

Regulatory Committee

10.00am, Friday, 21 June 2024

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

Executive/routine
Wards

All

1a. Recommendations

- 1.1 Regulatory Committee is asked to:
 - 1.1.1 Note the contents of this report, which provides an update to a previous report to Committee in [November 2022](#);
 - 1.1.2 Note that 82% of taxis and 97% Private Hire Car are believed to comply with licensing conditions and the Age and Emissions policy; and
 - 1.1.3 Determine whether any further adjustment to the policy is required to address the issues highlighted in paragraphs 3.5 and 4.9 of this report.

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

2. Executive Summary

- 2.1 This report provides Committee with an annual update on the implementation of the Age and Emissions policy for taxis and Private Hire Cars.

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'). As Licensing Authority, the City of Edinburgh Council passed a resolution in terms of Section 9 of the Act stating that Sections 10 to 23 should have effect throughout the city.
- 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 On 16 March 2018, Committee agreed an [Age and Emissions policy](#) for taxis and PHCs (Appendix 1), which took effect from 7 May 2018. The policy:
- 3.3.1 Introduced an age limitation in respect of taxis and PHCs; and
 - 3.3.2 Incrementally increased the minimum emissions standards for the engines in these vehicles, which will improve emissions standards.
- 3.4 Appendix 2 details the various amendments to the policy which the Committee thereafter agreed between November 2020 and May 2023.
- 3.4 In the [Business Bulletin](#) presented to Committee on 5 February 2024 it was advised that the policy was next due to be considered by Committee in May 2024. Committee were also advised that the extension of the age limit for certain vehicles would continue until a further report on age and emissions is considered.
- 3.5 Since the introduction of the Age and Emissions policy, the Licensing Service has received approximately 1,000 applications to vary the conditions of taxi or PHC licences. The following table provides a breakdown of vehicles that have an exemption in place for the age and emissions policy. The majority of applications

are from the taxi trade and relate to taxis which are either awaiting retrofitting or which, having been retrofitted, are approaching the 10-year age limit for vehicles.

Licence type	2024	2025	Total
PHC vehicle	84	7	91
Taxi vehicle	193	13	206

4. Main report

Age and Emissions Update

- 4.1 There are currently 1,136 licensed taxis and 2,717 PHCs in Edinburgh.
- 4.2 A review of the records shows that 926 taxis and 2,647 PHCs have been upgraded to meet the new conditions - respectively 82% and 97% of each fleet. Approximately 210 taxis and 70 PHCs are still required to be upgraded, in order to comply with licensing conditions and the Age and Emissions policy. The table below shows the breakdown of the vehicles currently licensed in each of the emission categories and the number of vehicles that are currently over 10 years old.

	Taxis	PHCs
Age		
Over 10 years	126	30
Emissions category		
Euro 6	880	2,644
Euro 5	170	70
Euro 1-4	40	0
N/A	46	3
Total	1136	2717
Fuel Type		
Diesel	872	1,205
Petrol	2	130
Electric	172	87
LPG	90	6
Hybrid	0	1,289
Total no.	1,136	2,717

- 4.3 All licensed vehicles, irrespective of age, are required to pass an annual Certificate of Compliance Check. This includes a full Ministry of Transport test (MoT), including emissions testing, and a full compliance check with respect to the Taxi and Private Hire licensing conditions. Vehicles over 10 years old are required to be submitted for an additional examination every six months.
- 4.4 It is essential that commercial vehicles carrying passengers are always maintained to the highest possible standard and in a roadworthy condition at all times. There continues to be improvement in the number of vehicles passing the MoT, with less than 30% now failing initially. In the pre pandemic period, the typical initial fail rate

exceeded 51% for taxis and 42% for PHCs. As the fleet modernises, the average age of vehicles now being tested is under six years old, which has, in part, contributed to the improvement in overall pass rate for MoTs as shown below.

	Number of Tests	Test Failed %	Average Vehicle Age
2023	4,832	27.8	5.6
2024	1,728	26.5	5.5

- 4.5 There remains a concern that this level of improvement is not matched for vehicles over 10 years old. The fail rate for vehicles over 10 years old is currently 67%.
- 4.6 The last policy milestones in relation to emission standards took effect from 1 April 2023 after which no application will be accepted for licensing a taxi or PHC or as a replacement vehicle for an existing taxi or PHC unless it has an emissions standard of Euro 6 or above.

