

Appendix 1



**LICENSING CONDITIONS**

**FOR**

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

Approved by:

~~The Regulatory Committee on 21 November 2016 to take effect from 1-  
December 2016~~

~~Amended 7<sup>th</sup> May 2018~~

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# LICENSING CONDITIONS FOR TAXIS, PRIVATE HIRE CARS AND THEIR DRIVERS

**NOTE:** These conditions are ancillary to and do not derogate from the powers granted to the Council in relation to taxis and private hire cars under the Civic Government (Scotland) Act 1982 or any amendment thereto.

## PART I – INTERPRETATION

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In these conditions the following words and expressions have the following meanings:

- (a) “the Act” means the Civic Government (Scotland) Act 1982.
- (b) Any words used in these conditions which are defined in the Act shall be interpreted in accordance with the definition of the Act.

Subject to the foregoing the following words or phrases shall have the meanings set out below –

**Approved** – means unless explicitly stated to the contrary approved by the relevant Executive Director or an Authorised Officer.

**Assistance Dog** - has the meaning set out in Section 173 of the Equality Act 2010 or any amending or replacement legislation.

**Authorisation** - includes any licence, certificate, permit or registration.

**Authorised Fare** - means any charge (whether described as a fare, engagement fee, extras or otherwise) authorised and approved by the Council for publication in the table of fares issued and amended from time to time, being the fare table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a taximeter) within the City of Edinburgh local government area.

**Authorised Officer** – means an officer authorised by the Council including **Enforcement Officers**, and includes the Cab Inspector and any Police Scotland **Officer** including authorised vehicle examiners, **Taxi Examination Officers** either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

~~**Cab Inspector** – means any person appointed by the Council to exercise the powers and carry out the duties of Cab Inspector in terms of or by reference to these conditions, to ensure that these conditions and their Schedules and the terms of Part II of the Act are properly observed and implemented.~~ **Suggest that we rewrite**

**Call Out Charge** – is that sum so described in the Council's Fare Table which is payable in addition to the fare where, by telephone or other advance arrangement, there is an engagement for the hire of a taxi or private hire car in which there has been fitted a taximeter.

**Certificate of Compliance** - means the certificate issued by the Taxi Examination Centre under section 10 (2) of the Act after examination of the vehicle on behalf of the Council certifying the Licensed Vehicle as satisfactory for use as either a taxi or private hire car.

**Commencement of Hire** - 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 passenger indicates that the hire has been terminated and offers payment of the fare. Where the passenger requires to exit the taxi or private hire car to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. 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 the arrival of the taxi or private hire car to the prospective hire or passenger at the place to which it has been summoned. **Kevin wanted to add in something around final destination**

**Complaints Notice** - means a notice that has been approved by the Council which details how to make a complaint against the driver or operator of a taxi or private hire car licensed by the Council. **We need a complaints process**

**Constable** - means any constable as defined in the Police and Fire Reform (Scotland) Act 2012 being an individual serving as a constable of the Police Service.

**Contravention** - ~~in relation to any requirement includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly.~~ **Plain English**

**Council** - means Midlothian Council local authority.

**Council Solicitor** - ~~means Head of Legal Risk and Compliance.~~ **Our title**

**Dress Code** - means the code of practice on dress for taxi and private hire car drivers attached as Schedule D to these conditions, approved by the Council on 18 June 2002 and as amended by the Council from time to time.

**Driver** – means in relation to a Taxi the holder of a current Midlothian Council Taxi Driver's Licence and in the case of a Private Hire Car a driver holding a current Midlothian Council Taxi Driver's or Private Hire Car Driver's Licence.

**DVLA standards in relation to Group 2 licence holders** – means the medical standards published by the DVLA for group 2 licence holders or any equivalent replacement standard. These standards have been adopted by the Council and apply to the medical examination of all Drivers.

**Enactment** - includes any enactment (and any amendments thereof) contained in any Act of Parliament, Order, Regulation or other instrument issued by the UK Parliament or the Scottish Parliament affecting Scotland.

**Engagement** - means an agreement by whatever means between any person and the holder of a Taxi Driver's Licence or PHC Driver's Licence (or their respective Representatives) for the Hire of a Licensed Vehicle at some time and location specified.

**Exclusive** - as applied to the Hire of a Licensed Vehicle means that a single fare is payable by any one passenger for the whole Hire of the Licensed Vehicle whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly.

**Fare table** – means the table of fares fixed by the Council to regulate the maximum metered charges for hires within the Midlothian Council area.

**Hire** – means the use of a Licensed Vehicle for the purpose of uplifting a passenger from a stated location and conveying such passenger and their Luggage to a specific destination and, where the use of a Taximeter is appropriate, there is a requirement to pay for its Hire (including a call out charge where applicable) not exceeding the rate of such fares or fees authorised in the current fare table insofar as the journey is not illegal in terms of Section 21 of the Civic Government (Scotland) Act 1982.

**Hours of Darkness** - means the time between half an hour after sunset and half an hour before sunrise.

**Licence** - means a licence granted by the Council to any person for the purpose of operating a vehicle as a taxi or private hire car or for the purpose of driving the same as appropriate during the currency or validity of such licence.

**Licence Holder** - means a person who has been granted and holds a current and valid licence from the Council in terms of Part II of the Act to operate either a taxi or a private hire car or a taxi driver’s licence or a private hire car driver’s licence unless otherwise stated.

**Licence Plates** – means the licence plates issued by the Taxi Examination Centre identifying licensed vehicles as hire cars which are required to be displayed in accordance with these conditions.

**Licensed Area** - means the Midlothian Council area.

**Licensed** - in relation to any taxi or private hire car, its owner or driver, means having been granted an appropriate licence by the Council in terms of the Act and these conditions during the currency of such licence, but excluding any period when such licence is suspended.

**Licensed Vehicle** – means generally the taxi or private hire car licensed under a taxi or private hire car licence or any approved replacement vehicle which has been inspected and issued with a Certificate of Compliance by the Taxi Examination Centre unless otherwise stated.

**Luggage** - includes all items which the hirer or passenger wishes to be carried in the hire vehicle, whether this is their own personal baggage for the journey, or being carried for business or otherwise, and shall also include animals or pets which reasonably may be accommodated within the vehicle.

**Maintenance** - includes repair, and “maintain” shall be construed accordingly.

**Motor Vehicle** - has the meaning assigned to it by the Road Traffic Act 1988 or any amending or replacement legislation.

**Notice** - means a notice in writing.

**Passengers** – means any person travelling in a hired licensed vehicle other than ~~the~~ ~~hirer~~ or the taxi or private hire car driver.

**Permanent Address** – means the address provided by an applicant or a licence holder in an application for licence or to renew a licence as amended from time to time by notice given to the Council by the applicant or the licence holder. **Timescales?**

**PHC** – means Private Hire Car.

**Private Hire Car Door Signs** – means a set of two identical door signs issued by the Council identifying the vehicle as a Midlothian Council licensed private hire car which are fitted to the front doors of the private hire cars in a position approved by the Council.

**Public Place** - has the meaning assigned by **Add in the appropriate Civic Government Act and** Section 133 of the Act.

**Reasonably Practicable** - ~~means capable of being performed and implemented having regard to all the circumstances, including in any case where works, repairs or maintenance are involved, the expense of their execution~~ **Plain English**

**Rectification Notice** – means a notice in writing issued by an Authorised Officer following inspection of a Licensed Vehicle to the Driver or operator of a Licensed Vehicle giving notice of defects requiring to be repaired or breaches of a condition or conditions requiring to be remedied and the maximum period specified in which the Licensed Vehicle should be submitted for re-testing.

**Reduced Fare Tariff** - means a table of charges (whether described as fare, engagement fee, extras or otherwise) -

- (a) Which is different from the table of fares approved by the Council as authorised and issued and amended from time to time, being the Fare Table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a taximeter) within the Midlothian Council area;
- (b) Which has been presented to the Council and approved by them that it would always produce a fare lower than the said approved table of fares for a journey within the Midlothian Council area;
- (c) Which has then been programmed into the Taximeter in a private hire car by a supplier or repairer of Taximeters as authorised by the Council and the Taximeter has then been sealed by the said supplier or repairer

**Representative** – when used in relation to the holder of a taxi or private hire car licence or in relation to a driver of a taxi or private hire car, means any person,

company, firm or association whose services as principal are engaged or used by such a licence holder (and that by any means whatsoever including internet, telephone and radio communications) for the purpose of obtaining or assisting in obtaining engagements for the hire of a taxi or private hire car.

**Shared** - as applied to the Licensed Vehicle means that each passenger is carried at a separate fare payable to the Driver; and “Shared Hire” shall be construed accordingly. **Review wording to state start to finish**

**Special Event Private Hire Car** - means a private hire car which is a converted motor vehicle of the following types holding Individual Vehicle Type (Approval IVA) from the Driver & Vehicle Standards Agency (DVSA).

**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 required to be registered under Part One of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

**Taxi Examination Centre** – means the **Midlothian** Council facility provided for the examination of Licensed Vehicles. – **Add in something around shared MOT's and compliance**

**Taximeter** – means a device approved by the Council for the calculation of fares.

**Taxi Stance** – means an approved stance signed or marked for use by taxis within the Midlothian Council area.

**Working Day** – means a day when either the Council or the Taxi Examination Centre (whichever is referred to) is open for business.

## **PART 2 –TAXI LICENCE CONDITIONS**

This Part 2 in conjunction with any relevant Schedules shall be referred to as the “Taxi Licence Conditions”. For the purposes of the Taxi Licence Conditions the term Licence Holder will only refer to those who hold a Licence to operate a taxi and the term Licensed Vehicle will only refer only to a taxi.

### **General**

1. The Licence Holder shall ensure that, at all times when the Licensed Vehicle is available for hire or being used for hire, that:
  - (a) the Licensed Vehicle is covered by a valid Licence issued by the Council and complies with the conditions of fitness contained in Schedule A to these conditions;
  - (b) the Licensed Vehicle is displaying current Licence Plates as issued by the Council for the Licensed Vehicle on the approved positions on the front, rear and interior of the Licensed Vehicle; **Add in Schedule A specific sizes**
  - (c) all Drivers of the Licensed Vehicle are holders of a current taxi Driver’s Licence issued by the Council at all times whilst they are in charge of the Licensed Vehicle;
  - (d) the Licensed Vehicle, including all bodywork, upholstery and fittings, is free from dents or damage, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;
  - (e) any defects identified in the Licensed Vehicle by an Authorised Officer, or any breaches of these conditions identified by an Authorised Officer are rectified to the satisfaction of an Authorised Officer within the maximum period specified in any Rectification Notice issued to any Licence Holder;
  - (f) they do not ask a Driver of a Licensed Vehicle to do anything which would result in the Driver committing a breach of the conditions attached to the grant of the Driver’s Licence;
  - (g) they do not do anything in the course of their operation of the Licensed Vehicle which is illegal.

### **Registration and Insurance**

2. The Licence Holder shall:
  - (a) hold in their own name the requisite vehicle registration document and a valid certificate of insurance in relation to the Licensed Vehicle required by Part VI of the Road Traffic Act 1988 or any other amending legislation



and the Licence Holder shall be required to produce these documents to an Authorised Officer, the Cab Inspector or Constable at any reasonable time on request. Where there is more than one Licence Holder, the vehicle registration document and the certificate of insurance shall be in the name of at least one of these holders. The Licensed Vehicle registration document and certificate of insurance must also state the permanent address of the Licence Holder named in those documents.

(b) ensure that either:

- (i) a valid certificate of insurance which shows that insurance cover is in place for all Drivers of the Licensed Vehicle; or
- (ii) a valid cover note on the same basis;

is carried within the Licensed Vehicle to which it relates at all times and is available for immediate inspection by any passenger being carried within the vehicle, an Authorised Officer, Cab Inspector or Constable.

(c) not cause or permit the Licensed Vehicle to stand or seek hire during any period when the Licensed Vehicle does not comply with the provisions of these conditions.

### **Vehicle Inspections**

3. The Licence Holder shall:-

- (a) require his Licensed Vehicle to undergo and pass an annual inspection by the Taxi Examination Centre in order that a Certificate of Compliance is in force for the Licensed Vehicle at all times. On receiving the requisite notice in writing, the Licence Holder shall produce the Licensed Vehicle for examination at such time and place as may be reasonably required by the Council; **Do they need a valid MOT**
- (b) ensure that, when the Licensed Vehicle is presented for examination with a view to the renewal of the Licence, it complies with relevant construction and use regulations, the bodywork and passenger accommodation of the Licensed Vehicle are clean and that the underside of the vehicle is free from road dirt, excess oil and grease, otherwise the inspection cannot be undertaken;
- (c) in addition to any annual examination and upon receiving two days notice either verbally or in writing from the Council, Cab Inspector or an Authorised Officer, the Licence Holder shall produce the Licensed Vehicle for examination at the time and place, specified;

- (d) in the event that the Licensed Holder fails to keep any appointment for examination of the Licensed Vehicle, or the inspection cannot be undertaken due to the condition of the Licensed Vehicle, pay a cancellation charge to the Council before a further examination of the Licensed Vehicle is arranged;
  - (e) in the event that the Licensed Vehicle fails the annual test and requires another full compliance test, a retest fee must be paid to the Council before a further examination of the vehicle is arranged;
  - (f) in the event that the Licensed Vehicle does not have a Certificate of Compliance in force the Licence Holder shall, within 24 hours (or the following Working Day) of the expiry of the Certificate of Compliance return the Licence Plates as for the Licensed Vehicle to the Taxi Examination Centre or the Council.
4. The Licence Holder, when their Licensed Vehicle is damaged in a vehicular accident or by any other means, must report the damage to the Council as soon as practicable **should we change to 24 hours** and, if the Licensed Vehicle is roadworthy, shall present it for examination within two working days of the occurrence. As soon as repairs to the Licensed Vehicle have been completed, the Licensed Vehicle must be presented to the Taxi Examination Centre for re-examination. Unless the Taxi Examination Centre confirms otherwise, the Licensed Vehicle shall not be used as a Licensed Vehicle from the date of the damage until the repairs have been completed, and the Licensed Vehicle is passed by the Taxi Examination Centre as being fit for use again. **Add in Keep Log to record accident damage**
5. If Authorised Officers issue the Licence Holder with a Rectification Notice relating to advertising on a Licensed Vehicle, the Licence Holder must comply with the Rectification Notice and present the Licensed Vehicle to the Taxi Examination Centre for re-examination within either 14 days or the period specified in the Rectification Notice.

