

Called-in decision – Low Emission Zone: Final scheme design and formal submission – Implementation of City Administration Committee decision approved, after division.

1 In terms of Standing Orders No 4 and 6, as a matter of urgency and with reference to the minutes of the City Administration Committee of 10th March 2022 (Print 7, page 511)

- (1) noting
 - (a) the progress that had been made in establishing Phase 2 of the Glasgow Low Emission Zone (LEZ);
 - (b) the outcomes of the formal publication of the LEZ final scheme design;
 - (c) the content of the LEZ final scheme design; and
 - (d) that Transport Scotland were currently accepting registrations of interest for support funding for 2022/23 and that failure to evidence application for funding, or delaying applying for this funding would be at operators own risk;
- (2) approving the submission of the LEZ final scheme design to Scottish Ministers for approval;
- (3) agreeing that this additional mitigation balanced the concerns raised by the trade around capacity and funding, whilst not disincentivising operators from making arrangements as quickly as possible to improve air quality in the city; and
- (4) instructing
 - (a) officers to develop a discretionary mechanism to ensure that taxi operators who can evidence a retrofit funding application or registration of interest (or alternative appropriate evidence of arrangements in place to achieve LEZ compliance) within the timescales of the funding round for 2022/23, would not face penalty charges for a time limited period to allow the necessary upgrades to be undertaken; and
 - (b) the City Convener for Sustainability and Carbon Reduction to write to Scottish Ministers requesting:
 - (i) an increase to maximum LEZ grant levels, so they cover 80% of current anticipated retrofit/engine replacement costs;
 - (ii) consideration of additional financial support, such as interest-free loans, to help taxi operators cover the balance of costs for retrofit/engine replacement;
 - (iii) an increase to funding available for scrappage of non-compliant vehicles; and
 - (iv) the Executive Director of Neighbourhoods, Regeneration and Sustainability to bring quarterly updates to an appropriate

committee reporting on supply chain issues and progress towards a fully-compliant taxi fleet,

there was submitted

- (A) the relevant report thereon by the City Convener for Sustainability and Carbon Reduction relevant to that decision; and
- (B) a call-in request by Councillor Cunning and 4 other members requesting answers to questions around the legal, operational, and financial implications of the revised proposals to be considered by a relevant Scrutiny Committee to better reflect those concerns in the implementation of the policy.

During the meeting the committee heard representations from

- (I) Councillor Cunning and 1 other member who raised the following questions and concerns:-
 - (aa) how the revised proposal sat within the legislative framework and what concerns if any had been made with the Scottish Government regarding the effective change to enforcement arrangements;
 - (bb) did the proposals give rise to a risk of legal action from drivers of non-taxi who could similarly provide evidence of arrangements in place to achieve LEZ compliance?
 - (cc) what did a time limited period for exemption from penalty charges mean?
 - (dd) did the proposals adequately address the concerns around supply chains and capacity to carry out necessary retrofitting of the taxi fleet and how would the scheme work on a practical level?
 - (ee) what would the additional cost to the Council be because of the new process?
 - (ff) the challenges the taxi trade had faced over the past 2 years with a lack of income and ability to work together with the lack of compliant vehicles available for purchase as well as the uncertainty over companies that were able to carry out retro fitting of vehicles;
 - (gg) the admission from Council officers that some of the Council's own fleet was not compliant had proved that this was not just an issue for the taxi trade; and
 - (hh) Glasgow was already facing a crisis within the taxi industry and this would only add to it, presenting a safety issue in the city centre which would also impact the night time economy;
- (II) Steven Grant, Secretary of Unite the Union Cab Section, who had raised the following issues and concerns:-

