

# **FALKIRK COUNCIL**



## **CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

### **LICENSING CONDITIONS**

#### **FOR**

#### **TAXIS, PRIVATE HIRE CARS, TAXI DRIVERS AND PRIVATE HIRE CAR DRIVERS**

**2013**

# **Contents**

Part I – Holder of Taxi Licence

Part II – Holder of Private Hire Car Licence

Part III – Holder of Taxi Driver's Licence

Part IV – Holder of Private Hire Car Driver's  
Licence

THESE CONDITIONS ARE ANCILLARY TO AND DO NOT DEROGATE FROM THE POWERS GRANTED TO THE LICENSING AUTHORITY IN RELATION TO TAXIS AND PRIVATE HIRE CARS AND THEIR DRIVERS UNDER THE TERMS OF THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 OR ANY AMENDMENT THERETO.

IT IS THE RESPONSIBILITY OF THE LICENCEHOLDER TO ENSURE THAT THEY ARE COMPLIED WITH. FAILURE TO COMPLY MAY LEAD, ON SUMMARY CONVICTION, TO A FINE AND/OR THE SUSPENSION OR LOSS OF THE LICENCE.

## PART I

<b>TAXI LICENCES - CONDITIONS SCHEDULE</b>
--

### VEHICLES ETC

1. The holder of a Taxi Licence shall ensure that the taxi, including all bodywork, upholstery and fittings, is at all times during the operation of the licence in a safe and serviceable condition and that the interior is clean, well aired and comfortable for passengers, all to the satisfaction of the Licensing Authority. Subject to prevailing road conditions, the bodywork, glass and chrome shall be kept well cleaned and polished all to the satisfaction of the Licensing Authority. The holder of a Taxi Licence is as equally responsible for the implementation of this condition as the holder of a Taxi Driver's Licence.
2. The holder of a Taxi Licence shall require the taxi to undergo and pass a bi-annual inspection by the Licensing Authority and the Licence will not be renewed unless the vehicle has passed this inspection. In addition to the foregoing, the Licensing Authority may require any licensed vehicle at any time to undergo further inspection if the Licensing Authority thinks fit. Notification of this will be given in writing and the licence holder shall produce his/ her taxi for inspection at such time and place as may be **specified** by the Licensing Authority.
3. The holder of a Taxi Licence, when the taxi is either damaged in a vehicular accident or by any other means or is defective, shall report the damage to the Licensing Authority as soon as practicable and he/ she shall present it or make it available for inspection within the following two working days after the occurrence. As soon as repairs to the taxi have been completed, the taxi shall be re-inspected. **The vehicle may be issued with a red licence plate from the licensing section to enable it or a courtesy car to operate as a taxi whilst any repairs are being made.**

4. The holder of a Taxi Licence shall hold in his own name and address the requisite vehicle registration document and the certificate of insurance in relation to the taxi required by Part VI of the Road Traffic Act 1988. Where more than one name appears on the Taxi Licence, the vehicle registration document and the certificate of insurance shall be in the name of at least one of the persons whose name appears on the Taxi Licence. **The vehicle registration document and certificate of insurance must also state the permanent address/ principal (Registered Office) of the licence holder named in those documents.**
5. The Licensing Authority will issue to the licence holder two **external** plates which must be displayed on the taxi at all times **and two inside window stickers. The small external plate must be affixed on or around the front grill of the vehicle and in such a place where it does not obstruct any other plate required by law and where it is clearly readable.** The large external plate must be fixed *where reasonably practicable to do so*, at the nearside rear of the vehicle where it does not obstruct any other plate required by law and where it is clearly readable. **Both external plates must be permanently fitted to the vehicle on the brackets/ fixing kits supplied by the Licensing Authority. Plates must be fitted to the fixing kits using the clip and key system or magnet kit sourced from the Licensing Authority's plate supplier.** If for any reason any plate becomes at all hard to read or is lost, a replacement must be obtained at once from the Licensing Authority. **A replacement fee will require to be paid.** The two inside window stickers must be fixed where they can be easily read by passengers.
6. The holder of a Taxi Licence shall display upon the roof of his/ **her** taxi a sign of a type approved by the Licensing Authority for the purposes of identifying the vehicle as a taxi; **and only the word "Taxi" may be displayed on the front of the sign. The holder of a Taxi Licence shall be permitted to display his / her company name and/ or telephone number or email address on the rear of the roof sign.** While the taxi is available for shared hire he/ **she** shall display in such position as approved by the Licensing Authority, a sign of a type approved by the Licensing Authority for the purpose of indicating that the taxi is available for hire/ shared hire.
7. The holder of a Taxi Licence shall at any time when the taxi is being used as a taxi-bus, cause to be displayed on the taxi, in such a position and in such a form as may be prescribed by the Licensing Authority, a notice which indicates that the taxi is being used as a taxi-bus.
8. The holder of a Taxi Licence must carry, in a suitable fastener in his taxi, a fire extinguisher in a position, approved by the Licensing Authority. The fire extinguisher must be of the correct type and must contain foam or powder and be marked BS 5423 or EN 3. The fire extinguisher carried must at all times be in good working order *and where applicable be within its expiry date.* **In addition, the fire extinguisher shall be marked with a sticker issued by the licensing section detailing the Taxi Licence number.**

