

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Licensing
<b>DATE</b>	6th September 2023
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Low Emission Zone – Time-Limited Exemption for Taxis and Private Hire Cars
<b>REPORT NUMBER</b>	COM/23/188
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	David Dunne
<b>REPORT AUTHOR</b>	Will Hekelaar
<b>TERMS OF REFERENCE</b>	17.3

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### 1. PURPOSE OF REPORT

- 1.1 To advise Members of the additional time-limited exemption from the Low Emission Zone (LEZ) granted to drivers of taxis and private hire cars (PHCs).

### 2. RECOMMENDATION(S)

That Committee:

- 2.1 Note the time-limited exemption from the LEZ granted to taxis and PHCs;
- 2.2 Instruct the Interim Chief Officer – Governance (Legal) to communicate this decision to taxi and PHC operators;
- 2.3 Instruct the Chief Officer – Strategic Place Planning to report back to the Licensing Committee in June 2024 on the impacts of Glasgow’s time-limited exemption for taxi operators.

### 3. CURRENT SITUATION

- 3.1 Aberdeen City Council (ACC) declared a LEZ in the City Centre on 30<sup>th</sup> May 2022. Members [agreed](#) a two-year grace period for all vehicles (during which no enforcement would take place), meaning enforcement commences on 1<sup>st</sup> June 2024.
- 3.2 Legislation governing LEZs was established in the [Transport \(Scotland\) Act 2019](#). The Act does not allow local authorities to issue permanent exemptions from LEZs (aside from those determined nationally) but they can grant local ‘time limited’ exemptions for certain vehicles and vehicle types by reference to the vehicle’s use. Such exemptions can last for a maximum of one year and can be accompanied by any conditions or restrictions that the local authority deems appropriate. Although exemptions can be renewed, an exemption

should not be a means by which vehicle or fleet owners avoid LEZ obligations indefinitely. The process agreed with Transport Scotland for the consideration of exemptions was that applications would be reviewed by the local LEZ Delivery Group (made up of representatives of ACC, Aberdeenshire Council, Nestrans and NHS Grampian) and a recommendation made to the Chief Officer – Strategic Place Planning who would have ultimate delegated responsibility for approving or rejecting applications.

- 3.3 Officers have engaged with taxi and PHC operators throughout the LEZ development and formalisation process. As well as formal consultation periods and the statutory objection period, this has included Officers attending meetings of the Taxi and PHC Consultation Group, and participating in a webinar aimed at the trade to discuss Aberdeen's proposals and raise awareness of support funding available. During this time, no feedback was received that suggested taxi and PHC drivers would struggle to comply with the LEZ. Annual funding has been made available from Transport Scotland to support individuals and businesses with the cost of LEZ compliance. 2023/24 funding has recently become available and includes grants specifically for taxis covering up to 70% of the costs of retrofit (up to £6,000 per wheelchair accessible taxi installing retrofit exhaust after-treatment systems, and up to £12,000 per wheelchair accessible taxi installing re-powering technology). Disposal grants for non-compliant vehicles are also available.
- 3.4 Following a drop in trade during the COVID-19 pandemic, many drivers left the business, resulting in a shortage of taxis in Aberdeen. Restricting taxi numbers in the city centre further via the LEZ may exacerbate this shortage, with potential negative impacts on the city centre economy (particularly the night-time economy) and the ability of those enjoying the night time economy to travel home safely. Feedback from some drivers is that they cannot afford to upgrade their vehicles in time to comply with the LEZ, with the COVID impacts compounded by the current cost of living crisis. A time-limited exemption will support recovery of the industry and enable more time for LEZ compliance. At present, approximately 189 taxis (32% of the local fleet) and 19 PHCs (8%) do not meet LEZ standards.
- 3.5 In approving the exemption, the Chief Officer – Strategic Place Planning, in consultation with the Convenor of the Licensing Committee, has made it clear that, given the time and funding support that has already been available to enable compliance with the LEZ, the exemption will only apply for one year and drivers are expected to use this additional time to ensure vehicles are fully compliant by 1<sup>st</sup> June 2025.
- 3.6 The proposed approach is similar to that pursued by Glasgow City Council, who commenced LEZ enforcement on 1st June 2023, but who have opened applications for additional time-limited exemptions to taxi operators under strict conditions. A time-limited exemption for non-compliant taxis was agreed by Glasgow City Council's City Administration Committee last year, and allows extra time for compliance for operators who do not yet meet the zone's requirements. Taxi operators with vehicles that won't comply with Glasgow's LEZ are able to apply for the temporary exemption and show they either do not have access to a funded retrofit solution or that they have applied for or

