / traffic constraints which *increase* vehicular particulate emissions by increasing congestion/ traffic-queueing.

So long as (much-more) vehicular particulate emitting vehicles (ie Lothian Buses and commercial trucks) are able to use low-emissions zones/ air-quality management areas, black-taxis should be permitted to do so as well on the grounds of fairness to all.

Alternative / interim technology solutions

In the 10-year period (to 2028) recommended here as being reasonable for the phasing-in of Euro-6-compliant (and wheel-chair friendly) black taxis, alternative and interim technological solutions should be permitted; eg

Reducing NOx emissions means adding extra technology. Small vans are able to use a simple NOx trap, while most larger van and pickup makers are choosing to use Selective Catalytic Reduction (SCR), which injects a reductant called AdBlue into the exhaust stream to neutralise the nasty NOx.

What is AdBlue?

AdBlue is the most recognised name for diesel exhaust fluid. Added to a special extra tank in compatible vehicles in a process that's as simple as topping up the windscreen washer jets, this fluid is used to break down NOx into less harmful nitrogen and water vapour. Prices vary, but AdBlue costs around £8-£20 a litre (buy in bulk to make it cheaper) and can be purchased from service stations, truckstops, dealerships and motorfactors like Halfords

- **Retro-fitting 2.5-litre petrol engines in Edinburgh-black-taxis**
- **Put emission converters on the exhaust.** So that the emissions are harmless.

(Un)Fair and (Un)Reasonable failure of Edinburgh council to fully consult/ flawed policy-formation

For example; -

Question 5 (in the council survey/ public consultation) Do you agree that the City of Edinburgh Council should consider setting minimum emissions standards for vehicles to improve air quality?

- 444 respondents (62%) agreed.

BUT THIS QUESTION REFERS ONLY TO (ALL) **VEHICLES' – and is irrelevant to, and meaningless, to 'taxis-only' as the survey is seriously deficient and inadequate / thereby unfair, discriminatory, anti-competitive if applied ONLY to taxis

The question of age-limits on black-taxis is irrelevant; either a vehicle meets the (current/ present) MoT rules required for its vehicle class, or it doesn't.

- 3.11 **Question 8:** If the maximum age of the vehicle is adopted as a limiting factor – at what age should that be set for existing licensed vehicles?
- **Respondents were given options of 3, 5, 7 or 10 years or to suggest another age limit and were given the opportunity to identify at what age that limit should be set.**
- *No clear view emerged in relation to this question.* (says the council)

BUT THIS IS A LIE; the clear majority is for a TEN YEAR age limit; see graph from Appendix, copied here;

Question 4: Do you agree that the City of Edinburgh Council should consider adopting a maximum/minimum age of licensed vehicle policy?

- 413 respondents (58%) disagreed. But EVEN MORE STRONGLY DISAGREED

Inconclusive evidence from Edinburgh council officials (that 20mph/speed humps reduce particulate vehicle emissions)

Copy of Internal Edinburgh Council Memo;

The City of Edinburgh Council – Road Safety & Active Travel

From: Eileen Hewitt

Sent: 09 August 2017 17:04

To: Terry Higgins

Cc: Simon Lievesley

Subject: 20mph - Emissions

Hi Terry

Studies have so far not conclusively proven either a positive or negative effect on emissions:

driving at 20mph causes some emissions to rise slightly and some to fall.

Research indicates that at slower speeds, vehicles flow more smoothly through junctions. As such, within an urban environment, 20mph **may** help to improve traffic flow. **BUT COUNCIL DISENAE KEN**

In addition, as a result of reduced acceleration and braking, 20mph **may** help to reduce fuel consumption and associated emissions.