9. The holder of a Taxi Licence must carry, in a suitable fastener, a first aid kit in a position approved by the Licensing Authority. The kits should contain the minimum HSE recommended vehicle kit of:- 6 waterproof plasters, 1x HSE 18x18 dressing, 2 triangular bandages, 2 antiseptic wipes, 1 pair of vinyl gloves, 6 safety pins, 1 first aid advice leaflet. The first aid kit shall be marked with a sticker issued by the Licensing Authority detailing the Taxi Licence number.
10. The holder of a Taxi Licence which relates to a wheelchair accessible vehicle shall ensure that the ramp access system and means for securing the wheelchair in the vehicle are available at all times. If it is a portable ramp system that it is used both ramps shall be marked with a sticker issued by the Licensing Authority detailing the Taxi Licence number.
11. The holder of a Taxi Licence shall ensure that if his taxi contains an interior partition between the driver and passenger(s), it is provided with some reasonable means of communication.
12. No pictorial, written or printed material may be displayed in or on a taxi without the consent of the Licensing Authority.
13. *The holder of a Taxi Licence shall ensure that the sticker supplied by the Licensing Authority detailing the licence holder's name and vehicle licence number shall be displayed on the nearside of the taxi.*
14. The vehicle must have an engine capacity of not less than 1400cc. *There shall be no such restriction for hybrid and electric vehicles.*
15. The vehicle must have a minimum luggage capacity of 300 litres and a seating capacity of at least 4 passengers plus the driver.
16. The windscreen and all windows and glass partitions (where fitted) must be safety glass in accordance with the European Standard in force at the time of approval and be of a clear material or the manufacturer's fitted comfort glass giving unrestricted vision to the vehicle interior. Other types of tinted glass are not permitted.
17. The holder of a Taxi Licence shall not enter into any agreement with any employee or other person operating the vehicle on his behalf which would absolve the Taxi Licence holder from any responsibility for any defect in any taxi owned or operated by the licence holder.
18. Taxis may not be parked to wait for trade in any public place other than one of the stances approved by the Licensing Authority, and taxis may not be double parked or parked other than parallel with the pavement. **Taxis must generally have regard to any policy initiatives that are introduced from time to time by the Licensing Authority that regulate the ability of a taxi to pick up in the general vicinity of Falkirk Town Centre in the evening at the weekend.**

19. The holder of a Taxi Licence shall not install an electronic security system capable of recording and storing a record of entering or exiting of passengers either by way of video or digital images unless the details of the system have first been considered and approved by the Licensing Authority.

#### **FARES, *CALENDAR* METER, ETC**

20. The holder of a Taxi Licence shall obtain from the Licensing Authority a notice detailing the approved maximum taxi fares and charges appropriate to exclusive or to shared hire of the taxi and will display the notice or notices as appropriate in the passengers compartment of the taxi in such a position that it/they will be readily visible to the passenger(s) being carried and (subject to Condition 25 below) no other table of fares and charges shall be displayed.
21. The holder of a Taxi Licence shall, if the cost of the journey is not regulated by the Licensing Authority fare structure, and if the taxi is not being used as a taxi-bus, take steps to ensure that any potential hirer of his taxi is informed, prior to acceptance of the hire, (a) that the fare is not so regulated; and (b) the cost, or method of calculating the cost, of the proposed journey.
22. The holder of a Taxi Licence shall take steps to ensure that each potential hirer of his taxi consents, at the time of the arrangement of the hire, to an exclusive hire or a shared hire, as the case may be.
23. If the holder of a Taxi Licence, or any person on his behalf, agrees beforehand with a person hiring the taxi to take a sum less than in the approved fares and charges, the holder of a Taxi Licence shall not exact or demand more than the fare or charges previously agreed upon.
24. The holder of a Taxi Licence shall at any time when the taxi is being used as a taxi-bus, cause to be displayed in the taxi, in such a position and in such a form as may be prescribed by the Licensing Authority so that it is clearly legible to passengers, a fare table containing sufficient information to enable a passenger to ascertain the fare for his/ her journey or the manner in which that fare is calculated.
25. The holder of a Taxi Licence shall have affixed to, and used on, the taxi a ***calendar*** meter which has been tested and approved by the Licensing Authority as appropriate to the type of hire (whether exclusive or shared) for which the taxi is available or on which it is engaged. This condition shall not apply to any taxi while it is in use as a taxi-bus.
26. The holder of a Taxi Licence shall not use, or cause or permit to be used, on the taxi a road wheel or tyre of a different circumference from that, for which the ***calendar*** meter affixed to the taxi was designed, geared and has been tested by the Licensing Authority.

27. The holder of a Taxi Licence shall only use a **calendar** meter which has been stamped or sealed by the Licensing Authority after testing and approval as to distance and time in accordance with the approved taxi fares and charges. Once a **calendar** meter is fitted to his/ her taxi he/ she shall not tamper with the **calendar** meter or break or tamper with any seal or stamp on such **calendar** meter of any attachment affixed thereto by the manufacturer or Licensing Authority except to remove the **calendar** meter for repair or replacement. Should the seal be broken, the **calendar** meter shall be re-tested and passed by or on behalf of the Licensing Authority before being used again.
28. **The holder of a Taxi Licence shall ensure that once notified of an impending change in the Taxi Tariff, that the taxi is presented as soon as is practicably possible, and within any timescale arranged by the Licensing Authority, at the testing station for the purposes of having the recalibrated calendar meter tested and resealed.**
29. The holder of a Taxi Licence shall ensure that the **calendar** meter fitted to his/ her taxi is in a position approved by the Licensing Authority. The **calendar** meter must never be concealed or obscured from the passengers' sight and must have a working internal lamp so that the reading remains entirely visible after dark.
30. The holder of a Taxi Licence shall not knowingly use, or cause or permit to be used, the taxi (other than as a taxi-bus) during any period that the seals affixed to the **calendar** meter, and where so affixed to the vehicle, are broken or detached.
31. The holder of a Taxi Licence shall not knowingly use, or cause or permit to be used, a **calendar** meter which is in any way defective.
32. The holder of a Taxi Licence shall, within two working days, inform the Licensing Authority of the removal of the **calendar** meter from his/ her taxi. He/ she shall not re-fit a **calendar** meter on a second or subsequent occasion without prior permission from the Licensing Authority, except when the taxi is due to be annually tested by the Licensing Authority.

### GENERAL

33. The holder of a Taxi Licence shall not ask a driver of the taxi to which the licence relates to do anything which would result in the taxi driver committing a breach of the conditions attaching to the grant of the Taxi Driver's Licence.
34. The holder of a Taxi Licence shall keep an up to date list of the names and addresses of all taxi drivers employed by him/ her, **which are authorised by the holder of the licence to use the taxi for the purpose of plying for hire. The licence holder shall also ensure that any such persons are licensed by the Licensing Authority.**
35. The holder of a Taxi Licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire his/ her taxi, which he/ she has accepted, unless prevented by sufficient cause.
36. A Taxi Licence shall not be transferrable.

