

**Civic Government (Scotland) Act 1982****Taxi and Private Hire Car Licensing – 2012 Revised Best Practice Guidance,  
Draft Conditions of Licensing and Proposals for Change****Report by John Blair Director, Corporate Resources****1 Purpose of Report**

The purpose of this report is to appraise the Committee of progress made as regards the implications of the 2012 Revised Best Practice Guidance on the Draft Conditions of Taxi and Private Hire Car Licensing; and the response to the Scottish Government's "Proposals for Change for Taxis and Private Hire Cars"; and to seek guidance as regards the implementation of the Conditions of Licensing.

**2 Background**

On 13 November 2012, the Committee agreed that consultation take place with the Trade and Police about the 2012 Best Practice Guidance and the impact on the draft conditions of licensing that had been agreed earlier.

On 19 February 2013, the Committee agreed that the Scottish Government's "Proposals for Change for Taxis and Private Hire Cars" also be discussed with the Trade to facilitate the submission of a response.

**3 Meeting with Trade and Police**

A Meeting took place on 11 March 2013, a note of which is shown in the **Appendix**.

Midlothian Taxi Owners' Association declined the opportunity to participate and their Secretary has since written to all Members of the Committee directly concerning, in particular, the dress code and fixed steps on taxis. (The Association had written direct to members in similar terms before and were afforded through their Office bearers, further opportunities to be heard on 4 October and 6 December 2011, but were unable to provide a persuasive argument. As a result, at that stage, the proposal to implement the draft dress code stood and fixed steps on taxis were prohibited.) The Association also raised the question of fees and charges which is receiving ongoing consideration.

## **4 Fixed Steps on Taxis**

The Committee asked specifically that the question of Fixed Steps on Taxis be addressed again. Little has changed in the interim ie apart from an assertion by the Midlothian Taxi Owners' Association that a newly manufactured vehicle with fixed steps had been approved for licensing in London.

However, London Transport have advised informally that (a) they have not yet finalised their deliberations in this respect and await submission of revised specifications ie they did not consider that as designed, the fixed step on the new vehicle was safe and had asked that it be contoured so that it did not present a danger to pedestrians; and (b) meantime, would continue to insist on retractable steps; and, as here, Licence holders can of course carry steps in the boot of the Taxi for use as necessary.

Inspector Smith has confirmed that there have been no regular complaints about defects in retractable steps; and reiterated that fixed steps are considered to be inherently dangerous. However, it is evident that some retractable steps have had to be replaced owing to weather related failure; and others have been damaged when, fully laden, taxis are driven over Speed Cushions.

Consultation with the manufacturers / suppliers may resolve the maintenance issue. In relation to speed cushion collision damage, the Council's Roads Services Manager advises that the cushions are within the national specification and built well under the minimum underside clearance of factory built cars and does not consider that these traffic calming measures should be altered as that would minimise their effectiveness.

## **5 Report Implications**

### **5.1 Resource**

There are no resource implications.

### **5.2 Risk**

The risk here relates to public safety.

### **5.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☒ Community safety
- ☒ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian

- ☒ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

#### **5.4 Impact on Performance and Outcomes**

There is no impact on Performance and Outcomes.

#### **5.5 Adopting a Preventive Approach**

The representations relate to this topic

#### **5.6 Involving Communities and Other Stakeholders**

Consultation took place.

#### **5.7 Ensuring Equalities**

There is no impact on equalities.

#### **5.8 Supporting Sustainable development**

There is no impact on sustainable growth owing to the itinerant nature of the activity.

#### **5.9 IT Issues**

There are no IT issues.

### **6 Conclusions**

**6.1** The 2012 Best Practice Guidance has been reviewed and there are no issues that directly impact immediately on the draft conditions of licensing, although there are a few areas where changes to give effect to new standards of construction, etc could be beneficial.

**6.2** The dress code and fixed steps issue were discussed.

In respect of:-

(a) the former, it was recognised that, generally speaking, there was agreement that it was important that as positive an impression as possible be presented to customers; and it was agreed would be helpful if the further guidance on the Code was provided: and.

(b) the latter, it appears that, in the sense that they are currently perceived, they are not considered suitable.

**6.3** It was suggested that consideration be given to the implementation of the new conditions of licensing ie incorporating minor changes, all as detailed in Annex 2 of the **Appendix** but with reference to paragraphs 3 / 4 above, consideration of the implementation of the draft conditions of licensing could be delayed pending separate consultation with the Taxi Owners' Association.

- 6.4** In respect of fees and charges, the Council is required to ensure that, generally, costs related to Hire Car Licensing including Drivers is met by income. Whilst the provision of precise information remains an aspiration, any consultation as regards the calculation of the fee is not a statutory requirement.
- 6.5** A response to the Proposals for Change were submitted as shown in **Annex 3 to the Appendix**. No timescale is given for the implementation of any changes and, with reference to paragraph 6.3 above, consideration of the implementation of the draft conditions of licensing could be delayed pending the deliberations of the Government.

## **7 Recommendations**

It is recommended that the Committee:-

- (a) approve the revised conditions of licensing be implemented with effect from 9 May 2013;
- (b) otherwise, approve the proposal that meetings with the Trade be held on an ad hoc basis and thereafter reports submitted to Committee as appropriate;
- (c) note that a further report can be submitted on Fixed Steps in Taxis when there is further change;
- (d) note that a submission has been made to the Scottish Government in respect of their consultation on Proposals for change;
- (e) await the outcome of the SG's deliberations in respect of the proposals for change; and
- (f) with reference to Annex 1 of the Appendix, await further reports on any outstanding issues.

## **Report Contact**

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## **Background Papers –**

SG's proposals for change

## **APPENDIX**

Note of Meeting held at Midlothian House , Buccleuch Street Dalkeith on Monday 15 March 2013.

Present:-

**Representing Midlothian Council** - Councillor Rosie, Chair, General Purposes Committee and Mr Attack.

**Representing Midlothian Private Hire Car Association** - Mr Carson and Mrs Menzies.

**Representing Taxi Examination Centre** - Inspector Smith and Mr Grieve.

(It was explained that **Midlothian Taxi Owners' Association** (MTOA) had been invited to attend but were not represented as the Office Bearers had declined as they considered that the Council had failed to provide information relating to Fees and Charges.)

### **1 Introduction**

The Chair confirmed that the purpose of the Meeting was to discuss (i) the Revised Best Practice Guidance in the context of the impact on the draft conditions of licensing which had been agreed just before the Revised Guidance had been received, including the question of fixed steps on Taxis; and (ii) the "Proposals for Change for Taxis and Hire Cars" issued by the Scottish Government (SG).

There had been circulated in advance (a) report by the Director, Corporate Resources to the Committee on 13 November 2012, outlining the approach to the Revised Best Practice Guidance; (b) the draft conditions of licensing; and (c) the Proposals for Change.

During the preamble to the Meeting a number of matters were raised as follows:-

### **2 Fixed Steps in Taxis.**

It was noted that (a) the General Purposes Committee had asked that the decision to refuse to permit Fixed Steps on Taxis be reviewed; (b) on 8 March 2013 concerns had been expressed on behalf of Midlothian Taxi Owners' Association that the effect of that decision would deny licence holders in Midlothian of the opportunity to license a new version in the Peugeot or Nissan range that had been licensed in London, as it had Fixed Steps; and (c) that further information in this respect was awaited

Inspector Smith reported that there had been no regular complaints about defects in retractable steps; and reiterated that fixed steps were considered to be inherently dangerous.

Mr Carson, himself also a Taxi Licence holder, described the retractable steps as being problematic and gave examples of his own experience of having had to replace them on four occasions in five years owing to weather related failure; and said that other licence holders had reported that their retractable steps had been damaged on Speed Cushions when fully laden.

It was noted that (a) a trawl of local authority views on this issue had been carried out previously and there had been little in the way of feedback ie the problem was not apparent to any great extent elsewhere; and (b) both the City of Edinburgh and West Lothian Councils did not permit fixed steps.

### **3 Frequency of Meetings of Liaison Group**

With reference to a suggestion that there be regular liaison between the Council and the trade, it was agreed that there was merit in this but rather than meeting on a quarterly basis, a six monthly or ad hoc basis according to need was best; and the matters for review at the first meeting could include the wearing and displaying of ID Badges, Drivers' Medicals, matters requiring consideration after this meeting, etc.

### **4 2012 Best Practice Guidance and Draft Conditions of Licensing**

The 2012 Revised Best Practice Guidance was examined in respect of any potential impact on the Draft Conditions of Licensing which had been approved earlier. There was tabled, draft preamble to the conditions of licensing. During discussion, various comments were made about the Revised Best Practice Guidance, as shown in **Annex 1** hereto; and it was agreed that these be considered and a report back made as appropriate.

In respect of the Dress Code, it was suggested that the description be amended to provide advisory guidance eg shoes and boots to suit weather conditions; full length trousers; dark coloured jeans, etc.

In conclusion, it was agreed that:-

- (a) the implications of the various best practice topics had no direct impact on the draft licensing conditions;
- (b) refinements were required and minor alterations to the draft conditions appeared appropriate; and
- (c) accordingly, it be suggested that the Draft Conditions incorporating the preamble and the alterations described at (b) above be included in the final version of the conditions, as shown in **Annex 2**.

### **5 Proposals for Change**

The Meeting examined the Proposals for Change of the Scottish Government which included reference to:-

- (a) tackling the anomalies of a two tier system of hire cars and drivers;
- (b) closing the "loophole" created by the exemption of 24 hour contract work;

- (c) the impact of the exemption of the voluntary sector;
- (d) a perceived lack of consistency of application nationally and possible need for national standard licensing conditions;
- (e) the removal of doubt as regards the licensing of Hire Car Booking Offices;
- (f) an emphasis on the need for Police involvement;
- (g) the introduction of statutory licensing objectives;
- (h) specific guidance to local authorities as regards the administration of the application process;
- (j) shift of responsibility to the applicant to prove fitness and properness;
- (k) building on established good practice;
- (l) disability and equality awareness;
- (m) enforcement; and
- (n) difficulties created by Special Events Vehicles.

Agreement was reached on the various responses as shown in **Annex 3**; and during discussion, various comments were made about the Proposals for Change , as shown in **Annex 4** hereto, which, if not reliant on the result of the Scottish Government's deliberations, will be considered and a report back made, as appropriate.

The Meeting terminated at 1.30pm





## ANNEX 1

### Section of Revised Best Practice Remarks Comments

### Action

#### 1 Scope

The guidance focuses on issues that have caused difficulty in the past or have been highlighted as being of particular significance. It is an evolving document. There are links with UK legislation. Licensing Authorities have to rely on their own legal advice and to previous guidance.

The regulations provide for the prevention of crime and the preservation of public order and public safety. Current powers and duties should be identified in the preamble to the conditions.

#### 2 Role

The purpose of licensing is to prevent crime and preserve public order and public safety. The Service aspects are highlighted. The regime is designed to be able to respond to changes.

Consultation with appropriate groups was necessary as and when appropriate. The Taxi Owners' and Private Hire Car Associations and the Police are consulted. Disability Groups are consulted about accessibility issues and there is a joint working arrangement involving local representatives of the Scottish Accessibility Transport Alliance that was set up to examine disability in the context of the provision of hire cars.

#### 3 Enforcement

Enforcement activity is an essential part of the licensing regime. The costs are recoverable through fees charged for licences. The Guidance suggests that the Trade ought to be involved in that process and information shared; and joint operations with other licensing authorities arranged where appropriate.

Consultation was appropriate. Information sharing can be arranged as and when required.

### Accessibility and the Equality Act 2010

Some of the provisions will not be implemented but local authorities can develop improvements via the Civic Government Legislation. A duty is placed on the Driver to assist passengers. Exemptions e.g. from assisting wheelchair passengers have been introduced in Midlothian.

**Consultation is appropriate.**

No further steps should be taken at this stage to develop disability awareness in advance of the UK Parliament's decision as regards implementation. Little impact on Conditions of Licensing at this stage.

Local authorities may maintain lists of accessible vehicles, but this particular matter has not been given attention yet. All Taxis in Midlothian are already wheelchair accessible. There will be continuing liaison between the Scottish Government and the UK Government in this respect. Provisions for Guide and Hearing Dogs have been implemented in Midlothian.

## **5 Vehicles**

No guidance is offered on the specification of vehicles. As regards imported vehicles, Type Approval Guidance is provided. In respect of vehicle testing, consideration could be given to whether emissions testing should be carried out on an ad hoc basis and more frequently than the full vehicle test.

Previous guidance that local authorities should consider providing more than one testing centre for their area is repeated.

The question of CCTV in taxis and private hire cars is raised again. Currently the results of a pilot project in Edinburgh in this respect are awaited. Compliance with the Information Commissioner's Office CCTV code of practice is required.

### **Identification of Vehicles**

No roof-top signs ought to be permitted on Private Hire Cars so as to ensure that they are not confused with Taxis. Private Hire Cars continue to be available for hire by prior booking only.

### **Consult with Police initially to consider standard.**

Consider whether it is necessary to improve the specifications; and introduce more frequent emissions testing. Maximum Emission levels will be considered.

An exercise was carried out in Midlothian in 2012 when it was concluded that the existing joint arrangement involving the City of Edinburgh Council and West Lothian Council and the Police was accepted as the best possible solution for Midlothian.

It was noted that there was flexibility in relation to lateness for appointment where there was good reason; and vehicles with three doors and a tailgate, dedicated to the carriage of wheelchair bound passengers, were considered suitable for licensing as Private Hire Cars.

Await results of Pilot. Whilst there is general support, data protection issues eg identification of data controller prevent progress. Review in six months. No impact on conditions of licensing.

In operation.

## **Environmental Considerations**

Licensing Authorities are asked to consider the relationship between licensing conditions and any local environmental policies e.g. fuel.

No impact on conditions, generally. Further examination to be made of any environmental policies which could be included as a basis for dialogue eg reduction of carbon monoxide levels of emission.

## **Exemptions from Licensing**

Consideration needs to be given to the effect that exemption has, particularly in relation to the protection of vulnerable people. There is in-built protection in this respect for the Council's contracts for the transportation of social work/education clients.

No impact on Conditions.

Consultation with appropriate outside organisations and groups is appropriate. No impact on conditions.

## **Stretch Limousines**

This category of Hire Car is licensed in Midlothian.

No Impact on conditions.

Further Examination needed. Special Events Private Hire Cars are licensed but it is considered that the use of Emergency Service vehicles for this purpose is not appropriate. See Proposals for Change.

## **Quantity Restrictions**

Local Authorities ought to review periodically the number of taxi licences issuable i.e. the level of demand for taxis in their area which is unmet. Guidance is given.

Survey of the Demand for Taxis is about to be undertaken in Midlothian. (There are currently 52 Licensed Taxis in Midlothian). The Taxi Owners' Association will be consulted about the results of the survey prior to a decision being taken by the Council. A waiting list for Taxi Licences is in place.

## **Return of Plates**

Already underway in Midlothian.

## **6 Taxi Fares**

Regular reviews of Taxi fares are carried out. The Trade are consulted.

Reviewed last year. Consultation with the Trade will inform the review process.

## **7 Licensing of Booking Offices**

Hire Car Booking Offices are licensed in Midlothian. Some difficulty has been experienced where licence holders operate via mobile telephones and it had

Further consultation will take place with the Police and neighbouring local authorities and a report back made. See Proposals for Change.

been thought that this matter might have received attention in the Guidance. Mandatory conditions are applied. Consultations about any discretionary conditions that may be applied, have not concluded.

## **8 Drivers' Licences**

### **Duration of Licences**

Whilst the previous Best Practice Guidance appeared to favour three year licences, licensing authorities are now advised to "consider carefully whether this length of time between renewal provides an appropriate level of scrutiny. There is a balance to be struck between a policy which is not an undue burden on drivers and licensing authorities alike and one which provides reassurance to the travelling public."

