

The background of the slide features the coat of arms of the Government of Nunavut. It is a shield divided into four quadrants. The top-left quadrant shows a stylized building. The top-right quadrant shows a caribou head with antlers. The bottom-left quadrant shows a sailing ship on wavy lines representing water. The bottom-right quadrant shows a bird with spread wings. Above the shield is a crown with four maple leaves. Below the shield is a banner with the text "ANE FOR A'".

## **Agenda Item 6**

### **Policy Development Panel: Review of Taxi Policies**

**Falkirk Council**

**Title:** Policy Development Panel: Review of Taxi Policies  
**Meeting:** Executive  
**Date:** 15 March 2022  
**Submitted By:** Acting Director of Transformation, Communities & Corporate Services

**1. Purpose of Report**

- 1.1. The purpose of this report is to present the concluding findings of the policy development panel, established to review taxi policies on a variety of areas relevant to the trade. The recommendations contained relate to the future vehicle specification and composition of the taxi and private hire car fleet and age policy. In addition, the report provides an initial update on the impending introduction of a new licensing regime for Short Term Lets.

**2. Recommendations**

- 2.1. the Executive is asked to consider the recommendations from the policy development panel and:-
- (1) agree that in 3 years, all new or replacement taxi and private hire cars must be either a Wheelchair Accessible Vehicle (WAV), hybrid or an Ultra-Low Emission Vehicle (ULEV);
  - (2) agree that in 6 years, all new or replacement taxi and private hire cars must be Ultra Low Emission Vehicles or WAV;
  - (3) agree that the vehicle age policy will not apply to ULEV (with immediate effect);
  - (4) agree that (Internal Combustion Engine) WAV of up to 6 years old which adhere to appropriate emissions standard, will be permitted onto the fleet (with immediate effect);
  - (5) agree that the mixed fleet approach to vehicle composition will continue;
  - (6) agree that to maintain appropriate WAV numbers in 3 years, all multi plate operators must ensure a move towards 10% of plates held are WAV, with overall WAV numbers reviewed on a regular basis to ensure numbers do not decline below present levels;
  - (7) agree that the new vehicle specification will equally apply to both taxi and private hire car;

- (8) agree that exploration of potential incentives and partner actions be undertaken by officers to accompany the transitional arrangements above and a report brought back to a future meeting of the Executive. This would include but not be limited to: development of Council's EV Charging Infrastructure plan to integrate with trade expansion needs, Potential for a Taxi / PHC reduced EV tariff scheme, Potential for license fee reductions in targeted categories, Exploration of enhanced role of Taxi / PHC in Demand Responsive Transport strategy, Review of Taxi Card Scheme;**
- (9) agree that following consideration of the report in 2.1 (8), that a full consultation exercise be undertaken with the public on the recommendations with comments reported back to the Executive prior to recommendations 2.1 (1-7) coming into force, allowing for any adjustments as necessary;**
- (10) note the introduction of the mandatory licensing scheme for Short Term Lets, and**
- (11) note that a report outlining the detail of the proposed licensing scheme will be submitted to a future meeting of the Executive**

### **3. Climate Change Impacts**

- 3.1. The outputs of this report aim to have a positive impact on the Council's carbon emissions. Applying low carbon specifications to vehicles will allow minimal impact to service delivery but reduce area wide carbon emissions.

### **4. Background**

- 4.1 The Panel was established in 2018 to review aspects of taxi / phc licensing policy, including taxi medicals and the taxi tariff process. The Panel findings on these matters have already been considered by the Executive. The final aspect of the panel's work focused on the taxi/private hire car specification, composition of the trade, and vehicle age policy.
- 4.2 The Panel began this work in 2021 and held a series of meetings including evidence sessions with expert witnesses and stakeholders. This included briefings from Falkirk Council officers from Transport Planning and Climate Change Departments, as well as Presentations and background papers from officers from West Lothian and Dundee City Council on how they have approached similar issues on PSED and Decarbonisation respectively. Falkirk Disability Access Panel were also approached for their views and attended an evidence session to allow further insight.

- 4.3 Prior to consideration of what evidence would be of use to the Panel in forming recommendations, initial thoughts were sought from the Taxi Forum through a series of set questions posed during a meeting. Further views were then invited by email and collated before being presented to panel members. Most recently, on 21 February 2022, a joint meeting with the Taxi Forum was held to inform its conclusions. At the Joint meeting, draft recommendations were discussed. A briefing paper which set out the issues pertinent to the policy was circulated to Forum members and is attached to this report for information.

## **5. Considerations**

- 5.1 The Panel had regard to three main areas when considering the future composition of the trade.