### **Display of Plates**

6. On a Vehicle being licensed as a taxi, a number shall be allotted to it by the Council and the approved external and internal Licence Plates bearing such number shall be supplied to the Licence Holder by the Council. The Licence Holder shall ensure that the Licence Plates are immediately affixed to the Licensed Vehicle to the satisfaction of the Taxi Examination Centre and the Licensed Vehicle shall not be used for hire until the Licence Plates are properly affixed. The Licence Plates remain the property of the Council at all times and must be returned to the Council as and when required by these conditions.
7. The Licence Holder shall affix to the Licensed Vehicle and display at all times on the Licensed Vehicle, in positions and by method approved by the Council:-

- (a) external Licence Plates on the front and rear of the Licensed Vehicle; and
  - (b) an internal plate on the inside of the Licensed Vehicle.
8. If the letters or figures on any Licence Plate affixed to a Licensed Vehicle become obliterated or defaced so as not to be distinctly visible or legible, or any of the plates are lost or stolen, the Licence Holder shall immediately and in any case by the next working day at the very latest report and obtain from the Council a replacement Licence Plate. In the event that any of the Licence Plates are stolen the Licence Holder must immediately report this to the Police and obtain a crime reference number.

### **Other Signage**

9. Except as otherwise provided for in these conditions the Licence Holder shall not, without the consent of the Council, fix or permit to be fixed on their Licensed Vehicle any plate other than the Licence Plates or other plate or notice required by law.
10. The Licence Holder shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the Licensed Vehicle that are present when it is supplied by the manufacturer and which are aimed at assisting passengers to identify the type or features of the vehicle.
11. The Licence Holder shall ensure that the word “Midlothian” and the number allotted to their taxi shall be painted, or applied in any suitable material approved by the Council, in a straight line on the outside of each passenger door immediately below the window frames in letters and figures not less than 2.5cm in height, of proportionate breadth and in colour conspicuously different from that of the bodywork of the vehicle. The colour and dimensions of the letters and figures shall be subject to the approval of the Council.
12. The Licence Holder shall display upon the roof of their Licensed Vehicle a sign of a type approved by the Council for the purpose of identifying the Licensed Vehicle as a taxi and an illuminated for hire box fitted to the rear side of the Licensed Vehicle which will state either for hire or hired. While the Licensed Vehicle is available for shared hire the Licence Holder 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 Licensed Vehicle is available for shared hire.
13. The Licence Holder shall affix the following notices in a conspicuous position inside their taxi:
- (a) The Fares Table in accordance with the conditions; and **on our website??**

- (b) That a copy of these conditions may be inspected at the Council's Licensing Offices, Midlothian House, 40-46 Buccleuch Street, Dalkeith, EH22 1DN or on the Council Website

14. The Licence Holder shall ensure that two notices detailing the Council's complaints procedures are displayed in the vehicle. The Complaints notices must be attached to both rear quarter-lights or, in the absence of quarter-lights, in a similar position approved by the Council, so that they may be read by passengers travelling in the vehicle. Don't think we require this at the moment but do we want to add in
15. The Licence Holder shall at any time when the Licensed Vehicle is being used as a Taxi Bus cause to be displayed on the Licensed Vehicle in such a position and in such a form as may be prescribed by the Council a notice which indicates that the Licensed Vehicle is being used as a Taxi Bus.

### Fares

16. The Licence Holder shall obtain from the Council a notice detailing the Authorised Fare charges and will display the Fares Table in the passenger compartment of their Licensed Vehicle in an approved position so that it will be readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the Licensed Vehicle.
17. Unless the cost of the journey is regulated by the Council Authorised Fare charges, the Licence Holder shall ensure that, prior to acceptance of the hire, any potential hirer of their Licensed Vehicle is informed whether by the Driver or otherwise that:
- (a) the fare is not so regulated; and
  - (b) of the cost, or method of calculating the cost, of the proposed journey.
- Do we have a reduced Fare Tariff
18. The Licence Holder shall at any time when the Licensed Vehicle is being used as a Taxi Bus have displayed in the Licensed Vehicle 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 the journey or the manner in which that fare is calculated.

### Taximeter

19. The Licence Holder shall have affixed to, and used on their Licensed Vehicle, a Taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Taxi Examination Centre as to distance and time in accordance with the approved taxi fares and charges, and no other Taximeter shall be affixed or used. Such Taximeter must be electronic and capable of multi

tariff operation. This condition shall not apply to any Licensed Vehicle while it is in use as a Taxi Bus.

20. A supplier or repairer of Taximeters may be authorised by the Council to test and seal meters. Once such a Taximeter is fitted to their Licensed Vehicle 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 or authorised supplier before being used again as a Licensed Vehicle.
21. The Licence Holder shall ensure that the Taximeter fitted to their Licensed Vehicle is in an approved position.
22. The Licence Holder shall not knowingly use, or cause or permit to be used on their Licensed Vehicle, a Taximeter which is in any way defective or with a seal that is broken or detached.
23. The Licence Holder shall not use, or cause to permit to be used on their Licensed Vehicle, a road wheel or tyre of a different circumference from that for which the Taximeter affixed to the Licensed Vehicle was designed and geared for that Licensed Vehicle and has been tested by the Council.

**Transportation of Wheelchairs** **Should testing be mandatory and re-checks req every 3 years**

24. The Licence Holder of a Licensed Vehicle which is suitable for the transportation of passengers travelling within wheelchairs shall ensure that :
  - (a) appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the Licensed Vehicle at all times;
  - (b) that all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
  - (c) that any passenger lift and ramp used with the Licensed Vehicle: -
    - (i) has a plate attached to it, readily visible to users, showing the safe working limit of the lift or ramp; and
    - (ii) where the lift and ramps were not provided at the time of manufacture of the vehicle ensure that all such equipment complies with British Standard (BS 6109 and BS1756-2:2004) or any replacement standards.

- (iii) where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle, ensure that all such equipment complies with ISO 10542 or any replacement standards.
- (d) that all Drivers of the Licensed Vehicle are trained in the use of the passenger lift, where applicable, and all approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer's instructions for using all access and safety equipment on every occasion.

### **Advertising and Personalising Marks**

- 25. The Licence Holder shall not display in or on their Licensed Vehicle any signs by way of identifying or personalising marks.
- 26. The Licence Holder may display advertisements in or on their Licensed Vehicle subject to the following criteria:
  - (a) 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, super-sides or full livery. Door advertisements may only be fitted to the lower panels of the front and rear doors. No material may be placed on any glass including the dividing glass partition, other than notices approved by the Council. The Council reserves the right to require the immediate removal of any advertising on Licensed Vehicles which would not be permitted in terms of condition 27 below. –Does this need reviewed
  - (b) Materials used for advertisements must be made of a quality not easily defaced or detached. No magnetic panels, paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the Licensed Vehicle.
  - (c) Interior advertisements on the underside of the tip-up seats must be encapsulated in clear non-flammable plastic.
- 27. Advertisements are not required to be approved by the Council. However, advertisements should not 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. Placement of inappropriate adverts could result in the Licence Holder being regarded as an unfit person to hold a licence. Should they be approved by CAB Office and add in alcohol

## **Fulfilment of Hire**

28. The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to Hire their Licensed Vehicle which the Licence Holder has accepted, or which has been accepted on the Licence Holder's behalf by any Representative, unless prevented by reasonable and sufficient cause.

## **Exceptions to Hire**

29. The licence Holder shall not carry, or cause or permit to be carried in their Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
30. The Licence Holder shall not knowingly carry, or cause or permit to be carried in his Licensed Vehicle, any passenger who has ~~vermin~~ on their person or whose clothing is in a foul or filthy condition. **Should we be more specific**
31. The Licence Holder shall not permit their Licensed Vehicle to be utilised for any illegal purpose.
32. If any person suffering from any notifiable infectious or contagious disease is carried in a Licensed Vehicle, the Licence Holder shall, as soon as it comes to his knowledge, give notice to the Council who shall notify the appropriate medical authority and shall not cause or permit such Licensed Vehicle to stand or ply for Hire or carry passengers for Hire until the appropriate medical authority certifies that the Licensed Vehicle has been adequately disinfected.

## **Receipts**

33. The Licence Holder shall ensure that, at the termination of the hire, a signed or electronic receipt for the fare shall be provided by the Driver of the Licensed Vehicle to the passenger if requested, stating:
- (a) the time and date of the journey
  - (b) the licence number of the Licensed Vehicle
  - (c) the amount of the fare charged
  - (d) the name of the driver



## Electronic Security System

### Forward Facing Cameras – Seenotes

34. The Licence Holder shall not install forward facing cameras in a Licensed Vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
- (a) Forward facing camera are only to be used for motor insurance purposes
  - (b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness;
  - (c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear;
  - (d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions;
  - (e) The installed system must not weaken the structure or any component part of the Licensed Vehicle, or interfere with the integrity of the manufacturer's original equipment;
  - (f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the Driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the Driver and/or passengers;
  - (g) Equipment must not obscure or interfere with the operation of any of the Licensed Vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
  - (h) No equipment may interfere with the Driver's view;
  - (i) Viewing screens within the Licensed Vehicle for the purposes of viewing captured images are not permitted;
  - (j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed;
  - (k) The equipment must not record sound
  - (l) The equipment must be mounted and used so as to record only views outside the Licensed Vehicle;
  - (m) If the equipment is later removed, there is no requirement to notify the Council of its removal, but any damage to the Licensed Vehicle caused by removal must be remedied to an acceptable standard
  - (n) The Licence Holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions



by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the Licence Holder for a minimum of 12 months and will be made available on demand to an Authorised Officer, Cab Inspector or Constable

- (o) Upon request for image retrieval by the Cab Inspector, Authorised Officer or Constable the Licence Holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
- (p) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc

- 35. If forward facing cameras are fitted to a Licensed Vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Data Protection Act 1998 applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Data Protection Act 1998. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
- 36. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
- 37. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **Safety Cameras**

- 38. The Licence Holder shall not install safety cameras in a Licensed Vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
  - (a) Safety cameras are only to be used for the purposes of Driver safety. This may also benefit passengers.
  - (b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness.
  - (c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or Driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

- (d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
- (e) The installed system must not weaken the structure or any component part of the Licensed Vehicle, or interfere with the integrity of the manufacturer's original equipment.
- (f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the Driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
- (g) Equipment must not obscure or interfere with the operation of any of the Licensed Vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
- (h) No equipment may interfere with the Driver's view.
- (i) Viewing screens within the Licensed Vehicle for the purposes of viewing captured images are not permitted.
- (j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed.
- (k) Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008), and any guidance on this topic which is subsequently published.
- (l) If the equipment is later removed, there is no requirement to notify the Council of its removal, but any damage to the Licensed Vehicle caused by removal must be remedied to an acceptable standard
- (m) The Licence Holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to an Authorised Officer, Cab Inspector or Constable
- (n) Upon request for image retrieval by an Authorised Officer, Cab Inspector or Constable the Licence Holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
- (o) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.

39. If safety cameras are fitted to Licensed Vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the ~~Data Protection Act 1998~~. ~~If the Data Protection Act 1998~~ **New Act** applies, the person who is regarded as the 'Data Controller' for these pictures must be

registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Data Protection Act 1998. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.

40. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
41. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **Record of Drivers**

42. The Licence Holder shall keep an up-to-date record of the names and addresses of all Driver's employed by that Licence Holder or in a contract or vehicle leasing arrangement with that Licence Holder, together with the dates and times that each Driver was in charge of the Licensed Vehicle.
43. The record of Drivers shall be kept for a minimum of six months **increase to 12 months?** and must be produced on request to an Authorised Officer, Cab Inspector or a Constable for inspection together with any other such information as may be required for the purpose of ascertaining the identity of any Driver employed by the said Licence Holder or for any other purpose relating to these conditions.

### **Change of Address**

44. A Licence Holder 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, Midlothian House, 40-46 Buccleuch Street, Dalkeith EH22 1DN or by e-mail to: [licensing@midlothian.gov.uk](mailto:licensing@midlothian.gov.uk).

### **Suspension of Licence**

45. When an Authorised Officer or Constable suspends the licence of a Licensed Vehicle in accordance with Section 11 of the Act, the Authorised Officer or Constable shall affix a label bearing:
  - (a) the words "this hire car is in the meantime certified unfit for public use" and
  - (b) the date of the suspension,in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. The Licensed Vehicle cannot be used

as a Licensed Vehicle until an Authorised Officer is satisfied as to the safety of the Licensed Vehicle or accuracy of the Taximeter and has removed the label.

46. When a Licence is suspended in accordance with Paragraph 12 of Schedule 1 the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

### **Return of Licence and Plates**

47. When a Licensed Vehicle ceases to be used as such the Licence Holder shall give immediate notice to the Council and return to the council the licence in respect of their Licensed Vehicle, along with the taxi plates and the Certificate of Compliance, within ten working days. – should the plates go back to the CAB office and paper to us with new procedure

### **Miscellaneous Compliance**

48. The Licence Holder shall:
- (a) not obstruct any Authorised Officer, Cab Inspector or Constable, in the performance of any of their duties under these conditions;
  - (b) comply with all instructions or directions of any Authorised Officer, Cab Inspector or Constable in relation to these conditions; and
  - (c) provide an Authorised Officer, Cab Inspector or Constable with accurate information reasonably required by these officers in the discharge of their duties;
  - (d) ensure that no advertising material of any kind, other than business cards relating directly to the operation of the Licensed Vehicle i.e. providing contact details handed out to passengers within the Licensed Vehicle, is distributed by Drivers of the Licensed Vehicle or left within the Licensed Vehicle.
49. If the Licence Holder loses his Licence or any other document issued to him by the Council, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.