Three year licences were approved recently. Implementation to be progressed.

There is a link to medical fitness of drivers and the potential need for drivers to present as medically fit at five yearly intervals after 45 years of age.

### **Criminal Record Checks**

Additional guidance is offered about the weight to be attached to convictions when considering the suitability of an applicant. Each case will be considered on its merits. The SG submit that local authorities will "ideally want to have a clear policy for the consideration of criminal records."

A tariff is not favoured. All applications ought to be considered on their merits.

Reference is made to the Protecting Vulnerable Groups (PVG) Scheme which provides for disclosure arrangements for people who work with vulnerable groups which can include taxi/private hire car drivers contracted to undertake regulated work in relation to the provision of transport to vulnerable groups.

See proposals for change.

The need for an alteration to policy in relation to the background of applicants from other EU and non-EU countries via a certificate of good conduct authenticated by the relevant embassy will be examined and a report back made.

Some time ago, an enquiry was received from Eastern Europe. As regards convictions, the Transport Ministry is charged with responsibility for the certification of the applicants. However, the view taken was that the Transport Ministry will not have access to the person's complete history of other criminal activity e.g. theft, assault, etc. This presents difficulty in mapping out a

regulatory framework for background character investigations for such people to determine whether they were fit and proper. The matter requires further thought. Eg How can decisions be taken on such a lack of information? What are the cost implications? Is it reasonable that other home-based applicants for licences will have to bear a share of these costs? What kind of test ought to be applied to language learning ability? See proposals for change.

## Medical Fitness

There has been a shift in the criteria relating to the application of medical standards which provide for people who have insulin-dependent diabetes which more or less brings into line current practice in Midlothian.

A review will be carried out and a report back made. Five yearly intervals envisaged for drivers from age 45 years onwards.

## Driving Experience

An applicant for a taxi or private hire car driver's licence must have held a VOSA issued driving licence for the twelve month period immediately prior to the date of their application. This applies to first applications and renewals. This is to ensure that an applicant has recent driving experience prior to applying for a licence.

This strengthens the need for experience.

## Driving Proficiency, Training, Topographical Knowledge, Flexible transport services

Previous guidance is repeated relating to:-

Consultation is appropriate

(a) continuing reliance on the standard car driving licence as evidence of driving proficiency in regard to applications for taxi driver licences; and whether some further driving test is appropriate;

Are enhanced standards appropriate?

(b) vocational training for drivers which is commended as best practice to raise the standards within the taxi and private hire car trades; and

Are enhanced standards appropriate?

(c) the potential benefit of Private Hire Car Drivers undergoing topographical knowledge testing as well as Taxi Drivers.

Is this needed?

## **9 Flexible Transport Services**

Local Authorities are encouraged to promote (i) the involvement of Taxis and Private Hire Cars in the provision of Flexible transport services “by drawing the possibilities to the attention of the taxi and private hire car trade e.g. as Taxibuses, Private Hire Car local bus services and Shared Taxis / Private Hire Cars”; (ii) having robust Complaints procedures; and (iii) involving the Trade in Local Transport strategies.

Consultation should take place. There has been no take up by the Trade in Midlothian. Can interest be generated?

## **10 Complaints procedures**

Local Authorities are encouraged to introduce clear complaints procedures.

Consultation should take place.

Complaints are referred to the Police Investigation. Individual Hire Car Licence holders and Hire Car Booking Offices might have their own procedures in this respect etc.

Perhaps a need for supplementary procedure to cater for exceptions.

## **ANNEX 2**

### **Draft Conditions of Licensing**

#### **Taxi, etc Conditions of Licensing**

##### **Preamble**

- 1      Licence holders are required to advise the Council of any material change of circumstance eg change of address, offences, presence of a medical condition that may of significance in influencing the Council in determining how it would exercise its licensing powers.
- 2      Recent legislation in relation to Equality implications for disabled passengers and carrying of guide and assistance dogs; and the Revised Best Practice Guidance.
- 3      Cross boundary fares.
- 4      General Road Safety Issues
- 5      Guide and Assistance Dogs and exemption scheme
- 6      Assistance of wheelchair bound passengers and exemption scheme.
- 7      General provisions of Civic Government (Scotland) Act 1982 as shown in the Appendix.
- 8      Fares – Fare Tariff to be fixed within 18 months of previous one.
- 9      Other legislative changes .

## **LICENSING AND REGULATION OF TAXIS AND PRIVATE HIRE CARS OFFENCES AND OTHER RELEVANT HIRE CAR PROVISIONS**

### **Taxi and private hire car licences**

10(1) A licence, to be known as a “taxi licence” or, as the case may be, a “private hire car licence”, shall be required for the operation of a vehicle as:

- (a) a taxi; or
- (b) a private hire car.

(2) A licensing authority shall not grant or renew a taxi licence or private hire car licence unless they are satisfied that the vehicle to which the licence is to relate is suitable in type, size and design for use as a taxi or private hire car, as the case may be, and is safe for that use, and that there is in force in relation to the vehicle such a policy of insurance or such security as complies with Part VI of the Road Traffic Act 1988.

(3) Without prejudice to paragraph 5 of Schedule 1 to this Act, the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted by them if, and only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.

(4) A vehicle shall, for the purpose of subsection (2) above, be treated by a licensing authority:

(a) as being suitable in type, size and design if it complies with regulations in that regard made by the Secretary of State under section 20(2) of this Act in respect of their area; and

(b) as not being so suitable if it does not so comply.

(5) A taxi licence or private hire car licence shall extend to the operation of a vehicle substituted for the vehicle in respect of which the licence is granted or, as the case may be, last renewed if the licensing authority are as respects the substitute vehicle satisfied as to the matters specified in subsection (2) above, and where a taxi licence or private hire car licence extends under this subsection to a substitute vehicle, subsection (6) below shall not apply in respect of the vehicle replaced by the substitute vehicle.

(6) Subject to subsection (5) above, the holder of a taxi or private hire car licence shall within 28 days of his selling or otherwise disposing of the vehicle to which the licence relates deliver to the licensing authority the licence and any licence plate or other thing which has been issued by the licensing authority for the purpose of indicating that the vehicle is a taxi or, as the case may be, private hire car, and if without reasonable excuse fails to do so that licence holder shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500.

### **Inspection and testing vehicles**

11(1) The holder of a taxi or private hire car licence shall present the taxi or private hire car for inspection and testing by or on behalf of the licensing authority within such period and at such place as they may by notice reasonably require.

(2) An authorised officer of a licensing authority (as respects a taxi or private hire car licensed for the area of the authority) or a constable shall have power at any reasonable time to inspect and test, for the purpose of ascertaining its fitness, a licensed taxi or private hire car or, for the purpose of testing its fitness or accuracy, any taximeter and if he is not satisfied as to the safety of the taxi or private hire car for the carriage of passengers or as to the fitness or accuracy of the taximeter he may by notice in writing:-



- (a) require the holder of the taxi or private hire car licence to make the taxi private hire car or taximeter, as the case may be, available for further inspection at such reasonable time and place as may be specified in the notice;
- (b) suspend the licence until such time as an authorised officer by the licensing authority or a constable is so satisfied. Provided that, if an authorised officer or constable is not so satisfied before the expiration of a period of 28 days from the date of the suspension of the licence, the said licence shall, by virtue of this subsection, be deemed to have been suspended by the licensing authority under paragraph 11 of Schedule 1 to this Act.

### **Fees for taxi and private hire car licences**

A licensing authority shall charge such fees in respect of taxi and private hire car licences and applications for such licences as may be resolved by them from time to time and shall seek to ensure that the total amount of such fees is sufficient to meet the expenses incurred by them in carrying out their functions under sections 10 to 23 (other than section 19) of this Act in relation to such licences.

### **Taxi and private hire car driving licences**

13(1) A licence, to be known as a “taxi driver’s licence” or, as the case may be, a “private hire car driver’s licence”, shall, subject to subsection (2) below, be required for driving or otherwise having charge of a taxi or private hire car.

(2) A private hire car driver’s licence shall not be required by the holder of a taxi driver’s licence for driving or otherwise having charge of a private hire car whilst in operation as such.

(3) A licensing authority shall not grant a licence to any person under this section unless that person has held, during any continuous period of 12 months prior to the date of his application, a licence authorising him to drive a motor car issued under Part III of the Road Traffic Act 1988 or a licence which would at the time of his application entitle him to such a licence without taking a test, not being a provisional licence.

(4) A licensing authority may, at any time, for the purposes of satisfying themselves that he is physically fit to drive a taxi or, as the case may be, private hire car, require an applicant for or holder of a taxi driver’s licence or private hire car driver’s licence to submit to medical examination, at their expense, by a medical practitioner nominated by them.

(5) A licensing authority may require an applicant for a taxi driver’s licence to take a test of his knowledge of the area to which the licence is to relate, of the layout of roads in that area and such other matters relating to the operation of a taxi as the authority consider desirable, and the authority may refuse to grant a licence to a person who does not satisfy them that he has adequate knowledge of any of these matters.

(6) If a person holding a licence under this section ceased for any reason to be authorised by law to drive on a road the vehicle to which the licence relates, the licence shall cease to have effect.

### **Signs on vehicles other than taxis**

14(1) Subject to subsection (2) below, there shall not be displayed on or in a private hire car any word, sign, notice, mark, illumination or other feature which may suggest that the vehicle is available for hire as a taxi.

(2) Subsection (1) above does not apply in relation to any licence plate or other thing issued by the licensing authority for the purpose of indicating that the vehicle to which it relates is a private hire car or in relation to any sign required by virtue of section 21 of the Vehicles (Excise) Act 1971.

(3) Any person who -

(a) drives a vehicle in respect of which subsection (1) is contravened; or

(b) causes or knowingly permits that subsection to be contravened in respect of any vehicle,

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £1,000.

### **Operation of taxis outside licensing areas**

15(1) A licensing authority, with the agreement of another licensing authority, may name destinations or classes of destinations in the area of the other authority and, with the agreement aforesaid, fix scales under section 17 of this Act for journeys from their area by taxis licensed by them to such destinations or classes thereof.

(2) The conditions to which a taxi or taxi driver's licence are subject shall continue to apply while the taxi or its driver is engaged in such a journey.

(3) Nothing in this section or in Part 1 of this Act enables a condition to be imposed in a taxi driver's licence requiring him to make any journey to a destination outside the area in respect of which he is licensed.

### **Journeys in England and Wales by vehicles and drivers licensed under this Act**

16 In Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 (saving for certain vehicles from requirements of Part II of that Act as to private hire vehicles), after subsection (2) there shall be inserted:-

“(2A) Where a vehicle is being used as a taxi or private hire car, paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of the vehicle or the employment of a person to drive it if -

(a) a licence issued under section 10 of the Civic Government (Scotland) Act 1982 for its use as a taxi or, as the case may be, private hire car is then in force and,

(b) the driver holds a licence issued under section 13 of that Act for the driving of taxis or, as the case may be, private hire cars.

In this subsection, ‘private hire car’ and ‘taxi’ have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982”.

### **Taxi Fares**

17(1) The fares for the hire of taxis in any area and all charges in connection with the hire of a taxi or with the arrangements for its hire shall be not greater than those fixed for that area under this section and section 18 of this Act.

(2) It shall be the duty of the licensing authority to fix from time to time scales for the fares and other charges mentioned in subsection (1) above and to review these scales at intervals not exceeding 18 months from the date on which the scales came into effect (whether proceeding upon a review under this section or not).

(3) Before fixing any scales, or carrying out any review under this section the licensing authority shall -

(a) consult with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating within their area; and

- (b) give notice of their intention by advertisement in a newspaper circulating in their area stating -
- (i) the general effect of the proposals and the date when they propose that their decision will take effect; and
  - (ii) that any person may lodge representations in writing with respect to the proposals within a period of one month after the date of the first publication of the notice; and
  - (c) consider any such representations duly lodged with them.
- (4) Where, under this section, the licensing authority fix any scale or carry out any review they shall forthwith give notice in writing of their decision (including, in the case of a review, a decision to do nothing) to such persons and organisations as they have consulted under subsection (3)(a) above and inform them of the general effect of section 18(1) of this Act.
- (5) Notice shall be given for the purposes of subsection (4) above by -
- (a) its being sent by recorded delivery letter to the last known addresses of the persons and organisations referred to in subsection (4) above so as to arrive there, in the normal course of post, not later than five days after the decision referred to in subsection (4) above; or
  - (b) personal service of the notice upon those persons within that time.

### **Appeals in respect of taxi fares**

- 18(1) Any person who operates a taxi in an area for which scales have been fixed or in respect of which a review has been carried out under section 17 of this Act may, within 14 days after the decision upon the scales or, as the case may be, upon the review, appeal against these scales to the traffic commissioner for the Scottish Traffic Area as constituted for the purpose of the Public Passenger Vehicles Act 1981.
- (2) The traffic commissioner may hear an appeal under this section notwithstanding that it was not lodged with him within the time mentioned in subsection (1) above.
- (3) On an appeal to them under subsection (1) above, the traffic commissioner may-
- (a) confirm or alter the scales; or
  - (b) may decline to proceed -
- (i) at any stage in the appeal, on the grounds that he considers the case for the appellant is not representative of the view of a substantial proportion of the operators of taxis operating in the area of the licensing authority;
  - (ii) If less than two years have elapsed since he decided an appeal against a decision of the same authority in respect of the same scale and he considers it inappropriate that he should consider the matter again.
- (4) An appeal under this section shall have the effect of suspending the decision referred to in subsection (1) above until the date when the appeal is abandoned, or, as the case may be, when notice is given to the appellant advising him of its disposal.
- (5) Where he alters scales under subsection (3)(a), above, the traffic commissioner may substitute a different date for the coming into effect of these scales.
- (6) The Secretary of State may by order by statutory instrument make rules as to procedure in relation to appeals under this section.
- (7) The decision of the traffic commissioner on an appeal under this section shall be final.
- (8) The traffic commissioner shall give notice of his decision in writing to the appellant and to the licensing authority and notice shall be given to the appellant by -
- (a) its being sent by recorded delivery letter to his last known address or, as the case may be, to him so as to arrive, in the normal course of post, not later than five days after their decision; or
  - (b) personal service of the notice on the appellant within that time.

(9) As soon as practicable after the expiration of the period of 14 days referred to in subsection (1) above or, where an appeal has been lodged, on the date when it is abandoned or when notice is given to the appellant of its disposal, the licensing authority shall, by advertisement in a newspaper circulating in their area, give public notice of the scales which have been determined under Section 17 of this Act and this section and the date when they come into effect which shall be not earlier than seven days after the date of the advertisement.

(10) A licensing authority shall pay the expenses incurred under this section by the traffic commissioner in relation to appeals under this Section.

### **Taxi Stances**

19(1) A licensing authority may, after consultation with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating in their area, appoint stances for taxis for the whole or any part of a day in any road within their area or on any land owned by the authority, or, with the consent of the owner, on any land owned by him.

(2) A licensing authority may -

(a) erect and illuminate signs;

(b) cause lines or marks to be made on roads, indicating the limits of taxi stances.

(3) A licensing authority may from time to time, after consultation as mentioned in subsection (1) above, vary the number of taxis permitted to be at each stance and alter the position of such stances or revoke the appointment thereof.

(4) Before appointing any stance for taxis or varying the number of taxis permitted to be at each stance, the licensing authority shall give notice to the Chief Constable of the area in which the stance is situated and shall also give public notice of the proposal by advertisement in at least one newspaper circulating in their area and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within 28 days of the first publication of such notice.

(5) Nothing in this section shall empower a licensing authority to appoint any taxi stance so as unreasonably to prevent access to any premises or, without the consent of the roads authority, to appoint any taxi stance on any road or erect or illuminate any sign there or cause any line or mark to be made on any road.

