



## **REPORT TO LICENSING SUB-COMMITTEE – 20 APRIL 2018**

### **UPDATE OF GUIDANCE IN RESPECT OF THE LICENSING OF TAXI / PRIVATE HIRE CARS**

#### **1 Recommendations**

**The Committee is recommended to:**

- 1.1 Consider and approve the guidance attached as Appendix 1 of this report**

#### **2 Background / Discussion**

- 2.1 Members are asked to consider amendments to the Authority's guidance in respect of the licensing of taxi and private hire cars. The current guidance published on our website was last approved by the sub-committee on 2 October 2015. The guidance has been reviewed and revised and attached as appendix 1 to this report. It should be noted that this report is only concerned with the guidance at this stage and the conditions which for section 3 of the appendix have not been revised. The do however form part of the same document and so are included as part of the appendix.
  - 2.2 In September 2017, Internal Audit issued a report into Transportation Taxi Contract, MOT, and Licensing checks. One of the recommendations of that report was that Legal & Governance ensure that the Taxi Guidance on the Council's website is revised and kept up to date.
  - 2.3 The biggest change in taxi and PHC licensing since 2015 has been the Immigration Act 2016 which has placed a requirement on Licensing Authorities to satisfy themselves regarding the ability of the applicant to work in the UK. Those provisions have now been incorporated into the guidance.
  - 2.4 The guidance has been updated in consultation with Fleet Services. Accordingly the power output requirements for a vehicle has changed from a minimum engine size of 1300 cc to a minimum power output greater than or equal to 90PS (66kw). This better reflects the reality that modern engines are more efficient and can produce higher output from small sizes.
  - 2.5 Technical changes have also been made to the Testing Manual according to recommendations from Fleet Services.
  - 2.6 The sections on Vehicle Signs and Medical Examination have been amended to advise Operators that the Authority's policy in these areas is currently under review. The guidance will be updated as soon as there are changes to these policies, and will be regularly reviewed to ensure that it is kept up to date going forward.
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- 2.7 The Monitoring Officer within Business Services has been consulted in the preparation of this report and is satisfied that the report complies with the Scheme of Governance and relevant legislation.

### **3 Scheme of Governance**

- 3.1 The Sub-Committee is able to consider and take a decision on this item in terms of Section C – Business Services: 1 – Committee Functions: 1.1(a) of the list of committee powers in Part 2A of the Scheme of Governance which enables the Committee to decide on all policy issues and resource matters relating to the Civic Government (Scotland) Act 1982 with implications across Area boundaries. The Committee determined that the licensing function should be delegated to the Licensing Sub-Committee.

### **4 Implications and Risk**

- 4.1 An equality impact assessment is not required because approval of the appended guidance does not have a differential impact on any of the protected characteristics.
- 4.2 There are no staffing and financial implications.
- 4.3 The following Risks have been identified as relevant to this matter on a Corporate Level: changes in Government policy, legislation, and regulation - Corporate Risk Register. No risks have been identified as relevant to the matter on a Directorate Level - Directorate Risk Registers.

**Geraldine Fraser**  
**Acting Head of Legal and Governance**

Report prepared by Iain Meredith, Solicitor (Governance)  
Date 9 April 2018

**APPENDIX 1**

**UPDATED TAXI AND PRIVATE HIRE CAR GUIDANCE**

**Aberdeenshire**  
COUNCIL



**APPENDIX 1**

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**TRANSPORT ACT 1985**

**LICENSING OF TAXIS AND PRIVATE HIRE CARS**

Booklet for guidance of applicants for licences and for information of Taxi and Private Hire  
Car Operators

### Important Note

The information contained in this booklet outlines some of the requirements of the Civic Government (Scotland) Act 1982 (as amended by the Transport Act 1985) relating to the licensing, operation and driving of taxis and private hire cars within Aberdeenshire under exclusive and shared hire arrangements. While every effort has been made to ensure accuracy, the material is for general guidance only, and is not to be considered as comprehensive or authoritative.

