

Taxi and Private Hire Cars Age Limitation and Emission Standards Policy

Exemption Application Guidance

1. Information

- 1.1. On 16 March 2018 the Regulatory Committee of the City of Edinburgh Council (the Council) approved a new policy which introduced an age limit on all Taxi and Private Hire vehicles and introduced an emissions standard to all Taxi and Private Hire vehicles to improve air quality in the city by reducing emissions from taxis and private hire cars. As part of their consideration when agreeing the new Policy, the Council was clear that applicants could seek an exemption to the Policy
- 1.2. The following guidance aims to give guidance to all those wishing to seek an exemption to the policy, by outlining indicative circumstances the committee may have regard to when considering an exemption request.
- 1.3. **THIS GUIDANCE IS NOT AN ADDITION TO POLICY AND IS NOT BINDING. EACH CASE WILL BE CONSIDERED ON ITS' OWN MERITS AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACT.**

2. Guidance

- 2.1. If you wish to be considered for exemption from the Age & Emissions Policy you can do so at the time of grant or renewal of a taxi or private hire car licence when your application is being determined by the Council. Alternatively, it is open to you if you are a current licence holder to submit a variation application to the Council seeking to vary the standard conditions currently attaching to your licence,
- 2.2. The following procedure will apply to applications for variation of licences detailed above
- 2.3. Where you operate more than one vehicle, separate applications must be made for each vehicle.
- 2.4. The application must be completed in line with the instructions on the application form and where an application is incomplete it will not be accepted as a valid application and will be returned.
- 2.5. The application should be accompanied by a written statement and any relevant supporting documentation
- 2.6. Within the written statement, you should clearly outline the following:
 - Why you seek your current standard conditions of licence to be varied having regard to the terms of the policy and
 - How long a period you are seeking in terms of the variation in relation to any conditions to be attached to your licence

- 2.7. The specific condition(s) you are seeking to vary, must be clearly outlined and cannot be left open for interpretation.
- 2.8. To assist the committee to make a decision on your application, the following is indicative of information which may be considered relevant by the Committee when determining applications.
- 2.9. Applicants are encouraged to include documentation in support of your application which sets out, steps which may have been taken to change the vehicle or secure finance for such a change.
- 2.10. This may include but is not limited to:
- Personal and/or company bank account statements
 - Any outstanding loan agreement or
 - Other documentation considered relevant by the applicant.
- 2.11. If your vehicle has been subject to changes which are relevant to the application (for example an upgraded or new engine has been installed) it would be helpful if you could provide invoices or other documentary proof of this change.
- 2.12. The council reserves the right to require the vehicle to be inspected at its' Taxi Examination Centre in order to verify any claims of changes made to the vehicle.

3. Committee Hearing

- 3.1. Consideration of each request will be made by the Council's Licensing Sub-Committee.
- 3.2. It is recognised that some of the documentation and/or information offered to the committee in support of the application and subsequent questions asked by members may be sensitive in nature, as such it is anticipated that these applications will ordinarily be considered by the committee on the private B Agenda (which is not open to the public), in accordance with Section 50(A)(4) of the Local Government (Scotland) Act 1973.
- 3.3. You will be invited to attend the meeting of the Licensing Sub-Committee at which the application will be considered and you will be given the opportunity to speak directly to the committee in support of the your application.
- 3.4. You may choose to be represented at this meeting.
- 3.5. It should be noted that committee members will have an opportunity to ask questions and may ask for additional information to be supplied as a result of any submissions made by you in support of your application.
- 3.6. At the conclusion of the hearing you will be advised of the Committee's decision on your application. It should be noted that, the plate, issued by the Licensing Authority and attached to the vehicle remains the property of the Council and has no intrinsic value.

4. Outcome & Appeal

4.1. The outcome of any decision made by the committee will be sent to you in writing within 7 days.

4.2. In terms of paragraph 18 of Schedule 1 to the 1982 Act you may appeal to the Sheriff against a decision made by the Committee in relation to an application for variation of your licence or in relation to the grant or renewal of a licence. Any such appeal should be lodged with the Sheriff Clerk within 28 days of the date of the Committee's decision. The Sheriff Clerk's address is 27 Chambers Street, Edinburgh EH1 1LB. The appeal is by way of summary application. If you require further information in connection with an appeal you should consult a solicitor.

5. Data Protection & GDPR

5.1. It is necessary for the Council to collect personal information to deliver services, in doing so we comply with GDPR and the Data Protection Act 2018. Applicants are encouraged to visit www.edinburgh.gov.uk/licensing and read our privacy notice which explains how we do this.