- The Council's obligations under the Public Sector Equality Duty – to ensure that any policy change would not adversely impact on WAV numbers
- The Council's Climate Change Commitments – to ensure that the licensed fleet move towards complete decarbonisation
- Economic Viability of the Trade – to ensure that any suggested changes would be affordable to the trade

### **Options considered**

- 5.2 The Panel considered the following options in respect of the future composition of the taxi and private hire car fleet.

- **Uniform operator categories –**

Should the Council maintain the different operator categories and await a natural alignment when National policy impacts on the availability of Internal Combustion Engine vehicles (ICE) or should the Council consider introducing a sunset clause to transition all (ICE) saloon cars (taxi and private hire car) to hybrid/WAV or ULEV by a defined date?

- **Accessibility –**

Having due regard to the obligations under the Public Sector Equality Duty, should the Council change the current mixed fleet approach and transform the fleet to a 100% WAV taxi/private hire car fleet; or should it continue with a mixed fleet approach with a commitment to maintain a % of WAV?

To achieve a minimum level of WAV within the fleet there could be a requirement placed upon multi-plate holders to maintain a % of their licences as WAV vehicles.

- **Decarbonisation –**

To contribute towards the Council's Climate Change commitments, should a sunset clause for the phasing out of Internal Combustion Engine (ICE) in taxis/private hire cars, come into force within a defined period?

Should this include an aspirational timescale for the next stage of transition beyond this, i.e., from hybrid towards a fully decarbonised fleet with respect to applications for new / replacement vehicles coming onto the fleet?

- **Further option –**

To strengthen the Council's twin ambitions of tackling Climate Change and ensuring there is an adequate WAV fleet, consideration could be given to revising the age policy of vehicles from the current position of new/replacement vehicles being no older than 3 years old.

An early switch to ULEV and positive action to maintain/increase WAV numbers could be encouraged by the immediate introduction of no age restriction for ULEV and a relaxation from the current 3 years to 5/6 years for (non EV) WAVs (subject to the WAV complying with an agreed emissions level e.g., Euro 6).

### 5.3 Meeting of the PDP on 11 February 2022

The panel met on 11 February 2022, to consider its recommendations. Having reviewed the evidence given at two evidence sessions held in late 2021, together with previous evidence from Forum members, during meetings and in correspondence, the panel agreed the following draft recommendations for further discussion with the Taxi Forum:-

1. In 3 years, all new or replacement taxi and private hire cars must be either WAV, hybrid or fully electric.
2. In 5 years, all new or replacement taxi and private hire cars must be Ultra Low Emission Vehicles or WAV
3. Age policy will not apply to ULEV (with immediate effect)
4. (Internal Combustion Engine) WAV of up to 6 years old which adhere to appropriate emissions standard, will be permitted onto the fleet (with immediate effect)
5. The mixed fleet approach to vehicle composition will continue (The fleet will not transition to 100% WAV)

6. To maintain appropriate WAV numbers in 3 years all multi plate operators must ensure a move towards 15% of plates held are WAV
7. That the new vehicle specification will equally apply to both taxi and private hire car

#### 5.4 Joint meeting of the Taxi Forum and PDP

The panel met with the Taxi Forum at a joint meeting on 21 February 2022, to discuss the draft recommendations. The briefing paper which was provided ahead of the meeting is appended to the report for information. In summary, the Forum were unanimous in its opposition to any requirement on multi-plate holders to hold a % of their licences as WAV vehicles. One viewpoint offered, suggested that any such obligation should fall on new entrants only.

The Forum did not favour an alignment of operator categories and questioned why the Council should be ambitious in its aims to decarbonise the licensed fleet in advance of the timescale set nationally.

The Forum agreed that the mixed fleet approach should continue and offered no dissenting views on the proposed changes to the age policy.

#### 5.5 Final PDP meeting

Immediately following the conclusion of the joint meeting, the Panel reconvened and carefully considered the comments from the Forum. The initial draft recommendations considered at the meeting were subsequently changed to reflect a 6-year timescale for ULEV vehicles and that 10% of multi-plate holder licences should be WAV, with further exploration of how this could be implemented fairly to ensure numbers did not fall below current levels. The panel agreed to make recommendations to the Executive as outlined in section 2.1 above

### 6. Consultation

- 6.1. The Taxi and Private Hire Car Forum have been consulted at various stages of the process. Initial views were sought at a Forum meeting in March 2021 and on 21 February 2022, when the Panel met with the Forum to discuss draft proposals. The views of Falkirk Area Disability Access Panel were sought as part of an Evidence session focussing on Accessibility. Draft recommendations were framed following these sessions and discussed with the Taxi Forum on 21 February 2022.
- 6.2. It is proposed that if the Executive agree to the recommendations, that these form the basis of further wider consultation with the public, affording all

members of the trade an opportunity to input, including those not represented at the Taxi Forum.