The statutory provisions and arrangements may change from time to time. It is the responsibility of applicants and operators to ensure that they comply with the current provisions, etc and any person who is in doubt should take independent legal advice and/or consult the Licensing Authority.

## **SECTION 1**

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### **NOTES FOR THE GUIDANCE OF LICENSING APPLICANTS AND POLICY OF COUNCIL REGARDING LICENCES FOR TAXIS, ETC.**

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#### **LICENCES – VEHICLES**

A licence, known as a “Taxi Licence” is required for the operation of a vehicle as a Taxi and a licence known as a “Private Hire Car Licence” is required for the operation of a Private Hire Car. The Aberdeenshire Council is the statutory licensing authority in Aberdeenshire for the purposes of the licensing provisions of the Civic Government (Scotland) Act 1982 (“the Act”).

#### **DEFINITIONS**

- (a) **Taxi**  
The Act defines a taxi as a hire car engaged by arrangements made in a public place between the person (or his agent or employee) to be conveyed in the vehicle and the driver for a journey beginning there and then.
- (b) **Private Hire Car**  
The Act defines this vehicle as being a hire car other than a taxi. This means that the private hire car is a vehicle available for personal conveyance but which cannot be engaged by arrangements made in a public place between the passenger and the driver for a journey beginning there and then.

In simple terms, the effect of these definitions is that a taxi can perform all the functions of a private hire car as defined, and in addition can pick up passengers without prior booking in a public place. A taxi can therefore ply for hire and be flagged down without prior arrangement in a street or other public place, whereas a private hire car cannot.

#### **NON-EXCLUSIVE HIRING**

In terms of the Transport Act 1985, taxis or private hire cars may also operate in such a way as to allow more than one fare paying passenger. Under the exclusive hire arrangement only one person is responsible for the payment of the fare even though that person may bring other passengers into the vehicle at the same time. The vehicle must be retained for the exclusive use of the single fare paying passenger and any other members of his/her party until the appointed journey has been completed. Non-exclusive hire permits passengers to share a taxi or private hire car and each fare paying passenger pays the fare appropriate to the distance carried. Such a vehicle must have a Taximeter installed, regardless of its status.

Vehicles licensed as taxis may also be operated as “taxi buses”, a form of miniature local bus service, but operators must keep to a pre-arranged route and in addition to a taxi licence from the Council will also require to be registered by the Traffic Commissioners for the Scottish Traffic Area, Level 6, The Stamp Office, 10 Waterloo Place, Edinburgh, EH1 3EG Telephone: 0300 123 9000 from whom full details of the registration procedures may be had.

## **APPLICATIONS FOR LICENCES**

Before making application for the appropriate licences, applicants should consider carefully the proposed use to which each vehicle is to be put. This is particularly important where an applicant seeks to operate a number of vehicles. If an applicant's business solely consists of conveying people as a result of a prior booking then the appropriate type of Licence which should be applied for is a Private Hire Car Licence. If the applicant's business is obtained from uplifting passengers without prior notice, on the street, a Taxi Licence should be applied for.

A separate application is required for each vehicle.

Applications for drivers' licences and for licences for Taxis and Private Hire Cars must be submitted to the Legal and Governance Service at the appropriate address as follows:

North: Town House, 34 Low Street, Banff, AB45 1AN

Central: Gordon House, Blackhall Road, Inverurie, AB51 3WA

South: Viewmount, Arduathie Road, Stonehaven, AB39 2 DQ

## **EXEMPTIONS FROM LICENSING**

Certain classes of vehicle are exempt from the licensing system as follows:-

- (a) Vehicles picking up passengers whom they have previously dropped as part of an arrangement for a "to and from" journey starting outside Aberdeenshire;
- (b) Vehicles while being used in connection with a wedding or a funeral (i.e. those vehicles booked by the family or other party which has arranged the wedding or funeral);
- (c) A public service within the meaning of Section 1(1)(a) of the Public Passenger Vehicles Act 1981 (as amended);
- (d) A vehicle used for voluntary transport arrangements, e.g. for disabled people, where a small charge is made but the vehicle is run basically as a charitable activity.