### **Notification of convictions etc**

50. Where a Licence Holder is: -
- (a) charged with any crime or offence of any nature;
  - (b) convicted of any crime or offence by any court;

(c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); or

(d) has his DVLA driving licence endorsed with any offence or penalty or medical restriction;

He must report that information to the Council within 10 working days **reduce to 5 days?** of the date of any of the above being intimated to him

### **Notification of information in relation to Drivers**

51. The Licence Holder is required to report the following information regarding any Driver of his/her Licensed Vehicle to the council within 24 hours (or the following working day) of that information coming to his attention in relation to Drivers of the Licensed Vehicle:

- (a) information that any Driver has been disqualified from driving;
- (b) information that any Driver is suffering from any medical condition which may affect his fitness to drive a taxi;
- (c) information that any Driver is using illegal drugs;
- (d) information that any Driver may have committed any offence involving dishonesty or sexual impropriety.

### **Training**

52. The Licence Holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to them by notice sent to his address as last notified to the Council. **Should we be charging a fee?**

## PART 3 – PRIVATE HIRE CAR LICENCE CONDITIONS

This Part 3 in conjunction with any relevant Schedules shall be referred to as the “Private Hire Car (PHC) Licence Conditions”. For the purposes of the Private Hire Car (PHC) Licence Conditions the term Licence Holder will refer only to those who hold a Licence to operate a PHC and the term Licensed Vehicle will only refer to a PHC.

### General

53. A Vehicle shall not be deemed to be of a suitable type and in a proper state of repair for use as a Licensed Vehicle unless:
- (a) It is designed for the carriage of passengers and is not a goods vehicle; and
  - (b) It is in a proper state of repair for use as a Licensed Vehicle in accordance with **Schedules B or C** to these conditions.
54. The Licence Holder shall ensure that, at all times when the Licensed Vehicle is available for Hire or undertaking hires:
- (a) the Licensed Vehicle is covered by a valid Licence issued by the Council and complies with the conditions of fitness contained in Schedule B to these conditions
  - (b) the Licensed Vehicle is displaying current Licence Plates as issued by the Council for the Licensed Vehicle in the approved manner and positions on the front, rear and interior of the Licensed Vehicle and the “pre-booked hires only”, signs to both front doors. No magnetic panels, paper based materials or water soluble adhesive paste shall be used; **Add in Schedule A specific sizes**
  - (c) all Drivers of the Licensed Vehicle are holders of current PHC or Taxi Driver’s licences issued by the Council at all times whilst they are in charge of the Licensed Vehicle;
  - (d) the Licensed Vehicle including all bodywork, upholstery and fittings, is free from dents or damage, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;
  - (e) any defects identified in the Licensed Vehicle by the Taxi Examination Centre, or any breaches of these conditions identified by an Authorised Officer or the Cab Inspector, are rectified to the satisfaction of the Taxi Examination Centre within the maximum period specified in any Rectification Notice issued to any Driver of the Licensed Vehicle;

- (f) will not ask a Driver of a Licensed Vehicle to do anything which would result in the Driver committing a breach of the conditions attached to the grant of the Driver's Licence;
- (g) does not do anything in the course of his operation of the Licensed Vehicle which is illegal.

### **Registration and Insurance**

55. The Licence Holder shall:

- (a) hold in their own name the requisite vehicle registration document and a valid certificate of insurance in relation to the Licensed Vehicle required by Part VI of the Road Traffic Act 1988 or any other amending legislation and the Licence Holder shall be required to produce these documents to an Authorised Officer, the Cab Inspector or Constable at any reasonable time on request. Where there is more than one Licence Holder, the vehicle registration document and the certificate of insurance shall be in the name of at least one of these holders. The vehicle registration document and certificate of insurance must also state the permanent address of the Licence Holder named in those documents.
- (b) ensure that either (i) a valid certificate of insurance which shows that insurance cover is in place for all Drivers of the Licensed Vehicle or (ii) a valid cover note on the same basis is carried within the Licensed Vehicle to which it relates at all times and is available for immediate inspection by any passenger being carried within the Licensed Vehicle, an Authorised Officer, the Cab Inspector or Constable.
- (c) not cause or permit the Licensed Vehicle to be available for hire or undertake hires during any period it does not comply with the provisions of these conditions.

### **Vehicle Inspections**

56. The Licence Holder shall:- **Do we need a valid MOT**

- (a) require his Licensed Vehicle to undergo and pass an annual inspection by the Taxi Examination Centre in order that a Certificate of Compliance is in force for the Licensed Vehicle at all times. On receiving the requisite notice in writing, the Licence Holder shall produce the Licensed Vehicle for examination at such time and place as may be reasonably required by the Council;
- (b) ensure that when the Licensed Vehicle is presented for examination the bodywork is free from dents and damage, the passenger accommodation of the vehicle is clean and that the underside of the Licensed Vehicle is

free from road dirt, excess oil and grease, otherwise the inspection cannot be undertaken;

- (c) if the Licensed Vehicle is fitted with a passenger lift, ensure that the lift is serviced and maintained on an annual basis by a qualified lift repairer approved of in advance by the Council, and at the time of the Licensed Vehicle's annual test, shall submit a report to the Council from such repairer to the effect that the lift is in good working order and condition;
- (d) in addition to any annual examination and upon receiving two working days notice **either verbally or in writing** from the Council, Cab Inspector or an Authorised Officer, **the Licence Holder shall** produce the Licensed Vehicle for examination at the time and place specified;
- (e) in the event that he fails to keep any appointment for examination of the Licensed Vehicle, or the inspection cannot be undertaken due to the condition of the Licensed Vehicle, pay a cancellation charge to the Council before a further examination of the Licensed Vehicle is arranged;
- (f) in the event that the Licensed Vehicle fails the annual test and requires another Compliance Test a retest fee must be paid to the Council before a further examination of the Licensed Vehicle is arranged;
- (g) in the event that the Licensed Vehicle does not have a Certificate of Compliance in force the Licence Holder shall, within 24 hours (or the following Working Day) of the expiry of the Certificate of Compliance return the Licence Plates for the Licensed Vehicle to the Taxi Examination Centre or the Council.

57. The Licence Holder when his Licensed Vehicle is damaged in a vehicular accident or by any other means, shall report the damage to the Taxi Examination Centre as soon as practicable and, if the Licensed Vehicle is roadworthy, shall present it for examination within the following two working days – **should we change to 24 hrs** or other date as may be agreed with Taxi Examination Centre, after the occurrence. As soon as any repairs to the Licensed Vehicle have been completed, the Licensed Vehicle shall be presented to the Taxi Examination for re-examination. Unless the Council confirms otherwise, the Licensed Vehicle shall not be used as a Licensed Vehicle from the date of the damage until the repairs have been completed, and the Licensed Vehicle is passed by the Taxi Examination Centre as being fit for use again.**Add in Keep Log Book?**

58. If an Authorised Officer issues the Licence Holder with a Rectification Notice relating to signage on the Licensed Vehicle, the Licence Holder must comply with the Rectification Notice and present the Licensed Vehicle to the Taxi Examination Centre for re-examination within 14 days or within the period specified in the Rectification Notice.



## Display of Plates and Signage

59. On a vehicle being licensed as a PHC, a number shall be allotted to it by the Council. The Taxi Examination Centre will supply:
- (a) the approved external and internal Licence Plates bearing such number shall be supplied to the Licence Holder by the Council; and
  - (b) two signs of an approved design stating “Pre-booked Hires Only”.
- The Licence Holder shall ensure that the Licence Plates and the two Private Hires Car “Pre-booked Hires Only” Door Signs are immediately affixed to the Licensed Vehicle to the satisfaction of Taxi Examination Centre and the Licensed Vehicle shall not be used for hire until the Licence Plates and Private Hires Car “Pre-booked Hires Only” Door Signs are properly affixed. No magnetic panels, paper based materials or water soluble adhesive paste shall be used. These Licence Plates remain the property of the Council at all times and must be returned to the Council as and when required by these conditions.
60. The Licence Holder shall affix to and display on the Licensed Vehicle at all times, in positions and by method approved by the Taxi Examination Centre:
- (a) external Licence Plates on the front and rear of the Licensed Vehicle; and
  - (b) an internal Licence Plates on the inside of the Licensed Vehicle as instructed by the Cab Inspector: and – **Don't think we have this**
  - (c) two Private Hires Car “Pre-booked Hires Only” Door Signs
61. If the letters or figures on any Licence Plate or Private Hire Car Door Sign affixed to a Licensed Vehicle become obliterated or defaced so as not to be distinctly visible or legible, or any of the Licence Plates are lost or stolen, the Licence Holder shall immediately, and in any case at the very latest the next working day **report and** obtain from Taxi Examination Centre, on payment of the appropriate fee, a replacement Licence Plate or Private Hire Car Door Sign. In the event that any of the Licence Plates are stolen the Licence Holder must immediately report this to the Police and obtain a crime reference number.
62. Except as otherwise provided for in these conditions the Licence Holder of a Licensed Vehicle shall not, fix or permit to be fixed on the Licensed Vehicle any plate other than the private hire car plates or other plate or notice required by law
63. The Licence Holder of a Licensed Vehicle shall be permitted to apply to the Council for an exemption from condition 62 above for permission to advertise his own business on the exterior of the Licensed Vehicle. This shall take the form of a sign indicating the name of the business and the telephone number in the format. **Jackie Menzies – charge for smaller plate??**

approved by the Council. No magnetic panels, paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the Licensed Vehicle.

### **Other Signage**

64. The Licence Holder shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the Licensed Vehicle which are present when it is supplied by the manufacturer and which are aimed at assisting passengers to identify the type or features of the Licensed Vehicle.
65. The Licence Holder shall ensure that at least two notices detailing the Council's complaints procedures are displayed in the Vehicle. The Complaints Notices must be attached to the top of the windows on the near-side front and rear windows so that they may be read by passengers travelling in the vehicle. **Charge for these?**
66. The Licence Holder shall not:
- (a) display a sign of any kind on the roof of the Licensed Vehicle,
  - (b) display or cause or permit to be displayed on or in his Licensed Vehicle (other than any Taximeter fare dial) or on his person (including his clothing) the word "cab", "taxi" or "for hire" or any other word or words which might give the impression that the Licensed Vehicle is available to pick up fares from the street
  - (c) The Licence Holder shall not display in or on their Licensed Vehicle any signs for any purpose of advertising other than those approved by the Council.

### **Transportation of Wheelchairs **Do we make it Mandatory and have re-checks?****

67. The Licence Holder of a Licensed Vehicle which is suitable for the transportation of passengers travelling within wheelchairs shall ensure that : –
- (a) appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the Licensed Vehicle at all times;
  - (b) that all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
  - (c) that any passenger lift and ramp used with the Licensed Vehicle -
    - (ii) has a plate attached to it, readily visible to users, showing the safe

working limit of the lift or ramp; and

- (ii) where the lift and ramps were not provided at the time of manufacture of the vehicle, ensure that all such equipment these complies with British Standard (BS 6109 and BS1756-2:2004) or any replacement standards.
- (iii) where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle ensure that all such equipment complies with ISO 10542 or any replacement standards.
- (d) that all Drivers of the Licensed Vehicle are trained in the use of the passenger lift, where applicable, and all approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer's instructions for using all access and safety equipment on every occasion.

## **Fares**

68. The Licence Holder of a Licensed Vehicle fitted with a Taximeter and which is programmed with a **Reduced Fare Tariff ?** will display a table showing the Reduced Fare Tariff in the passenger compartment of their Licensed Vehicle in an approved position, so that it will be readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the Licensed Vehicle.
69. Unless the cost of the journey is regulated by the Fare Table and calculated by Taximeter the Licence Holder shall ensure that, prior to acceptance of the hire, any potential hirer of the Licensed Vehicle is informed, whether by the Driver or otherwise, that:
- (a) the fare is not to be calculated by a meter and
  - (b) the cost, or method of calculating the cost, of the proposed journey.

## **Taximeter**

70. Where a Licensed Vehicle has a Taximeter affixed to, and used on their Licensed Vehicle, the Licence Holder shall have a Taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Taxi Examination Centre as to distance and time in accordance with the approved taxi fares and charges, and no other Taximeter shall be affixed or used. Such taximeter must be electronic and capable of multi tariff operation.
71. A supplier or repairer of Taximeters may be authorised by the Council to test and seal meters. Once such a Taximeter is fitted to their Licensed Vehicle 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 or authorised supplier before being used again as a Licensed Vehicle.

72. The Licence Holder shall ensure that the Taximeter fitted to their Licensed Vehicle is in an approved position.
73. The Licence Holder shall not knowingly use, or cause or permit to be used on their Licensed Vehicle, a Taximeter which is in any way defective or when the seal is broken or detached.
74. The Licence Holder shall not use, or cause to permit to be used on their Licensed Vehicle, a road wheel or tyre of a different circumference from that for which the Taximeter affixed to the Licensed Vehicle was designed and geared for that Licensed Vehicle and has been tested by the Council.