Added by objector: but it may NOT

Proposed taxi age and emissions limits fail to meet the council's own stated 'measure/s of success'

Extract from Council Paper/ meeting of regulatory committee 24/10/17

4. Measures of success

4.1 That the standard of the licensed hire fleet is maintained at a level that is to be **expected** in the capital city, delivering improvements that:

- Improve air quality;
- reduce carbon emissions; **BUT DOES NOT SPECIFY BY HOW MUCH**
- contribute to meeting UK air quality objectives (AQO) and;
- provide safe and efficient transport options for residents and

The council fails to sufficiently define, specify and/or measure its own 'measures of success'; eg

It does not specify by how much it will '*reduce carbon emissions*' (by banning all pre-Euro-5 black taxis only) compared to private hire vehicles, commercial trucks and its own and other bus fleets

It does not provide any specification of how its own measure (of banning all pre-Euro-5 black taxis only) '*provides safe and efficient transport options for residents*'

Council has failed in its public duty to take impartial legal advice on the legality of its own proposals and has thereby exposed council-tax-payers to unnecessary and avoidable legal costs by:

- Not considering '*all strategic aims of the council*' and that '*taxi and private-hire licensing policy is consistent with these aims*' and by:
- Not quantifying the scale of the risk of legal action and costs.

Extract from Council Paper/ meeting of regulatory committee 24/10/17

Risk, policy, compliance and governance impact

6.1 The development of policy in respect of the licensing of taxis and private hire cars is part of the wider policy-making role for the Council. **It is essential that all strategic aims of the Council are considered** and that where appropriate **the taxi and private hire car licensing policy is consistent** with these aims.

6.2 **There is risk that any decision to amend or change existing licence conditions could be subject to legal challenge** and may be appealed to the Sheriff.

**

Appendix 6 - Summary of Local Authority Vehicle Age Limitations

Transport for London

London will introduce the world's first Ultra Low Emission Zone (ULEZ) in 2020.

- From 1 January 2018 all taxis licensed for the first time must be zero emission capable, while new diesel taxis will not be allowed in London.
- From 1 January 2023 all vehicles granted a private hire vehicle licence for the first time will be zero emission capable regardless of age. To achieve this
 - In advance of the ULEZ requirements, all private hire vehicles licensed for the first time between 1 January 2018 and 31 December 2019 must feature a Euro 6 petrol or diesel engine, or a Euro 4 petrol-hybrid engine.
 - From 1 January 2020 all new private hire vehicles – defined as those under 18 months old – when licensed for the first time will have to be zero emission capable.
 - Older private hire vehicles – those over 18 months old – will need to feature a Euro 6 engine when licensed for the first time between 1 January 2010 and 31 December 2022. They will also need to be zero emission capable from 2023.

Birmingham City Council

- New Hackney carriage licences will only be granted in respect of brand new vehicles.
- Hackney carriage vehicle licences may only be transferred to another vehicle that is younger/newer than the age of the vehicle currently licensed.
- PHV licences will only be granted in respect of vehicles which are less than 8 years old.

This policy is subject to review. The UK Government was taken to court by the environmental pressure group called Client Earth. The Supreme Court ruled that the government's plans to improve air quality were inadequate. Birmingham, together with other English cities, has been told by the Government that it must introduce Clean Air Zones (CAZ) to improve air quality in the city centre by 2020. Birmingham is aiming to have a CAZ in place by 2019 and recently conducted a consultation seeking views on proposals to introduce emission standards for licensed vehicles.

Aberdeen City Council

- Accessible taxi vehicles must be 10 years old or less at first licensing and at substitution. All other taxi vehicles must be 5 years old or less at substitution.
- Private hire car vehicles must be 5 years old or less at first licensing and at substitution.
- There will be a general exemption from the age limit for any vehicle presented as a private hire car at first licensing prior to 6 June 2018 which, immediately prior to the date of application, operated as a licensed taxi vehicle in the city of Aberdeen. (Note – this exemption is to assist with the transition of hire cars to wheelchair accessible vehicles).

Dundee City Council

- Applicable from 1 September 2016 all new licences granted for taxis and PHCs will have a condition that only an electric vehicle from an approved list of vehicles can be placed on service and any subsequent replacement vehicle must also be from the approved list of electric vehicles.
- Applicants operating as airport transfer ONLY vehicles may apply for a variation to dis-apply the electric vehicle condition.

