

Notice of meeting and agenda

Regulatory Committee

9.30am, Monday, 17th May, 2021

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome to watch the webcast live on the Council's website.

The law allows the Council to consider some issues in private. Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

Contacts

Email: rachel.gentleman@edinburgh.gov.uk / sarah.stirling@edinburgh.gov.uk

Tel: 0131 529 4107 / 0131 529 3009

1. Order of Business

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

2. Declaration of Interests

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

3. Deputations

- 3.1 If any.

4. Minutes

- 4.1 Minute of the Regulatory Committee of 8 March 2021 – submitted for approval as a correct record 7 - 10

5. Rolling Actions Log

- 5.1 Rolling Actions Log 11 - 16

6. Business Bulletin

- 6.1 Regulatory Committee Business Bulletin 17 - 22

7. Executive Decisions

- 7.1 Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Annual Update – Report by the Executive Director of Place 23 - 34

8. Routine Decisions

- 8.1 None.

9. Motions

9.1 By Councillor Barrie – Street Occupation, Trading, Licenses and Permits

“Committee will be aware of question 18 at Council on 29th April and the response provided:

Question (1) What support is being made available by CEC to walking tours to ‘get businesses back on their feet’ and will their licensing fees be similarly waived or discounted?

Answer (1) The majority of walking tours do not require a license under the current provisions of the relevant licensing legislation, as either payment is made on-line or the tour is free of charge and relies on tips. Walking tours are encouraged to engage with and participate in the Forever Edinburgh recovery campaign. They have also had access to similar financial support as other businesses, in particular the discretionary fund in the event that they were ineligible for the Visit Scotland tour guide fund. If walking tours can evidence income drop as an eligible business, they would also have been eligible for discretionary support funding. We are aware some walking tour guide guides qualified for the tour guide support, which was administered by Visit Scotland, businesses which received this funding would have been ineligible for additional payments through the discretionary support.

Question (2) Will Council consider favourably allowing walking tours to apply for Outdoor Area Occupation Permits to allow them on street visibility to aid their business recovery?

Answer (2) While the Council is taking all possible means to support business recovery, Outdoor Area Occupation Permits are specifically for businesses who want to provide tables and chairs on the pavement and therefore could not be used for the purpose of increasing on-street visibility.

Committee will be aware that the discretionary financial support described in answer (1) was very likely available to the licensed premises that have had their outdoor area occupation permits waived by Council.

Answer (2) suggests that ‘Council is taking all possible means to support business recovery.’

In support of 'all possible means' Committee calls for an urgent report, within one cycle, to consider what further steps could be taken regarding permits costs, eligibility of businesses not necessarily seeking to use table and chairs as part of business recovery, to apply for and use suitable Outdoor Areas in the city and whether such permits would be chargeable. This report should include consideration of conditions and costs applied to market traders, street traders and outdoor space occupancy with a view to considering what amendments might take place to assist companies and organisations in their post Corvid recovery and beyond.

Should beneficial measures be identified prior to the next Regulatory Committee that takes place on August 23rd, consideration should be given to see if they can be implemented if agreement can be reached with Group Spokespersons.”

Andrew Kerr

Chief Executive

Committee Members

Councillor Catherine Fullerton (Convener), Councillor Denis Dixon (Vice-Convener), Councillor Scott Arthur, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Susan Rae, Councillor Cameron Rose, Councillor Neil Ross and Councillor Donald Wilson.

Information about the Regulatory Committee

The Regulatory Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council.

This meeting of the Regulatory Committee is being held virtually by Microsoft Teams.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4107, email rachel.gentleman@edinburgh.gov.uk.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

Live and archived webcasts for this meeting and all main Council committees can be viewed online by going to the Council's [Webcast Portal](#).

Webcasting of Council meetings

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under current Data Protection legislation. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

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).

This page is intentionally left blank

Minutes

Regulatory Committee

9.30am, Monday 8 March 2021

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Doran (substituting for Councillor Arthur), Mitchell, Mowat, Rose, Neil Ross and Wilson.

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 18 January 2021 as a correct record.

2. Rolling Actions Log

The Regulatory Committee Rolling Actions Log for March 2021 was submitted.