Age Limitations

- 4.7 The last policy milestones in relation to age limitation took effect from 1 April 2023, following Committee’s decision to extend age limitations for a temporary period. This period was further extended until May 2024.
- 4.8 When the policy was first considered by Committee, the proposal was to restrict the permitted 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’. Following consultation with the trade, this was amended to enable all vehicles to be accepted for test if it had been less than 10 years since the vehicle was first registered. In addition to this amendment, in an effort to encourage the trade to upgrade vehicles, the 10-year limitation was increased to 14 years for electric vehicles. A further amendment to the policy enabled vehicles to be converted to LPG and benefit from the 14-year age limitation. A significant number of the converted LPG vehicles over 10 years old are now struggling with their compliance examination. The fail rate for LPG converted vehicles is 54%.
- 4.9 Committee will be aware of previous representations from the taxi trade about the restricted availability of vehicles which meet the Council’s conditions of licence in terms of age and emissions and the costs of these. Committee will be required to consider whether to continue to offer an additional four years to any vehicle retrofitted from Euro 5 to meet the equivalent of Euro 6, as this is due to expire. A further issue has been raised by the taxi trade, in that an increasing number of Euro 6 vehicles are approaching the 10-year age limit and, given the limited supply of new vehicles at affordable cost, there is a possible inequity if these are treated differently from retrofitted Euro 5 vehicles.

Exemption from Policy

- 4.10 The position remains unchanged in that any applicant for either the grant or renewal of a taxi or PHC licence may request that a standard condition is disappplied in relation to their licence. Where an applicant seeks an exemption from the standard

conditions in relation to either the age limitation or emission standards, such applications will be referred to 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, where an applicant's request for exemption is refused, the applicant is entitled to appeal the Committee's decision to the Sheriff. The issue highlighted in para 4.9 above could be dealt with by exemption but that would put additional pressure on the business of the Licensing Sub Committee.

Low Emission Zone

- 4.11 Any exemption from the Age and Emission policy must take cognisance of the enforcement of LEZ which commenced on 1 June 2024. This means that the diesel hire car fleet will be required to be Euro 6 compliant and the petrol hire car fleet will be required to be Euro 4 compliant, or vehicles will effectively be unable to operate within the city's LEZ designated areas. This has the greatest impact on taxi vehicles, which have traditionally all been diesel powered vehicles.

Hire Car Trade Working Group

- 4.12 The group (which has cross party representation) met on 26 January 2024. Initial discussion focused on a number of broad topics, including Age and Emissions. The taxi trade expressed concern about the availability of replacement vehicles and agreed that further work was required in relation to alternative vehicles, potential changes to licence conditions and a change in the age limitation policy to enable vehicles to operate for longer as per paragraph 4.9 above.
- 4.13 On 10 May 2024, Transport Scotland advised that the retrofit fund has reopened for applications for any that have not already applied.
- 4.14 At a meeting with Cab Direct in March 2024, they advised that they are in the final stages of developing three new Ford Tourneo taxis, a diesel and plug-in-hybrid and fully electric vehicle. The company hope to have the relevant vehicle approvals in place for the diesel and plug-in-hybrid version by the summer of 2024 with the fully electric vehicle to follow later in the year.

5. Next Steps

- 5.1 Officers will monitor the implementation of the policy and will provide a further update in 12 months.

6. Financial impact

- 6.1 Overall, the report will not create any additional costs to the Council budget.
- 6.2 Any further costs of implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

7. Equality and Poverty Impact

- 7.1 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report.

8. Climate and Nature Emergency Implications

- 8.1 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.
- 8.2 This policy will reduce the carbon footprint of the taxi and PHC trade within the city and will contribute to the Council's Sustainable Energy Action Plan to reduce carbon emissions across the city.
- 8.3 Low Emission Zones (LEZs) in Scotland are mandated by the Scottish Government to reduce longstanding exceedances of legal air quality objectives (Nitrogen Dioxide) originating from urban road traffic. LEZs help to improve air quality by discouraging the most polluting vehicles from entering an area, which will help to improve public health and wellbeing. In May 2021, the Regulations to give local authorities detailed powers under the [Transport \(Scotland\) Act 2019](#) to create and enforce LEZs became law. Following final Transport and Environment Committee approval of the preferred Low Emission Zone (LEZ) scheme in [March 2022](#), and subsequent statutory processes, Scottish Ministers approved the LEZ in May 2022. Consequently, the LEZ was introduced on 31 May 2022, and following a two-year grace period, enforcement commenced on 1 June 2024.

9. Risk, policy, compliance, governance and community impact

- 9.1 The Council's regulatory approach to taxi and PHC enforcement contributes to the Council's strategic priority to create good places to live and work in Edinburgh.