submitted an expression of interest in securing retrofit funding, but are waiting for the necessary upgrades to be undertaken. Granting temporary exemptions to give more time to achieve compliance is considered by Glasgow City Council a practical way to support the taxi sector, recognising that for some taxis retrofit is not an option or there can be delays to retrofit work being undertaken.

#### 4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications to the Council arising from this report. Taxi and PHC operators deal directly with Transport Scotland for the vehicle retrofit and conversion grant scheme. The initial financial modelling for the scheme assumed all taxis and PHCs entering the LEZ on a regular basis would be compliant, so granting the exemption will not change either the LEZ operating costs or the anticipated level of Penalty Charge Notices.

#### 5. LEGAL IMPLICATIONS

5.1 The ability to issue time-limited LEZ exemptions was granted to local authorities in the [Transport \(Scotland\) Act 2019](#) with further detail provided in Transport Scotland's [Low Emission Zone Guidance](#). ACC's approach complies with this legislation and guidance.

#### 6. ENVIRONMENTAL IMPLICATIONS

6.1 The air quality benefits of the LEZ will reduce in proportion to the volume of exemptions granted. However, SEPA (the Scottish Environment Protection Agency), who undertake emissions modelling and analysis of the LEZ, have advised that the impacts of this particular exemption will be minimal.

#### 7. RISK

7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	There are risks inherent in exempting vehicles from the LEZ in terms of undermining the air quality benefits.	Ensure that taxi and PHC drivers are aware that the exemption only lasts for a	M	Yes

	There are risks around a further reduction in taxi and PHC numbers if these are not exempt from the LEZ which will impact on the Council's ability to deliver a safe and secure transport system.	maximum of one year and is unlikely to be renewed.		
<b>Compliance</b>	No risks identified.	N/A	N/A	N/A
<b>Operational</b>	No risks identified.	N/A	N/A	N/A
<b>Financial</b>	No risks identified.	N/A	N/A	N/A
<b>Reputational</b>	<p>There are reputational risks associated with the granting of LEZ exemptions should the Council be seen as undermining the LEZ and our duties to improve city centre air quality in the quickest time possible.</p> <p>At the same time, there are risks around the LEZ being seen as too stringent and a barrier to safe travel, especially for vulnerable people.</p> <p>Such an exemption risks raising expectations that further exemptions will be granted, potentially encouraging more applications.</p> <p>There are risks of deteriorating relationships with other transport providers who have not been granted additional time to comply with the LEZ.</p>	<p>Ensure that taxi and PHC drivers are aware that the exemption only lasts for a maximum of one year and is unlikely to be renewed.</p> <p>Continue to review applications for LEZ exemptions on a fair and consistent basis.</p>	M	Yes
<b>Environment / Climate</b>	Any exemption compromises the objectives of the LEZ to improve city centre air quality in the quickest time possible.	Ensure that taxi and PHC drivers are aware that the exemption only lasts for a maximum of one	M	Yes

		year and is unlikely to be renewed.		
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## 8. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN 2023-2024</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>  <u><a href="#">Working in Partnership for Aberdeen</a></u>	The proposals within this report support the delivery of many of the safety aspirations articulated in the policy statement, for example: <i>Aberdeen City is a welcoming, peaceful and safe place to live, work and visit.</i>
<b>Regional and City Strategies</b>	The proposals within this report will have mixed impacts on the Regional and Local Transport Strategies in that they support safety aims and objectives, but potentially conflict with objectives around reducing emissions and improving air quality.

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	Stage 1 Assessment complete.
<b>Data Protection Impact Assessment</b>	Not required.
<b>Other</b>	None

## 10. BACKGROUND PAPERS

10.1 None

## 11. APPENDICES

11.1 None

## 12. REPORT AUTHOR CONTACT DETAILS

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