### **Regulations relating to taxis and private hire cars and their drivers**

20(1) Notwithstanding paragraph 5(2) of Schedule 1 to this Act, the Secretary of State may by regulations provide that licensing authorities shall, in relation to taxi, private hire car, taxi drivers' or private hire car drivers' licences, impose such conditions or classes of conditions as may be prescribed in the regulations and shall not impose such other conditions or classes of conditions as may be so prescribed and may prescribe that such conditions shall be imposed or, as the case may be, shall not be imposed for different areas or classes of areas; and different conditions or classes of conditions may be prescribed in relation to different categories or taxi or private hire car.

(2) The Secretary of State may by regulations made by statutory instrument prescribe types, sizes and designs of vehicles for the purposes of section 10(4) of this Act and, in doing so, may prescribe different types, sizes or designs of vehicles in respect of different areas.

(2A) Without prejudice to the generality of subsection (1) and (2) above, regulations under those subsections may make such provision as appears to the Secretary of State to be necessary or expedient in relation to the carrying in taxis of disabled persons (within the meaning of section 2(2) of the Disability Discrimination Act 1995) and such provision may in particular prescribe –

(a) requirements as to the carriage of wheelchairs, guide dogs, hearing dogs and other categories of dog;

(b) A date from which any such provision is to apply and the extent to which it is to apply; and

(c) The circumstances in which an exemption from such provision may be granted in respect of any taxi or taxi driver,  
and in this subsection –

“guide dog” means a dog which has been trained to guide a blind person;

“hearing dog” means a dog which has been trained to assist a deaf person;

“other categories of dog” means such other categories of dog such as the Secretary of State may prescribe, trained to assist disabled persons who have disabilities of such kinds as he may prescribe.

(3) Regulations under subsection (1) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either house of Parliament.

## **Offences**

21(1) If any person –

(a) operates, or permits the operation of, a taxi within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed; or

(b) picks up passengers in, or permits passengers to be picked up by, a private hire car within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed, that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

(2) Subsection (1) above does not apply to the operation of a taxi or private hire car within an area in respect of which its operation or its driver is not licensed if the request for its hiring was received by its driver (otherwise than in a public place from the person to be conveyed in it, or a person acting on his behalf, for a journey beginning there and then) whilst –

(a) in the area or in that part thereof in respect of which its operation and its driver are licensed;

(b) engaged on hire on a journey which began in that area or part or will end there; or

(c) returning to that area or part immediately following completion of a journey on hire.

(3) Subsection (1)(b) above does not apply to the operation of a vehicle within an area in respect of which its operation or its driver is not licensed if there are in force –

(i) in respect of the vehicle, a licence under section 37 of the Town Police Clauses Act 1847 (licensing of hackney carriages) or section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (licensing of private hire vehicles); and

(ii) in respect of its driver, a licence under section 46 of the said Act of 1847 (licensing of hackney carriage drivers) or, as the case may be, section 51 of the said Act of 1976 (licensing of drivers of private hire vehicles).

(3A) Subsection (1)(b) above does not apply to the operation of a vehicle within an area in respect of which its operation or its driver is not licensed if there are in force –

- (a) in respect of the vehicle, a licence under section 7 or the Private Hire Vehicles (London) Act 1998; and
- (b) in respect of its driver, a licence under section 13 of that Act.
- (4) If any person, being the holder of a taxi licence or private hire car licence in respect of a vehicle, permits another person who does not have a current taxi driver's licence or private hire car driver's licence, as the case may be, to operate the vehicle as a taxi or, as the case may be, a private hire car he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.
- (5) If any person demands fares or other charges in respect of the hire of a taxi or for the hire of a private hire car which is fitted with a taximeter in excess of the scales established under sections 17 and 18 of this Act, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.
- (6) If any person without good cause breaks the seal on a taximeter or operates or drives a taxi or private hire car knowing that the seal on its meter has been broken, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500 or to an imprisonment for a period not exceeding 60 days or to both.
- (7) If any person, without reasonable excuse, causes or permits any vehicle other than a taxi to wait on any stance for taxis during any period for which that stance has been appointed by a licensing authority under section 19 of this Act, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500.
- (8) Notice of the effect of subsection (7) above shall be indicated by such traffic signs as may be prescribed as authorised for the purpose by the Secretary of State in pursuance of his powers under section 54 of the Road Traffic Regulation Act 1967.

### **Savings for certain vehicles, etc.**

22 Nothing in sections 10 to 21 (with the exception of subsection (7) of section 21) of this Act shall:-

- (a) apply to a vehicle used for bringing passengers or goods within and taking them out of an area in respect of which the vehicle is not licensed as a taxi or a private hire car in pursuance of a contract for the hire of the vehicle made outside the area if the vehicle is not made available for hire within the area;
- (b) apply to a vehicle while it is being used in connection with a funeral or wedding;
- (c) apply to a vehicle while it is being used for carrying passengers under a contract for its exclusive hire for a period of not less than 24 hours.

### **Interpretation of sections 10 to 22**

23(1) In sections 10 to 22 of this Act:-

“taxi” means a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on his behalf) and its driver for a journey beginning there and then; and

“private hire car” means a hire car other than a taxi within the meaning of this subsection.

(2) In subsection (1) above, “hire car” means a motor vehicle with a driver (other than a vehicle being a public service vehicle within the meaning of section 1(1)(a) of the Public Passenger Vehicles Act 1981) which is, with a view to profit, available for hire by the public for personal conveyance.

(3) Notwithstanding that a vehicle in respect of which there is a licence for its operation as a taxi is, on any occasion, engaged as a hire car otherwise than in the manner referred to in subsection (1) above, the enactments relating to its operation as a taxi and to the driving of it as such (including any such enactments in this Act) shall nonetheless apply in relation to it; and that other manner of engagement on that occasion shall not of itself cause the operation or driving of the licensed taxi to be regarded for the purposes of this Act as the operation or driving of a private hire car within the meaning of subsection (1) above.

# Conditions of Licensing of Taxis, Private Hire Cars and Drivers

## Interpretation

### Act

means the Civic Government (Scotland) Act 1982.

### Licence

means a licence granted by the Council in terms of Sections 10 and 13 of the Civic Government (Scotland) Act 1982.

### Council

means Midlothian Council.

### Cab Inspector

means any person appointed by the Council to exercise the powers and carry out the duties of Cab Inspector and any other person acting under the direct instructions of the Cab Inspector.

### Constable

means any Constable (as defined by the Police (Scotland) Act 1967 being a member of the Police force of Lothian and Borders Police).

### Driver

means a person licensed to drive a licensed taxi or private hire car.

### Hours of Darkness

means the time between half an hour after sunset and half an hour before sunrise.

### Orthodox Type

Means a motor vehicle of a type or model which has been approved by the Council for use as a taxi ie purpose built for use as a taxi.

### Hire

Means the use of a taxi or private hire car for the purpose of uplifting a passenger from a stated location and conveying such passenger and his luggage to any destination within Midlothian. In this connection, a hire shall commence at the time the hirer or passenger steps into the taxi or private hire car and the hire shall end when the hirer or passenger steps out of the taxi or private hire car having indicated to the driver that the hire has terminated.

However, where a taxi or private hire car has been called by telephone or other advance arrangement, the hire shall commence after the driver of the taxi or private hire car has announced his arrival to the prospective hirer or passenger at the place to which it has been summoned.

### 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.

### 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 1 of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

### Private Hire Car Bus

Means a Private Hire Car that has permission from the Traffic Commissioner to act as a Private Hire Car Bus.

### His/Hers

Where these conditions refer to the masculine gender, they shall be deemed to include the feminine gender.

- 1 The holder of a taxi licence shall ensure that the taxi, including all bodywork, upholstery and fittings, is in a safe and serviceable condition and, subject to prevailing road conditions, is in a clean condition (and complies with Schedule A hereto).
- 2 The holder of a taxi licence shall require the taxi to undergo and pass an annual inspection by the Council. On receiving the requisite notice, in writing, from the Council, he shall produce his taxi for examination at such time and place as may be reasonably required by the Council.
- 3 When a taxi is presented for examination with a view to the grant or renewal of a taxi licence the holder of the taxi licence shall ensure that the bodywork and passenger accommodation of the vehicle are clean and that the underside of the vehicle is free from road dirt, excess oil and grease.
- 4 The holder of a taxi licence, when the taxi is damaged in a vehicular accident or by any other means, shall report the damage to the Cab Inspector as soon as practicable and, if the taxi is roadworthy, he shall present it for examination within the following 2 working days (being days on which the testing facilities operate) after the occurrence. As soon as repairs to the taxi have been completed, the taxi shall be re-examined by the Cab Inspector.
- 5 The owner of a taxi shall not cause or permit such taxi to stand or ply for hire during any period it does not comply with the conditions of fitness, contained in Schedule A hereto.
6.
  - a) The holder of a taxi licence shall hold in his own name 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 names appear on the taxi licence. The vehicle registration document and certificate of insurance must also state the permanent address of the licence holder named in those documents.
  - b) In addition to any annual examination and upon receiving two days notice either verbally or in writing from an Authorised Officer or Constable, the holder of a taxi licence shall produce the taxi for examination at the time and place specified by that Authorised Officer or Constable.
  - c) If the Cab Inspector issues the licence holder with a defect slip relating to advertising on the taxi, the licence holder must complete the replacements or repairs identified in the defect slip and present the taxi to the Cab Inspector for re-examination within 14 days.
  - d) The holder of a taxi licence on changing their permanent address shall notify the Council of their new address in writing within ten working days. This may be done by notice to the Council's Licensing Section at Midlothian House, Buccleuch Street, Dalkeith.
7. The holder of a taxi licence shall not knowingly permit a driver of a taxi to do anything which would result in the driver committing a breach of the conditions attaching to the grant of the driver's licence.
8. The holder of a taxi licence shall keep an up-to-date list of the names and addresses of all drivers employed by him which he must submit to the Council every 3 months, and shall produce such list when required to the Cab Inspector or to any Constable.



- 9 The holder of a taxi licence shall have affixed to the taxi only a taximeter which has been tested and approved by the Council 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.
- 10 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 taxi which he has accepted, unless prevented by sufficient
- 11 The holder of a taxi licence shall ensure that while the vehicle is in use as a taxi any plates or other things, which have been issued by the Council for the purpose of indicating that the vehicle is a taxi are displayed at all times in positions approved by the Council.
- 12 The holder of a taxi licence shall not obliterate or deface any plate or other thing which has been issued by the Council for the purpose of indicating that the vehicle is a taxi and which is fitted to the taxi. If any such plate or other thing becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate or other thing is lost, the holder of the taxi licence shall report this to the Council as soon as practicable in order to obtain from the Council a replacement plate or other thing.
- 13 The holder of a taxi licence shall obtain from the Council a notice or notices detailing the approved maximum taxi fares and charges appropriate to exclusive or to shared hire of the taxi and shall display the notice or notices as appropriate in the passenger compartment of the taxi in such a position that it or they will be readily visible to the passengers being carried and subject to Condition 13 below, no other table or tables of fares and charges shall be displayed.
- 14 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 Council so that it is clearly legible to passengers, a fare table containing sufficient information to enable a passenger to ascertain the fare for his journey or the manner in which that fare is calculated. Immediate notification to the Council is necessary in the event of any proposal to change the method of operation from Sharing to Conventional and vice versa.
- 15 The holder of a taxi licence shall, if the cost of the journey is not regulated by the Council 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) as to the cost, or method of calculating the cost, of the proposed journey.
- 16 The holder of a taxi licence shall only be permitted to paint or otherwise apply in other suitable material, the word "Midlothian" and the Number allotted to the taxi in a straight line on the outside of each passenger door immediately below the window frame in letters and figures not less than 2.5 cm in height in proportionate breadth and in a colour conspicuously different from that of the bodywork of the vehicle provided that the colour and dimensions of the letters and figures shall be subject to the approval of the Council.
- 17 The holder of a taxi licence shall only be permitted to paint the name of the company or partnership, its telephone number and the number allotted to the taxi in a straight line on the outside of the panel immediately below the rear window in letters and figures which comply with the aftermentioned conditions, provided that it will be permissible to display Taxi Card window stickers of a design approved by the Council.
- 17.1 The holder of a taxi licence shall not display in or on his taxi any signs for the purpose of advertising but the Council will consider varying this prohibition on application from the holder of a taxi licence in accordance with the remaining provisions of this condition.
- 17.2 Applications for provisional approval of advertisements must be made in writing on the approved form to the Council enclosing two copies of all proposed advertisements in full colour along with a sample of the material to be used. An application for full livery advertising must be accompanied by full colour five view artwork and the Council shall be entitled to retain all materials submitted with the application.
- 17.3 All advertisements must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Authority. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.
- 17.4 Prior to displaying any advertisement the holder of a taxi licence shall pay to the Council the appropriate fee for variation of the licensing conditions to permit advertising and shall present the taxi fitted with the advertisement or livery for final approval by the Cab Inspector. Until final approval is given an advertisement cannot be displayed or in the case of full livery the taxi cannot ply for hire.
- 18 The holder of a taxi licence shall display upon the roof of his taxi a sign of a type approved by the Council for the purpose of identifying the vehicle as a taxi and while the taxi is available for shared hire he shall display in such position as approved by the Council a sign of a type approved by the Council for the purpose of indicating that the taxi is available for shared hire.
- 19 When a taxi ceases to be used as such, the holder of a taxi licence shall give immediate notice thereof to the Council and return the licence and plates within 28 days.
- 20 The holder of a taxi licence must carry, in a suitable fastener in his taxi, a fire extinguisher of a type and in a position approved by the Council.
- 21 When a taxi is withdrawn from service, by the Cab Inspector, he shall affix a label bearing the words "This Hire Car is meantime certified unfit for public use" and the date of withdrawal in a position within the passenger compartment of the vehicle so that it is readily visible to intending passengers.
- 22 Only the cab inspector is authorised to remove the label referred to in condition 21 after the defects have been rectified to his satisfaction.
- 23 The holder of a taxi licence or driver of a taxi shall not obstruct the cab inspector in the performance of any of his duties.
- 24 The holder of a taxi licence and driver of a taxi shall comply with all instructions or directions of the cab inspector and shall give him all reasonable information he may require in the discharge of his duties.

- 25 The holder of a taxi licence shall have affixed to the taxi only a taximeter which has been tested and approved by the Council 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 and complies with the Conditions shown in Schedule C hereto.
- 26 The holder of a taxi licence shall not knowingly use, or cause or permit to be used, a taximeter which is in any way defective.
- 27 The holder of a taxi licence shall not use, or cause or permit to be used, on the taxi, a road wheel or type of a different circumference from that for which the taximeter affixed to the taxi was designed, geared and has been tested by the Council.
- 28 The holder of a taxi licence shall only use a taximeter which has been stamped or sealed by the Council after testing and approval as to distance and time in accordance with the approved taxi fares and charges. Once a taximeter is fitted to his taxi he shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment affixed thereto by the manufacturer or Council except to remove the taximeter for repair or replacement. Should the seal be broken the taximeter shall be re-tested and passed by or on behalf of the Council before being used again.
- 29 The holder of a taxi licence shall ensure that the taximeter fitted to his taxi is in a position approved by the Council.
- 30 The Cab Inspector shall effectively seal every taximeter approved by him and tested as being accurate and operating in accordance with the prevailing fares structure, so that such taximeter shall not be interfered with without breaking the seals.
- 31 A supplier or repairer of taximeters may be authorised by the Council to test and seal meters at tariff changes. Once such a taximeter is fitted to a taxi the licence holder shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment or connection affixed thereto except to remove the taximeter for repair or replacement. Should the taximeter be removed or should the seal be broken or faulty, the taximeter shall be re-tested, stamped and sealed by the Council before being used again as a taxi.
- 32 The holder of a taxi licence shall not knowingly operate the taxi, or cause or permit it to be operated, other than as a taxi-bus, while the seals affixed to any taximeter and, where so affixed, to the vehicle, are broken or detached.
- 33 If any person suffering from any infectious or contagious disease is carried in a hire car, the owner or driver thereof shall, as soon as it comes to his knowledge, give notice to the cab inspector who shall notify the Chief Administrative Medical Officer of the Lothian Health and shall not cause or permit such hire car to stand or ply for hire or carry passengers for hire until the Chief Administrative Medical Officer of the Lothian Health certifies that the hire car has been adequately disinfected.
- 34 The holder of a Taxi Licence shall ensure that the Certificate of Insurance relating to the Taxi is carried in the vehicle at all times during which it is being operated as a Taxi such that the Certificate is readily available for examination by an authorised Officer of the Council.
- 35 The holder of a taxi licence or the driver of a taxi shall not charge or cause or permit to be charged for any hire a new fares structure until such time as the taximeter has been approved for use in relation to that structure.