Glasgow City Council

- No taxi licence will be issued in respect of vehicles whose first date of registration was greater than 5 years before the date on which the vehicle details for an application for a licence or substitution of a vehicle were declared unless that vehicle had been licensed by the Council within the previous 12 months.
- PHCs must be not more than 5 years old from the date of first registration when first licensed by the licensing authority with the further restriction that when the vehicle is 7 years old from the date of first registration it must be taken out of service and replaced.

West Lothian Council

- There is no age limitation in respect of taxis or PHCs.
- Since 23 November 2009 all PHCs must have a maximum CO2 emission level of 150 g/km for diesel vehicles or a maximum CO2 emission level of 165 g/km for petrol vehicles (with the exception of tail lift vehicles which must have a maximum CO2 emission level of 225 g/km for diesel or petrol vehicles).

Appendix 7 - Emission Standards

EU emission standards are summarized in the following tables. All dates listed in the tables refer to new type approvals. The EC Directives also specify a second date—one year later, unless indicated otherwise—which applies to first registration (entry into service) of existing, previously type-approved vehicle models.

Table 1 EU emission standards for passenger cars (Category M ₁ *)							
Stage	Date	CO	HC	HC+NO _x	NO _x	PM	PN
		g/km					#/km
Positive Ignition (Gasoline)							
Euro 1 †	1992.07	2.72 (3.16)	–	0.97 (1.13)	–	–	–
Euro 2	1996.01	2.2	–	0.5	–	–	–
Euro 3	2000.01	2.30	0.20	–	0.15	–	–
Euro 4	2005.01	1.0	0.10	–	0.08	–	–
Euro 5	2009.09 ^b	1.0	0.10 ^d	–	0.06	0.005 ^{e,f}	–
Euro 6	2014.09	1.0	0.10 ^d	–	0.06	0.005 ^{e,f}	6.0×10 ¹¹ e,g
Compression Ignition (Diesel)							
Euro 1 †	1992.07	2.72 (3.16)	–	0.97 (1.13)	–	0.14 (0.18)	–
Euro 2, IDI	1996.01	1.0	–	0.7	–	0.08	–
Euro 2, DI	1996.01 ^a	1.0	–	0.9	–	0.10	–
Euro 3	2000.01	0.64	–	0.56	0.50	0.05	–
Euro 4	2005.01	0.50	–	0.30	0.25	0.025	–
Euro 5a	2009.09 ^b	0.50	–	0.23	0.18	0.005 ^f	–
Euro 5b	2011.09 ^c	0.50	–	0.23	0.18	0.005 ^f	6.0×10 ¹¹
Euro 6	2014.09	0.50	–	0.17	0.08	0.005 ^f	6.0×10 ¹¹

* At the Euro 1..4 stages, passenger vehicles > 2,500 kg were type approved as Category N₁ vehicles

† Values in brackets are conformity of production (COP) limits

a. until 1999.09.30 (after that date DI engines must meet the IDI limits)

b. 2011.01 for all models

c. 2013.01 for all models

d. and NMHC = 0.068 g/km

e. applicable only to vehicles using DI engines

f. 0.0045 g/km using the PMP measurement procedure

g. 6.0×10^{12} 1/km within first three years from Euro 6 effective dates

Table 2
EU emission standards for light commercial vehicles

Category†	Stage	Date	CO	HC	HC+NOx	NOx	PM	PN
			<i>g/km</i>					
Positive Ignition (Gasoline)								
N ₁ , Class I ≤1305 kg	Euro 1	1994.10	2.72	–	0.97	–	–	–
	Euro 2	1998.01	2.2	–	0.50	–	–	–
	Euro 3	2000.01	2.3	0.20	–	0.15	–	–
	Euro 4	2005.01	1.0	0.10	–	0.08	–	–
	Euro 5	2009.09 ^b	1.0	0.10 ^g	–	0.06	0.005 ^{e,f}	–
	Euro 6	2014.09	1.0	0.10 ^g	–	0.06	0.005 ^{e,f}	6.0×10^{11} e,j