37. The holder of a Taxi Licence shall make available in the vehicle clean and legible copies of his Taxi Licence and these conditions.
38. The holder of a Taxi Licence shall inform the Licensing Authority within **14 days** of any fixed penalty, conditional offer or conviction in any Court.
39. **Where there is a material change of circumstances, including change of address, affecting the holder of a Taxi Licence, the holder of the Taxi Licence must notify the Licensing Authority of the change as soon as reasonably practicable after it has taken place.**

### NOTES

“exclusive”, as applied to the hire of a taxi, means that a single fare is payable by any one passenger for the whole hire of the taxi, whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly;

“shared”, as applied to the hire of a taxi, means that each passenger is carried at a separate fare, payable to the driver, and “shared hire” shall be construed accordingly; and

“taxi-bus” means a taxi which is being used, under a special licence granted under Section 12 of the Transport Act 1985, to provide a local service which is or requires to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

The holder of a Taxi Licence shall return to the Licensing Authority his licence and licence plates within 28 days of selling or disposing of the vehicle to which the vehicle relates, except where it is being substituted for another vehicle.



## PART II

<b>PRIVATE HIRE CAR LICENCES - CONDITIONS SCHEDULE</b>
--

### VEHICLES ETC

1. The holder of a Private Hire Car Licence shall ensure that the private hire car, including all bodywork, upholstery and fittings, is at all times during the operation of the licence in a safe and serviceable condition and that the interior is clean, well aired and comfortable for passengers, all to the satisfaction of the Licensing Authority. Subject to prevailing road conditions, the bodywork, glass and chrome shall be kept well cleaned and polished, all to the satisfaction of the Licensing Authority. The holder of the Private Hire Car Licence is as equally responsible for the implementation of this condition as the holder of a Taxi/Private Hire Car Driver's Licence.
2. The holder of a Private Hire Car Licence shall require the private hire car to undergo and pass a bi-annual inspection by the Licensing Authority and the licence will not be renewed unless the vehicle has passed this inspection. In addition to the foregoing, the Licensing Authority may require any licensed vehicle at any time to undergo further inspection if the Licensing Authority thinks fit. Notification of this will be given in writing and the licence holder shall produce his/ her hire car for inspection at such time and place as may be ***specified*** by the Licensing Authority.
3. The holder of a Private Hire Car Licence, when the private hire car is damaged in a vehicular accident or by any other means, shall report the damage to the Licensing Authority as soon as practicable and he/***she*** shall present it or make it available (whichever the Licensing Authority determines to be appropriate) for inspection within the following two working days after the occurrence. As soon as repairs to the vehicle have been completed, the private hire car shall be re-inspected. **The vehicle may be issued with a red licence plate from the licensing section to enable it or a courtesy car to operate as a private hire car whilst any repairs are being made.**
4. The holder of a Private Hire Car Licence shall hold in his/ her own name and address the requisite vehicle registration document and the certificate of insurance in relation to the private hire car required by Part VI of the Road Traffic Act 1988. Where more than one name appears on the Private Hire Car Licence, the vehicle registration document and the certificate of insurance shall be in the name of at least one of those persons whose name appears on the Private Hire Car Licence. **The vehicle registration document and certificate of insurance must also state the permanent address/ principal (Registered Office) of the licence holder named in those documents**

5. The Licensing Authority will issue to the licence holder two **external** plates which must be displayed on the private hire car at all times **and two inside window stickers. The small external plate must be affixed on or around the front grill of the vehicle and in such a place where it does not obstruct any other plate required by law and where it is clearly readable.** The large external plate must be fixed *where reasonably practicable to do so*, at the nearside rear of the vehicle where it does not obstruct any other plate required by law and where it is clearly readable. **Both external plates must be permanently fitted to the vehicle on the brackets/ fixing kits supplied by the Licensing Authority. Plates must be fitted to the fixing kits using the clip and key system or magnet kit sourced from the Licensing Authority's plate supplier.** If for any reason any plate becomes at all hard to read or is lost, a replacement must be obtained at once from the Licensing Authority. **A replacement fee will require to be paid.** The two inside window stickers must be fixed where they can be easily read by passengers
6. The holder of a Private Hire Car Licence shall not display on his/ her private hire car any sign for the purpose of advertising its services as a private hire car.
7. The holder of a Private Hire Car Licence shall not display a roof sign of any kind on his/ her private hire car.
8. **The holder of a Private Hire Licence must ensure that the private hire car clearly displays the undernoted stencilled signs issued by the Licensing Authority on both the driver and front passenger door of the vehicle:-**

**“PRIVATE HIRE – ADVANCE BOOKINGS ONLY  
NOT PRE-BOOKED – NOT INSURED”**

9. The holder of a Private Hire Car Licence must carry, in a suitable fastener in his vehicle, a fire extinguisher in a position, approved by the Licensing Authority. The fire extinguisher must be of the correct type and must contain foam or powder and be marked BS 5423 or EN 3. The fire extinguisher carried must at all times be in good working order *and where applicable be within its expiry date.* In addition, the fire extinguisher shall be marked with a sticker issued by the licensing section detailing the Private Hire Car Licence number.
10. The holder of a Private Hire Car Licence must carry, in a suitable fastener, a first aid kit in a position approved by the Licensing Authority. The kits should contain the minimum HSE recommended vehicle kit of:- 6 waterproof plasters, 1x HSE 18x18 dressing, 2 triangular bandages, 2 antiseptic wipes, 1 pair of vinyl gloves, 6 safety pins, 1 first aid advice leaflet. The first aid kit shall be marked with a sticker issued by the Licensing Authority detailing the Private Hire Car licence number.
11. The holder of a Private Hire Car Licence which relates to a wheelchair accessible vehicle shall ensure that the ramp access system and means for securing the wheelchair in the vehicle are available at all times. If it is a portable ramp system that it is used both ramps shall be marked with a sticker issued by the Licensing Authority detailing the Private Hire Car Licence number.