## Private Hire Cars

- 1 The holder of a private hire car licence shall ensure that the private hire car, including all bodywork, upholstery and fittings, is in a safe and serviceable condition and subject to prevailing road conditions, is in a clean condition (and complies with Conditions of Fitness shown in Schedule B hereto).
- 2 The holder of a private hire car licence shall require the private hire car to undergo and pass an annual inspection by the Council. On receiving the requisite notice, in writing, from the Council, he shall produce his private hire car for examination at such time and place as may be reasonably required by the Council.
- 3 When a private hire car is presented for examination with a view to the grant or renewal of a Private hire car licence the holder of a private hire car licence shall ensure that the bodywork and passenger accommodation of the vehicle are clean and that the underside of the vehicle is free from road dirt, excess oil and grease.
- 4 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 Cab Inspector as soon as practicable and, if the private hire car is roadworthy, he shall present it for examination within the following 2 working days (being days on which the testing facilities operate) after the occurrence. As soon as repairs to the vehicle have been completed the private hire car shall be re-examined by the Cab Inspector.
- 5 The holder of a private hire car licence of a private hire car shall not cause or permit such car to be hired during any period when it does not comply with the Conditions of Fitness.
- 6
  - a) The holder of a private hire car licence shall hold in his own name 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 the persons whose names appear on the private hire car licence. The vehicle registration document and certificate of insurance must also state the permanent address of the licence holder named in those documents.
  - b) In addition to any annual examination and upon receiving two days notice either verbally or in writing from an Authorised Officer or Constable the holder of a private hire car licence shall produce the private hire car for examination at the time and place specified by that Authorised Officer or Constable.
  - c) If the Cab Inspector issues the licence holder with a defect slip relating to advertising on the private hire car the licence holder must complete the replacements or repairs identified in the defect slip and present the taxi to the Cab Inspector for re-examination within 14 days.
  - d) The holder of a private hire car licence on changing their permanent address shall notify the Council of their new address in writing within ten working days.. This may be done by notice to the Council's Licensing Section at Midlothian House, Buccleuch Street, Dalkeith.
  - e) A motor vehicle shall not be deemed to be of a suitable type for use as a private hire car unless it is designed for the carriage of passengers and is not a goods vehicle.
- 7 The holder of a private hire car licence shall not knowingly permit a driver of a private hire car to do anything which would result in the driver committing a breach of the conditions attaching to the grant of the driver's licence.
- 8 The holder of a private hire car licence shall keep an up-to-date list of the names and addresses of all drivers employed by him which he must submit to the Council every 3 months, and shall produce such list when required to the Cab Inspector or to any Constable.
- 9 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 private hire car which he has accepted, unless prevented by sufficient cause.
- 10 The holder of a private hire car licence shall ensure that, while the vehicle is in use as a private hire car, any plates or other things which have been issued by the Council for the purpose of indicating that the vehicle is a Private hire car, are displayed at all times in positions approved by the Council.
- 11 The holder of a Private hire car licence shall not obliterate or deface any plate or other thing which has been issued by the Council for the purpose of indicating that the vehicle is a private hire car and which is fixed to the private hire car. If any such plate or other thing becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate or other thing is lost, the holder of the private hire car licence shall report this to the Council as soon as practicable in order to obtain from the Council a replacement plate or other thing.
- 12 The holder of a private hire car licence shall not paint on, or affix, or permit to be painted on or affixed to, the outside or inside of such hire car, any printed, written or other matters by way of advertisement, except (that such owner shall be permitted to display) a Notice, not exceeding 15 cm by 10 cm in size bearing his name, or that of his Company or Partnership and his/their telephone number on the dashboard of the vehicle, which Notice shall at all times be displayed in such a manner so that it is invisible from the outside of the vehicle.
- 13 The holder of a private hire car licence shall not display a roof sign of any kind on his private hire car.
- 14 The holder of a private hire car licence shall not display on his private hire car any signs for the purpose of advertising its services as a private hire car, other than those approved by the Council.
- 15 The holder of a private hire car licence whose private hire car is fitted with a taximeter shall obtain from the Council a notice or notices detailing the approved maximum fare and charges appropriate for exclusive and shared use of a private hire car and will display the notice or notices as appropriate in the passenger compartment of the private hire car fitted with a taximeter in such a position that it will be readily visible to the passengers being carried and no other notice or notices of fares and charges shall be displayed.
- 16 The holder of a private hire car licence shall, unless the cost of the journey is regulated by a Council fare structure, take steps to ensure that any potential hirer of his private hire car is informed, prior to acceptance of the hire, (a) that the fare is not so regulated; and (b) as to the cost, or the method of calculating the cost, of the proposed journey.
- 17 The holder of a private hire car licence must carry in a suitable fastener in his private hire car, a fire extinguisher of a type and in a position approved by the Council.
- 18 When a private hire car ceases to be used as such the holder or a private hire car licence shall give immediate notice thereof to the Council and return the licence and disc within 28 days.

- 19 The holder of a private hire car licence, whose private hire car is fitted with a taximeter, shall only have affixed to and used on the private hire car a taximeter which has been approved by the Council and complies with Conditions of Fitness shown in Schedule D hereto.
- 20 The holder of a private hire car licence, whose private hire car is fitted with a taximeter shall not use, or cause to permit to be used, on the private hire car a road wheel or tyre of a different circumference from that for which the taximeter affixed to the private hire car was designed, geared and has been tested by the Council.
- 21 The holder of a private hire car licence, whose private hire car is fitted with a taximeter shall ensure that the taximeter fitted to his private hire car is in a position approved by the Council.
- 22 The holder of a private hire car licence, whose private hire car is fitted with a taximeter, shall not knowingly use, or cause or permit to be used, the private hire car during any period that the seals affixed to the taximeter and, where so affixed to the vehicle, are broken or detached.
- 23 The holder of a private hire car licence, whose private hire car is fitted with a taximeter, shall only use a taximeter which has been stamped or sealed by the Council after testing (and approved) as to distance and time in accordance with the approved taxi fares and charges. Once a taximeter is fitted to his private hire car he shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment affixed thereto by the manufacturer or Council except to remove the taximeter for repair or replacement. Should the seal be broken the taximeter shall be re-tested and passed by or on behalf of the Council before being used again.
- 24 The holder of a private hire car licence shall give such information as he may be required by the Cab Inspector to give for the purpose of ascertaining the identity of any driver employed by the said owner or for any other purpose.
- 25 When a private hire car is withdrawn from service by the Cab Inspector he shall fix a label bearing the words 'This Hire Car is meantime certified unfit for public use' and the date of withdrawal in a position within the passenger compartment of the vehicle so that it is readily visible to intending passengers.
- 26 Only the Cab Inspector is authorised to remove the label referred to in condition 25 after the defects have been rectified to his satisfaction.
- 27 A holder of a private hire car licence or driver of a car shall not obstruct the Cab Inspector in the performance of any of his duties.
- 28 Every holder of a Private hire car licence and driver shall comply with all instructions or directions of the Cab Inspector and shall give him all reasonable information he may require in the discharge of his duties.
- 29 ~~The holder of a Private hire car licence for a private hire car shall operate the car only from suitable premises.~~
- 30 If any person suffering from any infectious or contagious disease is carried in a hire car, the owner or driver thereof shall, as soon as it comes to his knowledge, give notice to the Cab Inspector who shall notify the Chief Administrative Medical Officer of the Lothian Health and shall not cause or permit such hire car to carry passengers for hire until the Chief Administrative Medical Officer of the Lothian Health certifies that the hire car has been adequately disinfected.
- 31 The holder of a private hire car licence, whose private hire car is fitted with a taximeter shall not knowingly use or cause or permit to be used a taximeter which is in any way defective.
- 32 The holder of a private hire car licence, whose private hire car is fitted with a taximeter shall, within two working days, inform the Council of the removal of the taximeter from his private hire car. He shall not re-fit a taximeter on a second or subsequent occasion without prior permission from the Council, except when the private hire car is due to be annually tested by the Council.
- 33 The holder of a private hire car licence shall take steps to ensure that each potential hirer of his 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.
- 34 The holder of a private hire car licence shall equip his vehicle with a meter as approved by the Council if he wishes to operate shared mode.
- 35 The holder of a Private Hire Car Licence shall ensure that the Certificate of Insurance relating to the Private Hire Car is carried in the vehicle at all times during which it is being operated as a Private Hire Car such that the certificate is readily available for examination by an authorised Officer of the Council.
- 36 The Private Hire Car Licence holder shall keep a record in such form as the Council may prescribe and shall enter therein, before the commencement of each journey such particulars of every booking of a private hire car invited or accepted by him whether by accepting the same from the hirer or undertaking it at the request of another operator; and shall produce such record on request to any authorised officer of the Council or to any Constable for inspection.
- 37 The Private Hire Car Licence-holder shall exhibit such signs to indicate that the vehicle is being operated as a Private Hire Car Bus.
- 38 A Fire extinguisher shall be carried in a readily accessible manner.
- 39 The Cab Inspector shall effectively seal every taximeter approved by him and tested as being accurate and operating in accordance with the prevailing fares structure, so that such taximeter shall not be interfered with without breaking the seals.
- 40 A supplier or repairer of taximeters may be authorised by the Council to test and seal meters at tariff changes. Once such a taximeter is fitted to their private hire car the licence holder shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment or connection affixed thereto except to remove the taximeter for repair or replacement. Should the taximeter be removed or should the seal be broken or faulty, the taximeter shall be re-tested, stamped and sealed by the Council before being used again as a taxi.
- 41 The holder of a private hire car licence or the driver of a private hire car shall not charge or cause or permit to be charged for any hire a new fares structure until such time as the taximeter has been approved for use in relation to that structure.

## Taxi Drivers

- 1
  - a) The driver of a taxi shall at all times, while he is in charge of a taxi as such, wear and display the means of identification issued by the Council and he shall exhibit such identification, on demand, to any passenger, constable or authorised officer of the Council. The identification issued by the Council shall include the driver's name, a recent photograph showing his true likeness and the date on which the licence expires.
  - b) The driver of a taxi on commencing duty with the vehicle shall ensure that a valid certificate of insurance or cover note is within the vehicle.
  - c) The driver of a taxi shall not stand or loiter with the vehicle in any street in the near vicinity to a stance while such stance is fully occupied by the authorised number of taxis.
  - d) The driver of a taxi shall not use a mobile phone ,any other communication 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.
  - e) Where the taxi has an electronically operated or manual step he driver shall operate it as and when required and make reasonable enquiries of passengers where appropriate to ascertain this.
  - f) The driver of a taxi on changing their permanent place of residence shall notify the Council of their new address in writing within ten working days. This may be done by notice to the Council's Licensing Section at Midlothian House, Buccleuch Street, Dalkeith.
  - g) If the driver of a taxi ceases for any reason to be authorised by law to drive in terms of Section 13(6) of the Act he shall immediately give notice to the Council of the disqualification or such reason and return the taxi driver's licence and identity card to the Council's Licensing Section at Midlothian House, Buccleuch Street, Dalkeith.
- 2 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 thing approved by the Council indicating that the taxi is available for shared hire but he shall not be required to operate on shared hire if no such sign or other thing is displayed on the taxi at the time of the initial hiring.
- 3 The driver of a taxi while plying for hire, shall be clean and tidy in his person and clothing, shall wear a collared shirt and be of smart appearance, shall conduct himself in a proper and civil manner and shall not smoke.
- 4 A driver of a taxi shall not permit any person to ride on any loading platform or in any luggage compartment or other part of the taxi not set aside for the accommodation of passengers.
- 5 The driver of a taxi shall not refuse to carry luggage in his taxi provided that the said luggage can be accommodated safely within the luggage compartment of the taxi.
- 6 Where the 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 the taxi, and no relative exemption is in force, 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.
- 7 A driver of a taxi shall not permit any animal to be on or in the vehicle except any animal which is in the charge of a passenger.
- 8 The driver of a taxi, while he is in charge of the taxi, shall not canvass or importune in any public space or street for employment except, where the taxi is being operated on shared hire, to such extent as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers) who wish to participate in the shared hire of the taxi.
- 9 The driver of a taxi which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom he is carrying at any one time.
- 10 The driver of a taxi not being used as a taxi-bus shall, if the cost of the journey is not regulated by a Council fare structure, inform the hirer(s) or passenger(s) before the journey commences (a) that the fare is not so regulated; and (b) the cost, or the method of calculating the cost, of the proposed journey.
- 11 The driver of a taxi shall ensure that any taximeter fitted in the taxi in his charge shall be operated at all times within the licensed area when such operation is required, and in accordance with the detailed requirements imposed, by the Council.
- 12 The driver of a taxi shall from time to time, and at least once in each day in which he uses the taxi, 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 taximeter has ceased to function correctly, the driver of a taxi shall immediately withdraw the vehicle from service.
- 13 The driver of a taxi shall give such assistance as he 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.
- 14 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 taxi which he has accepted, unless prevented by sufficient cause.
- 15 Subject to conditions 16 and 17 below the driver of a taxi shall not refuse to drive a passenger to any place within the licensing area.
- 16 The driver of a taxi on shared hire may decline to accept a further passenger on the grounds that his intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers, or that the further passenger's luggage cannot be accommodated safely within the luggage compartment of the taxi.
- 17 The driver of a taxi need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried, or whose condition or clothing is offensive or likely to cause damage to the interior of the taxi, or who refuses to cease smoking in the taxi when requested to do so by the driver, or is accompanied by any animal (other than a guide dog) which is likely to damage or soil the interior of the taxi, or for any other reasonable excuse.
- 18 If any person suffering from any infectious or contagious disease is carried in a taxi the driver thereof shall, as soon as it comes to his knowledge, give notice to the taxi Inspector who shall notify the Chief Medical Officer of the Health Board and shall not cause or permit such taxi to stand or ply for hire or carry passengers until the Chief Medical Officer of the Health Board certifies that the taxi has been adequately disinfected.