10. Background reading/external references

- 10.1 None.

11. Appendices

- 11.1 Appendix 1 - Taxi and Private Hire Cars Age Limitation and Emission Standards Policy (new policy agreed by the Regulatory Committee on 16 March 2018) (as amended).
- 11.2 Appendix 2 - Additional Committee background.
- 11.3 Appendix 3 - Motion by Councillor Ross - Hire Trade Age Policy.

Appendix 1- Taxi and Private Hire Cars Age Limitation and Emission Standards Policy (new policy agreed by the Regulatory Committee on 16 March 2018) (as amended)

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

Updated 1st May 2023

Taxi or PHC licensed by the City of Edinburgh Council

Age Limit

1. **Effective 1st April 2022** 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 1st May 2023 to 30 April 2024 inclusive**, the Age Limit policy has been extended subject to meeting normal conditions about roadworthiness. A Euro 6 or CVRAS retrofitted Euro 5, taxi submitted for test prior to the 15th anniversary (extended from the 10th anniversary) of its registration for renewal of licence and can continue to operate until the expiry of that licence period.
3. **Effective 1st May 2023 to 30 April 2024 inclusive**, the Age Limit policy has been extended subject to meeting normal conditions about roadworthiness. A Euro 6 PHC submitted for test prior to the 15th anniversary (extended from the 10th anniversary) of its registration for renewal of licence and can continue to operate until the expiry of that licence period.
4. **Effective 1st April 2022** 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
5. **Effective 1st April 2022** 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

6. **Effective 1 April 2019** no Taxi or PHC will thereafter be accepted for test unless it is Euro 5 or above. Any Euro 0-4 Taxi or PHC which has passed its test and is licensed prior to 1 April 2019 may continue to be operated until its licence expires or **31 Mar 2020** whichever date is earliest.
7. **Effective 1 April 2023** no Taxi or PHC will thereafter be accepted for test unless it is Euro 6 or above.
8. From **1 April 2022** any new or replacement motor vehicle to be submitted for test in respect of a PHC or Taxi licence will require to be (or exceed) a Euro 6 taxi vehicle unless that vehicle is currently licenced by The City of Edinburgh Council

Electric Vehicles

9. 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

10. 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.
11. Hybrid cars at time of manufacture / registration all have a Euro rating which reflects the vehicles emissions level.

LPG Vehicles

12. Prior to 2018 licensing conditions prevented the use of LPG vehicles and they had never previously been considered appropriate for licensing.
13. 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

14. Retrofit means altering a vehicle's engine to reduce its emissions. Most retrofit systems fit to the existing 'dirty' engine and clean it up. Adding a filter and catalyst to the engine's exhaust reduces particulate matter (PM) and oxides of nitrogen (NO_x), made up of nitrogen monoxide, or nitric oxide (NO) and nitrogen dioxide (NO₂). Particulate matter (PM) includes soot and wind-blown dust. A diesel particulate filter (DPF) is fitted to remove 98-99% of tailpipe particulates. Nitrogen oxide (NO_x) comprises nitric oxide (NO) and nitrogen dioxide (NO₂). By fitting a selective catalytic reduction (SCR), NO_x is reduced by 80-90%
15. In some cases, a vehicle can be re-engined, i.e. the old engine is replaced with a new, cleaner engine. However, this requires significant upgrades to other parts of the vehicle's fuel and exhaust systems to be effective (i.e. replacement engine or LPG conversion).
16. 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.
17. Given that there are a wide range of retrofit solutions available Any existing vehicle licenced by CEC can be adapted to Euro 6 subject to the following conditions:
 - a. Any such systems must be approved by the Energy Savings Trust;
 - b. relevant certification must be provided prior to submitting the vehicle for test at the TEC;
 - c. the system is installed by a garage approved by the Energy Saving Trust Accreditation Scheme;
 - d. the retrofit solution does not interfere with the structural integrity of the vehicle; and
 - e. that the following can be shown by the operator and that any modification is carried out at the owner's risk

After market devices

18. 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

19. 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's 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
20. 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.