## **Electronic Security System Forward**

### **Facing Cameras – see notes**

75. The Licence Holder shall not install forward facing cameras in a Licensed Vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
  - a) Forward facing camera are only to be used for motor insurance purposes;
  - b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness;
  - c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear;
  - d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions;
  - e) The installed system must not weaken the structure or any component part of the Licensed Vehicle, or interfere with the integrity of the manufacturer's original equipment;
  - f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the Driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the Driver and/or passengers;

- g) Equipment must not obscure or interfere with the operation of any of the Licensed Vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
- h) No equipment may interfere with the Driver's view;
- i) Viewing screens within the Licensed Vehicle for the purposes of viewing captured images are not permitted;
- j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed;
- k) The equipment must not record sound
- l) The equipment must be mounted and used so as to record only views outside the Licensed Vehicle;
- m) If the equipment is later removed, there is no requirement to notify the Council of its removal, but any damage to the Licensed Vehicle caused by removal must be remedied to an acceptable standard
- n) The Licence Holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the Licence Holder for a minimum of 12 months and will be made available on demand to an Authorised Officer, Cab Inspector or Constable
- o) Upon request for image retrieval by the Cab Inspector, Authorised Officer or Constable the Licence Holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
- p) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc

76. If forward facing cameras are fitted to a Licensed Vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Data Protection Act 1998 applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Data Protection Act 1998. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
77. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
78. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

## **Safety Cameras**

79. The Licence Holder shall not install safety cameras in a Licensed Vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
- a) Safety cameras are only to be used for the purposes of Driver safety. This may also benefit passengers.
  - b) All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness.
  - c) All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or Driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.
  - d) All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
  - e) The installed system must not weaken the structure or any component part of the Licensed Vehicle, or interfere with the integrity of the manufacturer's original equipment.
  - f) All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the Driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
  - g) Equipment must not obscure or interfere with the operation of any of the Licensed Vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
  - h) No equipment may interfere with the Driver's view.
  - i) Viewing screens within the Licensed Vehicle for the purposes of viewing captured images are not permitted.
  - j) All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed.
  - k) Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008), and any guidance on this topic which is subsequently published.
  - l) If the equipment is later removed, there is no requirement to notify the Council of its removal, but any damage to the Licensed Vehicle caused by removal must be remedied to an acceptable standard

- m) The Licence Holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to an Authorised Officer, Cab Inspector or Constable
  - n) Upon request for image retrieval by an Authorised Officer, Cab Inspector or Constable the Licence Holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.
  - o) The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.
80. If Safety Cameras are fitted to a Licensed Vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the **Data Protection Act 1998. If the Data Protection Act 1998 - New Act ??** applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Data Protection Act 1998. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
81. The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
82. It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **Log Book**

83. The Licence Holder shall make available to any driver using the vehicle a suitable log book capable of recording, before the start of each journey, the following particulars for each contract of hire:
- (a) The time of the hire
  - (b) The pick up point
  - (c) The place of destination
  - (d) The name of the hirer
  - (e) The licence number and registration number of the vehicle
  - (f) The details of the driver
84. The log book must be capable of recording each hire in permanent ink and in chronological order

85. The Licence Holder shall ensure that the Driver of the Licensed Vehicle delivers the information as detailed in condition 83 for collation at the termination of each shift of driving.
86. The log book referred to in condition 83 shall be kept for a minimum of six months in chronological order and must be produced on request to an Authorised Officer, the Cab Inspector or a Constable for inspection
87. A central automated logging system at a Licensed Vehicle booking office may be used in place of a log book provided that the system can record and store in chronological order the details required in condition 83, and has been approved by the Council.
88. Any record of hires contained either within the log book or in a central automated logging system so approved must be secure and not capable of being falsified.

### **Fulfilment of Hire**

89. The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to Hire their Licensed Vehicle which the Licence Holder has accepted, or which has been accepted on the Licence Holder's behalf by any representative, unless prevented by reasonable and sufficient cause.
90. The Licence Holder shall take steps to ensure that each potential hirer of their Licensed Vehicle consents at the time of the arrangement of the Hire to an exclusive Hire or a Shared Hire as the case may be.
91. The Licence Holder shall not carry, or cause or permit to be carried in their Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
92. The Licence Holder shall not knowingly carry, or cause or permit to be carried in his Licensed Vehicle, any passenger who has **vermin – clarify** on their person or whose clothing is in a foul or filthy condition.
93. The Licence Holder shall not permit his Licensed Vehicle to be utilised for any illegal purpose.
94. If any person suffering from any notifiable infectious or contagious disease is carried in a Licensed Vehicle, the Licence Holder shall, as soon as it comes to his knowledge, give notice to the Cab Inspector who shall notify the appropriate medical authority and shall not cause or permit such Licensed Vehicle to carry passengers for hire until the appropriate medical authority certifies that the Licensed Vehicle has been adequately disinfected.



## Receipts

95. The Licence Holder shall ensure that, at the termination of the hire, a signed or electronic receipt for the fare shall be provided by the Driver of the Licensed Vehicle to the passenger if requested, stating:
- (a) the time and date of the journey
  - (b) the licence number of the vehicle
  - (c) the amount of the fare charged
  - (d) the name of the driver

## Record of Drivers

96. The Licence Holder shall keep an up-to-date record of the names and addresses of all Driver's employed by that Licence Holder or in a contract or vehicle leasing arrangement with that Licence Holder, together with the dates and times that each Driver was in charge of the Licensed Vehicle.
97. The record of Drivers shall be kept for a minimum of six months **should it be 12 months** and must be produced on request to an Authorised Officer, Cab Inspector or a Constable for inspection together with any other such information as may be required for the purpose of ascertaining the identity of any Driver employed by the said Licence holder or for any other purpose relating to these conditions.

## Change of Address

98. A Licence Holder 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, Midlothian House, 40-46 Buccleuch Street, Dalkeith, EH22 1DN249 High Street, Edinburgh EH1 1YJ or by e-mail to: [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk).

## Suspension of Licence

99. When an Authorised Officer or Constable suspends the licence of a Licensed Vehicle in accordance with Section 11 of the Act, the Authorised Officer or Constable shall affix a label bearing:
- (a) the words "this hire car is in the meantime certified unfit for public use" and
  - (b) the date of the suspension,
- in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. The Licensed Vehicle cannot be used as a Licensed Vehicle until an Authorised Officer is satisfied as to the safety of the Licensed Vehicle or accuracy of the Taximeter and has removed the label.

100. When a Licence is suspended in accordance with Paragraph 12 of Schedule 1 the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

### **Return of Licence and Plates**

101. When a Licensed Vehicle ceases to be used as such the Licence Holder shall give immediate notice to the Council and return to the council the licence in respect of their Licensed Vehicle, along with the taxi plates and the Certificate of Compliance, within ten working days.

### **Miscellaneous Compliance**

102. The Licence Holder shall:
- (c) not obstruct any Authorised Officer, Cab Inspector or Constable, in the performance of any of their duties under these conditions;
  - (d) comply with all instructions or directions of any Authorised Officer, Cab Inspector or Constable in relation to these conditions; and
  - (c) provide an Authorised Officer, Cab Inspector or Constable with accurate information reasonably required by the officers in the discharge of their duties;
  - (d) ensure that no advertising material of any kind, other than business cards relating directly to the operation of the Licensed Vehicle i.e. providing contact details handed out to passengers within the Licensed Vehicle, is distributed by Drivers of the Licensed Vehicle or left within the Licensed Vehicle.
103. If the Licence Holder loses his Licence or any other document issued to him by the Council, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.

### **Notification of convictions etc**

104. Where a Licence Holder is: -
- (e) charged with any crime or offence of any nature;
  - (f) convicted of any crime or offence by any court;
  - (g) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); or

(h) has his DVLA driving licence endorsed with any offence or penalty or medical restriction;

He must report that information to the Council within 10 working days of the date of any of the above being intimated to him.

### **Notification of information in relation to Drivers**

105. The Licence Holder is required to report the following information regarding any Driver of his Licensed Vehicle to the council within 24 hours (or the following working day) of that information coming to his attention in relation to Drivers of the Licensed Vehicle:

- (b) information that any Driver has been disqualified from driving;
- (b) information that any Driver is suffering from any medical condition which may affect his fitness to drive a taxi;
- (c) information that any Driver is using illegal drugs;
- (d) information that any Driver may have committed any offence involving dishonesty or sexual impropriety.

### **Training**

106. The Licence Holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

## **PART 4 – HOLDER OF TAXI DRIVER’S LICENCE**

This Part 4 in conjunction with any relevant Schedules shall be referred to as the “Taxi Driver’s Licence Conditions”. For the purposes of the Taxi Driver’s Licence Conditions the term Driver will refer only to those who hold a licence to drive a taxi and the term Licensed Vehicle will only refer to a taxi.

### **Identity Card**

107. **A Driver must at all times when in charge of a Licensed Vehicle, wear and display** the taxi driver identity card issued by the Council and will, on request, allow the card to be examined by any passenger, Authorised Officer, the Cab Inspector or Constable. If an identity card becomes damaged, disfigured, lost or stolen the Licence Holder shall immediately and in any case at the very latest the next working day obtain from the Council on payment of the appropriate fee, a replacement.

### **Driver checks**

108. The Driver, on each occasion prior to commencing his shift with a Licensed Vehicle shall ensure that:-
- (a) a valid certificate of insurance or cover note confirming that he is insured to drive the Licensed Vehicle is contained within the Licensed Vehicle as detailed in condition 2 of these conditions;
  - (b) the Licensed Vehicle, including all bodywork is free from any damage or dents; upholstery and fittings (including ramps and accessories); is roadworthy, safe and serviceable; complies with the provisions of Schedule A to these conditions and; is in a clean condition subject to prevailing road and weather conditions;
  - (c) the Licensed Vehicle is displaying current Licence Plates in accordance with the provisions of condition 6 of these conditions; and
  - (d) a copy of the current Fare Table is being carried within the Licensed Vehicle.

### **Condition of Vehicle**

109. The Driver must not operate any Licensed Vehicle during any period in which it does not comply with the provisions of Schedule A to these conditions.

## **Fulfilment of Hire**

110. Unless prevented by a reasonable cause a Driver, upon acceptance of a Hire, must complete any Hire engagement at the time and location agreed or provide suitable alternative arrangements. This includes a Hire accepted on the Driver's behalf by any Representative or booking office through which the Driver operates.
111. Where a Driver has accepted a Hire engagement they must attend at the agreed time and location advising the hirer of their arrival. Where the hirer does not commence their journey within five minutes of the arrival of the Licensed Vehicle (or other additional period agreed between the hirer and the Driver) the Driver may refuse to fulfil the Hire and, where the Licensed Vehicle has been booked by telephone or other booking arrangement the Driver will be entitled to payment of any waiting time, call out charge and cancellation fee as approved by the Council's Fare Table for Licensed Vehicles.
112. A Driver must not refuse to accept a hire which starts and terminates within the Council's licensed area unless the hirer or any passenger:
- a) Is not prepared to give a precise destination; or
  - b) Is drunk or otherwise not in a fit state to be carried; or
  - c) Whose condition or clothing is offensive or likely to contaminate or cause damage to the interior of the Licensed Vehicle; or
  - d) Is smoking or using a electronic inhaler and refuses to stop before entering the Licensed Vehicle or, once in the Licensed Vehicle refuses to stop when requested to do so by the Driver; or
  - e) Is accompanied by any animal which is likely to damage or soil the interior of the Licensed Vehicle, with the exception of an Assistance Dog; or
  - f) Cannot be conveyed for any other reasonable cause.
113. A Driver must not:
- a) permit any animal to be on or in the Licensed Vehicle except an animal which is in the charge of a passenger.
  - (b) carry, or cause or permit to be carried in any Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.

- (c) knowingly carry, or cause or permit to be carried in such Licensed Vehicle, any passenger who has **vermin** – **clarify** on their person or whose clothing is in a foul or filthy condition.
- (d) knowingly cause or permit such Licensed Vehicle to be utilised for any illegal purpose.

114. Where a Licensed Vehicle has been Hired:

- (a) by or for a disabled person who is accompanied an Assistance Dog; or
- (b) by a person who wishes such a disabled person to accompany that person in a Licensed Vehicle, the holder of a Licensed Vehicle shall carry the Assistance Dog and allow it to remain with the disabled person and shall not make any additional charge for doing so **CLARIFY**.

Any Driver who, for reasons of health, is or at any time becomes unable to transport Assistant Dogs, must advise the Council immediately and make application for a notice of exemption in terms of Section 169 of the Equality Act 2010 which upon issue must be displayed in a prominent position on the dashboard or the windscreen of the Licensed Vehicle facing outwards where it can conveniently be read by anyone seeking to hire the Licensed Vehicle.

115. The Driver must:-

- a) Prior to driving a Licensed Vehicle undertake training in the use of approved restraint systems for the carrying of wheelchairs within the Licensed Vehicle he is in charge of and follow the manufacturer's instructions for using all access and restraint equipment on every occasion that the systems are used;
- b) ensure all access and restraint equipment is safe and serviceable and carried on the Licensed Vehicle at all times;
- c) ensure that all ramps carried within the licensed vehicle are stamped with the registration number of that licensed vehicle and have a certificate of safe working load attached to them;
- d) use an approved restraint system for wheelchairs and a seat belt for the passenger on every occasion. It is a legal requirement that passengers wear the seatbelt provided unless they hold a medical exemption certificate;
- e) follow the manufacturer's instructions for using all access and safety equipment on every occasion;
- f) where wheelchair tie-down and occupant restraint systems have not been provided at the time of manufacture by the vehicle manufacturer, ensure that all such equipment used in the Licensed Vehicle complies with ISO 10542 or any replacement standard

116. The Driver may not in any circumstances pick up or convey another passenger without the consent of the original Hirer. The Licence Holder shall drive to the destination by the shortest practicable route unless otherwise instructed by the Hirer.

### **Number of Passengers**

117. A Driver must not carry more passengers than specified on the vehicle licence and must ensure before commencing any Hire that all passengers are properly seated in approved passenger seats and remain seated at all times during the journey.

### **Shared Hire\***

118. The Driver shall operate on Shared Hire only with the consent of the first hirer even if there is displayed on the Licensed Vehicle a sign approved by the Council indicating that the Licensed Vehicle is available for Shared Hire but the driver of a Licensed Vehicle shall not be required to operate on Shared Hire if no such sign is displayed on the Licensed Vehicle at the time of the initial hiring.
119. The Driver on Shared Hire may decline to accept a further passenger on the grounds that the 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 Licensed Vehicle.

### **Exclusive Hire\***

120. The driver of a Licensed Vehicle which is on exclusive Hire may not in any circumstances pick up or convey another passenger without the consent of the original hirer.
121. The Driver of a Licensed Vehicle which has been hired on exclusive Hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The Driver of a Licensed Vehicle which has been hired on Shared Hire shall take the shortest practicable route which will serve the destinations of all the passengers whom the Licensed Vehicle is carrying at any one time

### **Fares**

122. Where the passenger requires to exit the Licensed Vehicle to source the fare from a remote location, the Hire shall continue until the passenger is able to offer payment of the fare. However, where a Licensed Vehicle has been called by telephone or other advance arrangement, the Hire shall commence after the Driver of the

Licensed Vehicle has announced the arrival of Licensed Vehicle to the prospective hirer or passenger at the place to which it has been summoned.