- 19 The driver of a taxi shall not knowingly allow the taxi in his charge to be used for illegal or immoral purposes, permit to be carried in the taxi in his charge any article of a dirty, filthy or noxious nature or an explosive or dangerous nature, or permit to be carried in the taxi in his charge any person who has vermin on his person.
- 20 The driver of a taxi, at the end of a shift, shall search the taxi of which he is in charge for any property which may have been left therein. Any property found by the driver shall, within 24 hours, be returned to the owner of the property if known or such property shall be handed in by the driver to any police station.
- 21 The driver of a taxi shall ensure that the taxi, including all bodywork, upholstery and fittings, is in a safe and serviceable condition and, subject to prevailing road conditions, is in a clean condition.
- 22 Drivers of taxis arriving at a stance shall take their stations on such stance from front to rear in order of their arrival and hires will be accepted by the drivers in that order. Provided that, when an intending passenger wishes to engage a specific taxi or its driver, that hire order shall not apply, the onus being on the taxi driver to prove the hirer's wishes.
- 23 Unless the Council 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 vehicle to take the place vacated, and the taxi drivers on the stance behind shall draw up their vehicles in a like manner.
- 24 The driver of a taxi which is being operated on shared hire may wait at a stance only for a maximum period of 60 seconds or otherwise mutually agreed time, 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 taxi off the stance.
- 25 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 may be absent to announce the arrival of his taxi to the hirer or when assisting the hirer with luggage to or from the taxi for any other necessary purpose.
- 26 When a signal for a taxi is made to a stance from a distance, the driver of the taxi first in turn on such stance to which the signal is made, and no other, shall drive off in answer to such signal.
- 27 A driver of a taxi in the act of driving on to or passing a stance to which a signal is made for a taxi shall not be permitted to accept the hire and shall not answer the signal if there is another disengaged taxi on such stance, and a driver of a taxi shall not answer any signal for a taxi while passing a stance or within 50 metres of a stance if there is another disengaged taxi on such stance with the exception that taxis operating on shared mode will be permitted to stop provided no other taxi operating on shared mode is available at the stance and there is a demand for a shared hire.
- 28 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. For the purpose of this condition (a) the first 2 children under 12 years shall be reckoned as one passenger; and (b) no account shall be taken of any children under 2 years, providing that each child under 2 years is accompanied by an adult.
- 29 No fare shall be payable by the hirer in respect of any journey by the taxi from the place at which it is discharged by the hirer.
- 30 i) A driver of a taxi shall, as soon as he is hired, but no sooner, set the taximeter in motion and whilst he is engaged he shall have the word 'Hired' or 'Shared Hire' illuminated on the face of the taximeter so that it is readily visible at all times.  
  
ii) Immediately on the termination of a hire the driver of a taxi shall stop the time mechanism within the taximeter but he shall not remove the fare record from the taximeter until the hirer has examined it or has had a reasonable opportunity of examining it.  
  
iii) During the hours of darkness a driver of a taxi shall keep the fare dial display illuminated, as required by Schedule C for the whole of the period that the taxi in his charge is occupied by a hirer and until the hirer has examined the taximeter or has had a reasonable opportunity of examining it.
- 31 The driver of a taxi shall not be entitled to charge any fare whatsoever (a) if the taxi breaks down or becomes in any way unfit to convey the hirer to the destination for which he engaged such taxi; or (b) if the licence number is not exhibited; or (c) if the driver of a taxi fails or refuses to complete an assignment; or (f) if the driver of a taxi removes the record of the fare from the taximeter before the hirer has examined it or has had a reasonable opportunity of examining it; or (g) if, during the hours or darkness the driver of a taxi fails to keep the fare dial display illuminated for the whole of the period that such taxi is occupied by a hirer and until the hirer has examined the taximeter or has had a reasonable opportunity of examining it.
- 32 If (a) a taximeter either records a fare obviously not in accordance with the distance travelled or stops recording during a journey, or (b) both taxi plates are missing, the passenger shall be entitled to withhold the fare until it is determined by the Cab Inspector.
- 33 The driver of a taxi which has been hired may not, under any circumstances, pick up or convey another passenger without the consent of the original hirer or passenger(s).
- 34 Where the taxi has been hired (a) by/or for a disabled passenger in a wheelchair; or (b) by a person who wishes such a disabled passenger to accompany them in the taxi (and no relative exemption is a force), the driver of the taxi shall assist the disabled passenger in the wheelchair into the Taxi, using ramps if necessary and ensure that the wheelchair is properly secured by means of the retaining belts before starting the journey.
- 35 The driver of a taxi shall not charge or cause or permit to be charged for any hire a new fares structure until such time as the taximeter has been approved for use in relation to that structure.

## Private Hire Car Drivers

- 1
  - a) The driver of a private hire car shall at all times, while he is in charge of a private hire car as such, wear and display the means of identification issued by the Council and he shall exhibit such identification, on demand, to any passenger, constable or authorised officer of the Council. The identification issued by the Council shall include the driver's name, a recent photograph showing his true likeness and the date on which the licence expires.
  - b) The driver of a private hire car on commencing duty with the vehicle shall ensure that a valid certificate of insurance or cover note is within the vehicle.
  - c) The driver of a private hire car shall not use a mobile phone, any other communication device or otherwise conduct themselves in a manner which prevents them from exercising full control over the speed and direction of the private hire car while it is in motion.
  - d) The driver of a private hire car on changing their permanent place of residence shall notify the Council of their new address in writing within ten working days. This may be done by notice to the Council's Licensing Section at Midlothian House, Buccleuch Street, Dalkeith.
  - e) If the driver of a private hire car ceases for any reason to be authorised by law to drive in terms of Section 13(6) of the Act that shall immediately give notice to the Council of their disqualification or such reason and return their private hire car driver's licence and identity card to the Council's Licensing Section at Midlothian House, Buccleuch Street, Dalkeith.
- 2 The driver of a private hire car shall not knowingly allow the private hire car in his charge to be used for illegal or immoral purposes, permit to be carried in the private hire car in his charge any article of a dirty, filthy or noxious nature or an explosive or dangerous nature, or permit to be carried in the private hire car in his charge any person who has vermin on his person.
- 3 Where the 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 the private hire car, and no relative exemption is in force, the driver of the private hire car 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.
- 4 The driver of a private hire car while available for hire, shall be clean and tidy in his person and clothing, shall wear a collared shirt and be of smart appearance, shall conduct himself in a proper and civil manner and shall not smoke.
- 5 The driver of a private hire car shall not permit any animal to be on or in the vehicle except any animal which is in the charge of a passenger.
- 6 The driver of a private hire car which has been hired shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a private hire car which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom he is carrying at any one time.
- 7 The driver of a private hire car shall, if the cost of the journey is not regulated by a licensing authority fare structure, inform the hirer or passenger before the journey commences
  - (a) that the fare is not so regulated; and (b) the cost, or the method of calculating the cost, of the proposed journey.
- 8 The driver of a private hire car shall not refuse to carry luggage in his private hire car provided that the said luggage can be accommodated safely within the luggage compartment of the private hire car.
- 9 The driver of a private hire car shall give such assistance as he 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 private hire car in doing so.
- 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 to hire his private hire car which he has accepted, unless prevented by sufficient cause.
- 11 The driver of a private hire car need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried, or whose condition or clothing is offensive or likely to cause damage to the interior of the private hire car, or who refuses to cease smoking in the private hire car when requested to do so by the driver, or is accompanied by any animal (other than a guide dog) which is likely to damage or soil the interior of the private hire car, or for any other reasonable excuse.
- 12 The driver of a private hire car, while he is in charge of his private hire car, shall not canvass or importune in any public place or street for employment.
- 13 If any person suffering from any infectious or contagious disease is carried in a private hire car, the driver thereof shall, as soon as it comes to his knowledge, give notice to the Cab Inspector who shall notify the Chief Medical Officer of the Lothian Health and shall not cause or permit such private hire car to carry passengers for hire until the Chief Medical Officer of the Health Board certifies that the private hire car has been adequately disinfected.
- 14 The driver of a private hire car shall not at any time convey in the private hire car more than the number of passengers who can be properly seated. For the purposes of this condition (a) the first two children under 12 years shall be reckoned as one passenger; and (b) no account shall be taken of any children under two years, provided that each child under two years is accompanied by an adult.
- 15 The driver of a private hire car shall not be entitled to charge any fare whatsoever (a) if the private hire car breaks down or becomes in any way unfit to convey the hirer to his destination for which he engaged such private hire car; or (b) if the driver of the private hire car does not exhibit his licence to drive a private hire car; or (c) if the driver of the private hire car demands more than the agreed fare; or (d) if the driver of the private hire car refuses to complete the assignment; or (e) if the driver of the private hire car removes the record of the fare from the taximeter before the hirer has examined it or has had a reasonable opportunity of examining it; or (f) if, during the hours of darkness, the driver of a private hire car fails to keep the fare dial display illuminated for the whole of the period that such private hire car is occupied by a hirer and until the hirer has examined the taximeter or has had a reasonable opportunity of examining it.
- 16 The driver of a private hire car which has been hired may not, under any circumstances, pick up or convey another passenger without the consent of the original hirer or passenger(s).

- 17 The driver of a private hire car shall ensure that a taximeter fitted in the private hire car in his charge shall be operated at all times, within the licensed area, when such operation is required, in accordance with the detailed requirements imposed by the Council.
- 18 The driver of a private hire car shall from time to time, and at least once in each day in which he uses the vehicle, inspect the seals on any taximeter fitted in the vehicle to ensure that they are intact. On discovering that the seals on any taximeter fitted to the vehicle have become broken or damaged, or that the taximeter has ceased to function correctly, the driver of a private hire car shall immediately withdraw the vehicle from service.
- 19 The driver of a private hire car, at the end of his shift, shall search the private hire car of which he is in charge for any property which may have been left therein. Any property found by the driver shall, within 24 hours, be returned to the owner of the property if known or such property shall be handed in by the driver to any police station.
- 20 The driver of a private hire car shall ensure that the private hire car, including all bodywork, upholstery and fittings, is in a safe and serviceable condition and, subject to prevailing road conditions, is in a clean condition.
- 21 The Private Hire Car Driver shall carry an individual record in respect of the Private Hire Car and shall enter, before the commencement of each journey such particulars of every booking invited or accepted by him whether by accepting the same from the hirer or undertaking it at the request of another operator, and shall produce such record on request to any authorised officer of the Council or to any Constable for inspection.
- 22 The driver of a private hire car shall not charge or cause or permit to be charged for any hire a new fares structure until such time as the taximeter has been approved for use in relation to that structure.



## Special Event Private Hire Car Licence Conditions

- 1 Except as hereby varied the Conditions and the contents of Schedule B to the Standard Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers adopted by the Council and amended from time to time shall apply to Special Event Private Hire Cars. Words and phrases defined in the Standard Conditions shall have the same meanings in these Special Event Private Hire Car Licence conditions.
- 2 A Special Event Private Hire Car is a private hire car used only for bookings which are made in advance. All Special Event Private Hire Cars shall be a converted motor vehicle of the following types holding Single Vehicle Type Approval from the Department of the Environment Transport and the Regions. The vehicle type which has undergone conversion shall be Lincoln Town Car, Ford Excursion, Cadillac Fleetwood (models up to 1998) and Cadillac DeVille.
- 3
  - a) All brakes and machinery must be kept in good order and condition;
  - b) The vehicle must carry at all times a serviceable spare wheel and tyre, together with the proper tools;
  - c) All tyres (including the spare) must be suitable for the vehicle; and
  - d) No alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council.
- 4 Should a Special Event Private Hire Car fail to complete a journey for any cause whatsoever, the circumstances and cause of the stoppage shall be reported to the Cab Inspector, Taxi Examination Centre, Murrayburn Road, Edinburgh.
- 5 The conditions shall be read so as to conform with the following provisions *mutatis mutandis*:
  - a) on a vehicle being licensed as a Special Events Private Hire Car, a number shall be allotted it and the approved external plates (hereinafter referred to as the 'Special Event Plates') bearing such number shall be supplied to the licenceholder;
 

The licenceholder shall ensure that the Special Event Plates are affixed to the Special Event Private Hire Car immediately, and the Special Event Private Hire Car shall not be used for hire until the Special Event Plates are properly affixed.
  - b) If the letters or figures on any Special Event Plates affixed to a Special Event Private Hire Car become obliterated or defaced so as not to be distinctly visible or legible or any Special Event Plate is lost, the licence holder shall forthwith obtain from the Council a replacement Special Event Plate.
  - c) The licenceholder shall affix the external special event plate on the front and rear of the Special Event Private Hire Car in a position approved by the Cab Inspector.
  - d) Except as otherwise provided for in these conditions the licenceholder shall not, without the consent of the Council, fix or permit to be fixed on their Special Event Private Hire Car any plate other than the Special Event Plates or other plate or notice required by law.
- 6 a) The licenceholder shall not permit the said vehicle to be used to carry a greater number of passengers than the number stated on the Special Event Plates
  - b) The licenceholder shall not allow any passengers to be conveyed in the front seats of the said vehicle.
- 7 No licenceholder shall part with or lend the Special Event Plates issued in respect of a vehicle to any other person.
- 8 a) The seats shall be covered with leather or other appropriate materials and must be properly upholstered and in good condition, free from rips, tears and holes.
  - b) The fittings and furniture in the Special Event Private Hire Car must be kept in a clean condition and be well maintained.
- 9 The requirement that glass must afford an unrestricted view of the vehicle interior, will apply only to the windscreen and front door windows of Special Event Private Hire Cars
- 10 Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall, when necessary, be contained so as not to present a nuisance or hazard to the occupants of the vehicle
- 11 The licenceholder shall ensure that, at all times, there is in force a Certificate of Insurance for the Special Event Private Hire Car, which covers all uses to which the vehicle is put, states the type of vehicle and on which
  - a) The licenceholder is stated to be the policy holder
  - b) any other licensed private hire car drivers who drive the vehicle, are clearly covered;
  - c) the terms of cover taken out should also include:-
    - (i) Unlimited indemnity for injury and death to passengers and other third parties;
    - (ii) Indemnity of at least £250,000 for damage to third party property – other than that being carried in or on the insured vehicle; and
    - (iii) Cover of up to at least £200 for damage to property belonging to persons being carried in the insured vehicle.
- 12 The licenceholder shall give notice to the Council containing details of any conviction imposed whilst the licence is in force and that within 7 days of conviction
- 13 Where a Special Event Private Hire Car ceases to be used as such, the licenceholder shall forthwith give notice to the Council's Licensing Offices and within 7 days return to the Council the licence in respect of such Special Event Private Hire Car along with the Special Event Plates.
- 14 The licenceholder shall give notice within 7 days of conviction to the Council containing details of any conviction imposed whilst the licence is in force.
- 15 The Special Event Private Hire Car must be fitted with two portable type fire extinguishers which conform to European Standards 5423 of the following type:
  - a) a BCF (green Halon type) extinguisher minimum capacity 1kg; or
  - b) a dry powder 34B rated extinguisher minimum capacity 1kg; or
  - c) an AFFF foam 21B rated extinguisher minimum capacity 0.9 litres.

One extinguisher shall be mounted on brackets in a convenient position in the driver's compartment, if practicable. The other extinguisher shall be mounted on brackets in a convenient position within the boot of the vehicle.

- 16** The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

## SCHEDULE A: Conditions of Fitness of Taxis

### General Construction

- 1.1 Taxis must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.
- 1.2 The vehicle, including all bodywork, upholstery and fittings must be in good and serviceable condition.
- 1.3 The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork smoothed down, polished and free from any blemishes.

### Steering

- 2.1 The steering wheel must be on the offside of the vehicle.
- 2.2 The steering mechanism must not be constructed or arranged so that no overlock is possible and that the road wheels do not in any circumstances foul any part of the vehicle.
- 2.3 The steering arms and connections must be of adequate strength and so far as possible protected from possible damage by collision.

### Brake and Steering Connections

- 3 Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that when in any position other than horizontal, the head of the bolt or pin is uppermost.

### Sliding Doors

- 4 Where any Taxi has sliding doors, there shall be a clearly visible sign displayed across the top rear of the Taxi which states "**Doors Opening**" with arrows pointing to the relevant side(s) of the Taxi, subject to the sign illuminating automatically as soon as the doors were unlocked and any sliding door handle was operated.

### Tyres

- 5 All tyres at normal pressure under load must be approved as having a suitable circumference for correct operation of the taximeter.

