

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.

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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.