## **FUNCTION OF A TAXI**

For the avoidance of doubt it should be noted that a vehicle holding a Taxi Licence is always to be considered a taxi notwithstanding that some journeys are as a result of a prior booking. This has an effect in view of the Licensing Authority's powers regarding the level of taxi fares.

## **INSURANCE**

A licence cannot be granted to a vehicle which does not have a policy of insurance or such security as complies with Part VI of the Road Traffic Act 1988

## **SUBSTITUTION OF VEHICLE**

A vehicle may be substituted for the existing vehicle on the licence at any time. An application can be requested from the appropriate office and returned with the fee for the application and replacement plates. A test date will then be made at the appropriate testing station.

## **SURRENDER OF LICENCE**

The Licence Holder, within 28 days of selling or otherwise disposing of the vehicle must deliver to the licensing authority his licence and any licence plates issued. Failure to do so is a criminal offence, punishable by a fine.

## **VEHICLE INSPECTION AND TESTING**

This is covered in Section 2 of this booklet. Applicants should note that new vehicles will not be exempt and that the police or an authorised officer of the licensing authority will also have the power of inspection of the vehicle at any reasonable time. In the event that the vehicle condition is not satisfactory to the Police or the licensing authority, the licence can be suspended forthwith until such time as the licensing authority or the Police are satisfied as to the vehicle's condition. All taxis must be fitted with taximeters. Private Hire Cars need not be fitted with taximeters unless it is proposed to run such a vehicle for non-exclusive hire, in which case a meter must be installed.

Taxis and Private Hire Cars are normally licensed for one year, and are required to be re-tested midway through the currency of the licence (i.e. approximately 6 months after the date on which the licence was granted).

## **DRIVERS' LICENCES**

A Licence known as a Taxi Driver's Licence is required for driving or otherwise having charge of a Taxi or Private Hire Car. A Taxi driver Licence entitles the holder also to drive a Private Hire Car, so such licences will normally be issued in all cases, unless an applicant specifically requests a Private Hire Car driver licence.

## **DRIVERS' QUALIFICATIONS**

The licensing authority is not empowered to grant a taxi driver's licence or a private hire car driver's licence to any person unless that person has held, during any continuous 12 months prior to the date of the application, a licence authorising him to drive a motor car issued under the appropriate provisions of the Road Traffic Act 1988 or a licence which would at the time of the application entitle him to such a licence without taking a test. A driver who is the holder of a PSV Driver's Licence is not exempt from licensing requirements if he wishes to drive taxis or private hire cars. In the case of a driver whose Driving Licence is suspended by any Court, the Taxi Driver's licence or private hire car driver's Licence automatically ceases to have effect during the period of suspension.

## **DRIVERS' IDENTIFICATION**

It is a condition of taxi drivers' licences that the holder of such a licence is required to wear an identity badge, issued by the Council. Every applicant for a new licence or a renewal is required to supply passport size photographs, one of which will be affixed to the Licence

and one to the identity badge. The identity badge will show the driver's name, the date of expiry of the licence and the driver's unique "Driver Number".

### **MEDICAL EXAMINATION**

The licensing authority may at any time require a driver to submit to medical examination so that the licensing authority may be satisfied that he/she is physically fit for the purpose of obtaining a licence.

The Licensing Authority intends in the future to introduce a requirement that all drivers must provide satisfactory medical evidence to confirm that they meet DVLA group 2 standards at time of application and on renewal of their licence. Operators will be consulted and notified prior to the introduction of this requirement.

Any driver aged 70 and over will require to produce a medical certificate from a General Practitioner certifying that the driver continues to be medically fit to drive for the purpose of obtaining a licence. This will be done at their own expense. The Licensing Authority may further require that driver to undergo a medical examination with the Authority's approved medical examiner so that the licensing authority may be satisfied that the person is fit for the purpose of obtaining a licence.