### Turning Circle

- 6 The Wheel Turning Circle kerb to kerb or either lock must not be less than 7.62 metres in diameter.

### Brakes

- ~~7.1 All brakes must act directly on the wheels of the vehicle.~~
- ~~7.2 The footbrake system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.~~

### Suspension

- ~~8.1 Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.~~
- ~~8.2 Every vehicle must be so constructed or adapted that a failure of a spring, torsion bar or other similar component of the suspension system is not likely to cause the driver to lose directional control of the vehicle.~~

### Bolts and Nuts

- 9 All moving parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

### Fuel Tanks

- 10.1 Fuel tanks must not be placed under the bonnet and must be adequately protected from possible damage by collision.
- 10.2 All fuel tanks and all apparatus supplying fuel to the engine must be placed or shielded in such a manner that no fuel overflowing or leaking there from can fall or accumulate upon any part of fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
- 10.3 The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
- ~~10.4 In the case of an engine powered by Liquid Petroleum Gas or petrol a device must be provided enable to enable the supply of fuel to the engine to be cut off immediately. The device must be visible and readily accessible from the outside of the vehicle and OFF" position clearly marked.~~

### Interior Lighting

- 11 Adequate lighting must be provided for the passenger compartment and must be capable of being controlled by the passengers and driver. Adequate lighting must be provided in the driver's compartment.

### Electrical Equipment

- 12.1 All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
- 12.2 All electrical circuits must be protected by suitable fuses.

### Fire Appliances

- 13 An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must comply with the requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicles.

### Exhaust

- 14 The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle on the offside and in such a position as to prevent fumes from entering the vehicle.

### Body

- 15.1 The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
- 15.2 (a) **Outside dimensions**
  - i) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.78 metres.
  - ii) The overall length must not exceed 5 metres.

(b) **Inside dimensions** of the passenger compartment.

- i) The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the roof immediately above that point must not be less than 96.5 centimetres.
- ii) The width across the rear seat cushion must not be less than 1.07 metres.

**15.3** Any curvature of the floor of the passenger compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and the sills.

**15.4** The door and doorway must be constructed so as to permit an unrestricted opening across the doorway of at least 53 centimetres when the door is opened to its normal limit.

**15.5** The clear height of the doorway must not be less than 1.2 metres.

**Steps**

**16** Where any step in the vehicle is electronically operated it must be fully retractable, tamper and weather-proof. Any such step must be equipped with sensors and a warning system to alert the driver when the step is extended. This step should be under the automatic control of the driver in such a way that it cannot be left extended when the vehicle is moving. No fixed side steps shall be fitted.

**16.1** The top of the tread of the lowest step for any entrance, or where there is no step the floor level itself at the entrance, must not be more than 38 centimetres above the ground when the vehicle is unladen.

**16.2** All steps, or where there are no steps, the outer edge of the floor at each entrance must be fitted with non-slip treads.

**Passengers' Seats**

**17.1** The measurements from the upholstery at the back to the front edge of the seat must be not less than 40 centimetres in the case of the back seat and 35.5 centimetres in the case of the front seat.

**17.2** The width of each front seat must not be less than 40 centimetres.

**17.3** The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35.5 centimetres.

**17.4** Tip up seats must be fitted so that they stow automatically when not in use. They must be symmetrically placed at least 4 centimetres apart. When not in use the tip up seats must not obstruct the doorway.

**17.5** Suitable means must be provided to assist persons to rise from the rear seat.

**Driver's Compartment**

**18.1** The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.

**18.2** The controls must be arranged to allow reasonable access to the driver's seat and when centrally placed, must be properly protected from contact for the vehicle with luggage.

**18.3** The driver's seat must be designed to accommodate the driver only.

**18.4** Every taxi must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 11.5 centimetres.

**Windows**

**19.1** Windows must be provided at the sides and rear.

**19.2** Passenger door windows must be capable of being opened easily by passengers except where the vehicle has air conditioning fitted and in operation.

**Heating and Ventilation**

**20** An adequate heating and ventilation system must be fitted for the driver and passengers and the means provided for independent control by the driver and passengers.

**Glass**

**21** The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the European Standard in force at the time of approval and be of a material that will enable clear sight of the passengers inside.

The maximum permitted level of tint in the glass contained in the front windscreen and the doors for the front passenger and driver, when measured against the light meter at the Taxi Examination Centre is 25% in terms of the Construction and Use Regulations; and the level in respect of all other window glass is 35%+ or -2%. Where a vehicle is fitted with rear windscreen wipers and washers these must be maintained in satisfactory working order.

**Door Fittings**

**22.1** Passenger doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.

**22.2** Double catches of approved type must be fitted to all doors.

**22.3** All taxis must be fitted with an approved and fully operational door locking system

**Fare Table Frame**

**23** A frame must be provided for the Fare Table and fitted in an approved position.

**Floor Coverings**

**24** The floor of the passenger compartment must be covered with non-slip material which can be easily cleaned.

**Luggage**

**25** Provision must be made for carrying luggage and an effective method of securing it must be provided.

**Horn**

**26** A deep toned horn of approved pattern must be fitted.

**Taximeter**

**27** A taximeter of an approved type must be fitted in an approved position.

**'Taxi' Signs**

**28** A "Taxi" sign of approved pattern, clearly visible both by day and night when the taxi is not hired, must be fitted.

### Radio Apparatus

- 29 Where apparatus for the operation of a two way radio system is fitted to a taxi no part of the apparatus may be fixed in the passenger compartment or in the rear boot compartment if Liquid Petroleum Gas tanks or equipment are situated therein.

### Fittings

- 30 No fittings other than those approved may be attached to or carried upon the inside or outside of the taxi.

### Registration Mark

- 31 Letters and figures must either be of reflex reflecting material complying with the European Standard.

### Identification Plates

- 32 Identification Plates to indicate whether the taxi has the facility to execute shared or exclusive hires shall be displayed on the front and rear of the vehicle in a position approved by the Council. An Identification Plate to indicate the licence number of the taxi shall be displayed inside the vehicle in a position approved by the Council.

### Wheelchair Accessibility

- 33 The taxi must be wheelchair accessible.

### Advertisements

- 34.1 Advertisements may only be displayed in the interior of taxis on the underside of the tip up seats. Advertisements on the exterior of taxis will be categorised as either door or full livery. Door advertisements may only be fitted to the lower panels of the front door.
- 34.2 Only one corporate image company or brand may be advertised on the interior of a taxi and no secondary advertising of any kind will be permitted on the outside of a taxi including in this prohibition the name of the company preparing the taxi or the advertising agency.
- 34.3 Permitted sizes of advertisements are as follows:
- |              |               |
|--------------|---------------|
| Bulkhead     | 61cm x 8cm    |
| Tip-up seats | 33cm x 30.5cm |
| Single door  | 76cm x 46cm   |
| Double door  | 185cm x 46cm. |
- 34.4 Materials used for advertisements must be of a quality not easily defaced or detached. No paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the taxi.
- 34.5 Interior advertisements on the underside of the tip-up seats must be encapsulated in clear nonflammable plastic and approved from time to time by the Cab Inspector.

### Wheelchair Accessibility

- 35 All vehicles in Midlothian must be readily wheelchair accessible.

### Upholstery

- 36 Upholstery in the vehicle at the time of initial inspection must be as originally fitted at time of manufacture or of a similar material and design approved by the Council or Cab Inspector. After approval there must be no subsequent replacement of the upholstery without further permission of the Council or Cab Inspector.

### Equipment

- 37 There must be carried on every vehicle:-
- (a) A spare wheel fitted with a tyre of the same type and size as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged or any damaged wheel;
  - (b) A suitable lifting jack; and
  - (c) A suitable wheel brace.

As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that such cover is in place must be produced to the Council or Cab Inspector.

### 38 Tow Bars

Tow Bars are not permitted.

## SCHEDULE B: Conditions of Fitness of Private Hire Cars

### General Construction

- 1.1 Vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.
- 1.2 The vehicle, including all bodywork, upholstery and fittings must be in good and serviceable condition.
- 1.3 The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork smoothed down, polished and free from any blemishes.

### Steering

- 2.1 The steering wheel must be on the offside of the vehicle.
- 2.2 The steering mechanism must be so constructed or arranged that no overlock is possible and that the road wheels do not in any circumstances foul any part of the vehicle.
- 2.3 The steering arms and connections must be of adequate strength and so far as possible protected from possible damage by collision.

### Brake and Steering Connections

- 3 Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that when in any position other than horizontal, the head of the bolt or pin is uppermost.

### Tyres

- 4 All tyres at normal pressure under load must be approved as having a suitable circumference for correct operation of the taximeter.
- 5.1 All brakes must act directly on the wheels of the vehicle.
- 5.2 The footbrake system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.

### Suspension

- ~~6.1 Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.~~
- ~~6.2 Every vehicle must be so constructed or adapted that a failure of a spring, torsion bar or other similar component of the suspension system is not likely to cause the driver to lose directional control of the vehicle.~~

### Bolts and Nuts

- 7 All moving parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

### Fuel Tanks

- 8.1 Fuel tanks must not be placed under the bonnet and must be adequately protected from possible damage by collision.
- 8.2 All fuel tanks and all apparatus supplying fuel to the engine must be placed or shielded in such a manner that no fuel overflowing or leaking there from can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.

- 8.3 The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.

### Interior Lighting

- 9 Adequate lighting must be provided for the passenger and must be capable of being controlled by the passengers and driver.

### Electrical Equipment

- 10.1 All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
- 10.2 All electrical circuits must be protected by suitable fuses.

### Fire Appliances

- 11 An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must comply with the requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicles.

### Exhaust

- 12 The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle.

### Body

- 13.1 The body must be of the fixed head type, have 4 doors, excluding any doors at the rear of the vehicle and have seating capacity for at least 4 persons.
- 13.2 The width across the rear seat cushion must not be less than 1.07 metres.

### Engine Capacity

- 14 The vehicle must have an engine capacity of not less than 1500 cc.

### Steps

- 15 All steps must be fitted with non-slip treads.

### Windows

- 16.1 Windows must be provided at the sides and rear.
- 16.2 Passenger door windows must be capable of being opened easily by passengers except where the vehicle has air conditioning fitted and in operation.

### Heating and Ventilation

- 17 An adequate heating and ventilation system must be fitted for the driver and passengers.

### Glass

- 18 The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the European Standard in force at the time of approval and be of a material that will enable clear sight of the passengers inside. The maximum permitted level of tint in the glass contained in the front windscreen and the doors for the front passenger and driver, when measured against the light meter at the Taxi Examination Centre, is 25% in terms of the Construction and Use Regulations; and the level in respect of all other window glass is 35%+ or -2%.

### **Door Fitting**

- 19.1 Passenger doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.
- 19.2 Double catches of approved type must be fitted to all doors; and, in addition, childproof locks of an approved design must be fitted.

### **Fare Table**

- 20 A frame must be provided for the Fare Table and fitted in an approved position, if a taximeter is fitted.

### **Luggage**

- 21 Provision must be made for carrying luggage and an effective method of securing it must be provided.

### **Horn**

- 22 A deep toned horn of approved pattern must be fitted.

### **Taximeter**

- 23 A taximeter of an approved type must, if fitted, be in an approved position.

### **Radio Apparatus**

- 24 Where apparatus for the operation of a two way radio system is fitted to a private hire car no part of the apparatus may be fixed in the passenger compartment or in the rear boot compartment if Liquid Petroleum Gas tanks or equipment are situated therein.

### **Fittings**

- 25 No fittings other than those approved may be attached to or carried upon the inside or outside of the private hire car.

### **Registration Mark**

- 26 Letters and figures must either be of reflex reflecting material complying with the European Standard.

### **Identification Plates**

- 27 Identification Plates describing the vehicle and the date of expiry of the licence shall be displayed on the vehicle in a position approved by the Council.

### **Upholstery**

- 28 Upholstery in the vehicle at the time of initial inspection must be as originally fitted at time of manufacture or of a similar material and design approved by the Council or Cab Inspector. After approval there must be no subsequent replacement of the upholstery without further permission of the Council or Cab Inspector.

### **Equipment**

- 29 There must be carried on every vehicle:-
- (a) A spare wheel fitted with a tyre of the same type and size as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged or any damaged wheel;
  - (b) A suitable lifting jack; and
  - (c) A suitable wheel brace.

As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that such cover is in place must be produced to the Council or Cab Inspector.

### **30 Tow Bars**

Tow Bars are not permitted.

## **SCHEDULE C: Conditions of Fitness of Special Events Private Hire Cars**

### **General Construction**

- 1.1 Vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.
- 1.2 The vehicle, including all bodywork, upholstery and fittings must be in good and serviceable condition.
- 1.3 The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork smoothed down, polished and free from any blemishes.

### **Steering**

- 2.1 The steering wheel may be on either the nearside or the offside of the vehicle provided there is proof that the vehicle meets full DETR Vehicle Approval Type.
- 2.2 The steering mechanism must be so constructed or arranged that no overlock is possible and that the road wheels do not in any circumstances foul any part of the vehicle.
- 2.3 The steering arms and connections must be of adequate strength and so far as possible protected from possible damage by collision.

### **Brake and Steering Connections**

- 3 Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that when in any position other than horizontal, the head of the bolt or pin is uppermost.

### **Tyres**

- 4 All tyres at normal pressure under load must be approved as having a suitable circumference for correct operation of the taximeter.
- 5.1 All brakes must act directly on the wheels of the vehicle.
- 5.2 The footbrake system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.

### **Suspension**

- 6.1 Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.
- 6.2 Every vehicle must be so constructed or adapted that a failure of a spring, torsion bar or other similar component of the suspension system is not likely to cause the driver to lose directional control of the vehicle.

### **Bolts and Nuts**

- 7 All moving parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

### **Fuel Tanks**

- 8.1 Fuel tanks must not be placed under the bonnet and must be adequately protected from possible damage by collision.
- 8.2 All fuel tanks and all apparatus supplying fuel to the engine must be placed or shielded in such a manner that no fuel overflowing or leaking there from can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.

- 8.3 The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.

### **Interior Lighting**

- 9 Adequate lighting must be provided for the passenger and must be capable of being controlled by the passengers and driver.

### **Electrical Equipment**

- 10.1 All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
- 10.2 All electrical circuits must be protected by suitable fuses.

### **Fire Appliances**

- 11 An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must comply with the requirements relating to Fire Extinguishing Appliances for use on Public Service Vehicles.

### **Exhaust**

- 12 The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle.

### **Body**

- 13.1 The body must be of the fixed head type, have 4 doors and have seating capacity for at least 4 persons.
- 13.2 The width across the rear seat cushion must not be less than 1.07 metres.

### **Engine Capacity**

- 14 The vehicle must have an engine capacity of not less than 1500 cc.

### **Steps**

- 15 All steps must be fitted with non-slip treads.

### **Windows**

- 16.1 Windows must be provided at the sides and rear.
- 16.2 Passenger door windows must be capable of being opened easily by passengers.

### **Heating and Ventilation**

- 17 An adequate heating and ventilation system must be fitted for the driver and passengers.

### **Glass**

- 18 The windscreen, all windows and glass partitions (where fitted) must be made of safety glass in accordance with the European Standard in force at the time of approval and be of a material that will enable clear sight of the passengers inside. The maximum permitted level of tint in the glass contained in the front windscreen and the doors for the front passenger and driver, when measured against the light meter at the Taxi



Examination Centre, is 25% in terms of the Construction and Use Regulations. Where a vehicle is fitted with rear windscreen wipers and washers these must be maintained in satisfactory working order.

#### **Door Fitting**

- 19.1** Passenger doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.
- 19.2** Double catches of approved type must be fitted to all doors; and, in addition, childproof locks of an approved design must be fitted..