## **7. Licensing of Short Term Lets**

- 7.1 Members will be aware that the Scottish Government is introducing a licensing scheme for short-term lets. The Short-Term Lets Licensing Order was passed on 19 January 2022 and came into force on 1 March 2022. Guidance for both applicants and licensing authorities will be published in March.
- 7.2 The scheme will come into effect from 1 October 2022 from which date existing operators must apply for a provisional licence to allow them to continue operating until their full application has been determined. New operators will apply from April 2023.
- 7.3 It is open for the Planning Authority to designate short-term lets control areas where issues such as littering, noise and antisocial behaviour can be attributed to a high density of this type of property. There are no plans to introduce control areas however this will be reviewed if significant issues do arise to justify a need for greater restriction.
- 7.4 A further report outlining the proposed licensing regime will be brought forward in due course.

## **8. Implications**

### **Financial**

- 8.1 There are no financial implications that arise from the report recommendations at this stage.

### **Resources**

- 8.2 There are no resource implications that arise from the report recommendations at this stage.

### **Legal**

- 8.3 The Council must have regard to its obligations under the Public Sector Equality Duty and ensure that any policy development does not adversely impact on those within society who are already disadvantaged. The onus on multi plate holders to maintain a percentage of their licences as Wheelchair Accessible Vehicles (WAV) is designed to ensure the transition towards Ultra Low Emission Vehicles does not adversely impact on WAV numbers to the detriment of Wheelchair users who rely upon such transport.

### **Risk**

- 8.4 There are no risk implications that arise from the report recommendations.

### **Equalities**

- 8.5 The panel has considered the issue of WAVs in its discussion and the recommendation in relation to them is proposed as part of the public consultation. An EPIA will be prepared in advance of the report back following consultation and will take account of the consultation responses.

### **Sustainability/Environmental Impact**

- 8.6 Transport is one of Scotland's main carbon emission contributors. Whilst the council must put in place policies and strategies to reduce carbon, it also has an obligation to provide services area wide. Outputs of this report are in line with Just transition principals, ensuring that licences can still be granted but in such a way that encourages low carbon emission vehicles.

## **9. Conclusions**

- 9.1 This report presents the findings of the panel for consideration in relation to the review of licensed vehicle specification and composition and an update on the new licensing regime for short term lets.

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### **Appendix**

Joint PDP /Taxi Forum 21 February 2022 briefing paper

### **List of Background Papers:**

No papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973.



**FALKIRK COUNCIL**

**Taxi Forum Briefing Paper – 21 February 2022**

The Policy Development Panel met on 11 February 2022 to consider the future composition of the taxi and private hire car fleet. The purpose of the meeting was to draft recommendations for discussion with the Taxi Forum before any final recommendations being presented to the Executive.

**1. Background**

- 1.1 The Panel has considered various aspects of taxi policy including a review of taxi medicals and the introduction of an annual review of the taxi tariff. The concluding element of the Panel considerations concerns vehicle specification. The panel agreed at its meeting of 5<sup>th</sup> March 2021 to proceed with a review of the taxi/private hire car specification, composition, and vehicle age policy.
- 1.2 The Panel agreed that the Taxi Forum be involved at the start of the process, and they be presented with the findings of the Panel, namely:-
  - Consideration that the current 3 taxi operator categories be aligned to create a uniform criteria.
  - The vehicle specification for taxi and private hire cars be reviewed having regard to:
    - a. Climate Change objectives
    - b. Public Sector Equality Duty
    - c. Current Financial situation & Changing customer profiling
- 1.3 The Taxi Forum met on 18 March 2021 and considered the items above, through a series of set questions and broader discussion. The opportunity to comment further by email was also extended to all members of the forum, including those not present in the initial meeting.
- 1.4 All comments made at the Taxi Forum and received via email in the weeks following were submitted to the PDP at its meeting on June 30<sup>th</sup>, 2021.
- 1.5 Following consideration of the views of the trade, the panel agreed to hold two evidence sessions (supported by a briefing paper) on:-
  - Meeting the Public Sector Equality Duty (Accessibility). To include input from interest groups and West Lothian Council ; and
  - Decarbonisation of the fleet. To include input from those Council officers involved in electrification/infrastructure and in meeting the Council's climate change targets and from Dundee City Council, who lead the way in the transition to a zero-carbon taxi fleet.