- (aa) the Cab Section had been supportive of the LEZ since its inception and introduced both LPG engine repowering and exhaust retrofit teams to the Council as well as providing vehicles for under floor mapping and the exhaust retrofit process and at no time had the trade asked to be exempt from the LEZ;
 - (bb) taxi trade earnings had dropped 80% through lockdown and finances had taken a huge hit at a time when many were saving for investment to achieve compliance and instead had had to borrow to stay solvent and there had been a significant drop in driver numbers and cabs on the road since the pandemic;
 - (cc) the new and used taxi vehicle market had collapsed owing to the pressures brought about by the pandemic and the only choice available was a £61,000 hybrid vehicle which was unaffordable to most operators, leaving retrofitting as the only option;
 - (dd) in relation to LPG we have had to write to the Energy Saving Trust to suspend the funding until guarantees could be made on the continuity of the LPG fuel supply and we believe that a significant number of the 894 cabs had only LPG as a viable solution;
 - (ee) only 55 cabs had had retrofit work carried out and 2 out of 3 of the retrofit providers had exited the scheme and the idea that 900 cabs being retrofitted or were in the process of being done was fanciful in the extreme; and
 - (ff) the scheme was an unworkable, logistical and legislative conundrum and to press ahead with the June 2023 deadline would bring economic self harm to 1,000 livelihoods in the trade; and
- (III) Councillor Anna Richardson, City Convener for Sustainability and Carbon Reduction, confirming
- (aa) that LEZ was a crucial policy and the Council must strive to be as ambitious as possible in its implementation as year after year there were unacceptable high levels of air pollution in the city centre which had affected in particular the young, old and people with underlying health conditions;
 - (bb) that progress had been made with Phase 1 of LEZX which had dramatically improved the bus fleet and with the transport act now in place there was the ability to finally implement Phase 2 and without including all vehicle types we would be unable to reduce emissions below the Scottish air quality objectives;
 - (cc) that it was recognised there were concerns around the timescales to ensure taxis were compliant and of a need to build up as much consensus as possible without compromising the overall scheme;

- (dd) that wording of the final recommendation had been refined to provide reassurance to the taxi trade that this was the most appropriate way to balance the need of taxi operators and achieve the quickest possible compliance;
- (ee) that it was acknowledged how difficult a time it had been for the taxi trade but not all drivers wished to delay the LEZ;
- (ff) that the amended City Administration Committee report ensured that we did not inadvertently penalise drivers who were working towards compliance but found themselves delayed by external factors; and
- (gg) that LEZ should not be delayed but it was essential to take a pragmatic approach that responded to the particular needs of the sector and had a deliverable scheme that would bring Glasgow in line with the national air quality objectives under the legislation as quickly as possible.

After consideration, Councillor Hepburn, seconded by Councillor Layden moved that the committee accept the recommendations of the City Administration Committee.

Councillor Curran, seconded by Councillor Jane Morgan moved as an amendment that the committee notes the contents of the report including the progress being made in establishing Phase 2 of the Glasgow Low Emission Zone and the outcomes of the formal publication of the LEZ final scheme design.

However, Committee also notes the significant concerns raised about the proposed date to begin enforcement for non-residents and the last minute and ill-defined proposals for a 'discretionary mechanism' to exempt hackney cabs from enforcement.

Committee believes that these last-minute proposals add to the uncertainty and confusion faced by many Taxi drivers across the City, and do not address fundamental concerns.

That the report and its conclusions do not take account of the composition of the Hackney cab fleet as it exists today and therefore the impact on NOx (nitrogen oxide) and PM (particulate matter) pollution.

There was insufficient capacity to meet the necessary demand for retrofitting in the current proposed timescales and that Scotland's other cities had proposed longer periods before beginning LEZ enforcement.

That the current proposals do not truly account for the impacts of the pandemic and the emerging cost-of-living crisis on this important sector in Glasgow's economy.

Therefore, Committee resolves to recommend to the City Administration Committee that the date for non-resident enforcement should be postponed by 1 year, to 1st June 2024, before submission to Scottish Ministers.

On a vote being taken by calling the roll, 6 members voted for the amendment and 8 for the motion, which was accordingly declared to be carried.