### **IMMIGRATION ACT 2016**

The Licensing Authority must be satisfied that that an applicant for a taxi or private hire car licence is not disqualified by reason of their immigration status before they can issue them a licence. An applicant will be disqualified from holding a licence if they are subject to immigration control and has not been granted leave to enter or remain in the UK or their leave to enter or remain in the UK is invalid or expired. A person is also disqualified if they are subject to a condition which prevents them from driving a taxi or private hire car.

In order to comply with this requirement, the licensing authority will carry out checks on all applicants for private hire car and taxi licences and those renewing such licences to ensure that the applicant has the right to work in the UK. The applicant will provide council staff evidence of their right to work in the form of a UK passport or visa evidencing their right work.

### **FEES**

All applications for licences must be accompanied by the appropriate fee, which will not be repayable in the event of any particular applicant or vehicle failing to meet the requirements of the licensing authority or if a licence is refused for any other reason. If a vehicle fails the inspection, then a re-test fee must be paid to the appropriate Legal and Governance office prior to being given a re-test voucher

### **DURATION OF LICENCES**

Licences of all types (drivers and vehicles) will come into effect on the date specified in the licence.

Taxi Licences and Private Hire Car Licences will normally have effect for ONE year from the date granted.

Drivers' Licences will normally have effect for THREE years from the date granted unless a shorter period is considered appropriate, e.g. for medical reasons.

## **VEHICLE SIGNS**

The Council on 25th August 2000 adopted a policy for signs/advertisements on taxis and private hire cars in order that clear guidelines on advertising and signs will be in place. The policy was amended on 3rd October 2003.

This policy is currently under review and operators will be advised of the terms of the revised policy once approved by the Licensing Authority.

It is an existing condition of both Taxi and Private Hire Car Licences that the holder of a licence shall not display on his/her taxi or private hire car any advertisement, or any signs for the purpose of advertising its services as a taxi or private hire car other than those approved by the Licensing Authority. To deal with requests for approval of advertisements on vehicles the Council have approved a policy for each type of vehicle. The position regarding signs on vehicles is also clarified. The details are as follows:-

### **Taxis**

The only signs allowed on taxis shall be roof signs and the plate issued by the Licensing Authority.

### **Advertising**

Advertising is permitted on and/or in all taxis subject to the following conditions:-

- (a) Advertisements displayed on taxis will comply with Consumer Protection and Trading Standards legislation;
- (b) Advertisements must not (a) be placed on any of the vehicle's windows, or (b) obscure any identification plates, notices or roof sign.
- (c) Wheel hub advertising is permitted. These must be securely fitted and comply with the Taxi Inspection Centre's requirements.
- (d) Advertising of the following products is prohibited:
  - (i) alcoholic products (but not including advertisements for premises which are licensed in terms of the Licensing (Scotland) Act 2005); and
  - (ii) tobacco products including reference to sporting activities sponsored by tobacco companies where the tobacco producer or the name of the tobacco company is included;
- (e) The Council reserve the right to prohibit any advertisement displayed or to be displayed on taxis.

### **Private Hire Cars**

No signs are permitted on private hire cars.

The only form of advertising permitted is the display of the name of the Private Hire Car Firm, telephone number, e-mail address and website on the exterior of the front door panels of the vehicle and/or the exterior rear bodywork of the vehicle, subject to the lettering being no more than 2 inches high and 1½ inches wide.

Any operator who wishes to display an advertisement on either a taxi or private hire car would require to submit his or her request to the Council for consideration under their adopted policy. Full details of the advert proposed, including wording, size of lettering and details of graphics would require to be submitted.

Please retain this information for future use, if you are to submit any requests under the above policy.

Any vehicle submitted for testing as a taxi or private hire car, which is found to have breached the terms of the above advertising policy, will automatically fail the vehicle test.

### **RADIOS**

Radios may be fitted as a communication system in taxis and private hire cars.

### **TAXI FARES**

The Licensing Authority is obliged by the Act to fix scales for Taxi fares for the hire of a taxi under exclusive or shared hire arrangements. Any person who demands taxi fares or charges in excess of the scale so fixed shall be guilty of an offence.