12. The holder of a Private Hire Car Licence shall ensure that if his/ her vehicle contains an interior partition between the driver and passenger(s), it is provided with some reasonable means of communication.
13. No pictorial, written or printed material may be displayed in or on a private hire car without the consent of the Licensing Authority.
14. ***The holder of a Private Hire Car Licence shall ensure that the sticker supplied by the Licensing Authority detailing the licence holder's name and vehicle licence number shall be displayed on the nearside of the taxi.***
15. The vehicle must have adequate provision for carrying luggage with a minimum capacity of 300 litres and a seating capacity of at least four passengers plus the driver.
16. The vehicle must have an engine capacity of not less than 1400cc. ***There shall be no such restriction for hybrid and electric vehicles.***
17. **The windscreen and all windows and glass partitions (where fitted) must be safety glass in accordance with the European Standard in force at the time of approval and be of a clear material or the manufacturer's fitted comfort glass giving unrestricted vision to the vehicle interior. Other types of tinted glass are not permitted.**
18. The holders of a Private Hire Car Licence shall not enter into any agreement with any employee or other person operating the vehicle on his/ her behalf which would absolve the Private Hire Car Licence holder from any responsibility for any defect in any private hire car owned or operated by the licence holder.
19. **The holder of a Private Hire Car Licence shall not install an electronic security system capable of recording and storing a record of entering or exiting of passengers either by way of video or digital images unless the details of the system have first been considered and approved by the Licensing Authority.**

#### **FARES, CALENDAR METER, ETC**

20. The holder of a Private Hire Car Licence (whose private hire car is fitted with a ***calendar*** meter) shall obtain from the Licensing Authority a notice detailing the approved maximum taxi fares and charges appropriate to exclusive or to shared hire use of a private hire car and will display the notice or notices as appropriate in the passenger compartment of the private hire car in such position that it/they will be readily visible to the passenger(s) being carried and no other table of fares and charges shall be displayed.
21. The holder of a Private Hire Car Licence shall, if the cost of the journey is not regulated by the Licensing Authority fare structure, take steps to ensure that any potential hirer of his/ her private hire car is informed, prior to acceptance of the hire, (a) that the fare is not so regulated; and (b) the cost, or the method of calculating the cost, of the proposed journey.

22. The holder of a Private Hire Car Licence must not enter into an agreement with his/her competitors to agree prices on a per mile or minimum journey cost per basis. Such conduct is illegal under the Competition Act 1998 and anyone found to have participated in unlawful price fixing by the Office of Fair Trading may be fined or receive a custodial sentence
23. The holder of a Private Hire Car Licence shall take steps to ensure that each potential hirer of his/ her private hire car consents, at the time of the arrangement of the hire, to an exclusive hire or a shared hire, as the case may be.
24. If the holder of a Private Hire Car Licence, or any person on his/ her behalf (in respect of a vehicle fitted with a **calendar** meter), agrees beforehand with a person hiring the private hire car to take a sum less than the approved fares and charges, the holder of a Private Hire Car Licence shall not exact or demand more than the fare or charges previously agreed upon.
25. The holder of a Private Hire Car Licence (whose private hire car is fitted with a **calendar** meter), shall have affixed to, and used on, the private hire car a **calendar** meter which has been tested and approved by the Licensing Authority.
26. The holder of a Private Hire Car Licence (whose Private Hire Car is fitted with a **calendar** meter) shall ensure that once notified of an impending change in the Taxi Tariff, that the Private Hire Car is presented as soon as is practicably possible, and within any timescale arranged by the Licensing Authority, at the testing station for the purposes of having the recalibrated **calendar** meter tested and resealed.
27. The holder of a Private Hire Car Licence (whose private hire car is fitted with a **calendar**), shall not use, or cause or permit to be used, on the private hire car a road wheel or tyre of a different circumference from that for which the **calendar** meter affixed to the private hire car was designed, geared and has been tested by the Licensing Authority.
28. The holder of a Private Hire Car Licence (whose private hire car is fitted with a **calendar** meter), shall only use a **calendar** meter which has been stamped or sealed by the Licensing Authority after testing and approval as to distance and time in accordance with the approved taxi fares and charges. Once a **calendar** meter is fitted to his/ her private hire car he/ she shall not tamper with the **calendar** meter or break or tamper with any seal or stamp on such **calendar** meter or any attachment affixed thereto by the manufacturer or Licensing Authority except to remove the **calendar** meter for repair or replacement. Should the seal be broken, the **calendar** meter shall be re-tested and passed by or on behalf of the Licensing Authority before being used again.
29. The holder of a Private Hire Car Licence (whose private hire car is fitted with a **calendar** meter), shall ensure that the taximeter fitted to his private hire car is in a position approved by the Licensing Authority. The **calendar** meter must never be concealed or obscured from the passengers' sight and must have a working internal lamp so that the reading remains entirely visible after dark.

30. The holder of a Private Hire Car Licence (whose private hire car is fitted with a **calendar** meter), shall not knowingly use, or cause or permit to be used, the private hire car during any period that the seals affixed to the **calendar** meter, and where so affixed to the vehicle, are broken or detached.
31. The holder of a Private Hire Car Licence (whose private hire car is fitted with a **calendar** meter), shall not knowingly use, or cause or permit to be used, a **calendar** meter which is in any way defective.
32. The holder of a Private Hire Car Licence (whose private hire car is fitted with a **calendar** meter), shall within two working days, inform the Licensing Authority of the removal of the **calendar** meter from his private hire car. He shall not re-fit a **calendar** meter on a second or subsequent occasion without prior permission from the Licensing Authority, except when the private hire car is due to be bi-annually tested by the Licensing Authority.