#### **Fare Table**

- 20** A frame must be provided for the Fare Table and fitted in an approved position, if a taximeter is fitted.

#### **Luggage**

- 21** Provision must be made for carrying luggage and an effective method of securing it must be provided.

#### **Horn**

- 22** A deep toned horn of approved pattern must be fitted.

#### **Taximeter**

- 23** A taximeter of an approved type must, if fitted, be in an approved position.

#### **Radio Apparatus**

- 24** Where apparatus for the operation of a two way radio system is fitted to a private hire car no part of the apparatus may be fixed in the passenger compartment or in the rear boot compartment if Liquid Petroleum Gas tanks or equipment are situated therein.

#### **Fittings**

- 25** No fittings other than those approved may be attached to or carried upon the inside or outside of the private hire car.

#### **Registration Mark**

- 26** Letters and figures must either be of reflex reflecting material complying with the European Standard.

#### **Identification Plates**

- 27** Identification Plates describing the vehicle and the date of expiry of the licence shall be displayed on the vehicle in a position approved by the Council.

#### **Upholstery**

- 28** Upholstery in the vehicle at the time of initial inspection must be as originally fitted at time of manufacture or of a similar material and design approved by the Council or Cab Inspector. After approval there must be no subsequent replacement of the upholstery without further permission of the Council or Cab Inspector.

#### **Equipment**

- 29** There must be carried on every vehicle:-

- (a) A spare wheel fitted with a tyre of the same type and size as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged or any damaged wheel;
- (b) A suitable lifting jack; and
- (c) A suitable wheel brace.

As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that such cover is in place must be produced to the Council or Cab Inspector.

#### **30 Tow Bars**

Tow Bars are not permitted.

All taxi and private hire car drivers must comply with the following dress code:

**Male Drivers**

Shirt with collar either open neck or (preferably) with tie

Smart trousers **or dark coloured jeans**

~~Shoes~~ Smart footwear - Shoes or Boots – not trainers

**Female Drivers**

A blouse

~~Smart skirt or trousers~~ Smart skirt or trousers / dark coloured jeans

~~Shoes~~ Smart footwear - Shoes or Boots – not trainers

**The following must not be worn:**

Training shoes

Baseball caps

Track suits

Denims

T-shirts

Shorts

## **LICENSING AND REGULATION OF TAXIS AND PRIVATE HIRE CARS OFFENCES AND OTHER RELEVANT HIRE CAR PROVISIONS**

### **Taxi and private hire car licences**

10(1) A licence, to be known as a "taxi licence" or, as the case may be, a "private hire car licence", shall be required for the operation of a vehicle as:

(a) a taxi; or

(b) a private hire car.

(2) A licensing authority shall not grant or renew a taxi licence or private hire car licence unless they are satisfied that the vehicle to which the licence is to relate is suitable in type, size and design for use as a taxi or private hire car, as the case may be, and is safe for that use, and that there is in force in relation to the vehicle such a policy of insurance or such security as complies with Part VI of the Road Traffic Act 1988.

(3) Without prejudice to paragraph 5 of Schedule 1 to this Act, the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted by them if, and only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.

(4) A vehicle shall, for the purpose of subsection (2) above, be treated by a licensing authority:

(a) as being suitable in type, size and design if it complies with regulations in that regard made by the Secretary of State under section 20(2) of this Act in respect of their area; and

(b) as not being so suitable if it does not so comply.

(5) A taxi licence or private hire car licence shall extend to the operation of a vehicle substituted for the vehicle in respect of which the licence is granted or, as the case may be, last renewed if the licensing authority are as respects the substitute vehicle satisfied as to the matters specified in subsection (2) above, and where a taxi licence or private hire car licence extends under this subsection to a substitute vehicle, subsection (6) below shall not apply in respect of the vehicle replaced by the substitute vehicle.

(6) Subject to subsection (5) above, the holder of a taxi or private hire car licence shall within 28 days of his selling or otherwise disposing of the vehicle to which the licence relates deliver to the licensing authority the licence and any licence plate or other thing which has been issued by the licensing authority for the purpose of indicating that the vehicle is a taxi or, as the case may be, private hire car, and if without reasonable excuse fails to do so that licence holder shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500.

### **Inspection and testing vehicles**

11(1) The holder of a taxi or private hire car licence shall present the taxi or private hire car for inspection and testing by or on behalf of the licensing authority within such period and at such place as they may by notice reasonably require.

(2) An authorised officer of a licensing authority (as respects a taxi or private hire car licensed for the area of the authority) or a constable shall have power at any reasonable time to inspect and test, for the purpose of ascertaining its fitness, a licensed taxi or private hire car or, for the purpose of testing its fitness or accuracy, any taximeter and if he is not satisfied as to the safety of the taxi or private hire car for the carriage of passengers or as to the fitness or accuracy of the taximeter he may by notice in writing:-

(a) require the holder of the taxi or private hire car licence to make the taxi private hire car or taximeter, as the case may be, available for further inspection at such reasonable time and place as may be specified in the notice;

(b) suspend the licence until such time as an authorised officer by the licensing authority or a constable is so satisfied. Provided that, if an authorised officer or constable is not so satisfied before the expiration of a period of 28 days from the date of the suspension of the licence, the said licence shall, by virtue of this subsection, be deemed to have been suspended by the licensing authority under paragraph 11 of Schedule 1 to this Act.

### **Fees for taxi and private hire car licences**

A licensing authority shall charge such fees in respect of taxi and private hire car licences and applications for such licences as may be resolved by them from time to time and shall seek to ensure that the total amount of such fees is sufficient to meet the expenses incurred by them in carrying out their functions under sections 10 to 23 (other than section 19) of this Act in relation to such licences.

### **Taxi and private hire car driving licences**

13(1) A licence, to be known as a "taxi driver's licence" or, as the case may be, a "private hire car driver's licence", shall, subject to subsection (2) below, be required for driving or otherwise having charge of a taxi or private hire car.

(2) A private hire car driver's licence shall not be required by the holder of a taxi driver's licence for driving or otherwise having charge of a private hire car whilst in operation as such.

(3) A licensing authority shall not grant a licence to any person under this section unless that person has held, during any continuous period of 12 months prior to the date of his application, a licence authorising him to drive a motor car issued under Part III of the Road Traffic Act 1988 or a licence which would at the time of his application entitle him to such a licence without taking a test, not being a provisional licence.

(4) A licensing authority may, at any time, for the purposes of satisfying themselves that he is physically fit to drive a taxi or, as the case may be, private hire car, require an applicant for or holder of a taxi driver's licence or private hire car driver's licence to submit to medical examination, at their expense, by a medical practitioner nominated by them.

(5) A licensing authority may require an applicant for a taxi driver's licence to take a test of his knowledge of the area to which the licence is to relate, of the layout of roads in that area and such other matters relating to the operation of a taxi as the authority consider desirable, and the authority may refuse to grant a licence to a person who does not satisfy them that he has adequate knowledge of any of these matters.

(6) If a person holding a licence under this section ceased for any reason to be authorised by law to drive on a road the vehicle to which the licence relates, the licence shall cease to have effect.

### **Signs on vehicles other than taxis**

14(1) Subject to subsection (2) below, there shall not be displayed on or in a private hire car any word, sign, notice, mark, illumination or other feature which may suggest that the vehicle is available for hire as a taxi.

(2) Subsection (1) above does not apply in relation to any licence plate or other thing issued by the licensing authority for the purpose of indicating that the vehicle to which it relates is a private hire car or in relation to any sign required by virtue of section 21 of the Vehicles (Excise) Act 1971.

(3) Any person who -

(a) drives a vehicle in respect of which subsection (1) is contravened; or

(b) causes or knowingly permits that subsection to be contravened in respect of any vehicle, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £1,000.

## Operation of taxis outside licensing areas

15(1) A licensing authority, with the agreement of another licensing authority, may name destinations or classes of destinations in the area of the other authority and, with the agreement aforesaid, fix scales under section 17 of this Act for journeys from their area by taxis licensed by them to such destinations or classes thereof.

(2) The conditions to which a taxi or taxi driver's licence are subject shall continue to apply while the taxi or its driver is engaged in such a journey.

(3) Nothing in this section or in Part 1 of this Act enables a condition to be imposed in a taxi driver's licence requiring him to make any journey to a destination outside the area in respect of which he is licensed.

## Journeys in England and Wales by vehicles and drivers licensed under this Act

16 In Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 (saving for certain vehicles from requirements of Part II of that Act as to private hire vehicles), after subsection (2) there shall be inserted:-

“(2A) Where a vehicle is being used as a taxi or private hire car, paragraphs (a), (b) and (c) of section 46(1) of this Act shall not apply to the use or driving of the vehicle or the employment of a person to drive it if -

(a) a licence issued under section 10 of the Civic Government (Scotland) Act 1982 for its use as a taxi or, as the case may be, private hire car is then in force and, (b) the driver holds a licence issued under section 13 of that Act for the driving of taxis or, as the case may be, private hire cars.

In this subsection, ‘private hire car’ and ‘taxi’ have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982”.

## Taxi Fares

17(1) The fares for the hire of taxis in any area and all charges in connection with the hire of a taxi or with the arrangements for its hire shall be not greater than those fixed for that area under this section and section 18 of this Act.

(2) It shall be the duty of the licensing authority to fix from time to time scales for the fares and other charges mentioned in subsection (1) above and to review these scales at intervals not exceeding 18 months from the date on which the scales came into effect (whether proceeding upon a review under this section or not).

(3) Before fixing any scales, or carrying out any review under this section the licensing authority shall -

(a) consult with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating within their area; and

(b) give notice of their intention by advertisement in a newspaper circulating in their area stating -

(i) the general effect of the proposals and the date when they propose that their decision will take effect; and

(ii) that any person may lodge representations in writing with respect to the proposals within a period of one month after the date of the first publication of the notice; and

(c) consider any such representations duly lodged with them.

(4) Where, under this section, the licensing authority fix any scale or carry out any review they shall forthwith give notice in writing of their decision (including, in the case of a review, a decision to do nothing) to such persons and organisations as they have consulted under subsection (3)(a) above and inform them of the general effect of section 18(1) of this Act.

(5) Notice shall be given for the purposes of subsection (4) above by -

(a) its being sent by recorded delivery letter to the last known addresses of the persons and organisations referred to in subsection (4) above so as to arrive there, in the normal course of post, not later than five days after the decision referred to in subsection (4) above; or

(b) personal service of the notice upon those persons within that time.

## Appeals in respect of taxi fares

18(1) Any person who operates a taxi in an area for which scales have been fixed or in respect of which a review has been carried out under section 17 of this Act may, within 14 days after the decision upon the scales or, as the case may be, upon the review, appeal against these scales to the traffic commissioner for the Scottish Traffic Area as constituted for the purpose of the Public Passenger Vehicles Act 1981.

(2) The traffic commissioner may hear an appeal under this section notwithstanding that it was not lodged with him within the time mentioned in subsection (1) above.

(3) On an appeal to them under subsection (1) above, the traffic commissioner may-

(a) confirm or alter the scales; or

(b) may decline to proceed -

(i) at any stage in the appeal, on the grounds that he considers the case for the appellant is not representative of the view of a substantial proportion of the operators of taxis operating in the area of the licensing authority;

(ii) If less than two years have elapsed since he decided an appeal against a decision of the same authority in respect of the same scale and he considers it inappropriate that he should consider the matter again.

(4) An appeal under this section shall have the effect of suspending the decision referred to in subsection (1) above until the date when the appeal is abandoned, or, as the case may be, when notice is given to the appellant advising him of its disposal.

5) Where he alters scales under subsection (3)(a), above, the traffic commissioner may substitute a different date for the coming into effect of these scales.

(6) The Secretary of State may by order by statutory instrument make rules as to procedure in relation to appeals under this section.

(7) The decision of the traffic commissioner on an appeal under this section shall be final.

(8) The traffic commissioner shall give notice of his decision in writing to the appellant and to the licensing authority and notice shall be given to the appellant by -

(a) its being sent by recorded delivery letter to his last known address or, as the case may be, to him so as to arrive, in the normal course of post, not later than five days after their decision; or

(b) personal service of the notice on the appellant within that time.

(9) As soon as practicable after the expiration of the period of 14 days referred to in subsection (1) above or, where an appeal has been lodged, on the date when it is abandoned or when notice is given to the appellant of its disposal, the licensing authority shall, by advertisement in a newspaper circulating in their area, give public notice of the scales which have been determined under Section 17 of this Act and this section and the date when they come into effect which shall be not earlier than seven days after the date of the advertisement.

(10) A licensing authority shall pay the expenses incurred under this section by the traffic commissioner in relation to appeals under this Section.

## Taxi Stances

19(1) A licensing authority may, after consultation with persons or organisations appearing to them to be, or be representative of, the operators of taxis operating in their area, appoint stances for taxis for the whole or any part of a day in any road within their area or on any land owned by the authority, or, with the consent of the owner, on any land owned by him.

(2) A licensing authority may -

(a) erect and illuminate signs;

(b) cause lines or marks to be made on roads, indicating the limits of taxi stances.

(3) A licensing authority may from time to time, after consultation as mentioned in subsection (1) above, vary the number of taxis permitted to be at each stance and alter the position of such stances or revoke the appointment thereof.

(4) Before appointing any stance for taxis or varying the number of taxis permitted to be at each stance, the licensing authority shall give notice to the Chief Constable of the area in which the stance is situated and shall also give public notice of the proposal by advertisement in at least one newspaper circulating in their area and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within 28 days of the first publication of such notice.

(5) Nothing in this section shall empower a licensing authority to appoint any taxi stance so as unreasonably to prevent access to any premises or, without the consent of the roads authority, to appoint any taxi stance on any road or erect or illuminate any sign there or cause any line or mark to be made on any road.

#### **Regulations relating to taxis and private hire cars and their drivers**

20(1) Notwithstanding paragraph 5(2) of Schedule 1 to this Act, the Secretary of State may by regulations provide that licensing authorities shall, in relation to taxi, private hire car, taxi drivers' or private hire car drivers' licences, impose such conditions or classes of conditions as may be prescribed in the regulations and shall not impose such other conditions or classes of conditions as may be so prescribed and may prescribe that such conditions shall be imposed or, as the case may be, shall not be imposed for different areas or classes of areas; and different conditions or classes of conditions may be prescribed in relation to different categories or taxi or private hire car.

(2) The Secretary of State may by regulations made by statutory instrument prescribe types, sizes and designs of vehicles for the purposes of section 10(4) of this Act and, in doing so, may prescribe different types, sizes or designs of vehicles in respect of different areas.

(2A) Without prejudice to the generality of subsection (1) and (2) above, regulations under those subsections may make such provision as appears to the Secretary of State to be necessary or expedient in relation to the carrying in taxis of disabled persons (within the meaning of section 2(2) of the Disability Discrimination Act 1995) and such provision may in particular prescribe –

(a) requirements as to the carriage of wheelchairs, guide dogs, hearing dogs and other categories of dog;

(b) A date from which any such provision is to apply and the extent to which it is to apply; and

(c) The circumstances in which an exemption from such provision may be granted in respect of any taxi or taxi driver,

and in this subsection –

“guide dog” means a dog which has been trained to guide a blind person;

“hearing dog” means a dog which has been trained to assist a deaf person;

“other categories of dog” means such other categories of dog such as the Secretary of State may prescribe, trained to assist disabled persons who have disabilities of such kinds as he may prescribe.

(3) Regulations under subsection (1) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either house of Parliament.