Decision

- 1) To agree to close the following actions:
 - Action 3 (4 & 5) – Internal Audit Findings – Timescales for Completion of Management Actions
- 2) To note the remaining outstanding actions.

(Reference – Rolling Actions Log of 8 March 2021, submitted)

3. Business Bulletin

The Regulatory Committee Business Bulletin for March 2021 was submitted.

Decision

- 1) To note the Business Bulletin.
- 2) To agree to update the Business Bulletin to reflect the current membership, replacing Councillor Howie with Councillor Mowat.

(Reference – Business Bulletin of 8 March 2021, submitted)

4. Taxi Testing – Impact of COVID-19 Restrictions

Actions were set out which had been taken to comply with the Council's statutory duty to ensure that taxis and private hire cars (PHCs) remained safe, roadworthy and fit for purpose during the Covid-19 pandemic lockdown period. A proposal was set out to ensure that license holders did not incur fees twice in the same 12 month period.

Decision

- 1) To note the measures taken to ensure that the licensed fleet had been inspected following the temporary closure of the taxi examination centre (TEC) during the lockdown between March and July 2020.
- 2) To note and agree that measures should be taken to prevent periods of peak demand at the TEC between August and January on an annual basis.
- 3) To agree to offer a limited deferral of fees for vehicle operators who would otherwise be required to make two payments for renewal of their licences in a period of less than 12 months (as set out in paragraph 4.9 of the report).

(References – Regulatory Committee of 2 November 2020 (item 3); report by the Executive Director of Place, submitted)

5. Demand for Taxis: Six Monthly Update

An interim updated was provided on demand for taxis in the city. The most recent analysis of demand was outlined, carried out by Vector Transport Consultancy in February and March 2020 and then in November 2020. Comparisons were provided in order to allow the Committee to consider the position both before and after Covid-19 restrictions were put in place.

Decision

- 1) To note the attached reports from Vector Transport Consultancy (Appendix 2);
- 2) To note that on 16 March 2018 the Regulatory Committee agreed to maintain the limitation policy and to fix the number of available licences at 1,316.
- 3) To agree to maintain the limit of 1,316 on the number of taxis licensed in the city.
- 4) To agree to use this research as the basis for determining demand in any future applications for a taxi licence until the next taxi stance survey was completed.

(References – Regulatory Committee of 21 October 2019 (item 7); Regulatory Committee 16 March 2018 (item 7); report by the Executive Director of Place, submitted)

6. Houses in Multiple Occupation – Derogation from Conditions

An update was provided on the current situation with respect to House in Multiple Accommodation (HMO) licence holders who would normally be required to produce safety certification for HMO properties as part of their licence renewal application. A temporary variation to address concerns raised by license holders was proposed.

Decision

- 1) To note the report.
- 2) To agree that for HMOs, renewal application applicants could submit a temporary variation request with their application, as set out in paragraphs 4.9 to 4.12 of the report.

- 3) To agree that the Licensing Service would grant a HMO renewal licence on the basis of a temporary variation for a maximum period of three years, subject to all other application requirements being met and no objections having been received.

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

This page is intentionally left blank

Rolling Actions Log

Regulatory Committee

17 May 2021

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	20.05.19	Age Limitation and Emissions Standards for Taxis and Private Hire Cars - Update	Instructs the Chief Executive to include this additional delegation (with respect to notification of intended retirement and one year extension) in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.	Chief Executive	August 2021		This will be included in the next review of the Scheme of Delegation.
2	19.08.19	Request for Variation: Taxi Vehicle Licence Conditions (Advertising)	Instructs the Chief Executive to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.	Chief Executive	August 2021		This will be included in the next review of the Scheme of Delegation.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
3	21.10.19	Internal Audit Findings – Timescales for Completion of Management Actions	To include expected completion dates of management actions identified in the Audit in the Committee’s rolling actions log for ongoing monitoring of progress.	Executive Directors of Place and Resources			
			1. Implementation of system upgrade to APP Civica CX	Executive Director of Resources	December 2021		Project to replace APP commenced in March 2021
			2. Performance assessment of system issues with APP as part of a wider performance report	Executive Director of Place	March 2021		Project to replace APP commenced in March 2021.
			3. BACS payment reference	Executive Director of Place	March 2021		Directorate is seeking to Risk accept pending installation of Cx .
			4. Inspection Revisit Policy	Executive Director of Place	March 2021	March 2021	Action complete