### **GENERAL**

33. The holder of a Private Hire Car Licence shall not ask a driver of the private hire car to which the licence relates to do anything which would result in the taxi/private hire car driver committing a breach of the conditions attaching to the grant of the taxi/private hire car driver's licence.
34. The holder of a Private Hire Car Licence shall keep an up to date list of the names and addresses of all taxi/private hire car drivers employed by him/ her, whom he/she shall ensure shall be licensed by the Licensing Authority.
35. The holder of a Private Hire Car Licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire his/ her private hire car which he has accepted, unless prevented by sufficient cause.
36. A Private Hire Car Licence shall not be transferable.
37. The holder of a Private Hire Car Licence shall make available in the vehicle clean and legible copies of his/ her Private Hire Car Licence and of these conditions.
38. The holder of a Private Hire Car Licence shall inform the Licensing Authority within **14 days** of any fixed penalty, conditional offer or conviction in any Court.
39. **Where there is a material change of circumstances, including change of address, affecting the holder of a Private Hire Car Licence, the holder of the Private Hire Car Licence must notify the Licensing Authority of the change as soon as reasonably practicable after it has taken place.**

## NOTES

In these conditions:

“exclusive”, as applied to the hire of a private hire car, means that a single fare is payable by any one passenger whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly.

“shared”, as applied to the hire of a private hire car, means that each passenger is carried at a separate fare, payable to the driver; and “shared hire” shall be construed accordingly.

The holder of a Private Hire Car Licence shall return to the Licensing Authority his licence and licence plates within 28 days of selling or disposing of the vehicle to which the licence relates, except where it is being substituted for another vehicle.

### PART III

<b>TAXI DRIVERS' LICENCES - CONDITIONS SCHEDULE</b>
---

1. **The driver of a taxi, while in charge of the taxi, shall at all times be clean and tidy in appearance and behave in a civil and orderly manner all to the satisfaction of the licensing authority.**
2. The driver of a taxi shall, at all times while he/ she is in charge of a taxi have with him/ her his/ her Taxi Driver's Licence and a copy of these conditions. He/ she shall exhibit such licence and conditions, on demand, to any passengers, Police constable or authorised officer of the Licensing Authority and shall have the identity card issued by the Licensing Authority displayed conspicuously at all times when he is in charge of a taxi. **If the badge is lost or misplaced then a replacement badge must be obtained from the Licensing Authority immediately. A fee will be incurred in this respect.**
3. **The driver of a taxi and any passengers shall not be permitted to smoke within the vehicle at any time. Non-smoking stickers issued by the Licensing Authority must be clearly displayed within the vehicle and visible to passengers.**
4. The driver of a taxi shall ensure that the taxi, including all bodywork, upholstery and fittings, is in a safe and serviceable condition and that the interior is clean, well-aired and comfortable for passengers, all to the satisfaction of the Licensing Authority. Subject to prevailing road conditions, the bodywork, glass and chrome shall be kept well cleaned and polished, all to the satisfaction of the Licensing Authority. The driver of a taxi is as equally responsible for the implementation of this condition as the holder of the taxi licence.
5. The holder of a Taxi Driver's Licence shall, if requested to do so by the Licensing Authority, produce a medical certificate at the time of renewal of the said licence or at any other time as may be requested by the Authority.
6. The holder of a Taxi Driver's Licence shall, within fourteen days of a criminal conviction or offence being recorded against him/ her intimate the details of any such conviction or offence in writing to the Licensing Authority.
7. Where the holder of a Taxi Driver's Licence ceases for any reason to be authorised by law to drive on the road, he/ she shall forthwith notify the Licensing Authority in writing as to the circumstances and shall return the Taxi Driver's Licence identity badge and any other drivers identification as may be issued by the Licensing Authority.

8. The holder of a Taxi Driver's Licence who ceases to act as a taxi driver shall forthwith deliver to the licensing authority his/ her licence, badge (or other form of identification which may have been issued), which shall therefore cease to have effect.
9. **The driver of a taxi shall not permit any person to drive the taxi of which he/ she is in charge while such a taxi is on hire unless that person is the holder of a current taxi drivers licence issued by the Licensing Authority and there is in effect a valid certificate of insurance covering the said person to drive the vehicle as a taxi.**
10. The driver of a taxi, when the taxi is hired or standing for hire, shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period he/ she may be absent to announce the arrival of his/ her taxi to the hirer or when assisting the hirer with luggage to or from the taxi or for any other necessary purpose.
11. When a person wishes to hire a taxi from any of the stances authorised by the Licensing Authority and there is more than one taxi in the stance, the first taxi shall have first option for the hire and the other driver or drivers must advise the hirer accordingly in the event of the hirer attempting to hire a taxi other than the first taxi in the line. Having done so, the driver or other drivers shall have fulfilled their obligation in respect of this condition and shall be free to accept the hire if the hirer so wishes.
12. Unless the Licensing Authority makes specific arrangements for particular stances, when a taxi is driven off a stance, the driver of the taxi immediately behind shall draw up his/ her vehicle to take the place vacated, and the taxi drivers on the stance behind shall draw up their vehicles in a like manner.
13. The driver of a taxi which is being operated on shared hire may wait at a stance only for such time as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers) in the immediate vicinity of the stance at that time who wish to participate in the shared hire of the taxi; but if no such further passengers are found there and then, the driver shall immediately drive his/ her taxi off the stance.
14. The driver of a taxi shall not hinder the driver of another taxi in taking up or setting down any person in or neither from his/ her vehicle, nor subject to the conditions of condition 5 hereof, shall he/ she prevent or endeavour to prevent the driver of another taxi from being hired.
15. The driver of a taxi shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire his/ her taxi which he/ she has accepted, unless prevented by sufficient cause.
16. The driver of a taxi shall operate on shared hire only with the consent of the first hirer or passenger even if there is displayed on the taxi a sign or other notice approved by the Licensing Authority indicating that the taxi is available for shared hire; but he/ she shall not be required to operate on shared hire if no sign or other notice is displayed on the taxi at the time of the initial hiring.