Taxi fare scales must be reviewed by the Licensing Authority at intervals not exceeding 18 months. The Act provides that prior to fixing these scales the Licensing Authority must consult with representatives of the taxi operators and must also give public notice of their proposals regarding the fares. Any interested person has thereafter one month to make written representations and the Licensing Authority after considering such representations shall fix the scale. The Act also provides for a right of appeal to the Traffic Commissioners for the Scottish Traffic Area by any taxi operator.

As an operator is free to negotiate a lower fare than that prescribed by the fare scale, it is envisaged that appeals would only be appropriate if an operator took the view that the ceiling placed on fares was not high enough to permit economic operation. The current taxi fare scale is published separately.

Aberdeenshire Council will review taxi fares every 18 months in line with statutory requirements.

### **LICENSING CONDITIONS**

Detailed control over Taxi and Private Hire Car operators and their drivers is exercised by the Licensing Authority by means of conditions attached to the licences. See Section 3 of this booklet for a complete list of the licensing conditions. The Act also details the procedures for variation of these licensing conditions and suspension or revocation of the licence should this be considered appropriate as a result of breaches. Failure to comply

with licensing conditions is a criminal offence and may render the licence holder liable on conviction to a fine.

## **OFFENCES**

In addition to the offences relating to licensing conditions, the Act also specifies a number of criminal offences in relation to Taxi and Private Hire Car licensing, e.g. operating a vehicle without the appropriate licence, driving a vehicle without the appropriate licence, overcharging. It should be noted that in addition to the powers of any Court, notification of convictions will be sent to the Licensing Authority who may order suspension of the licence.

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

It is the responsibility of applicants to ensure that they are complying with the legal requirements regarding planning and any operator who is in any doubt as to the effect of these on his premises should consult with the Planning Service in the appropriate Area.

## **SECTION 2**

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### **DETAILS OF SPECIFICATION AND EXAMINATION OF VEHICLES**

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#### **GENERAL INFORMATION**

The Licensing Authority requires that all vehicles for which applications for licences for taxis or private hire cars (new licences and renewals) have been made must be submitted for examination at the Council's Vehicle Examination Centre. After an application has been lodged, the applicant will be notified of the date and time when the examination will take place.

Anyone who has a genuine reason for being unable to attend an arranged test and has the courtesy to notify the Licensing Authority of such reason at least 24 hours prior to the appointment will have a replacement test booked for them. The Licensing Authority will endeavour to arrange this as soon as possible for the applicant.

Any vehicle that fails to present for test on the relevant date or time, without reasonable excuse will receive an automatic fail. In such circumstances the applicant will require to pay the required retest fee and only one retest will be offered in the usual manner.

Only one retest will be allowed. Failure of the retest will end the processing of the application. A further application and application fee will require to be lodged before the vehicle can be presented for any further test.

The Licensing Authority reserves the right to alter the date or time of such test in the event of unforeseen circumstances although every effort will be made to give applicants adequate notice of any alterations to the arrangements to avoid inconvenience.

The test will not only include items which will normally be checked within the Centre workshop, but also a road test which will include the checking of any taximeter where it is required.

### **ITEMS TO BE TESTED**

The Licensing Authority will NOT grant or renew any taxi or private hire car licence unless it is satisfied that the vehicle concerned is suitable in type, size and design for use as a taxi or private hire car and that it is safe for such use.

### **See Appendix 1 and 2 for Full information**

In addition to meeting the specifications for the test all vehicles **should not**:

- Be presented in such a dirty condition that the examination is difficult.
- Be presented with insufficient fuel, oil or charge so the test cannot be completed.
- Be presented if the vehicle is emitting substantial quantities of smoke.
- Be presented if the condition of the vehicle is such that, in the opinion of the tester, a proper examination would involve a danger of injury to any person or damage to the vehicle or other property.

If it becomes apparent during the test that the test cannot be completed for one of the above reasons, the vehicle will fail the test.