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			5. Allocation of Inspection Visits	Executive Director of Place	November 2019	March 2021	Action complete
			6. Inspection documentation	Executive Director of Place	October 2019	29 January 2020	Action complete
			7. Request Refund Policy	Executive Director of Place	October 2019	2 November 2020	Action complete
			8. Reconciliation between physical applications and APP system	Executive Director of Resources	October 2019	2 November 2020	Action complete
			9. HMO Key Performance Indicators and Performance Reporting	Executive Director of Place	March 2021		Update report to committee expected within 2 cycles
			10. Training and Guidance documentation	Executive Director of Place	November 2020	18 January 2021	Action complete
			11. HMO application processing procedures	Executive Director of Place	December 2019	2 November 2020	Action complete

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
4	09.03.20	Private Hire Car Overprovision	<p>To instruct officers to undertake the actions as detailed in section 5 of the report:</p> <ul style="list-style-type: none"> Officers would undertake necessary actions to appoint an appropriately experienced and skilled external consultant to undertake the required research and analysis work on taxi demand and assessment of PHC overprovision. A full equalities impact assessment would be required with regard to any recommendations that the consultant submitted to the Council. In addition, officers would continue to 	Executive Director of Place	Dec 2021		<p>Procurement of consultants was delayed by the public health emergency. Report appointing consultants approved by Finance and Resources Committee in March 21.</p> <p>Initiation meeting with consultants has taken place.</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>engage directly with relevant stakeholders.</p> <ul style="list-style-type: none"> • Upon conclusion of any research and analysis completed by an appointed contractor, officers would present the collected data and any supporting information to the committee. • It was intended to undertake consultation with a wider group, including making the results of the research and any recommendations brought forward by officers, available for public consultation. 				
5	18.01.21	Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment	Instruct that a statutory consultation on the draft resolution, policy and conditions set out in	Executive Director of Place			Consultation went live on 12 April 2021.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
		Venues – Proposed Resolution, Policy and Conditions	Appendices 1, 2 and 3 is carried out, with the results and recommendations to be brought back to the Committee for agreement in principle.				
6	18.01.21	Licensing Policy Development – Street Trading Update	To agree that the Convener would write to the Executive Director of Place to request a short term plan which would consider opportunities for street trading, including the use of vacant properties, and to consider a longer term plan to facilitate street trading.	Convener / Executive Director of Place	May 2021		



Business bulletin

Item 6.1

Regulatory Committee

9.30am, Monday, 17 May 2021

Regulatory Committee

Convenor:	Members:	Contact:
<p>Councillor Catherine Fullerton</p>  <p>Vice-Convenor Councillor Denis Dixon</p> 	<p>Councillor Scott Arthur Councillor Susan Rae Councillor Cameron Rose Councillor Donald Wilson Councillor Max Mitchell Councillor Neil Ross Councillor Joanna Mowat</p>	<p>Lesley Birrell Committee Services 0131 529 4240</p> <p>Andrew Mitchell Regulatory Services Manager 0131 529 4208</p>