17. The driver of a taxi which is on exclusive hire may not, under any circumstances, pick up or convey another passenger without the consent of the original hirer(s) or passenger(s).
18. The driver of a taxi shall not at any time convey in the taxi more than the number of passengers the taxi is licensed to carry.
19. **The driver of a taxi shall ensure that all passengers travelling in the taxi of which he/ she are in charge comply with the laws in relation to the wearing of seatbelts.**

***Summary of the law relating to seat belts***

<b><i>Seat Belt Requirements</i></b>	<b><i>Front Seat</i></b>	<b><i>Rear Seat</i></b>	<b><i>Whose Responsibility?</i></b>
<b><i>Driver</i></b>	<i>Must be worn except where plying for hire or carrying passengers.</i>		<i>Driver</i>
<b><i>Child under 3</i></b>	<i>Appropriate child restraint must be worn.</i>	<i>Appropriate child restraint must be worn if available.</i>	<i>Driver</i>
<b><i>Child aged 3 to 11 and under 1.5 metres (about 5 feet) in height</i></b>	<i>Appropriate child restraint must be worn if available. If not, an adult seat belt must be worn.</i>	<i>Appropriate child restraint must be worn if available. If not, an adult seat belt must be worn.</i>	<i>Driver</i>
<b><i>Child aged 12 or 13 or younger child 1.5 metres or more in height</i></b>	<i>Adult seat belt must be worn if available.</i>	<i>Adult seat belt must be worn if available.</i>	<i>Driver</i>
<b><i>Passengers over the age of 14</i></b>	<i>Must be worn if available.</i>	<i>Must be worn if available.</i>	<i>Passenger</i>

20. The driver of a taxi which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a taxi which has been hired on shared hire shall take the shortest practicable route which will serve the destination of all the passengers whom he/ she is carrying at any one time.
21. The driver of a taxi shall, if the cost of the journey is not regulated by the Licensing Authority fare structure, and if the taxi is not being used as a taxi-bus, take steps to ensure that any potential hirer of his taxi is informed prior to acceptance of the hire, (a) that the fare is not so regulated; and (b) the cost, or method of calculating the cost, of the proposed journey.
22. The driver of a taxi shall ensure that a ***calendar*** meter fitted in the taxi in his/ her charge shall be operated at all times, within the licensed area, in accordance with the detailed requirements imposed by the Licensing Authority.

23. When a taxi is engaged, the driver shall lower the flag attached to the **calendar** meter to the recording position only after the hirer(s) has/have had a reasonable time to take his/their seat and the vehicle has started on a journey. The driver must keep it at the recording position until arrival at the destination(s) when he/she must at once raise the flag again to the “stopped” position where it must stay until the hirer(s) has/have had good time to check the reading for his/their journey prior to querying or paying his/their fare. Only then may the driver raise the flag to vertical and clear the meter.
24. Where a general taxi has been hired by telephone or other means to attend at a pre-determined time at a stated place, the flag may be lowered to the recording position only when the vehicle has reached this stated place. The engagement charge as fixed in accordance with the approved fares and charges shall be payable in addition to the normal approved fare by distance, but no waiting time may be charged if the taxi arrives before the time agreed upon.
25. Should the **calendar** meter record a fare clearly higher than is in proportion to the mileage covered, the driver shall not be entitled to exact or demand more than the legal fare by distance chargeable. The fare by distance shall be payable should the taximeter stop recording during the journey.
26. Subject to Condition 27 below, the driver of a taxi shall not refuse to drive a passenger to any place within the licensing area.
27. The driver of a taxi shall not refuse to convey any hirer or passenger to any place within the licensed area unless any hirer or passenger (a) is drunk or otherwise not in a fit and proper state to be carried; (b) whose condition or clothing is offensive or likely to cause damage to the interior of the taxi; (c) who refuses to cease smoking in the taxi when requested to do so by the driver of the taxi; (d) is accompanied by an animal which is likely to damage or soil the interior of the taxi with the exception of a guide dog, hearing dog **or assistance dog**; or (e) for any other reasonable excuse.
28. **Where a taxi has been hired (a) by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person; or (b) by a person who wishes such a disabled person to accompany that person in a taxi, the driver of the taxi shall carry the disabled person’s dog and allow it to remain with the disabled person and shall not make any additional charge for doing so. This condition shall not apply where a notice of exemption has been issued to the driver of the taxi and that notice is in force and is exhibited by being affixed in a prominent position on the dashboard of the taxi facing upwards, or on the windscreen of the taxi facing outwards.**
29. The driver of a taxi shall not refuse to carry luggage in his/ her taxi unless the said luggage cannot reasonably be accommodated safely in the taxi.
30. The driver of a taxi shall give such assistance as he/ she is able to give with loading and unloading luggage when required to do so but he shall not be required to leave the immediate proximity of the taxi in doing so.

31. The driver of a taxi shall assist wheelchair users into the taxi using the ramps if necessary and shall ensure that they are properly secured by means of the fixed seatbelts.
32. Immediately after the completion of their shift, the driver of a taxi shall search the vehicle of which they are in charge for any property which may have been left behind. Any property found by the driver shall be dealt with in accordance with the lost property policy operated by the licenceholder. If no such policy exists then the property should be returned by the driver to the owner of the property, if known, and if not known, such property shall be handed in by the driver to any police station within 24 hours along with:-
- a) A note of the taxi driver's name and address and licence number; and
  - b) The names and addresses of all hirers of the taxi during that day so far as known to the driver which may assist in determining ownership of the property.
33. The driver of a taxi shall not knowingly allow the taxi in his/ her charge to be used for illegal or immoral purposes, permit to be carried in the taxi in his/ her charge any article of a dirty, filthy or noxious nature or an explosive of dangerous nature, or permit to be carried in the taxi in his/ her charge any person who has vermin on his/ her person.
34. The driver of a taxi shall not use a mobile phone, any other communications device or otherwise conduct themselves in a manner which prevents them from exercising full control over the speed and direction of the taxi, while it is in motion.
35. Where there is a material change of circumstances, including change of address or medical condition, affecting the holder of the Taxi Driver's Licence, the holder of the Taxi Driver's Licence must notify the Licensing Authority of the change as soon as reasonably practicable after it has taken place.