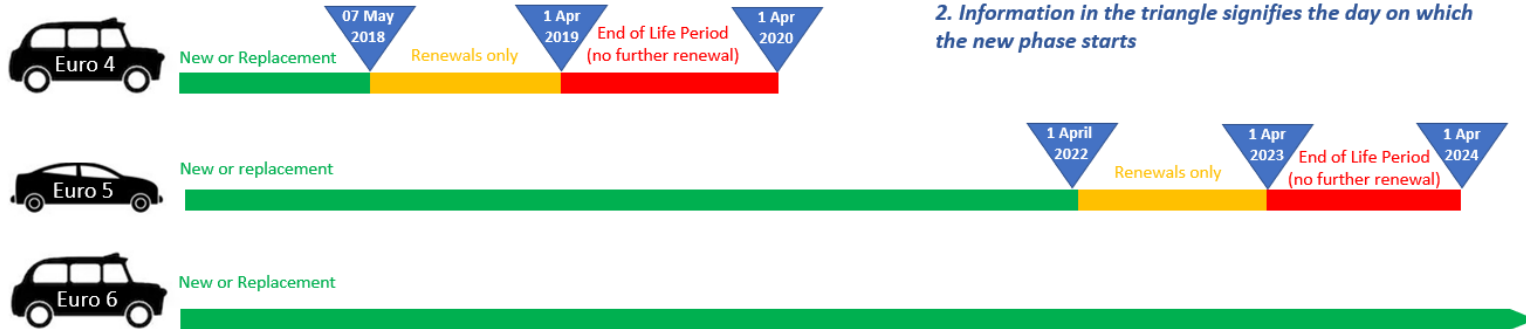
Exemption from Policy

21. Any applicant for either the grant or renewal of a taxi or PHC licence may request that a standard condition should 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, such applications will be referred to the 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 request for exemption to be refused then the applicant would be entitled to appeal the Committee's decision to the Sheriff.

Vehicle Age and Emissions Standards (May 2023)



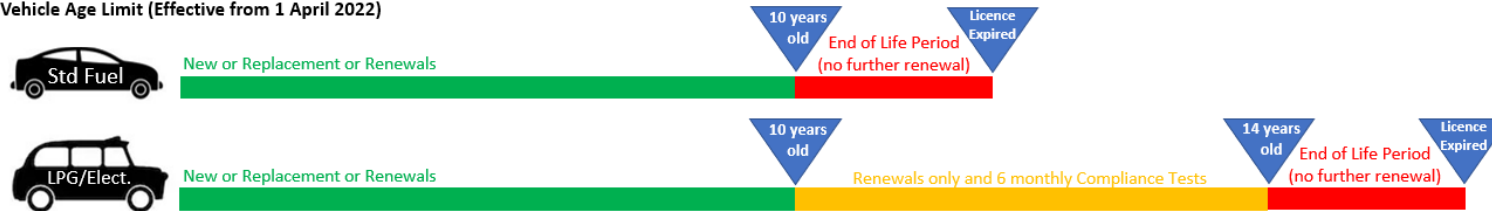
Vehicle Emissions Standard



Notes:

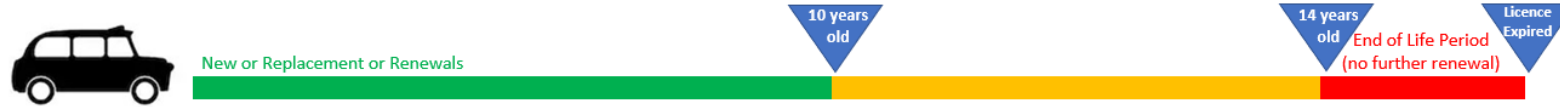
1. These rules apply to both Taxi and PHC's
2. Information in the triangle signifies the day on which the new phase starts

Vehicle Age Limit (Effective from 1 April 2022)

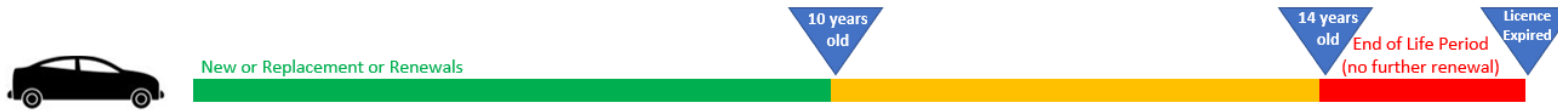


Vehicle Age Limit (Effective from 1 May 2023 to 30th April 2024)

A Euro 6 or CVRAS retrofitted Euro 5, taxi submitted for test prior to the 15th anniversary