Recent News	Background
<p>Hire Car Fleet research</p> <p>The last full taxi demand survey was carried out and reported to the committee in 2017. The Directorate has since procured consultants to carry out a full taxi demand survey, in addition to completing an assessment of demand for Private Hire Cars and the impact of the Age and Emissions Policy on the licensed fleet.</p> <p>A timetable for this work has been agreed with the appointed consultants (Jacobs UK Ltd). The initial report is expected to be brought before the Committee in late 2021.</p>	<p>The Council has a policy of limiting the number of taxi licences issued within the City, using the powers available in the Civic Government (Scotland) Act 1982. This power can only be used if the Council is satisfied that there is no ‘significant demand’ for taxis which is unmet. The Council is required to keep this position under regular review, and as such consultants are procured to carry out full demand surveys every three years. Interim surveys are additionally procured and carried out every six months.</p>
<p>Taxi fares</p> <p>Research for the second of these surveys will take place during the first half of 2021, with a view to the Regulatory Committee agreeing a new fare tariff in September 2021.</p> <p>This research will be carried out in tandem with the fleet research described above, which will ensure that the processes are joined up where appropriate.</p>	<p>The Council, as Licensing Authority for taxis, is required to review and fix the scale of fares or any other charges which may be used by taxis licensed within the city. This review must take place at intervals not greater than 18 months.</p> <p>In June 2019 Jacobs was commissioned to undertake the next three comprehensive surveys of taxi fares</p>
<p>Fireworks (Scotland) Miscellaneous Amendments Regulations 2021</p> <p>https://www.legislation.gov.uk/ssi/2021/79/contents/made</p> <p>From 30 June 2021, the following will be prohibited:</p> <ol style="list-style-type: none"> 1. supplying “adult fireworks” outwith the hours of 7am to 6pm. (subject to exceptions); and 2. supplying more than 5 Kg (net explosive content) of “adult fireworks” to a person at any one time (subject to exceptions). <p>The Trading Standards and Licensing Enforcement teams will be responsible for the enforcement of these changes, which will be communicated to businesses in the normal manner.</p>	
<p>Taxi and PHC grant fund</p>	<p>The First Minister announced in November that the Scottish Government would introduce</p>

Grants of £1,500 were available to all Edinburgh licensed taxi and PHC drivers who:

- Had been working or available to work as a taxi/PHC driver from 9 October to at least 31 January 2021; and
- Had experienced loss of income up to 31 December 2020 (50% of turnover, compared with 2019)

The fund closed on 25 March 2021. 4,406 drivers received a £1,500 grant, meaning that a total of £6,609,000 was paid out.

Additional taxi and PHC grant fund from the Edinburgh Discretionary Business Support Fund

On 20 April 2021, 4,406 drivers who had benefitted from the initial grant of £1,500 received a further £1,000 top-up grant. This additional award from the discretionary grant fund totalled £4,406,000.

Short Term Lets

The Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2021 was withdrawn by the Scottish Government in February 2021.

The Scottish Government has set up a stakeholder working group to assist in production of guidance for hosts and local authorities, and to resolve any stakeholder concerns. The Council is represented on the working group and will engage with proactively with a view to having the licensing system implemented at the earliest opportunity.

The working group consists of other local authority groups such as COSLA and SOLAR, as well as trade and resident groups. The group has so far met twice and the next meeting is scheduled for 13 May.

The Scottish Government has indicated that the overall timetable for implementation of a licensing scheme for short term lets remains on course, subject to the outcome of the upcoming elections.

measures to help taxi and private hire car drivers financially affected by the impact of coronavirus. A discretionary fund would enable local authorities to provide additional support for taxi/PHC drivers who are suffering a severe but indirect effect of the pandemic.

The Council has previously expressed strong concern about the impact of certain aspects of the short term letting industry on the city. The Council previously called for additional regulation of the sector, including the introduction of a licensing system

Civica Cx Computerised database administration system

The project to upgrade APP to Cx is now underway. The introduction of Cx Licensing will improve working processes through the automation of routine tasks, easing the burden of high volumes of applications during peak periods and increasing efficiency. Intuitive and mobile enabled, Cx Licensing also allows the Council to access applications in real time to minimise administration and improve the employee user experience.

The Civica APP database system is used to record licensing applications. The system has a number of limitations and the supplier has advised that no further upgrades are planned. The system is manual based, with little or no interface with applicants.

The Council will reach outcomes via the quickest and most appropriate route, making working practices more consistent.

The project is expected to take around seven months to complete and is due to be implemented in the autumn

Upgrading to the Civica CX system requires significant investment but in the longer term will provide efficiencies in the service.