### **TAXI METERS**

1. All vehicles that are the subject of applications for the grant of a taxi vehicle licence and any vehicle that is the subject of an application for the grant of a private hire vehicle licence where it is intended to install a taxi meter, must be fitted with calendar-controlled meters. Any such vehicle presented for a vehicle examination by the Council's testing centres, which does not have such a meter fitted, will automatically fail the vehicle test.
2. All existing holders of taxi vehicle licences and private hire vehicle licences (where a taxi meter is fitted) must have a calendar-controlled meter fitted by the time the vehicle is due for its six month test (unless the vehicle is due to be tested between 1<sup>st</sup> August and 31<sup>st</sup> October 2010) or its next renewal test. Any such vehicle presented for a vehicle examination by the Council's testing centres, which does not have such a meter fitted, will automatically fail the vehicle test.

Where taximeters are required to be fitted, these will be tested and the meter calibration certificate must be exhibited at the time of inspection. Roof signs will require to be

connected to taximeters, so that the sign is lit when the vehicle is “for hire” and unlit when “hired”.

### **VEHICLE DIMENSIONS, SEATING ETC.**

The size of the vehicle will be taken into account in determining its suitability. Passenger carrying capacity permitted in terms of a licence will be determined according to the dimensions of the passenger seating accommodation. The statutory regulations under the Vehicles (Excise) Act 1971 may be used as a guide.

In general terms, no vehicle will be licensed which is so constructed or adapted as to be incapable of carrying at least four passengers in reasonable comfort in addition to the driver. Rear seats would normally be a minimum of 45” across the back of the seat. These requirements will be relaxed in the case of electric vehicles which carry less than four passengers.

Vehicles should normally have an engine capacity in excess of 1300cc and a minimum of four doors. The requirement for a minimum capacity of 1300cc will be relaxed where the licensing authority is satisfied that the design of the engine is such that the power output is equivalent to, or greater than 90PS (66kw). Two door cars or three door hatchbacks will not be permitted. Metropolitan-type taxicabs will be acceptable. In the case of electric vehicles the licensing authority must generally be satisfied that the power to weight ratio is sufficient enough to operate as a taxi carrying the full number of passengers for which it has seats fitted.

### **LARGE VEHICLES**

It is anticipated that some larger vehicles which normally carry 6, 7, or 8 passengers may be submitted for licensing. Provided the passenger accommodation conforms to the specification mentioned in paragraph 4, and in addition the vehicle has a suitable door system to enable passengers to board and leave in safety, such a vehicle would normally be acceptable. Any vehicle intended for the carrying of more than 8 passengers is outwith the jurisdiction of the Licensing Authority and requires a Public Service Vehicle Licence from the Department of Transport.

### **ENFORCEMENT**

In terms of Section 11 of the Civic Government (Scotland) Act 1982, the holder of a taxi or private hire car licence may be requested by the Licensing Authority to submit the vehicle for examination and the requirements for regular testing of vehicles are mentioned above. However, the Vehicle Examination Centre or the Police may, if they have cause at any time to be dissatisfied regarding the safety of a vehicle or the accuracy of the taximeter, require the licence holder to present the vehicle for a further inspection. In the event, as a result of such further examination, that a vehicle is not considered to be safe or a taximeter is not considered to be accurate, suspension of licence may follow, for a period of up to 28 days. Failure on the part of the licence holder to rectify any defects in the vehicle or taximeter within a period of 28 days may result in suspension of licence for a longer period up to and including the date upon which the licence would in any case have been due to expire.

In order to ensure that members of the public can be assured of being conveyed in vehicles that are suitable and safe at all times, the Licencing Authority works in close partnership with Aberdeenshire Council’s Public Transport Unit and Police Scotland.

The Licensing Authority provides both bodies with details of any vehicles that fail a test and also when vehicles have passed any retest and are allowed to be in operation.

Both bodies also share information with the Licensing Authority on a regular basis in relation to and parties breaching their conditions of their licences. The Licensing Authority will investigate all such allegations.