#### **Offences**

21(1) If any person –

(a) operates, or permits the operation of, a taxi within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed; or

(b) picks up passengers in, or permits passengers to be picked up by, a private hire car within an area in respect of which its operation requires to be but is not licensed or the driver requires to be but is not licensed, that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

(2) Subsection (1) above does not apply to the operation of a taxi or private hire car within an area in respect of which its operation or its driver is not licensed if the request for its hiring was received by its driver (otherwise than in a public place from the person to be conveyed in it, or a person

acting on his behalf, for a journey beginning there and then) whilst –

(a) in the area or in that part thereof in respect of which its operation and its driver are licensed;

(b) engaged on hire on a journey which began in that area or part or will end there; or

(c) returning to that area or part immediately following completion of a journey on hire.

(3) Subsection (1)(b) above does not apply to the operation of a vehicle within an area in respect of which its operation or its driver is not licensed if there are in force –

(i) in respect of the vehicle, a licence under section 37 of the Town Police Clauses Act 1847 (licensing of hackney carriages) or section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (licensing of private hire vehicles); and

(ii) in respect of its driver, a licence under section 46 of the said Act of 1847 (licensing of hackney carriage drivers) or, as the case may be, section 51 of the said Act of 1976 (licensing of drivers of private hire vehicles).

(3A) Subsection (1)(b) above does not apply to the operation of a vehicle within an area in respect of which its operation or its driver is not licensed if there are in force –

(a) in respect of the vehicle, a licence under section 7 or the Private Hire Vehicles (London) Act 1998; and

(b) in respect of its driver, a licence under section 13 of that Act.

(4) If any person, being the holder of a taxi licence or private hire car licence in respect of a vehicle, permits another person who does not have a current taxi driver's licence or private hire car driver's licence, as the case may be, to operate the vehicle as a taxi or, as the case may be, a private hire car he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

(5) If any person demands fares or other charges in respect of the hire of a taxi or for the hire of a private hire car which is fitted with a taximeter in excess of the scales established under sections 17 and 18 of this Act, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500.

(6) If any person without good cause breaks the seal on a taximeter or operates or drives a taxi or private hire car knowing that the seal on its meter has been broken, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,500 or to an imprisonment for a period not exceeding 60 days or to both.

(7) If any person, without reasonable excuse, causes or permits any vehicle other than a taxi to wait on any stance for taxis during any period for which that stance has been appointed by a licensing authority under section 19 of this Act, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500.

(8) Notice of the effect of subsection (7) above shall be indicated by such traffic signs as may be prescribed as authorised for the purpose by the Secretary of State in pursuance of his powers under section 54 of the Road Traffic Regulation Act 1967.

#### **Savings for certain vehicles, etc.**

22 Nothing in sections 10 to 21 (with the exception of subsection (7) of section 21) of this Act shall:-

(a) apply to a vehicle used for bringing passengers or goods within and taking them out of an area in respect of which the vehicle is not licensed as a taxi or a private hire car in pursuance of a contract for the hire of the vehicle made outside the area if the vehicle is not made available for hire within the area;

(b) apply to a vehicle while it is being used in connection with a funeral or wedding;

(c) apply to a vehicle while it is being used for carrying passengers under a contract for its exclusive hire for a period of not less than 24 hours.

#### **Interpretation of sections 10 to 22**

23(1) In sections 10 to 22 of this Act:-

“taxi” means a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on his behalf) and its driver for a journey beginning there and then; and “private hire car” means a hire car other than a taxi within the meaning of this subsection.

(2) In subsection (1) above, “hire car” means a motor vehicle with a driver (other than a vehicle being a public service vehicle within the meaning of section 1(1)(a) of the Public Passenger Vehicles Act 1981) which is, with a view to profit, available for hire by the public for personal conveyance.

(3) Notwithstanding that a vehicle in respect of which there is a licence for its operation as a taxi is, on any occasion, engaged as a hire car otherwise than in the manner referred to in subsection (1) above, the enactments relating to its operation as a taxi and to the driving of it as such (including any such enactments in this Act) shall nonetheless apply in relation to it; and that other manner of engagement on that occasion shall not of itself cause the operation or driving of the licensed taxi to be regarded for the purposes of this Act as the operation or driving of a private hire car within the meaning of subsection (1) above.

## ANNEX 3

### Proposals for change – response

#### CONSULTATION QUESTIONS

##### **1. Should local authorities have the power to restrict numbers of private hire cars?**

Yes ☒ No ☐

Yes

##### **2. What issues would arise from allowing local authorities to restrict numbers of private hire cars and how could these be resolved? For example, would consideration need to be given to setting percentages for certain vehicle types?**

1 The level at which the number should be set.

2 If a level is set, the susceptibility to infiltration by persons involved in serious organised crime.

3 Mix of vehicle types to ensure adaptability of the fleet to service all types of hire.

##### **3. Training:**

**(a) Is it necessary to specifically allow local authorities to require training of private hire drivers? What evidence is there of local authorities already doing this with their current powers?**

**(b) What might that training include? Should this be specified in legislation?**

1 It is possible to arrange training of drivers. Disability awareness is the sole issue that has presented as being potentially in need of attention. Topographical Testing for Private Hire Car Drivers may be worthwhile but may not be altogether appropriate since Private Hire Car Drivers are able to check the route prior to departure.

2 Training may also be appropriate in relation to Customer Care, Driver Skills, Working with Children, etc so as to assist drivers in providing a professional service.

3 It would be of benefit to include reference to this in the legislation for the sake of clarity, all with a view to enabling the driver to provide a professional service.

4 Currently, Taxi Drivers receive training as respects the carriage of wheelchair bound passengers and general disability awareness. The Trade is generally has not been supportive of any other training.

**4. What alternative options are there – legislative or non-legislative – that could improve the process of justifying a restriction on numbers of vehicles (taxis and/or private hire cars)?**

None identified.

**5. Inclusion of contract work in licensing:**

**a) How would the inclusion of contract work within licensing affect:**

**i) Those tendering and awarding contracts?**

**ii) Licensing authorities?**

**iii) Those providing driving services which are currently unlicensed?**

**iv) Passengers using a contracted service?**

**b) How could issues be resolved?**

1 As regards (i) they would be required to comply with the conditions of fitness that apply.

2 (ii), Greater transparency of activity but especially in relation to local authority contracts where there would be an obligation on the part of the provider to have appropriate licences.

2 At (iii) it would help them provide a service that meets the necessary standard which caters for the safety and wellbeing of passengers and other road users ie will improve conditions all round.

3 At (iv) it would provide reassurance.

No doubt, the new tranche of entrants will claim that compliance has cost implications but the benefits will outweigh this.

**6. Are there any issues that need to be considered with reference to operations not run for profit? (Such as voluntary transport arrangements that are run basically as charitable activity, which will continue to be excluded from licensing.)**

Voluntary transport arrangements should be required to work to the same standards so as to protect public safety. There is a concern that, in the absence of regulation, lower standards may be applied by the provider of



the service to the detriment of public safety.

**7. Updating licensing conditions:**

**(a) Would the use of a combination of mandatory and recommended conditions achieve an appropriate balance between national consistency and local context?**

**(b) Do different levels of licence (driver, vehicle, booking office) require a different combination of mandatory and recommended conditions?**

**(c) What issues of national concern could be included in a set of mandatory conditions?**

**(d) Who should be involved in this work? (Please also indicate if you would be willing to be involved).**

(a) Yes.

(b) yes

(c) With reference to the previously issued standard conditions, the issues should be examined with a view to determining those (and any that have become the norm since) which ought to become mandatory.

(d) Trade, Local Authorities, Police, Disabled Groups, Public Transport, etc.

**8. Is the extension of the Booking Office Order a proportionate response to concerns at some companies circumventing this layer of licensing?**

Yes. But the whole approach to this topic requires to be reviewed

**9. What specific measures would assist the enforcement of a licensing regime that covers businesses using mobile/smart phone technology?**

This topic has been the subject of many complaints from Members of the Public against those Operators who run businesses from their homes but escape regulation by claiming that all bookings are taken by mobile phone. Introducing a requirement that all should have a licence regardless of the number of hire cars involved would probably be unnecessarily disproportionate ie using both regulatory frameworks combined. Currently, conditions of licensing here dictate that hire car licence – holders keep details of hires which can be made available to the Police / Enforcement Officers on demand and this or a variation of this, may be sufficient to regulate the position. The half way house approach creates too many problems and doubts. The position needs to be clarified. If the regulatory system is not going to be effective, it is better done away with.

## **10. Role of police:**

- a) How might the role of the police within the 1982 Act be refocussed?**
- b) What would be an appropriate timeframe for police to respond to a request for information?**
- c) How well defined should the information be that they should submit?**

(a) Comparisons with the Licensing (Scotland) Act 2005 are not entirely appropriate in so far as the Act contains reference to specific convictions, although this would definitely assist.

(b) A 21 day period is given for the submission of a response whereas 28 days is the norm for hire cars etc which period was extended from 21 days in 2010. Enforcement is perhaps an area that requires attention, although currently, that service is provided here through the agency agreement especially in relation to the conditions of fitness of vehicles.

(c) A full report should be given to enable appropriate consideration to be given describing the background to the reasons for objecting to the grant of the licence / requesting suspension, the criminal record of the applicant / licence-holder and information about the incidents which led to the convictions.

## **11. Licensing objectives:**

- a) Is the introduction of statutory licensing objectives a useful tool for local authorities?**
- b) Who should be involved in the creation of the licensing objectives?**

The licensing objectives are identified in the preamble to the Act and reflect those contained in the 2005 Act. Here it may be worth considering the introduction of a list of crimes that ought to be included as in SI 513 relating to the 2005 Act.

## **12. Should one set of licensing objectives apply to all Civic Government regimes or be specific to taxi and private hire car licensing?**

For the sake of clarity, it would do no harm to provide licensing objectives for all civic government licences, based on the current provision and supplemented as appropriate eg inclusion in respect of Hire Car activities, protection of vulnerable people as in the 2005 Act, contribution to the Transport Strategy, etc. That however would have to be reached following a review of the other forms of civic government licensing.

**13. Guidance on licence application process:**

- a) Is guidance an appropriate response to this issue?
- b) Are there other elements this specific guidance should cover?
- c) Should a power be introduced to the 1982 Act (similar to the Licensing (Scotland) Act 2005) to make regulations on hearings procedures?

(a) Yes; (b) consideration of previous criminal history; (c) yes.

**14. Do you agree improved Best Practice Guidance is required?**

Yes

**15. Requiring applicant for any level of licence (driver, vehicle, booking office) to prove they are 'fit and proper':**

- (a) What would be the effects on the system of requiring applicants to prove they are 'fit and proper'?
- (b) What would be a suitable set of requirements for applicants to meet?
- (c) Who would be responsible for setting these?

(a) Applications could be refused if applicant fails to declare; (b) must at least make a full declaration; and (c) guidance from Government on the basis of informed comment;

**16. Develop licensing policy network:**

- (a) Who should be part of this network?
- (b) Could this network be used to share information on licence refusals, suspensions and revocations?
- (c) What format could a policy network take? E.g. physical meetings, shared web space?

(a) Trade, Police, SOLAR, disability group; (b) yes Trade, Police and SOLAR and others as appropriate; and (c) meetings and correspondence.

**17. Taking into account the proposals on the Booking Office Order, updated conditions and contract work and proposals on the licence application process, do you think that these will assist in tackling the presence of organised crime in the industry?**

Yes.

**18. Is there sufficient access for disabled people to taxi and private hire car services? What would make it easier for everyone to access taxis or private hire cars?**

Guidance is needed. Wheelchair Accessibility is but one of the elements. Attention needs to be paid to the other elements. There is an element of personal choice. Differing types of vehicles provide a broad range from which to cater for different disabilities.

**19. What measures or support could be implemented that would increase the availability of wheelchair accessible taxi and private hire vehicles, particularly outside of Scotland's cities?**

Limiting numbers of licences and providing for the need for quotas for specific types of vehicles.

**20. As well as the specific requirements in relation to taxis and private hire vehicles in sections 160 to 173, the Equality Act 2010 places a general duty on public bodies such as local authorities to advance the equality of opportunity of disabled people. Do you believe that this has had an effect on the provision of wheelchair accessible taxi and private hire vehicles?**

To an extent but the forerunning legislation / informed advice at the time set the scene.

**21. Are there any other issues related to taxi and private hire car licensing for people who share other protected characteristics under the Equality Act 2010 (age, race, religion or belief, sex, sexual orientation, gender reassignment, pregnancy or maternity)?**

None perceived.

**22. Statutory Licensing Enforcement Officer:**

**a) How would a statutory requirement for local authority enforcement officers work in the context of Civic Government licensing?**

**b) What would be the potential pitfalls?**

(a) Given the broad powers in respect of enforcement are currently available, if these were replicated, reinforcement and clarity could be introduced; and (b) none envisaged.

**23. Are there other solutions to creating increased enforcement/compliance capacity e.g. taxi marshals at night. Who should provide/pay for these?**

Where the provision relates directly to this kind of licensed activity, the Trade, if not, the target that the enforcement action is designed to resolve.

**24. Do you know of licensing authorities that currently licence special events vehicles under the 1982 Act?**

Yes. Midlothian Council has provision for this and had issued licences for certain types of stretch limousines like Lincoln Classics but not Party vehicles, converted Fire Engines, Ambulances, etc. There are currently no such vehicles licensed. It has been reported that VoSA carried out an exercise recently into this form of activity.

**25. What prevents those authorities who don't licence special events vehicles from doing so?**

None known, although cross border operation may be a contributory factor.

**26. Does this issue require a national response and why?**

Yes. The perception is that a problem exists throughout the country that needs to be addressed. To support the view that such activities ought to be regulated in the public interest.

**27. What form should a national response take?**

Complete examination of the subject area; so as to provide a framework in which to act which is understood by all concerned.

**28. What effect, if any, would the proposal to bring contract work within the taxi and private hire car licensing regime have on the operation of special event vehicles?**

It would eliminate one area where there is potentially a loophole; would strengthen the regulation of Hire Cars generally; and provide reassurance that public safety was being protected.

**29. How would the weddings exemption within the 1982 Act affect any attempt to specifically licence special events vehicles?**

When used as such, currently they would escape regulation.

**30. Do you have any other information or comments related to taxi and private hire car licensing not covered in the consultation document?**

Consideration ought to be given to (a) measures to ensure that licence holders are actually involved in the running of licensed activity; (b) resolution of anomalies created by different interpretations of the Rehabilitation of Offenders legislation in relation to the submission of and reference to spent convictions and Alternatives to Prosecution when considering applications for licences; and (c) inclusion of powers to revoke licences, rather than simply vary or suspend them so as to strengthen the powers of the licensing authorities.

## **ANNEX 4**

### **Comments made in relation to Proposals for change**

- 1 Support local authority power to limit PHCs. Observation – applications made by itinerant operators at peak times may be an issue. Otherwise, it is difficult to envisage the criteria that might be applied.
- 2 Training was needed both in relation to topographical testing and other aspects of the activity. In other areas, contract providers ran such courses.
- 3 There is an absence of Street signage in some areas.
- 4 record of which wheelchair accessible Private Hire cars were not kept.
- 5 Handicabs, LCTS, Dial a Bus provided services under the voluntary / exemption category.
- 6 Hire Car Booking Office licences were an added business expense. The licensing scheme had to be effective and therefore a review was appropriate. Current conditions of licensing of hire car vehicles contained provisions for records to be kept.
- 7 It was appropriate that licensing objectives be fixed.
- 8 It was anticipated that the legislation as regards the consideration of Fixed Penalties will change.
- 9 Where licence-holders held a few licences, it was necessary nevertheless to carry out full vetting checks on each application. More generally, difficulty arises where applicants for licences do not make a full declaration of convictions. Applications can be refused if there is such omission.
- 10 Conduct at Taxi Stances especially late at night / early in the morning when entertainment venues close, require supervision.
- 11 The regulation Special Events Private Hire Cars requires attention probably in consultation with VOSA.
- 12 The Rehabilitation of Offenders legislation presents difficulty.