Forthcoming activities:

This page is intentionally left blank

Regulatory Committee

9.30am, Monday, 17 May 2021

Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Annual Update

Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 Notes the contents of this report and agrees that no further amendments to the policy will be made at this time; and
 - 1.1.2 Notes the amendments made by the Committee on 2 November 2020 to the implementation dates of the Age and Emissions policy.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager
E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4042

Contact: Marcos Martinez, Higher Enforcement Officer
E-mail: marcos.martinez@edinburgh.gov.uk | Tel: 0131 529 4533

Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Annual Update

2. Executive Summary

- 2.1 Following the decision of the Committee to introduce a Taxi and Private Hire Cars Age Limitation and Emission Standards policy on [16 March 2018](#), the Committee requested that on-going monitoring of the implementation of the policy be undertaken. This report provides the Committee with an update on the implementation of the policy.

3. Background

- 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 stating 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 2018 the Regulatory Committee agreed:
- 3.4.1 A revised policy on taxis and PHCs (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 to report any unforeseen issues to the committee, so that it could consider any modifications of the policy which would assist with the policy's ongoing implementation.

4. Main report

4.1 The Council 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 PHC Age Limitation and Emission Standards policy and conditions (Appendices 1 and 2).

4.2 As reported to the Committee on [2 November 2020](#), the outbreak of Covid-19 and the subsequent national restrictions on movement of people and closure of certain businesses have had a significant impact on the financial stability of the trade, with many being unable to work and a significant reduction in their customer market.

4.3 The Licensing Service has continued to support operators and drivers throughout the pandemic, with temporary measures being introduced to facilitate cost reductions for operators and fee payment deferrals for all licence holders.

4.4 On 2 November 2020, the Committee agreed to amend the terms of the Age and Emissions policy, by delaying the implementation date for the following milestones until 30 September 2021:

4.4.1 For existing vehicles, no application will be accepted for licensing a taxi or PHC or as a replacement vehicle for an existing taxi or PHC if it was more than 10 years old (from the date of first registration); and

4.4.2 For vehicles not currently licensed, no vehicle will be accepted for licensing as a taxi or PHC or as a replacement vehicle for an existing taxi or PHC unless it is a Euro 6.

All changes to policy have been publicised via the Licensing Service monthly newsletter and Twitter account and through Hire Car Trade Group representatives. Regular updates on the Age and Emissions policy have also been included in the Regulatory Committee Business Bulletin.

4.5 Since the change in policy the Licensing Service received approximately 572 applications to vary the licence conditions of taxi or PHC licences. These applications were referred to Committee to determine whether an exemption to the policy should be made in each case, and the relevant licence should be granted with an exemption to the relevant conditions.

4.6 On 2 November 2020, 75 applications for exemption from this policy were awaiting consideration by the Licensing Sub-Committee. At the time of writing, all of these

applications had been considered by the Committee. Consideration of any further applications will be carried out through the structured committee cycle or by convening additional meetings, where necessary.

- 4.7 The following table provides a year-by-year breakdown of decisions made by the Committee on applications for exemption since the implementation of the policy in May 2018. Members will note the increase in applications which were granted in the 2019-2021 period compared with the 2018-2019 period (the first year of the policy):

	2018-2019	%	2019-2020	%	2020-2021	%	Total	%
Granted	137	48%	141	73%	69	75%	347	61%
Withdrawn	32	11%	16	8%	6	7%	54	9%
Refused	115	40%	29	15%	15	16%	159	28%
Continued	2	1%	8	4%	2	2%	12	2%
Total	286	100%	194	100%	92	100%	572	100%

- 4.8 As a result of significant disruption to taxi and Private Hire operators, work is ongoing to identify vehicles which are still licensed but are not currently operational. A number of notifications of intent to surrender licences have been received, but not all of these licences have been physically surrendered. Officers will continue to engage with the trade to resolve this situation.
- 4.9 In addition to postponing the implementation of the latest Age and Emissions policy milestone, a number of other measures were introduced to support the trade where legislation allowed. This included allowing vehicles to be SORNed but to retain their licence validity; permitting the temporary removal of hire and reward insurance (where the vehicle is not operating) to reduce operational costs; and measures to ensure that vehicle operators were not penalised by being required to make two payments for licences within 12 months. The Licensing Service continues to engage with the trade, providing ongoing support and guidance where possible.