## SECTION 3

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### LICENSING CONDITIONS

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#### DEFINITIONS:-

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

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

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

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#### 1. CONDITIONS APPLICABLE TO TAXI LICENCES

1. The number of passengers which the vehicle shall be permitted to carry shall not exceed the number specified in the Licence.
2. The holder of a Taxi Licence shall ensure that the taxi, including all bodywork, upholstery and fittings is in a safe and serviceable condition and, subject to prevailing road conditions, is in a clean and tidy condition.
3. On receiving the requisite notice in writing from the Licensing Authority, the holder of a Taxi Licence shall produce his or her taxi for examination at such time and place as may be reasonably required by the Licensing Authority. Thereafter the taxi will be required to pass a six month inspection. Should the vehicle fail the inspection the Vehicle Inspector shall have authority to remove the plate from the vehicle. Only one re-test shall be permitted with the cost to be borne by the operator.
4. The holder of a Taxi Licence, when the taxi has been materially damaged in a vehicular accident or by any other means shall report the damage to the Licensing Authority within 48 hours, and if the taxi is roadworthy he shall present it for examination on a date to be specified by the Licensing Authority. It shall be at the discretion of the vehicle examiner if he considers the taxi unroadworthy, to issue an instruction that the taxi shall not be used until the repairs have been completed and the taxi re-examined in which case the holder of the Taxi Licence must apply to the Licensing Authority to re-test the vehicle and submit the appropriate fee.

As soon as the repairs to the taxi have been completed (which shall be within a period of 28 days, save in exceptional circumstances) the taxi shall be re-examined. In the

event that the repairs cannot be completed within the period specified above, the licence holder shall apply in writing to the Licensing Authority for an extension thereto.

5. The holder of a Taxi Licence shall not ask a driver of a taxi to do anything which would result in the driver contravening any law or committing a breach of the conditions attached to the grant of the driver's Licence.
6. The holder of a Taxi Licence shall keep an up-to-date list of the names and addresses of all taxi drivers employed by him and shall produce this list on request to a duly authorised officer of the Licensing Authority or to a Constable at all reasonable times. In addition the holder of a Taxi Licence must advise the Licensing Authority of all changes to the list within 7 days of the change being made.
7. The holder of a Taxi Licence shall be bound to fulfil or cause to be fulfilled at the time and location specified an engagement to hire his taxi which he has accepted unless prevented by sufficient cause.
8. The holder of a Taxi Licence shall hold in his own name the requisite Vehicle Registration Document and the Certificate of Insurance in relation to the taxi required by Part VI of the Road Traffic Act 1972; where more than one name appears on the Taxi Licence the Vehicle Registration Document and the Certificate of Insurance shall be in the name of at least one of those names. The holder of a Taxi Licence shall exhibit to the Licensing Authority not later than the initial date of cover thereunder, the Certificate of Insurance in relation to the use of the vehicle as a taxi on and after that date. If at any time the insurance cover expires prior to the expiry of the Licence, the licence holder shall require to exhibit the insurance cover as aforesaid. Any change of insurer or insurance cover, must be intimated to the Licensing Authority within 2 working days of the change being made.
9. The holder of a Taxi Licence shall ensure that while the vehicle is in use as a taxi any plates or other things which have been issued by the Licensing Authority for the purpose of indicating that the vehicle is a taxi are secured at all times and fixed to the outside of the licensed vehicle, at the rear off-side and in a position approved by an authorised officer of the Licensing Authority.
10. The holder of a Taxi Licence shall not obliterate or deface any plate or other thing which has been issued by the Licensing Authority for the purpose of indicating that the vehicle is a taxi and which is fixed to the taxi. If any such plate or other thing becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate or other thing is lost, the holder of the Taxi Licence shall report this to the Licensing Authority as soon as practicable in order to obtain from the Licensing Authority a replacement plate or other thing. If the vehicle licensed as a taxi ceases to be used in the trade or the Taxi Licence expires, is forfeited, suspended or revoked, any plate or other thing which has been issued by the Licensing Authority for the purpose of indicating that the vehicle is a taxi shall forthwith be returned to the Licensing Authority or to a Constable on his request.
11. The holder of a Taxi Licence shall obtain from the Licensing Authority a notice or notices detailing the approved maximum taxi fares and charges appropriate to exclusive or to shared hire of the taxi and shall display the notice or notices as appropriate in the passenger compartment of the taxi in such a position that it or they will be readily visible to the passengers being carried, which notice or notices shall incorporate a provision to the effect that the taxi may be operated on shared hire only