**123. No fare shall be payable by the Hirer in respect of any journey by the Licensed Vehicle from the place at which it is discharged by the Hirer.- WHAT DOES THIS MEAN**

124. The Driver shall not demand any fare from any person who has engaged a Licensed Vehicle (and no fare shall be payable by such person):
- (a) if the Licence Plates with the appropriate licence number are not displayed in accordance with condition 7 of the licence conditions; or
  - (b) if the Driver does not on demand exhibit the means of identification issued by the Council; or
  - (c) if the Driver demands more than the metered fare or where appropriate in terms of condition 125 below, the fare agreed upon before the start of the hire; or
  - (d) if the Driver fails or refuses to complete an engagement except for any reasonable cause; or
  - (e) if the Licensed Vehicle breaks down or if the Licensed Vehicle becomes in any way unfit to convey the Hirer to the destination for which the hirer engaged such a Licensed Vehicle;
  - (f) if the Fare Table programmed in the Taximeter is different from any Fare Table displayed in the Licensed Vehicle;
  - (g) if the Driver of a Licensed Vehicle removes the record of any fare from the Taximeter before the appropriate Hirer has examined it or has had a reasonable opportunity of examining it, or if, during the Hours of Darkness, the Licensed Vehicle Driver fails to keep any fare dial display illuminated for the whole of the period that such Licensed Vehicle is occupied by the Hirer and until the hirer has examined the Taximeter or has had a reasonable opportunity of examining it.
125. The Driver of a Licensed Vehicle not being used as a Taxi Bus shall, if the cost of the journey is not regulated by an Authorised Metered Fare, inform the Hirer before the journey commences :-
- (a) that the Taximeter is not required to used; and
  - (b) of the cost or the method of calculating the cost of the proposed journey.
126. The Driver shall carry a copy of the up to date Fare Table issued by the Council within the Licensed Vehicle at all times and shall produce it for immediate inspection by any member of the public on request.



## **Taximeter**

127. The Driver shall ensure that the Taximeter fitted in the Licensed Vehicle in his charge shall be operated:-
- (a) at all times for hires starting and finishing within the Licensed Area; and,
  - (b) with the agreement of the hirer, in relation to hires either starting or finishing outwith the Licensed Area.
128. The Driver shall, as soon as hired, but no sooner, set the Taximeter in motion and whilst engaged shall have the words "Hire" illuminated on the face of the Taximeter so that it is readily visible at all times.
129. Immediately on the termination of a Hire the Driver shall stop the time mechanism within the Taximeter but shall not remove the fare record from the Taximeter until the hirer has examined it or has had a reasonable opportunity of examining it.
130. During the Hours of Darkness the Driver shall keep the fare dial display illuminated, for the whole of the period that the Licensed Vehicle in their charge is occupied by a Hirer and until the Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

## **Passenger Assistance**

131. The Driver shall give such reasonable assistance to passengers or potential passengers to access the Licensed Vehicle as is required. In particular:
- (a) in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;
  - (b) in relation to passengers who use wheelchairs the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get into and out of the Licensed Vehicle; the Driver must also load the wheelchair into the Licensed Vehicle; the Driver must also offer to load the passenger's Luggage into and out of the Licensed Vehicle;
  - (c) the Driver shall make use of the Licensed Vehicle's step as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this;
  - (d) the Driver shall take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.

132. The Driver shall give such reasonable assistance to his passengers as he is able to give with loading and unloading their Luggage when required to do so, but the Driver of the Licensed Vehicle will not be required to leave the immediate proximity of the Licensed Vehicle in doing so.
133. The Driver shall either:-
- (a) assist passengers travelling within wheelchairs to access the Licensed Vehicle using the ramp and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey; or
  - (b) if the Driver has an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 from complying with Conditions 131(a) – (d) above he shall explain that to the potential passengers, show them his Certificate of Exemption and enquire as to whether they are able to load the wheelchair themselves or alternatively ask them to wait for the next suitable Licensed Vehicle.
134. The Driver holding a Certificate of Exemption from compliance with condition 131 shall display a copy of the Certificate on the passenger doors of the Licensed Vehicle and on the windscreen so it can be read by passengers attempting to enter the Licensed Vehicle.
135. Conditions 131(a) – (d) above will not apply if the Licence Holder is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

**Driver Behaviour Add in behaviour  
towards council staff**

136. The Driver, while in charge of the Licensed Vehicle, must behave in a professional, considerate and orderly manner and shall not do anything while in charge of the Licensed Vehicle which is a breach of any road traffic or other legislation.
137. The Driver shall not permit any person to drive the Licensed Vehicle which he is in charge of while such Licensed Vehicle is on Hire or is available for Hire unless that person is the holder of a current Council Driver's licence.

**Smoking**

138. In terms of the Smoking, Health & Social Care (Scotland) Act 2005 or any amending legislation it is a criminal offence for anyone to smoke in a Licensed Vehicle at any time even when the Licensed Vehicle is not being used for hire. The Licence Holder of a Licensed Vehicle shall not smoke within the Licensed Vehicle at any time and shall ensure that no one else does.

## E Cigarettes

139. Tobreg\* (the World Health Organisation study group on tobacco regulation) strongly recommends that electronic cigarettes, commonly known as e-cigs, are not to be excepted from “clean air” laws which restricts the places in which cigarette smoking is allowed, until evidence shows their use does not expose non-users to toxic emissions. On this basis the holder of a Licensed Vehicle shall not smoke e-cigs within the Licensed Vehicle at any time and shall ensure that no one else does.
140. The Driver shall not permit any person to ride on any loading platform or in any Luggage compartment or other part of the Licensed Vehicle not set aside for the accommodation of passengers.
141. The Driver shall not knowingly use the vehicle as a Licensed Vehicle while the Licensed Vehicle is suspended or while the Licensed Vehicle is not displaying current Licence Plates.
142. The Driver shall not:-
- (a) use a mobile phone (even by means of a “hands free” kit) whilst carrying passengers; or
  - (b) any other communication device whilst carrying passengers; or
  - (c) conduct **themselves** in any manner;
- which prevents him from exercising full control over the speed and direction of the Licensed Vehicle while it is in motion.
143. When a Licensed Vehicle is hired or standing for Hire, the driver, shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period the driver may be absent to announce the arrival of the Licensed Vehicle or for any other necessary purpose.
144. The Driver of a Licensed Vehicle shall not stand or loiter with the Licensed Vehicle in any street in the near vicinity to a Taxi Stance while such Taxi Stance is fully occupied by the authorised number of Licensed Vehicles nor shall the Driver of the Licensed Vehicle cause the Licensed Vehicle to stand in such vicinity.
145. The Driver must switch off his engine when the vehicle is stationary to avoid unnecessary vehicle idling, (especially in the vicinity of sensitive areas such as schools, hospitals and residential areas) except in the following circumstances:
- a) where the Licensed Vehicle is stationary owing to the necessities of traffic – e.g. when vehicles are queuing at traffic signals;

b) where an engine is being run so that a defect can be traced and rectified –  
e.g. when a defective vehicle is being attended to by a breakdown/recovery agent;

c) for short periods on occasions where the weather conditions are extreme either to operate the Licensed Vehicle's heating or air conditioning.

146. The Driver of a Licensed Vehicle shall not canvass for employment in any public place except where the Licensed Vehicle is being operated on Shared Hire to such extent as is reasonably required to ascertain whether there are any prospective further passengers who wish to participate in the Shared Hire of the Licensed Vehicle.
147. The Driver is required to switch off his vehicle's engine immediately when requested to do so by an Authorised Officer, the Cab Inspector or Constable.

### **Dress Code**

148. The Driver, while in charge of a Licensed Vehicle, shall be clean and tidy in his person and shall wear clothing of a type specified as appropriate in the Dress Code contained in Schedule D to these conditions.

### **Passenger Luggage**

149. All passengers Luggage other than light hand Luggage must be stored in the luggage compartment of the Licensed Vehicle. Additional charges for the carrying of Luggage may not be made other than in accordance with the current fare table.
150. The Driver shall not refuse to carry Luggage in the Licensed Vehicle providing that the said Luggage can be accommodated safely within the Luggage compartment of the Licensed Vehicle.

### **Lost Property**

151. Immediately after the completion of his shift, the Driver shall search the Licensed Vehicle of which he is in charge for any property which may have been left therein.
152. Any property found in such Licensed Vehicle by the Driver shall forthwith be returned by the Driver to the owner of the property, or such property shall be handed in by the Driver to any police station in the Licensed Area within 24 hours along with:

(a) a note of the Licensed Vehicle Driver's name and address;

- (b) the name of the holder of the licence for such Licensed Vehicle;
- (c) the number of the Licensed Vehicle;
- (d) the names and addresses of all Hirers of the Licensed Vehicle during that day so far as known to the Driver which may assist in determining ownership of the property.

## **Taxi Stances**

### **Check the TRO's**

- 153. All drivers of a Licensed Vehicle arriving at an appointed Taxi Stance shall take their stations on such Taxi Stance from front to rear in order of their arrival, and Hires will be accepted in that order, except, when an intending hirer wishes to engage a specific Licensed Vehicle or its Driver, in which case the engagement may be accepted in the order indicated by the intending hirer, but the onus of proving the hirer's wishes shall be on the Driver of the Licensed Vehicle apparently chosen out of order.
- 154. When the Driver of a Licensed Vehicle drives off a Taxi Stance (except on any Taxi Stance where contrary conditions or restrictions are specified), the Driver immediately behind shall draw up the Licensed Vehicle to take the place vacated, and the Drivers of Licensed Vehicles on the Taxi Stance behind shall draw up their Licensed Vehicles in a like manner.
- 155. When a signal for a Licensed Vehicle is made to a Taxi Stance from a distance, only the Driver of the Licensed Vehicle first on such a Taxi Stance to which the signal is made shall drive off in answer to such a signal.
- 156. The Driver of a Licensed Vehicle on or within 50 metres of any Taxi Stance to which a signal is made for a Licensed Vehicle shall not be permitted to accept a Hire and shall not answer the signal if there is any disengaged Licensed Vehicle on such Taxi Stance capable of accepting the Hire, unless all Drivers of such Licensed Vehicles clearly indicate that they have no objection.
- 157. A Driver must not join any Taxi Stance occupied by the maximum number of Licensed Vehicle permitted on the Taxi Stance nor must he stand or loiter with a Licensed Vehicle in any street in the near vicinity to a Taxi Stance while such Taxi Stance is fully occupied by the authorised number of Licensed Vehicles nor shall the Driver stand in such vicinity.
- 158. Whilst outwith his Licensed Vehicle at a Taxi Stance a driver must not loiter in the roadway at or near the Taxi Stance nor cause his vehicle to encroach in any way onto the road.

## **Electronic Security System**

159. A Driver who is driving a Licensed Vehicle with an electronic security system installed in the Licensed Vehicle must ensure that letter of approval/licence from the Council for the installation is retained at all times within the vehicle and available for inspection by any Authorised Officer, the Cab Inspector or Constable on request.
160. When the Driver is driving a Licensed Vehicle with electronic security system installed in the Licensed Vehicle the additional conditions contained in sections 34 - 41 to these conditions will apply.

## **Change of Address / Address for Correspondence**

161. When a Driver changes his permanent address he must:-
- a) advise the Council of the change to his address within five working days of that change. **This may be done by notice to the Licensing Team, Midlothian Council, 40-46 Buccleuch Street, Dalkeith, EH22 1DN or by email to [licensing@midlothian.gov.uk](mailto:licensing@midlothian.gov.uk)**
  - b) immediately update his DVLA driving licence with the new address.

## **Suspension of Licence**

162. When an Authorised Officer or Constable suspends the licence of a Licensed Vehicle in accordance with Section 11 of the Act, the Authorised Officer or Constable shall affix a label bearing:
- (a) the words “this hire car is in the meantime certified unfit for public use” and
  - (b) the date of the suspension,
- in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. The Licensed Vehicle cannot be used by any driver as a Licensed Vehicle until an Authorised Officer is satisfied as to the safety of the Licensed Vehicle or accuracy of the Taximeter and has removed the label.
163. When a Licence is suspended in accordance with Paragraph 12 of Schedule 1 the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

## **Return of Licence and Identity Card**

164. If the Driver of a Licensed Vehicle ceases for any reason to be authorised by law to drive and their licence ceases to have effect in terms of section 13(6) of the Act then they shall immediately give notice to the Council of their disqualification or such

other reason and return their taxi driver's licence and identity card to the Council's Licensing Section, 40-46 Buccleuch Street, Dalkeith, EH22 1DN.

### **Medicals**

Should we review and require medical at application

165. The Driver must have a current certificate of medical fitness to drive a taxi, if required by the DVLA standards in relation to Group 2 licence holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate.
166. The Driver who fails to attend for a medical examination after receiving written confirmation of the date of the examination shall be required to pay the appropriate fee for the missed medical before a further medical examination will be arranged.
167. In relation to the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a Driver's fitness to drive these shall be met by the Council. For the avoidance of doubt, all new applicants for Licences must be certified fit to drive a Licensed Vehicle for a minimum period of twelve months by the Council's appointed medical examiners following a single medical examination. **Consider costs charged**
168. If a Driver suffers from, or is diagnosed with any medical condition which may affect his fitness to drive a Licensed Vehicle he shall immediately report that information to the Council's Licensing Team, 40-46 Buccleuch Street, Dalkeith, EH22 1DN within two working days of that information coming to his attention and shall thereafter attend a medical examination within the next 14 days for the purpose of confirming his fitness to drive a Licensed Vehicle.
169. If a Driver requires an Exemption Certificate issued in terms of Section 168 of the Equality Act 2010 they shall attend medical examinations as are necessary prior to the issue of such a certificate. An Exemption Certificate shall be valid for the period as indicated by the medical provider and requires to be renewed in conjunction with the Driver's licence.

### **Compliance with Authorised Officer**

170. The Driver of a Licensed Vehicle shall not obstruct an Authorised Officer, the Cab Inspector or Constable in the performance of any of their duties under these conditions.
171. The Driver of a Licensed Vehicle shall comply with all the instructions or directions of an Authorised Officer, the Cab Inspector or Constable in relation to these conditions and shall give all information reasonably required by them in the discharge of their duties.