Compression Ignition (Diesel)								
N ₁ , Class I ≤1305 kg	Euro 1	1994.10	2.72	–	0.97	–	0.14	–
	Euro 2 IDI	1998.01	1.0	–	0.70	–	0.08	–
	Euro 2 DI	1998.01 ^a	1.0	–	0.90	–	0.10	–
	Euro 3	2000.01	0.64	–	0.56	0.50	0.05	–
	Euro 4	2005.01	0.50	–	0.30	0.25	0.025	–
	Euro 5a	2009.09 ^b	0.50	–	0.23	0.18	0.005 ^f	–

	Euro 5b	2011.09 ^d	0.50	–	0.23	0.18	0.005 ^f	6.0×10 ¹¹
	Euro 6	2014.09	0.50	–	0.17	0.08	0.005 ^f	6.0×10 ¹¹

† For Euro 1/2 the Category N₁ reference mass classes were Class I ≤ 1250 kg, Class II 1250–1700 kg, Class III > 1700 kg

a. until 1999.09.30 (after that date DI engines must meet the IDI limits)

b. 2011.01 for all models

c. 2012.01 for all models

d. 2013.01 for all models

e. applicable only to vehicles using DI engines

f. 0.0045 g/km using the PMP measurement procedure

g. and NMHC = 0.068 g/km

h. and NMHC = 0.090 g/km

i. and NMHC = 0.108 g/km

j. 6.0×10¹² 1/km within first three years from Euro 6 effective dates

Appendix 8 – Licensing Conditions

Current Taxi Conditions

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

Proposed Taxi Conditions

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 all vehicles licensed as taxis shall:-
- be less than 11 years old from the date of first registration. (Vehicles shall be taken out of service and replaced when they become 11 years old/ 10 years old from the date of first registration respectively.)
 - No vehicle of Euro 1-4 standard shall be accepted for test after 31 March 2019 and cannot be operated after 31st March 2020
 - No vehicle of Euro 5 standard shall be accepted for test after 31 March 2021 and cannot be operated after 31st March 2022
 - Any existing vehicle licenced by CEC can be adapted to Euro 6 or converted to LPG if it is assessed as safe by the Taxi Examiners and is accompanied by a approval certificate obtained from VOSA. After such conversion the vehicle may continue to be operate for a period of 4 years from the date of conversion.
 - From 1 April 2018 a vehicle not previously registered with the City of Edinburgh Council will only be accepted for licensing as a taxi if it is a Euro 6 vehicle.
257. All Licensed Vehicles in Edinburgh must be readily wheelchair accessible.

Current PHC Conditions

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

Proposed PHC Conditions

303. Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Community Whole Vehicle Type Approval, and must comply

in all respects with the requirements of any Acts and Regulations relating to motor vehicles, in force at the time of licensing. In addition all vehicles licensed as PHC's shall:-

- be less than 11 years old from the date of first registration. (Vehicles shall be taken out of service and replaced when they become 11 years old/ 10 years old from the date of first registration respectively.)
- No vehicle of Euro 1-4 standard shall be accepted for test after 31 March 2019 and cannot be operated after 31st March 2020
- No vehicle of Euro 5 standard shall be accepted for test after 31 March 2021 and cannot be operated after 31st March 2022
- Any existing vehicle licenced by CEC can be adapted to Euro 6 or converted to LPG if it is assessed as safe by the Taxi Examiners and is accompanied by a approval certificate obtained from VOSA. After such conversion the vehicle may continue to be operate for a period of 4 years from the date of conversion.
- From 1 April 2018 a vehicle not previously registered with the City of Edinburgh Council will only be accepted for licensing as a PHC if it is a Euro 6 vehicle.