A Euro 6 PHC submitted for test prior to the 15th anniversary



Appendix 2 - Additional Committee background

1. On [2 November 2020](#), Committee agreed to amend the terms of the Age and Emissions policy taking account of the impact of the pandemic, by delaying the implementation date of certain milestones until 30 September 2021 as follows:
 - 1.1. 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). This was originally intended to come into force on 1 April 2021; and
 - 1.2. 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. This was originally intended to take effect on 1 October 2018.
2. On [23 August 2021](#), Committee agreed to further amend the terms of the Age and Emissions policy to allow Licence holders to purchase Euro 5 vehicles, which are not already part of the City of Edinburgh licensed fleet - this was extended until 1 April 2022.
3. This was designed to:
 - 3.1 Assist members of the trade who want to convert vehicles and engines to Liquefied Petroleum Gas (LPG); and
 - 3.2 Enable licence holders to retain vehicles for an additional six-month period prior to having to replace their existing vehicles.
4. In addition to extending the previous implementation milestones, Committee agreed to allow LPG retrofit of both taxi and PHCs, subject to the following conditions:
 - 4.1 Any such systems must be approved by the Energy Saving Trust;
 - 4.2 Relevant certification must be provided prior to submitting the vehicle for test at the Taxi Examination Centre;
 - 4.3 The system is installed by a garage approved by the Energy Saving Trust Accreditation Scheme; and
 - 4.4 The retrofit solution does not interfere with the structural integrity of the vehicle
5. On [1 May 2023](#), following a motion by Councillor Ross the committee agreed to further amend the policy (appendix 2)
 - 5.1 For the temporary period only from 1 May 2023 to 30 April 2024 inclusive (“the relevant period”), to amend standard condition for the holders of existing taxi and PHC licences to permit the use of Euro 6 vehicles, and CVRAS retrofitted Euro 5 vehicles, less than 15 years old to be licensed as taxis. Accordingly, such a licensed vehicle submitted for test during the relevant period in respect of renewal of a taxi or PHC licence prior to the 14th anniversary of its registration may continue to operate as a taxi or PHC.

5.2 That there will be no change to the requirement to meet the relevant Euro Standard, notwithstanding the temporary amendment to conditions outlined.

Appendix 3 - Motion by Councillor Ross - Hire Trade Age Policy

Regulatory Committee Meeting Monday 1 May 2023

“Committee notes:

1. The previous representations it has received from representatives of the taxi and private hire car trades concerning the high demand for, and low supply of, second-hand Euro 6 standard taxis and the high cost of new and second-hand electric vehicles.
2. There were 259 Euro 5 taxis and 268 Euro 5 PHCs in Edinburgh, representing respectively 20% and 13% of the total numbers, along with 761 Euro 6 taxis and 1,227 Euro 6 PHCs, representing respectively 60% and 59%, as recorded in the report presented to committee in November 2022.
3. Euro 5 taxis, that have been retrofitted via a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) approved by the Energy Saving Trust, will be able to enter Edinburgh’s Low Emission Zone without penalty when enforcement starts on 1 June 2024, as outlined in the Business Bulletin presented to committee in February 2023.
4. Euro 6 vehicles will start being impacted by the 10-year age limitation in 2024.
5. There are a number of issues, in addition to those listed above, which are likely to have an impact on the number of taxis and PHCs in the next few years, such as the availability of vehicles capable of carrying wheelchair passengers.

Committee therefore agrees:

6. For the temporary period only from 1 May 2023 to 30 April 2024 inclusive (“the relevant period”), to amend standard condition 256 of the Council’s standard conditions for the holders of existing taxi licences to permit the use of Euro 6 vehicles, and CVRAS retrofitted Euro 5 vehicles, less than 15 years old to be licensed as taxis. Accordingly, such a licensed vehicle submitted for test during the relevant period in respect of renewal of a taxi licence prior to the 14th anniversary of its registration may continue to operate as a taxi.
7. For the temporary period only from 1 May 2023 to 30 April 2024 inclusive, (“the relevant period”) to amend standard condition 303 of the Council’s standard conditions for existing PHC licences to permit the use of Euro 6 vehicles, less than 15 years old to be licensed as private hire cars (PHCs). Accordingly, a licensed vehicle submitted for test during the relevant period in respect of renewal of a PHC licence prior to the 14th anniversary of its registration may continue to operate as a PHC.
8. That there will be no change to the requirement to meet the relevant Euro Standard, notwithstanding the temporary amendment to conditions outlined above.
9. To ask officers to engage with the hire car trade to discuss these issues along with possible solutions and any possible licensing responses and to bring a report to committee in four cycles.
10. To ask the Convener to write to the Scottish Government to seek engagement on vehicle age and emission issues as they apply to the hire car trade.”

Moved by Councillor Ross, seconded by Councillor Caldwell