## **Notification of Convictions etc**

172. Where a Driver is:

- (a) charged with any crime or offence of any nature;
- (b) convicted of any crime or offence by any court;
- (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); and/or
- (d) has his DVLA driving licence endorsed with any offence or penalty;

he must give notice of that to the Council within 10 working days of the date of any of the above being intimated to him.

## **Miscellaneous**

173. The fee for the grant or renewal of a Driver's Licence will be payable in terms of the Council's published table of fees in full on the lodging of the application.
174. The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to his Licence. Where any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Council within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.
175. When the Driver is in charge of a Licensed Vehicle whilst it is undertaking a Hire or available for Hire the Private Hire Car Driver's Licence conditions in Part V shall apply in place of the Taxi Driver's Licence conditions under this part.
176. If the Driver loses his Licence or identity card or any other document issued to him by the Council, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.
177. When the Driver has given up the activity of driving a Licensed Vehicle, he shall surrender his Licence to the Chief Solicitor as required by Paragraph 13(2)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982.



## **Training**

178. The Driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

## **PART V – HOLDER OF PRIVATE HIRE CAR DRIVER’S LICENCE**

This Part V in conjunction with any relevant Schedules shall be referred to as the “Private Hire Car Driver’s Licence Conditions”. For the purposes of the Private Hire Car Driver’s Licence Conditions the term Driver will refer only to those who hold a Licence to drive a Private Hire Car or Taxi only and the term Licensed Vehicle will only refer to Private Hire Car.

### **Identity Card**

179. The Driver shall at all times when in charge of a Licensed Vehicle be in possession of the identity card provided by the Council. This Identity card must be worn by the Driver and displayed within the Licensed Vehicle and when requested, the Driver must allow the examination of the card by any passenger, Authorised Officer, the Cab Inspector or Constable. The card shall include the Driver’s name, photograph, licence number and expiry date.

### **Driver checks**

180. The Driver, on each occasion prior to commencing his shift with a Licensed Vehicle must ensure that:-
- (a) a valid certificate of insurance or cover note confirming that he is insured to drive the Licensed Vehicle is contained within the Licensed Vehicle as detailed in condition 55 of these conditions;
  - (b) the Licensed Vehicle, including all bodywork, upholstery and fittings (including ramps and accessories) is roadworthy, safe and serviceable, complies with the provisions of Schedule B to these conditions and is in a clean condition subject to prevailing road and weather conditions,
  - (c) the Licensed Vehicle is displaying current licence plates in accordance with the provisions of condition 54(b) of the these conditions; and
  - (d) where the Licensed Vehicle is fitted with a Taximeter, a copy of the current Fare Table is displayed within the licensed vehicle.

### **Condition of Vehicle**

181. The Driver must not operate such a Licensed Vehicle during any period in which it does not comply with the provisions of Schedule **B** of these conditions.
182. The Driver of a Licensed Vehicle shall ensure that the Licensed Vehicle, including all bodywork is free from damage or dents, upholstery and fittings are roadworthy,

safe and serviceable and it is in a clean condition subject to prevailing road and weather conditions.

### **Log Book**

183. The Driver of a Licensed Vehicle shall before the start of each journey complete a suitable log book containing the following particulars for each contract of Hire:

- (a) The time of the hire
- (b) The pick up point
- (c) The place of destination
- (d) The name of the hirer
- (e) The licence number and registration number of the vehicle
- (f) The details of the driver

The driver shall deliver the log book to the Licence Holder of the Licensed Vehicle at the termination of each shift of driving, for collation.

184. The log book must be capable of recording each hire in permanent ink and in chronological order

185. The Licence Holder shall ensure that the Driver of the Licensed Vehicle delivers the information as detailed in condition 183 for collation at the termination of each shift of driving.

186. The log book referred to in condition 183 shall be kept for a minimum of six months in chronological order and must be produced on request to an Authorised Officer, the Cab Inspector or a Constable for inspection

187. A central automated logging system at a Licensed Vehicle booking office may be used in place of a log book provided that the system can record and store in chronological order the details required in condition 83, and has been approved by the Council.

188. Any record of hires contained either within the log book or in a central automated logging system so approved must be secure and not capable of being falsified.

### **Signs**

189. The Driver shall not drive a Licensed Vehicle which is:-

- (a) displaying a sign of any kind on the roof of the Licensed Vehicle;
- (b) displaying the word “cab”, “taxi” or “for hire” or any other words which might give the impression that the vehicle is a taxi or is immediately available for Hire.

190. The Driver shall not wear any clothing displaying the words specified in condition 189(b) above whilst operating as a licence holder.

### **Fulfilment of Hire**

191. Unless prevented by a reasonable cause a Driver, upon acceptance of a Hire, must complete any hire engagement at the time and location agreed or provide suitable alternative arrangements. This includes a Hire accepted on the driver's behalf by any Representative or booking office through which the Driver operates.
192. Where an engagement of a Licensed Vehicle for Hire has been accepted by a Driver, the Driver shall fulfil such engagement punctually and shall announce the arrival of such immediately to the person on whose behalf the engagement was made at the place to which it has been summoned. If that person does not commence their journey within five minutes of arrival of the Licensed Vehicle, or such additional period as may be agreed between the Driver and that person, the Driver may refuse to fulfil further the engagement to Hire the Licensed Vehicle, but the Driver of a Licensed Vehicle shall be entitled to receive payment of any engagement fee and any fare which may be payable in terms of the Council's approved Fare Table.
193. A Driver must not refuse to accept a hire which starts and terminates within the Council's licensed area unless the hirer or any passenger:
- a) Is not prepared to give a precise destination; or
  - b) Is drunk or otherwise not in a fit state to be carried; or
  - c) Whose condition or clothing is offensive or likely to contaminate or cause damage to the interior of the Licensed Vehicle; or
  - d) Is smoking or using a electronic inhaler and refuses to stop before entering the Licensed Vehicle or, once in the Licensed Vehicle refuses to stop when requested to do so by the Driver; or
  - e) Is accompanied by any animal which is likely to damage or soil the interior of the Licensed Vehicle, with the exception of an Assistance Dog; or
  - f) Cannot be conveyed for any other reasonable cause.
194. A Driver must not:
- a) permit any animal to be on or in the Licensed Vehicle except an animal which is in the charge of a passenger.

- (b) carry, or cause or permit to be carried in any Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- (c) knowingly carry, or cause or permit to be carried in such Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- (d) knowingly cause or permit such Licensed Vehicle to be utilised for any illegal purpose.

195. Where a Licensed Vehicle has been Hired:

- (a) by or for a disabled person who is accompanied an Assistance Dog; or
- (b) by a person who wishes such a disabled person to accompany that person in a Licensed Vehicle, the holder of a Licensed Vehicle shall carry the Assistance Dog and allow it to remain with the disabled person and shall not make any additional charge for doing so. CLARIFY DISABLED

Any Driver who, for reasons of health, is or at any time becomes unable to transport Assistant Dogs, must advise the Council immediately and make application for a notice of exemption in terms of Section 169 of the Equality Act 2010 which upon issue must be displayed in a prominent position on the dashboard or the windscreen of the Licensed Vehicle facing outwards where it can conveniently be read by anyone seeking to hire the Licensed Vehicle.

196. The Driver must:

- (a) prior to driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs undertake training in the use of approved restraint systems for the carrying of wheelchairs within the Licensed Vehicle he is in charge of and follow the manufacturer's instructions for using all access and restraint equipment on every occasion that the systems are used;
- (b) ensure all access and restraint equipment is safe and serviceable and carried on the Licensed Vehicle at all times;
- (c) ensure that all ramps carried within the Licensed Vehicle and the passenger lift are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
- (d) use an approved restraint system for wheelchairs and a seat belt for the passenger on every occasion. It is a legal requirement that passengers wear the seatbelt provided unless they hold a medical exemption certificate;
- (e) follow the manufacturer's instructions for using all access and safety equipment on every occasion;

- (f) where wheelchair tie-down and occupant restraint systems have not been provided at the time of manufacture by the vehicle manufacturer, ensure that all such equipment used in the vehicle complies with ISO 10542 or any replacement standard.

197. The Driver may not in any circumstances convey another passenger without the consent of the original Hirer. The Driver shall drive to the destination by the shortest practicable route unless otherwise instructed by the Hirer.

### **Number of Passengers**

198. A Driver must not carry more passengers than specified on the licence and must ensure before commencing any Hire that all passengers are properly seated in approved passenger seats and remain seated at all times during the journey.

### **Shared Hire\***

199. The driver shall operate on Shared Hire only with the consent of the first Hirer even if there is displayed on the Licensed Vehicle a sign approved by the Council indicating that the Licensed Vehicle is available for Shared Hire but the Driver of a Licensed Vehicle shall not be required to operate on Shared Hire if no such sign is displayed on the Licensed Vehicle at the time of the initial hiring,
200. The Driver on Shared Hire may decline to accept a further passenger on the grounds that the 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 Licensed Vehicle.

### **Exclusive Hire\***

201. The driver of a Licensed Vehicle which is on exclusive Hire may not in any circumstances pick up or convey another passenger without the consent of the original Hirer.
202. The Driver of a Licensed Vehicle which has been hired on exclusive Hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The Driver of a Licensed Vehicle which has been hired on Shared Hire shall take the shortest practicable route which will serve the destinations of all the passengers whom the Licensed Vehicle is carrying at any one time

### **Canvassing for Business**

203. The Driver, whilst he is in charge of Licensed Vehicle, shall not:

- (a) canvass or importune in any Public Place, car park or street for employment;
- (b) allow the Licensed Vehicle to wait in any Public Place except when he is fulfilling a pre-arranged Hire and the onus of proving such a Hire shall be on the Driver of the Licensed Vehicle.

### **Picking up Passengers**

- 204. The Driver shall not in any circumstances pick up passengers at or in the near vicinity of a Taxi Stance, even if he has a hire that is pre-booked
- 205. The Driver shall not in any circumstances pick up passengers until he has confirmed their identity and the existence of a booking and the onus of proving that such confirmation has been obtained shall be on the Driver of the Licensed Vehicle.

### **Fares**

- 206. Where the passenger requires to exit the Licensed Vehicle to source the fare from a remote location, the Hire shall continue until the passenger is able to offer payment of the fare. However, where a Licensed Vehicle has been called by telephone or other advance arrangement, the Hire shall commence after the Driver of the Licensed Vehicle has announced the arrival of the Licensed Vehicle to the prospective Hire or passenger at the place to which it has been summoned.
- 207. No fare shall be payable by the Hirer in respect of any journey by the Licensed Vehicle from the place at which it is discharged by the Hirer.
- 208. The Driver of a Licensed Vehicle shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The Driver of a Licensed Vehicle which has been Hired or Shared Hire shall take the shortest practicable route which will serve the destinations of all the passengers whom the Licensed Vehicle is carrying at any one time
- 209. The Driver of a Licensed Vehicle shall, unless the cost of the journey is regulated by an Authorised Fare, 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. ??
- 210. The Driver of a Licensed Vehicle shall not demand any fare from any person who has engaged a Licensed Vehicle (and no fare shall be payable by such person):

- (a) if the Licence Plates with the appropriate Licensed Vehicle number are not displayed in accordance with condition 54(b) of the these Conditions; or
- (b) if the Driver does not on demand exhibit the means of identification issued by the Council; or
- (c) if the Driver demands more than the metered fare or where appropriate in terms of condition 17 below, the fare agreed upon before the start of the hire; or
- (d) if the Driver fails or refuses to complete an engagement except for any reasonable cause; or
- (e) if the Licensed Vehicle breaks down or if the Licensed Vehicle becomes in any way unfit to convey the Hirer to the destination for which the Hirer engaged such a Licensed Vehicle.
- (f) if a Licensed Vehicle has a Taximeter in the Licensed Vehicle and the authorised fare programmed in the Taximeter is different from any Fare Table displayed in the vehicle.
- (g) if the Driver of a Licensed Vehicle fitted with a Taximeter removes the record of any fare from the Taximeter before the appropriate Hirer has examined it or has had a reasonable opportunity of examining it, or if, during the Hours of Darkness, the Driver fails to keep any fare dial display illuminated for the whole of the period that such Licensed Vehicle is occupied by the Hirer and until the appropriate Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

### **Taximeter**

- 211. The Driver of a Licensed Vehicle in which a Taximeter has been fitted shall ensure that a taximeter fitted in the Licensed Vehicle in their charge shall be operated at all times, within the licensed area, in accordance with any instructions given by the Council and in accordance with any Fare Table displayed in the vehicle.
- 212. The Driver of a Licensed Vehicle in which a Taximeter has been fitted, as soon as hired, but no sooner, shall set the Taximeter in motion and whilst engaged shall have the words "Hire or Shared Hire" illuminated on the fare dial of the Taximeter so that it is readily visible at all times.
- 213. Immediately on the termination of such a Hire the Driver of a Licensed Vehicle shall stop the time mechanism within the Taximeter but shall not remove the fare record from the Taximeter until the hirer has examined it or has had a reasonable opportunity of examining it.



214. During the hours of darkness the Driver of a Licensed Vehicle in which a Taximeter had been fitted shall keep the fare dial display illuminated, for the whole of the period that the Licensed Vehicle in their charge is occupied by the hirer and until the hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

### **Passenger Assistance**

215. The Driver shall give such reasonable assistance to passengers or potential passengers to access the vehicle as is required. In particular:
- (a) in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;
  - (b) in relation to passengers who use wheelchairs, if his vehicle is suitable for transporting persons travelling within wheelchairs, the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get into and out of the Licensed Vehicle; The Driver must also load the wheelchair into the Licensed Vehicle; the Driver must also offer to load the passenger's Luggage into and out of the Licensed Vehicle;
  - (c) where the Licensed Vehicle has a step, the Driver shall make use of it as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this;
  - (d) the Driver shall take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.
216. The Driver shall give such reasonable assistance to his passengers as he is able to give with loading and unloading their Luggage when required to do so but the Driver of the Licensed Vehicle will not be required to leave the immediate proximity of the Licensed Vehicle in doing so.
217. The Driver, if the Licensed Vehicle is suitable for transporting persons travelling within wheelchairs, shall either:-
- (a) assist passengers travelling within wheelchairs to access the Licensed Vehicle using a ramp or the passenger lift and shall ensure that they are properly secured by means of seatbelts and restraints before starting the journey, or
  - (b) if the Driver has an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 from complying with Conditions 215 (a) - (d) above he shall explain that to the potential passengers, show them his

Certificate of Exemption and enquire as to whether they are able to load the wheelchair themselves or alternatively ask them to make arrangements to travel in another suitable Licensed Vehicle.