## NOTES

In these conditions:

“exclusive”, as applied to the hire of a taxi, means that a single fare is payable by any one passenger for the whole hire of the taxi, whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly;

“shared”, as applied to the hire of a taxi, means that each passenger is carried at a separate fare, payable to the driver; and “shared hire” shall be construed accordingly; and

“taxi-bus” means a taxi which is being used under a special licence granted under Section 12 of the Transport Act 1985, to provide a local service which is, or requires to be, registered under Part I of that Act, has been previously advertised, and which has a destination and route which are not entirely at the discretion of the passengers.

## PART IV

### PRIVATE HIRE CAR DRIVERS' LICENCES - CONDITIONS SCHEDULE

1. **The driver of a Private Hire Car, while in charge of the vehicle, shall at all times be clean and tidy in appearance and behave in a civil and orderly manner all to the satisfaction of the licensing authority.**
2. The driver of a Private Hire Car shall, at all times while in charge of a Private Hire Car has a copy of their Private Hire Car Driver's Licence and a copy of these conditions. He/ she shall exhibit such licence and conditions, on demand, to any passengers, Police constable or authorised officer of the Licensing Authority and shall have the identity card issued by the Licensing Authority displayed conspicuously at all times when he/ she is in charge of a Private Hire Car. **If the badge is lost or misplaced then a replacement badge must be obtained from the Licensing Authority immediately. A fee will be incurred in this respect.**
3. **The driver of a Private Hire Car and any passengers shall not be permitted to smoke within the vehicle at any time. Non-smoking stickers issued by the Licensing Authority must be clearly displayed within the vehicle and visible to passengers.**
4. The holder of a Private Hire Car Driver's Licence shall, if requested to do so by the Licensing Authority, produce a medical certificate at the time of renewal of the said licence or at any other time as may be requested by the Authority.
5. The holder of a Private Hire Car Driver's Licence shall, within twenty eight days of a criminal conviction or offence being recorded against him intimate the details of any such conviction or offence in writing to the Licensing Authority.
6. Where the holder of a Private Hire Car Driver's Licence ceases for any reason to be authorised by law to drive on the road, he/ she shall forthwith notify the Licensing Authority in writing as to the circumstances and shall return the Private Hire Car Driver's Licence identity badge and any other drivers identification as may be issued by the Licensing Authority.
7. The holder of a Private Hire Car Driver's Licence who ceases to act as a private hire car driver shall forthwith deliver to the licensing authority his/ her licence, badge (or other form of identification which may have been issued), which shall therefore cease to have effect.

8. The holder of a Private Hire Car Driver's Licence shall not, while in charge of a vehicle as such canvass or pester for employment or stand for hire or ply for hire in any public place, street or car park or use his vehicle as a taxi. Nor shall he/ she do anything which might indicate to the public the availability of the Private hire Car to be engaged by an arrangement made in a public place for a journey beginning there and then. In the event of a breach of this condition the Licensing Authority shall be entitled to consider suspension of the licence in terms of Schedule 1 of the Civic Government (Scotland) Act 1982.
9. **The driver of a private hire car shall not permit any person to drive the private hire car of which he/ she is in charge while such private hire car is on hire unless that person is the holder of a current private hire car drivers licence issued by the Licensing Authority and there is in effect a valid certificate of insurance covering the said person to drive the vehicle as a private hire car.**
10. The driver of a private hire car shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement which he/ she has accepted to hire his/ her private hire car unless prevented by sufficient cause.
11. The driver of a private hire car shall keep a written log of all journeys undertaken when operating as such, such records together with the names and address of hirer, show date, starting point and finishing points and times.
12. Subject to Condition 13 below, the driver of a private hire car shall not refuse to drive a passenger to any place within the licensed area.
13. The driver of a private hire car shall not refuse to convey any hirer or passenger to any place within the licensed area unless any hirer or passenger:-
  - (a) is drunk or otherwise not in a fit and proper state to be carried; or
  - (b) is not prepared to give a precise destination; or
  - (c) whose condition or clothing is offensive or likely to cause damage to the interior of the vehicle; or
  - (d) refuses to cease smoking in the vehicle when requested to do so by the driver of the private hire car; or
  - (d) is accompanied by an animal which is likely to damage or soil the interior of the taxi with the exception of a guide dog, hearing dog or **assistance dog**; or
  - (e) for any other reasonable excuse.
14. **Where a Private Hire Car has been hired (a) by or for a disabled person who is accompanied by a guide dog. A hearing dog or an assistance dog of that person; or (b) by a person who wishes such a disabled person to accompany that person in a taxi, the driver of the taxi shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so. This condition shall not apply where a notice of exemption has been issued to the driver of the taxi and that notice is in force and is exhibited by being affixed in a prominent position on the dashboard of the taxi facing upwards, or on the windscreen of the taxi facing outwards.**

15. The driver of a private hire car shall not at any time convey in the vehicle more than the number of passengers the vehicle is licensed to carry.
16. The driver of a private shall ensure that all passengers travelling in the private hire car of which he/ she is in charge comply with the laws in relation to the wearing of seatbelts.

***Summary of the law relating to seat belts***

<b><i>Seat Belt Requirements</i></b>	<b><i>Front Seat</i></b>	<b><i>Rear Seat</i></b>	<b><i>Whose Responsibility?</i></b>
<b><i>Driver</i></b>	<i>Must be worn if fitted.</i>		<i>Driver</i>
<b><i>Child under 3</i></b>	<i>Appropriate child restraint must be worn.</i>	<i>Appropriate child restraint must be worn if available.</i>	<i>Driver</i>
<b><i>Child aged 3 to 11 and under 1.5 metres (about 5 feet) in height</i></b>	<i>Appropriate child restraint must be worn if available. If not, an adult seat belt must be worn.</i>	<i>Appropriate child restraint must be worn if available. If not, an adult seat belt must be worn.</i>	<i>Driver</i>
<b><i>Child aged 12 or 13 or younger child 1.5 metres or more in height</i></b>	<i>Adult seat belt must be worn if available.</i>	<i>Adult seat belt must be worn if available.</i>	<i>Driver</i>
<b><i>Passengers over the age of 14</i></b>	<i>Must be worn if available.</i>	<i>Must be worn if available.</i>	<i>Passenger</i>