These evidence sessions were held on 9 November 2021 and 10 December 2021.

## **2. Considerations**

2.1 During its considerations, the Panel had regard to three main considerations; namely:-

2.2 Economic Viability of the Trade –

The issue of affordability must be borne in mind and whether the trade can afford any potential changes to vehicle specification. EV are, in the main, more expensive to purchase, than Hybrid or traditional Internal Combustion Engines (ICE) Saloon vehicles, although running costs are lower and targeted financial assistance is available through a variety of Government Grants and Loan Schemes.

The cost for the entire fleet to change from the current mixed fleet to an entirely 100% WAV would be cost prohibitive and could impact on the economic viability of the trade. An unintended consequence could be a much-reduced taxi fleet. Similarly, an accelerated transition to full EV could result in a reduced fleet due to perceived greater costs associated with the purchase of a EV with sufficient range capacity.

2.3 The Council's obligations under the Public Sector Equality Duty

The Council has a legal duty to ensure that when it makes policies that it does not discriminate against those who are disadvantaged or suffer inequality.

Any potential change to the vehicle specification policy must therefore ensure there is no unfair treatment or discrimination. This means that it should not result in the reduction in WAVs from present levels.

The Taxi Forum have indicated that there is no requirement for a fully WAV fleet as the demand for such does not exist and that the existing mixed fleet approach should continue. This is evidenced by booking office records.

FADAP have advocated that a 100% WAV fleet would better serve the disabled community and cite anecdotal evidence of occasions where it is not possible to book a WAV vehicle, however also acknowledged the unlikely viability of this with respect to the trade in their evidence.

It is important to note that a fully 100% WAV fleet would not in itself guarantee anyone a WAV as the Council cannot compel operators with respect to when vehicles operate.

2.4 The Council's Climate Change obligations

The Scottish Government have confirmed that by 2030 all new vehicles sold will require to be Ultra Low Emission Vehicle (ULEVs). Members of the panel have expressed a desire to consider whether Falkirk Council should be more ambitious in moving towards an earlier target with respect to new vehicles licensed to the Taxi / PHC Fleet?

### **3. Options considered**

#### **3.1 The Panel considered the following options in respect of the future composition of the taxi and private hire car fleet.**

##### **Uniform operator categories –**

Should the Council continue with the status quo with different operator categories that will ultimately align when National policy impacts on availability of Internal Combustion Engine vehicles (ICE) should the Council consider introducing sunset clause whereby all saloon cars (taxi and private hire car) will transition to hybrid/WAV or fully EV by a defined date?

##### **Accessibility –**

Should the Council change the current mixed fleet approach and transition to completely 100% WAV taxi/private hire car fleet; or should it continue with a mixed fleet approach with a commitment to maintain a % of WAV. To achieve a minimum level of WAV within the fleet there could be a possible requirement on multi-plate holders to maintain a % of their licences as WAV vehicles.

##### **Decarbonisation –**

Should the Council consider introducing a sunset clause for Internal Combustion Engines taxis/private hire cars by a defined period and an aspirational timescale for the next stage of transition beyond this from hybrid to fully decarbonised fleet?

##### **Further option –**

The Council could consider revising the age policy for vehicles to strengthen the twin aims of increasing EV cars and an Accessible fleet. There could be no age restriction for EV and a relaxation from the current 3 years to 5/6 years for (non EV) WAVs (subject to the WAV complying with an agreed emissions level).

### **4. Agreement of Proposals for consultation with Taxi Forum**

4.1 Following discussion, the Panel agreed that the undernoted draft recommendations form the basis of discussion with the Taxi Forum with a view to firm recommendations being submitted to the Executive (reference to public consultation at the end).

- 1. In 3 years, all new or replacement taxi and private hire cars must be either WAV, hybrid or fully electric.**
- 2. In 5 years, all new or replacement taxi and private hire cars must be Ultra Low Emission Vehicles or WAV.**

- 3. Age policy will not apply to ULEV (with immediate effect).**
- 4. (Internal Combustion Engine) WAV of up to 6 years old which adhere to appropriate emissions standard, will be permitted onto the fleet (with immediate effect).**
- 5. The mixed fleet approach to vehicle composition will continue (The fleet will not transition to 100% WAV).**
- 6. To maintain appropriate WAV numbers in 3 years all multi plate operators must ensure a move towards 15% of plates held are WAV.**
- 7. That the new vehicle specification will equally apply to both taxi and private hire car.**

**5. Discussion of draft recommendations**

How to achieve a uniform vehicle specification that meets the needs of the disabled community and accords with the Council's Climate Change commitments, while maintaining a viable trade?