- 218. Any Driver holding a Certificate of Exemption from compliance with condition 216 shall display a copy of the certificate in an approved holder on the dashboard of the Licensed Vehicle.
- 219. Conditions 215 (a) - (d) above will not apply if the Driver is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

### **Driver Behaviour**

#### **Add in behaviour towards council staff**

- 220. The Driver, while in charge of the Licensed Vehicle, must behave in a professional, considerate and orderly manner and shall not do anything while in charge of the Licensed Vehicle which is a breach of any road traffic or other legislation.
- 221. The Driver shall not permit any person to drive the Licensed Vehicle which he is in charge of while such Licensed Vehicle is on Hire or is available for hire unless that person is the holder of a current Council taxi or PHC Driver's licence.

### **Smoking**

- 222. In terms of the Smoking, Health & Social Care (Scotland) Act 2005 or any amending legislation it is a criminal offence for anyone to smoke in a Licensed Vehicle at any time even when the Licensed Vehicle is not being used for hire. The licence holder of a Licensed Vehicle shall not smoke within the Licensed Vehicle at any time and shall ensure that no one else does.

### **E-cigarettes**

- 223. Tobreg\* (the World Health Organisation study group on tobacco regulation) strongly recommends that electronic cigarettes, commonly known as e-cigs, are not to be excepted from "clean air" laws which restricts the places in which cigarette smoking is allowed, until evidence shows their use does not expose non-users to toxic emissions. On this basis the holder of a Licensed Vehicle shall not smoke e-cigs within the Licensed Vehicle at any time and shall ensure that no one else does.
- 224. The Driver shall not permit any person to ride on any loading platform or in any Luggage compartment or other part of the Licensed Vehicle not set aside for the accommodation of passengers.

225. The Driver shall not knowingly use the vehicle as a Licensed Vehicle while the Licensed Vehicle is suspended or while the Licensed Vehicle is not displaying current Licence Plates.
226. The Driver shall not:
- (a) use a mobile phone (even by means of a “hands free” kit) whilst carrying passengers; or ??
  - (b) any other communication device whilst carrying passengers; or
  - (c) conduct **themselves** in any manner
- which prevents him from exercising full control over the speed and direction of the Licensed Vehicle while it is in motion
227. When a Licensed Vehicle is Hired or standing for Hire, the driver, shall either sit in the driving seat of the Licensed Vehicle or stand in the immediate proximity thereto except during any period the driver may be absent to announce the arrival of the Licensed Vehicle or for any other necessary purpose.
228. The Driver of a Licensed Vehicle shall not stand or loiter with the Licensed Vehicle in any street in the near vicinity to a Taxi Stance.
229. The Driver must switch off his engine when the Licensed Vehicle is stationary to avoid unnecessary vehicle idling, (especially in the vicinity of sensitive areas such as schools, hospitals and residential areas) except in the following circumstances:
- (a) where the Licensed Vehicle is stationary owing to the necessities of traffic – e.g. when vehicles are queuing at traffic signals;
  - (b) where an engine is being run so that a defect can be traced and rectified – e.g. when a defective vehicle is being attended to by a breakdown/recovery agent;
  - (c) for short periods on occasions where the weather conditions are extreme either to operate the Licensed Vehicle’s heating or air conditioning.
230. The Driver is required to switch off the vehicle’s engine immediately when requested to do so by an Authorised Officer, the Cab Inspector or Constable.

### **Dress Code**

231. The Driver, while in charge of a Licensed Vehicle, shall be clean and tidy in his person and shall wear clothing of a type specified as appropriate in the Dress Code contained in Schedule D to these conditions.

### **Passenger Luggage**

232. All passengers Luggage other than light hand luggage must be stored in the luggage compartment of the Licensed Vehicle. Additional charges for the carrying of luggage may not be made other than in accordance with the current Fare Table.
233. The Driver shall not refuse to carry luggage in the Licensed Vehicle providing that the said Luggage can be accommodated safely within the Luggage compartment of the Licensed Vehicle.

### **Lost Property**

234. Immediately after the completion of his shift, the Driver shall search the Licensed Vehicle of which he is in charge for any property which may have been left therein.
235. Any property found in such Licensed Vehicle by the Driver shall forthwith be returned by the Driver to the owner of the property, or such property shall be handed in by the Driver to any police station in the Licensed Area within 24 hours along with:
  - (a) a note of the Licensed Vehicle Driver's name and address;
  - (b) the name of the holder of the licence for such Licensed Vehicle;
  - (c) the number of the Licensed Vehicle;
  - (d) the names and addresses of all Hirers of the Licensed Vehicle during that day so far as known to the Driver which may assist in determining ownership of the property.

### **Electronic Security Systems**

236. A Driver who is driving a Licensed Vehicle with an electronic security system installed in the Licensed Vehicle must ensure that the letter of approval/licence from the Council for the installation is retained at all times within the vehicle and available for inspection by any Authorised Officer, the Cab Inspector or Constable on request.
237. When the Driver is driving a Licensed Vehicle with electronic security system installed in the Licensed Vehicle the additional conditions contained in conditions 75 – 82 will apply.

## **Change of Address / Address for Correspondence**

238. When a Driver changes his permanent address he must:-

- (a) advise the Council of the change to his address within five working days of that change. This may be done by notice to the Licensing Team, Midlothian Council, 40-46 Buccleuch Street, Dalkeith, EH22 1DN or by email to [licensing@midlothian.gov.uk](mailto:licensing@midlothian.gov.uk)
- (b) immediately update his DVLA driving licence with the new address.

## **Suspension of Licence**

239. When an Authorised Officer or Constable suspends the licence of a Licensed Vehicle in accordance with Section 11 of the Act, the Authorised Officer or Constable shall affix a label bearing:

- (a) the words “this hire car is in the meantime certified unfit for public use” and
- (b) the date of the suspension,

in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. The Licensed Vehicle cannot be used by any Driver as a Licensed Vehicle until an Authorised Officer is satisfied as to the safety of the Licensed Vehicle or accuracy of the Taximeter and has removed the label.

240. When a Licence is suspended in accordance with Paragraph 12 of Schedule 1 the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

## **Return of Licence and Identity Card**

241. If the Driver of a Licensed Vehicle ceases for any reason to be authorised by law to drive and their licence ceases to have effect in terms of section 13(6) of the Act then they shall immediately give notice to the Council of their disqualification or such other reason and return their taxi driver's licence and identity card to the Council's Licensing Section at 40-46 Buccleuch Street, Dalkeith, EH22 1DN.

## **Medicals**

### **Medical at application and review wording??**

242. The Driver must have a current certificate of medical fitness to drive a Licensed Vehicle, if required by the DVLA standards in relation to Group 2 Licence Holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate.

243. The Driver who fails to attend for a medical examination after receiving written confirmation of the date of the examination shall be required to pay the appropriate fee for the missed medical before a further medical examination will be arranged.
244. In relation to the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a Driver's fitness to drive these shall be met by the Council. For the avoidance of doubt, all new applicants for Licences must be certified fit to drive a Licensed Vehicle for a minimum period of twelve months by the Council's appointed medical examiners following a single medical examination. **Add in costs??**
245. If a Driver suffers from, or is diagnosed with any medical condition which may affect his fitness to drive a Licensed Vehicle he shall immediately report that information to the Council's Licensing Team, 40-46 Buccleuch Street, Dalkeith, EH22 1DN within two working days of that information coming to his attention and shall thereafter attend a medical examination within the next 14 days for the purpose of confirming his fitness to drive a Licensed Vehicle.
246. If a Driver requires an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 they shall attend medical examinations as are necessary prior to the issue of such a certificate. An Exemption Certificate shall be valid for the period as indicated by the medical provider and requires to be renewed in conjunction with the Driver's licence.

### **Compliance with Authorised Officer**

247. The Driver of a Licensed Vehicle shall not obstruct an Authorised Officer, the Cab Inspector or Constable in the performance of any of their duties under these conditions.
248. The Driver of a Licensed Vehicle shall comply with all the instructions or directions of an Authorised Officer, the Cab Inspector or Constable in relation to these conditions and shall give all information reasonably required by the officers in the discharge of their duties.

### **Notification of Convictions etc**

249. Where a Driver is:
- (e) charged with any crime or offence of any nature;
  - (f) convicted of any crime or offence by any court;

(g) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines / compensation issued by the Procurator Fiscal or any local authority); and/or

(h) has his DVLA driving licence endorsed with any offence or penalty;

he must give notice of that to the Council within 10 working days of the date of any of the above being intimated to him.

### **Miscellaneous**

250. The fee for the grant or renewal of a Driver's Licence will be payable in terms of the Council's published table of fees in full on the lodging of the application.
251. The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to his Licence. Where any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Council within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.
252. When a Driver is in charge of a Licensed Vehicle whilst it is undertaking a hire or available for hire the Private Hire Car Driver's Licence conditions in Part V shall apply in place of the Taxi Driver's Licence conditions under this part.
253. If the Driver loses his Licence or identity card or any other document issued to him by the Council, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.
254. When the Driver has given up the activity of driving a Licensed Vehicle, he shall surrender his Licence to the Council as required by Paragraph 13(2)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982.

### **Training**

255. The Driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

## SCHEDULE A

### CONDITIONS OF FITNESS OF TAXIS

For the purposes of the Conditions of Fitness of Taxis within this Schedule A the term Licensed Vehicle will refer only to a taxi.

#### General Construction

256. Licensed Vehicles in Edinburgh must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval as an M1 vehicle, is purpose built for use as a Licensed Vehicle and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles.

#### In addition to the above:-

From **7 May 2018** any motor vehicle to be licensed in respect of a new taxi licence or replacement vehicle under an existing taxi licence will require to be a Euro 5 or 6 taxi vehicle

From **1 October 2018** any motor vehicle to be licensed in respect of a new taxi licence or a replacement vehicle under an existing taxi licence will require to be Euro 6 taxi vehicle.

From **1 April 2019** any motor vehicle to be submitted for test in respect of either a new or existing taxi licence will require to be ( or exceed) a Euro 5 taxi vehicle. Any Euro 0-4 taxi vehicle licensed as a taxi prior to 1 April 2019 may continue to operate until that licence expires or 31 March 2020 whichever date is earliest

From **1 April 2020** all Licensed Vehicles must be less than 11 years old from the date of first registration (other than a Licensed Vehicle which has been converted to LPG). A Licensed Vehicle submitted for test in respect of renewal of a taxi licence prior to the 10<sup>th</sup> anniversary of its registration may continue to operate as a taxi until the expiry of the licence period following upon renewal of such licence. A Licensed Vehicle which has been converted to LPG submitted for test in respect of renewal of a taxi licence prior to the 14<sup>th</sup> anniversary of its registration may continue to operate as a taxi until the expiry of the licence period following upon renewal of such licence:

From **1 April 2022** any motor vehicle to be submitted for test in respect of either a new or existing taxi licence will require to be ( or exceed) a Euro 6 taxi vehicle. Any Euro 5 taxi vehicle licensed as a taxi prior to 1 April 2022 may continue to operate until that licence expires or 31 March 2023 whichever date is earliest

257. All Licensed Vehicles in Edinburgh must be readily wheelchair accessible.



258. The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished.
259. There must be carried on every Licensed Vehicle:
- (a) A spare wheel fitted with a pneumatic 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; and
  - (b) A suitable lifting jack; and
  - (c) A suitable wheel brace; and
  - (d) ramps and approved restraints for the transportation of wheelchairs which comply with ISO 10542 or any replacement standard.
260. 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.

### **Body**

261. The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver
- (a) Outside dimensions:
    - (i) Subject to the Council's overriding discretion to consider any negative factors such as whether the width deviates from the manufacturer's specification for standard Licensed Vehicles of that type, whether factory options such as wide wheels and tyres have been added, and whether the Licensed Vehicle could safely fit/utilise any Taxi Stance, without the stance being modified, the overall width of the vehicle must not exceed 2 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 a maximum deflation 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 cushion must not be less than 1.07 metres.
262. 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.

263. 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.
264. The clear height of the doorway must not be less than 1.1 metres.

### **Steps**

265. The top of the tread on the lowest step for any entrance, or where there is no step on the floor level itself at the lowest entrance, must not be more than 38 centimetres above the ground when the vehicle is unladen.
266. Where any step in the Licensed 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.
267. All steps, or where there are no steps, the outer edge of the floor at each entrance must be fitted with non-slip treads.

### **Tyres**

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

### **Fuel Tanks**

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

### **Door Fittings**

270. Passenger doors must be capable of being readily opened.
271. Where any Licensed Vehicle has sliding doors, there shall be a clearly visible sign displayed across the top rear of the Licensed Vehicle which will state "Doors Opening" with arrows pointing to the relevant side(s) of the Licensed Vehicle. This sign must illuminate automatically as soon as the doors are unlocked and any sliding door handle is operated.

### **Other Fittings**

272. No fittings other than those approved may be attached to or carried upon the inside or outside of the Licensed Vehicle.
273. No tow bars or roof box should be fitted to the Licensed Vehicle.

### **Locks**

274. All Licensed Vehicles must be fitted with an approved and fully operational door locking system.

### **Windows**

275. Windows must be provided at the sides and rear.
276. Passenger door windows must be capable of being opened easily by passengers except where the Licensed Vehicle has air conditioning fitted and in operation.

### **Glass**

277. 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 capable of affording an unrestricted view of the vehicle interior. An unrestricted view may permit a tint of up to 25% (+/-2%).

