

Draft Conditions of Licensing for Taxis and Private Hire Cars**Report by Director, Resources****1 Purpose of Report**

To seek approval to implement revised conditions of licensing for Taxis and Private Hire Cars.

2 Background

- 2.1** On 11 March 2013, the Committee agreed, *inter alia*, to continue consideration of revised conditions of licensing, as shown in the Appendix hereto.
- 2.2** On 19 March 2014, the Hire Car Liaison Group considered the matter. With the possible exception of (a) Fixed Steps on Taxis; (b) the Dress Code and (c) potentially, the inclusion of dimensions of Taxis in the Conditions of Fitness of Taxis, there was an acceptance of the Revised Conditions.

As regards Fixed Steps, the representatives of the Taxi Owners' Association made representation that they be permitted. The unreliability of the retractable steps seems to lie at the root of the problem from their perspective. The local supplier has told them that the design is incapable of remedial action and advised that them that the lack of maintenance is the cause. The Association say that there is also a possible design defect in that when the Taxis are fully laden the under-slung steps are highly susceptible to impact damage when the underside of the taxi makes contact with road humps, etc. The Cab Inspector indicated previously that he considered that Fixed Steps were inherently dangerous in that they presented a danger to injury from the protruding step to any members of the public standing at the side of the road. Colleagues in the London Taxi Unit were consulted last year and they were considering the issue. It is recalled that the considered view was that Fixed Steps were not safe but new tapered and more streamlined versions were being designed by the manufacturers and these may prove to be acceptable. A further update will be given at the Meeting.

As regards the Dress Code, the Associations were supportive and agreed that it is desirable that drivers present a good image and were suitably dressed. The alterations that they proposed, namely that jeans and dark coloured trainers be permitted, may be considered acceptable.

As regards the inclusion of dimensions of Taxis, in the Conditions of Fitness, which has been a feature of the conditions since the standard conditions were implemented in 1987 but relate to the previous standard for metropolitan style taxis, it is considered that it is best that this information should be included, though not perhaps in the existing form ie that it be amended to relate to the new style People Carrier type vehicle.

3 Report Implications

3.1 Resource

There are no resource implications arising directly from this report.

3.2 Risk

The Risk relates to the inclusion of conditions of licensing which may not address the issues that arise.

3.3 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

3.4 Key Priorities within the Single Midlothian Plan

Not addressed here.

3.5 Impact on Performance and Outcomes

Not addressed here.

3.5 Adopting a Preventative Approach

Virtually the whole thrust.

3.6 Involving Communities and Other Stakeholders

The Hire Car Associations and the police have been consulted.

3.7 Ensuring Equalities

There is equality of Opportunity.

3.8 Supporting Sustainable Development

Not addressed here

3.9 IT Issues

None arising.

4 Summary

In the main, the Revised conditions of licensing have been accepted by the Trade with the exception of the references to Fixed Steps on Taxis; Dress Code of Drivers; and possibly the inclusion of dimensions of taxis in the conditions of fitness.

4.1 Unfortunately, it has not been possible to obtain further information about the Fixed Steps in the interim. Consideration could be given to the deletion of the sentence "Fixed steps shall not be permitted" on the basis that the Cab Inspector can consider any requests by licence-holders for a material change to adapt by providing Fixed Steps and be able to assess the suitability of these and if necessary report back to Committee for a decision.

- 4.2** The suggestions by the Associations as regards a Dress Code that is acceptable to their Members is discussed above. Consideration could be given to the adoption of these measures.
- 4.3** There may be justification in omitting the reference to the dimensions of taxis in the conditions of fitness. The considered view however, that on balance it is better to retain the information. The dimensions, though, ought to change to relate to the People Carrier style of Taxi.

5 Recommendations

It is recommended that the Committee consider approving the Revised conditions of licensing, subject to:-

(a) deletion of the reference to the Prohibition of the Fixed Steps in Taxis on the basis that the Cab Inspector will be able to monitor the position;

(b) inclusion of the revised Dress Code of the following:-

Male Drivers

Shirt with collar or polo shirt

Trousers or jeans of smart appearance with no rips or tears

Smart footwear – Shoes, Boots, Dark coloured Trainers

Female Drivers

A blouse or smart top

Smart skirt or trousers or jeans of smart appearance with no rips or tears

Smart footwear – Shoes, Boots, Dark coloured Trainers

The following must not be worn:

Coloured Training shoes

Baseball caps

Track suits

T-shirts

Shorts

ie noting exceptions for certain medical conditions; and

(c) retention or deletion of the condition of fitness relating to the dimensions of taxis.

Date 24 March 2014

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Background Papers: Note of Meeting of 13 March 2014

Declaration Box

Instructions: *This box must be completed by the author of the report. The box will be copied and saved by the Council Secretariat who will delete it from the report prior to photocopying the agenda.*

Title of Report:

Meeting Presented to:

Author of Report:

I confirm that I have undertaken the following actions before submitting this report to the Council Secretariat (Check boxes to confirm):-

- ☐ *All resource implications have been addressed. Any financial and HR implications have been approved by the Head of Finance and Integrated Service Support.*
- ☐ *All risk implications have been addressed.*
- ☐ *All other report implications have been addressed.*
- ☐ *My Director has endorsed the report for submission to the Council Secretariat.*

For Cabinet reports, please advise the Council Secretariat if the report has an education interest. This will allow the report to be located on the Cabinet agenda among the items in which the Religious Representatives are entitled to participate.

Likewise, please advise the Council Secretariat if any report for Midlothian Council has an education interest. The Religious Representatives are currently entitled to attend meetings of the Council in a non-voting observer capacity, but with the right to speak (but not vote) on any education matter under consideration, subject always to observing the authority of the Chair.

5 The owner of a taxi shall not cause or

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.

Taxi Licences

- 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.

SCHEDULE C

- 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 Office 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 taxi meter 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.

- 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 flames 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 Companion

- 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 2 – THE MOTOR VEHICLE ACT 1981 – PART 1

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

Shoes

Female Drivers

A blouse

Smart skirt or trousers

Shoes

The following must not be worn:

Training shoes

Baseball caps

Track suits

Denims

T-shirts

Shorts

Declaration Box

Instructions: *This box must be completed by the author of the report. The box will be copied and saved by the Council Secretariat who will delete it from the report prior to photocopying the agenda.*

Title of Report:

Meeting Presented to:

Author of Report:

I confirm that I have undertaken the following actions before submitting this report to the Council Secretariat (Check boxes to confirm):-

- ☐ *All resource implications have been addressed. Any financial and HR implications have been approved by the Head of Finance and Integrated Service Support.*
- ☐ *All risk implications have been addressed.*
- ☐ *All other report implications have been addressed.*
- ☐ *My Director has endorsed the report for submission to the Council Secretariat.*

For Cabinet reports, please advise the Council Secretariat if the report has an education interest. This will allow the report to be located on the Cabinet agenda among the items in which the Religious Representatives are entitled to participate.

Likewise, please advise the Council Secretariat if any report for Midlothian Council has an education interest. The Religious Representatives are currently entitled to attend meetings of the Council in a non-voting observer capacity, but with the right to speak (but not vote) on any education matter under consideration, subject always to observing the authority of the Chair.