Retro Fit/replacement engines and aftermarket devices

- 4.10 On [20 May 2019](#) the Committee resolved not to include provisions for Retro Fit/replacement engines or aftermarket devices within the Age and Emissions policy.
- 4.11 The advice given to the Committee at that time remains unchanged, as no alternative/additional information or evidence supporting the effectiveness of such devices has been identified or offered to officers by licence holders seeking approval.
- 4.12 The relevant advice offered to the Committee can be summarised as follows:
- 4.12.1 Upgrading a vehicle's engine does not automatically mean that there is an improvement to the emissions level;
 - 4.12.2 Any upgrade or installation of an aftermarket device requires ongoing regular maintenance to be effective. Where not maintained appropriately,

this will not have the desired or purported beneficial impact on the vehicle's emissions;

4.12.3 Installation of aftermarket devices or retro fits do not automatically change the Euro Emissions Rating of a vehicle. An application can be made to DVSA to amend the tax bracket (therefore indicating that a reduced emissions rating has been applied to the vehicle). Where evidence of such an application being approved by the DVSA is provided, such a case should be considered on its own merits

4.13 Where an application to allow provisions within the Age and Emissions policy is made, the committee must consider this on its own merits and appropriate evidence of the above concerns being fully mitigated should be provided by the applicant.

Low Emission Zone (LEZ)

4.14 The Council's proposed introduction of a LEZ in the City of Edinburgh was initially planned for 2020. However, as a result of Covid-19, this was paused.

4.15 A new indicative LEZ timeline has now been agreed and LEZs are to be introduced across Edinburgh, Aberdeen, Dundee and Glasgow between February and May 2022.

4.16 The Council's preferred scheme will undergo a period of public consultation during the summer of 2021, before final approval is sought from Council and formal notice is provided to all consultees prior to implementation in 2022.

4.17 During the consultation period it is intended that key stakeholder groups such as the taxi trade will be engaged with.

4.18 Regular updates on the progress of the LEZ project will be provided to the Committee as appropriate.

5. Next Steps

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

6. Financial impact

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 Any further costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

7. Stakeholder/Community Impact

- 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 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 will 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 As a result of Covid-19, Council officers' regular meetings with trade representatives were affected. Meetings have now resumed, officers having met with members of the trade on 1 March 2021 and the next meeting being scheduled for early May 2021.

8. Background reading/external references

- 8.1 [Report to Regulatory Committee 2 November 2020](#)

9. Appendices

- 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.

Taxi and Private Hire Cars Age Limitation and Emission Standards Policy.

Taxi or PHC licensed by the City of Edinburgh Council

Age Limit

1. **Effective 30 September 2021** there will be an Age Limit applied to Taxis and Private Hire Cars (PHC) licensed by the City of Edinburgh Council, Subject to meeting normal conditions about roadworthiness, a taxi and PHC can be submitted for test prior to the 10th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.
2. **Effective 30 September 2021** 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 10th anniversary this will allow a vehicle to be submitted for test prior to the 14th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period
3. **Effective 30 September 2021** 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 10th anniversary this will allow a vehicle to be submitted for test prior to the 14th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period

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

Emission Standards

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 March 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 March 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 30 September 2021** 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 10th anniversary this will allow a vehicle to be submitted for test prior to the 14th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.

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 10th anniversary this will allow a vehicle to be submitted for test prior to the 14th anniversary of its registration for renewal of licence and can continue to operate until the expiry of that licence period.

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 year 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 to committee for further consideration. In addition, any evidence of bad faith would also be referred 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 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 **30 September 2021** 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 **30 September 2021** 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 10th anniversary of its registration may continue to operate as a taxi until the expiry of the licence period following upon renewal of such licence. A Licensed Vehicle which has been converted to LPG submitted for test in respect of renewal of a taxi licence prior to the 14th anniversary of its registration may continue to operate as a taxi until the expiry of the licence period following upon renewal of such licence.

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

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 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 **30 September 2021** 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 **30 September 2021** 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 10th anniversary of its registration may continue to operate as a PHC until the expiry of the licence period following upon renewal of such licence. A Licensed Vehicle which has been converted to LPG and submitted for test in respect of renewal of a PHC licence prior to the 14th anniversary of its registration may continue to operate as a PHC until the expiry of the licence period following upon renewal of such licence.

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

This page is intentionally left blank