### **Mirrors**

278. Effective driving mirrors must be fitted:
- (a) internally, in the driver's compartment; and
  - (b) externally, on the offside and nearside of the Licensed Vehicle.

### **Visibility**

279. The Licensed Vehicle must be fitted with adequate devices for wiping, de-misting, de-frosting and washing the windscreen and with a sun visor adjustable by the driver.
280. Where a Licensed Vehicle is fitted with rear windscreen wipers and washers, these must be maintained in satisfactory working order.

### **Driver's Compartment**

281. The Driver's compartment must be so designed that the Driver has adequate room and can easily reach and quickly operate the controls and give hand signals to the offside of the vehicle.
282. The controls must be arranged to allow reasonable access to the Driver's seat and, when centrally placed, must be properly protected from contact with Luggage.
283. The Driver's seat must be designed to accommodate the Driver only.
284. An offside door must be fitted to the Driver's compartment.
285. Every Licensed Vehicle 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

## **Horn**

286. A deep toned horn of approved pattern must be fitted.

## **Electrical Communications Apparatus**

287. Any electrical communication system fitted to a Licensed Vehicle must be in an approved position.

## **Interior Lighting**

288. 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.

## **Heating and Ventilation**

289. 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.

## **Fire Appliances**

290. 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.

## **Passenger Seats**

291. The measurement from the upholstery at the back edge of the seat to the front must be not less than 40 centimetres in the case of the back seat and 35.5 centimetres in the case of the tip-up seat.
292. The width of each tip-up seat must not be less than 40 centimetres.
293. The vertical distance between the highest point of the undeflated seat cushion and the top of the floor covering must not be less than 35.5 centimetres.
294. Tip-up seats must be fitted so that they stow automatically when not in use. They must be symmetrically placed and at least 4 centimetres apart. When not in use, tip-up seats must not obstruct doorways.
295. Suitable means must be provided to assist persons to rise from their seat.

## **Upholstery**

296. 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. After approval there must be no subsequent replacement of the upholstery without the further permission of the Council. **No seat covers**

## **Luggage**

297. Adequate provision must be made for carrying Luggage and an effective method of securing it must be provided.

#### **Fare Table and Notice Holders**

298. A frame or other type of approved holder must be provided for the Fare Table and fitted in an approved position.

#### **Advertising**

299. Advertisements may only be displayed in the interior of Licensed Vehicle on the underside of the tip-up seats. Advertisements on the exterior of taxis will be categorised as either door, super-sides or full livery. Door advertisements may only be fitted to the lower panels of the front and rear doors. No material may be placed on any glass including the dividing glass partition, other than notices approved by the Council
300. Materials used for advertisements must be made of a quality not easily defaced or detached. Advertisements must be affixed directly to the body of the Licensed Vehicle, no magnetic, paper based materials or water soluble adhesive paste shall be used.
301. Interior advertisements on the underside of the tip-up seats must be encapsulated in clear non-flammable plastic.
302. Advertisements are not required to be approved by the Council. However, advertisements should not contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; be 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.

## SCHEDULE B

### CONDITIONS OF FITNESS OF PRIVATE HIRE CARS

For the purposes of the Conditions of Fitness of Private Hire Cars within this Schedule B the term Licensed Vehicle will refer only to a Private Hire Car.

#### General Construction

303. Licensed Vehicles in **Midlothian** must be a motor vehicle of a type or model which holds a valid European Whole Vehicle Type Approval and must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles. **Same emissions as taxis**

#### In addition to the above:-

From **7 May 2018** any motor vehicle to be licensed in respect of a new PHC licence or replacement vehicle under an existing PHC licence will require to be a Euro 5 or 6 vehicle

From **1 October 2018** any motor vehicle to be licensed in respect of a new PHC licence or a replacement vehicle under an existing PHC licence will require to be a Euro 6 vehicle.

From **1 April 2019** any motor vehicle to be submitted for test in respect of either a new or existing PHC licence will require to be (or exceed) a Euro 5 vehicle. Any Euro 0-4 vehicle licensed as a PHC prior to 1 April 2019 may continue to operate until that licence expires or 31 March 2020 whichever date is earliest

From **1 April 2020** all Licensed Vehicles, other than a Licensed Vehicle which has been converted to LPG, must be less than 11 years old from the date of first registration. A Licensed Vehicle submitted for test in respect of renewal of a PHC licence prior to the 10<sup>th</sup> anniversary of its registration may continue to operate as a PHC until the expiry of the licence period following upon renewal of such licence. A Licensed Vehicle which has been converted to LPG and submitted for test in respect of renewal of a PHC licence prior to the 14<sup>th</sup> anniversary of its registration may continue to operate as a PHC until the expiry of the licence period following upon renewal of such licence

From **1 April 2022** any motor vehicle to be submitted for test in respect of either a new or existing PHC licence will require to be ( or exceed) a Euro 6 vehicle. Any Euro 5 vehicle licensed as a PHC prior to 1 April 2022 may continue to operate until that licence expires or 31 March 2023 whichever date is earliest

304. The Licensed Vehicle, including all bodywork, upholstery and fittings must be in good and serviceable condition.

305. The Licensed Vehicle must be of suitable size and design so that it is capable of withstanding the loads and stresses likely to be met within service.
306. The Licensed Vehicle must have an engine capacity with a 'Power to Weight' ratio equal to or greater than 0.0648 hp per kg.
307. The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished. As an alternative to paintwork, a single colour vinyl wrap may be applied and the materials used must be of a quality not easily defaced or detached. Where a Licensed Vehicle is finished in this way it shall not be used as a Licensed Vehicle until the final finish has been examined and approved by the Taxi Examination Centre.
308. The Licensed Vehicle must have not less than 4 wheels.
309. There must be carried on every Licensed Vehicle:
- (a) A spare wheel fitted with a pneumatic 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; and
  - (b) A suitable lifting jack; and
  - (c) A suitable wheel brace; and
310. 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.

### **Electrical Propulsion**

311. Subject to inspection and testing by the Taxi Examination Centre, Private Hire Cars may use electricity as a means of propulsion including its use within any hybrid engine.

### **Steering**

312. The steering wheel must be on the offside of the vehicle.
313. 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.
314. The steering arms and connections must be of adequate strength and so far as possible protected from possible damage by collision.

### **Fuel Tanks**

315. 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.

### **Door Fittings**

316. A Licensed Vehicle must have at least 4 doors excluding any doors at the rear of the vehicle.
317. Passenger doors must be capable of being readily opened.
318. The doors and doorways must be of such construction so as to permit a reasonably unrestricted access for passengers.

### **Other Fittings**

319. No fittings other than those approved may be attached to or carried upon the inside or outside of the private hire car.
320. No tow bars or roof boxes should be fitted to the Licensed Vehicle.

### **Windows**

321. Windows must be provided at the sides and rear.
322. At least one rear passenger window must be capable of being opened easily by passengers except where the Licensed Vehicle has air conditioning fitted and in operation.

### **Glass**

323. 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 capable of affording an unrestricted view of the vehicle interior. An unrestricted view may permit a tint of up to 25% (+/-2%). **Should we remove tint, CAB Office ok with this**

### **Mirrors**

324. Effective driving mirrors must be fitted:
- (a) internally, in the driver's compartment and
  - (b) externally, on the offside and nearside of the Licensed Vehicle.

### **Visibility**

325. The Licensed Vehicle must be fitted with adequate devices for wiping, de-misting, de-frosting and washing the windscreen and with a sun visor adjustable by the Driver.
326. Where a Licensed Vehicle is fitted with rear windscreen wipers and washers, these must be maintained in satisfactory working order.



## **Electrical Communications Apparatus**

327. Any electrical communication system fitted to a Licensed Vehicle must be in an approved position.

### **Interior Lighting**

328. Adequate lighting must be provided in the Licensed Vehicle.

### **Heating and Ventilation**

329. An adequate heating and ventilation system must be fitted for the Driver and for the passengers.

### **Fire Appliances**

330. 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 Vehicle.

### **Electrical Equipment**

331. 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.
332. All electrical circuits must be protected by suitable fuses.

### **Seating**

333. The Licensed Vehicle must have seats for not less than 4 people including the driver.
334. The width across the rear seat cushion must not be less than 1.07 metres.

### **Upholstery**

335. Upholstery in the Licensed 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. After approval there must be no subsequent replacement of the upholstery without the further permission of the Council. **No seat covers**

### **Luggage**

336. Adequate provision must be made for carrying Luggage and an effective method of securing it must be provided.

### **Fare Table and Notice Holders**

337. Where a taximeter is fitted, a frame or other type of approved holder must be provided for the Fare Table and fitted in an approved position.

### **Advertising**

338. No Advertisements may be displayed on the interior or exterior of the Licensed Vehicle. The Licence Holder of a Licensed Vehicle shall be permitted to apply to the Council for an exemption to this condition for permission to advertise his own business on the exterior of the Licensed Vehicle. This shall take the form of a sign indicating the name of the business and the telephone number in the format approved by the Council. No magnetic panels, paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the Licensed Vehicle.

## **SCHEDULE C**

### **CONDITIONS OF FITNESS OF SPECIAL EVENT PRIVATE HIRE CARS**

#### **General**

339. Except so far as varied by the conditions in this schedule, conditions 53 to 106 both inclusive and the contents of Schedule B of the foregoing Licensing Conditions for Taxis, Private Hire Care, Taxi Drivers and Private Hire Car Drivers will apply to Special Event Private Hire Cars.
340. a) All brakes and machinery must be kept in good order and condition  
b) The Special Event Private Hire Cars must carry at all times a serviceable spare wheel and tyre, together with the proper tools and equipment to change the wheel in the event of a tyre becoming defective;  
c) All tyres (including the spare) must be suitable for the Special Event Private Hire Car;  
d) No alteration or change in the specification, design, condition or appearance of the Special Event Private Hire Car shall be made without the written approval of the Council.
341. 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 Council or the Taxi Examination Centre, Murrayburn Road, by the end of the next working day.
342. No Licence Holder shall part with or lend the Special Event Plates issued in respect of a Special Event Private Hire Car to any other person.

#### **Insurance**

343. The Licence Holder shall ensure that at all times there is in force a certificate of insurance or a current and valid cover note for the Special Event Private Hire Car, in which the licence holder is stated to be the policy holder and which:
- a) Covers all Drivers of the Special Event Private Hire Car;
  - b) States the vehicle type and all uses to which the all Drivers of the Special Event Private Hire Car will be put; and
  - c) Includes:
    - (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;

- (iii) Cover of up to at least £200 for damage to property belonging to persons being carried in the insured vehicle

### **Display of Plates and Other Signage**

344. Conditions 53 to 106 of the standard conditions shall be read so as to conform with the following provisions mutatis mutandis:
- a) On a vehicle being licensed as a Special Event Private Hire Car, a number shall be allotted to it by the Council and the approved external and internal plates (hereinafter referred to as the “Special Event Plates”) bearing such number shall be supplied to the licence holder by the Council. The licence holder shall ensure that the plates are immediately affixed to the Special Event Private Hire Car in positions and brackets approved by the Council or Authorised Officer, and the Special Event Private Hire Car shall not be used for hire until the plates are properly affixed.
  - b) The licence holder shall affix to the vehicle, in positions and brackets approved by the Council:
    - (a) a Special Event external plate on the rear of the Special Event Private Hire Car; and
    - (b) a Special Event internal plate on the inside of the Special Event Private Hire Car in a conspicuous position clearly visible to all passengers.
  - c) 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.
  - d) Except as otherwise provided for in these conditions the Licence Holder 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.
  - e) The Licence Holder of a Special Event Private Hire Car licence shall ensure that a sticker detailing the Council's complaints procedure is displayed in the vehicle. The sticker must be attached to the top of the window of the near-side passenger door so that it may be read by passengers travelling in the Special Event Private Hire Car.

### **Passengers**

345. The licence holder shall not permit the said vehicle to be used to carry a greater number of passengers than the number stated on the Special Event Plate.
346. The licence holder shall not allow any passengers to be conveyed in the front seats of the said vehicle

### **Animals**

347. 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.

### **Upholstery and Seatbelts**

348. 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.
349. The fittings and furniture in the Special Event Private Hire Car must be kept in a clean condition and well maintained.
350. Seat Belts shall be provided for every passenger the Special Event Private Hire Car is licensed to carry.

### **Glass**

351. The requirement of condition 323 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. An unrestricted view may permit a tint of up to 25% (+/- 2%). **Should we remove. CAB Office ok with this**

### **Fire Extinguishers**

352. The Special Event Private Hire Car must be fitted with two portable type fire extinguishers which conform to European Standard EN3. 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.

### **Radios**

353. The licence holder shall not at any time use or permit to be used in the Special Event Private Hire Car a radio scanner or citizen band radio.

### **Convictions**

354. The Licence Holder shall give notice to the Council of the details of any conviction imposed whilst the licence is in force, within seven days of conviction.

### **Change of Address / Address for Correspondence**

355. When a driver changes his permanent address he must:-
- a) advise the Council of the change to his address within five working days of that change. This may be done by notice to the Licensing Team, Midlothian Council, 40-46 Buccleuch Street, Dalkeith, EH22 1DN or by email to [licensing@midlothian.gov.uk](mailto:licensing@midlothian.gov.uk)
  - b) immediately update his DVLA driving licence with the new address.

### **Return of Licence and Plates**

356. Where a Special Event Private Hire Car ceases to be used as such the Licence Holder shall give immediate notice to the Council and return to the Council the licence in respect of their Special Event Private Hire Car, along with the Special Event Plates, within seven days

## SCHEDULE D

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### TAXI AND PRIVATE HIRE CAR DRIVER DRESS CODE

All Drivers must comply with the following dress code while in charge of a taxi or private hire car -

(a) appropriate dress -

- shirt or polo shirt with collar, blouse/skirt/dress with either short or long sleeves
- Smart full length trousers
- **Tailored shorts**
- Shoes or boots.

(b) inappropriate dress

- tracksuits
- denim type jeans/shorts/jogging trousers/three-quarter length trousers
- vests/ t-shirts/sportswear with club colours
- baseball caps or other sports hats
- trainers/sandals