17. The driver of a private hire car, which has been hired, shall not permit any additional person to be carried in the private hire car during such hire without the express consent of the hirer.
18. The driver of a private hire car shall not refuse to carry luggage in his/ her private hire car unless the said luggage cannot reasonably be accommodated safely in the vehicle.
- 19.. The driver of a private hire car shall give such assistance as he/ she is able to give with loading and unloading luggage when required to do so but he/ she shall not be required to leave the immediate proximity of the vehicle in doing so.
20. **The driver of a Private Hire Car where appropriate, shall assist wheelchair users into the vehicle using the ramps if necessary and shall ensure that they are properly secured by means of the fixed seatbelts.**
21. **The driver of a Private Hire car holding a Certificate of Exemption from compliance with condition 20 shall display a copy of the certificate on the passenger door of the vehicle.**

22. The driver of a private hire car, which has been hired on exclusive hire, shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer.
23. The driver of a private hire car, which has been hired on shared hire, shall take the shortest practicable route which will serve the destination of all the passengers whom he/ she is carrying at any one time.
24. The driver of a private hire car shall, except in the circumstance provided for in conditions 25 and 26 below, inform the hirer or passenger the cost of the proposed journey and the method of calculating the said cost of the proposed journey.
25. The driver of a private hire car which is hired and in which a **calendar** meter has been fitted to the satisfaction of the Licensing Authority, shall ensure that the said **calendar** meter is operated for all journeys which both commence and terminate within the licensing area, in accordance with the general taxi tariff approved by the Licensing Authority, with the exception of those journeys forming part of a written contract for a series of same or similar such journeys or where the said private hire car is being used as a wedding or funeral car.
26. The driver of a private hire car which is hired and in which a **calendar** meter has been fitted to the satisfaction of the Licensing Authority, shall activate the said **calendar** meter only after the hirer has had reasonable time to take his/ her seat and the vehicle has started on the journey. The driver must thereafter keep the **calendar** meter at the recording position until arrival at the destination and the hirer has had good time to check the reading for his/ her journey prior to querying or paying his/ her/their fare. Only then may the driver clear the **calendar** meter.
27. The driver of a private hire car which is hired and in which a **calendar** meter has been fitted to the satisfaction of the Licensing Authority shall except in the circumstance provided for in condition 29, during the hours of darkness, keep the fare display illuminated for the whole of the period that the private hire car is occupied by the hirer, until arrival at the destination and the hirer has had good time to check the reading for his journey.
28. The driver of a private hire car in which a **calendar** meter has been fitted to the satisfaction of the Licensing Authority shall, from time to time, and at least once in each day, in which the vehicle is being used as such, inspect the seals on the taximeter to ensure that they are intact. On discovering that the seals have become broken or damaged or that the **calendar** meter has ceased to function correctly, the driver shall either immediately withdraw the vehicle from services or shall cover the face of the **calendar** meter for the remainder operate only as provided in condition.
- 29.. Should a **calendar** meter which has been fitted to a private hire car to the satisfaction of the Licensing Authority record a fare clearly higher than is in proportion to the mileage covered, the driver shall not be entitled to exact or demand more than the fare chargeable by distance in accordance with the current general taxi tariff approved of the Licensing Authority. The said fare by distance shall be payable should the **calendar** meter stop recording during a journey.

30. The driver of a private hire car shall not use a mobile phone, any other communications device or otherwise conduct themselves in a manner which prevents them from exercising full control over the speed and direction of the vehicle, while it is in motion.
31. Immediately after the completion of their shift, the driver of a private hire car shall search the vehicle of which they are in charge for any property which may have been left behind. Any property found by the driver shall be dealt with as per the lost property policy operated by the licenceholder. If no such policy exists then the property should be returned by the driver to the owner of the property, if known, and if not known, such property shall be handed in by the driver to any police station within 24 hours along with:-
- a) A note of the private hire car driver's name and address and licence number; and
  - b) The names and addresses of all hirers of the private hire car during that day so far as known to the driver which may assist in determining ownership of the property.
32. The driver of a private hire car shall not knowingly allow the vehicle in his/ her charge to be used for illegal or immoral purposes, permit to be carried in the vehicle in his/ her charge any article of a dirty, filthy or noxious nature or an explosive of dangerous nature, or permit to be carried in the vehicle in his/ her charge any person who has vermin on his/ her person.
33. The driver of a private hire car in his/ her charge shall:-
- (a) ensure that the vehicle in his/ her charge, including all bodywork, upholstery and fittings is in a safe and serviceable condition and that the interior is clean, well-aired and comfortable for passengers, all to the satisfaction of the Licensing Authority and;
  - b) subject to prevailing road conditions, ensure that the bodywork and glass and chrome is cleaned and polished, all to the satisfaction of the Licensing Authority.
34. The driver of a private hire car, when the vehicle is hired or standing awaiting the arrival of a specific hirer or passenger hire, shall either sit in the driving seat of the vehicle or stand in the immediate proximity thereto except during any period he/ she may be absent to announce the arrival of his/ her vehicle to the hirer or when assisting the hirer with luggage to or from the vehicle or for any other necessary purpose.
35. The driver of a private hire car shall not hinder the driver of another taxi or private hire car in taking up or setting down any person in or from his vehicle, nor shall he prevent or endeavour to prevent the driver of another taxi or private hire car from being hired.



36. **Where there is a material change of circumstances, including change of address or medical condition, affecting the holder of the Private Hire Car Driver's Licence, the holder of the Private Hire Car Driver's Licence must notify the Licensing Authority of the change as soon as reasonably practicable after it has taken place.**

### **NOTES**

In these conditions:

“exclusive”, as applied to the hire of a private hire car, means that a single fare is payable by any one passenger for the whole hire of the private hire car, whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly;

“shared”, as applied to the hire of a private hire car, means that each passenger is carried at a separate fare, payable to the driver; and “shared hire” shall be construed accordingly.