with the consent of the first hirer or passenger; and (subject to condition 22 below, no other notice or notices of fares and charges shall be displayed).

12. The holder of a Taxi Licence shall, if the cost of the journey is not regulated by a Licensing Authority fare structure, and if the taxi is not being used as taxi-bus, take steps to ensure that any potential hirer of his taxi is informed, prior to acceptance of the hire (a) that the fare is not so regulated; and (b) the cost or method of calculating the proposed journey.
13. The holder of a Taxi Licence shall not display on his taxi any advertisement, or any signs for the purpose of advertising its services as a taxi other than those approved by the Licensing Authority.
14. The holder of a Taxi Licence shall display upon the roof of his taxi a sign of a type approved by the Licensing Authority for the purpose of identifying the vehicle as a taxi, and while the taxi is available for shared hire he shall display on the taxi in a position approved by the Licensing Authority a sign of a type approved by the Licensing Authority for the purpose of indicating that the taxi is available for shared hire.
15. The holder of a Taxi Licence shall at any time when the taxi is being used as a taxi-bus, cause to be displayed on the taxi in such a position and in such a form as may be prescribed by the Licensing Authority, a notice which indicates that the taxi is being used as a taxi-bus.
16. The holder of a Taxi Licence shall have affixed to the taxi a taximeter which has been approved by the Licensing Authority as appropriate to the type of hire (whether exclusive or shared) for which the taxi is available or on which it is engaged. This condition shall not apply to any taxi while it is in use as a taxi-bus.
17. The holder of a Taxi Licence shall not use or cause or permit to be used on a taxi a road wheel or tyre of a different circumference from that for which the taximeter affixed to the taxi was designed, geared and has been tested and approved by the Licensing Authority.
18. The holder of a Taxi Licence shall only use a taximeter which has been stamped or sealed by the Licensing Authority after testing and approval as to distance and time in accordance with the approved taxi fares and charges. Once a taximeter is fitted to his taxi, he shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment fixed thereto by the manufacturer or Licensing Authority except to remove the taximeter for repair or replacement. Should the seal be broken or the taximeter repaired or replaced, the taximeter shall be re-tested and passed by or on behalf of the Licensing Authority before being used again.
19. The holder of a Taxi Licence shall ensure that the taximeter is fitted to his taxi in a position approved by the Licensing Authority.
20. The holder of a Taxi Licence shall not knowingly operate the taxi or cause or permit it to be operated other than as a taxi-bus, while the seals affixed to any taximeter and, where so affixed, to the vehicle, are broken or detached.
21. The holder of a Taxi Licence shall not knowingly use or cause or permit to be used a taximeter which is in any way defective.

22. The holder of a Taxi Licence shall at any time when the taxi is being used as a taxi-bus cause to be displayed in the taxi in such a position and in such a form as may be prescribed by the Licensing Authority so that it is clearly legible to passengers a fare table containing sufficient information to enable a passenger to ascertain the fare for his journey or the manner in which the fare is calculated.
23. The holder of a Taxi Licence must carry in suitable fasteners in his taxi a fire extinguisher of a type and in a position approved by the Licensing Authority and must carry a First Aid Kit in a suitable container in his taxi, of a type and in a position approved by the Licensing Authority.
24. When a taxi is withdrawn from service by an authorised officer of the Licensing Authority or a Constable in accordance with Section 11 of the Civic Government (Scotland) Act 1982 he shall affix a prohibition notice bearing (a) the words "this hire car is meantime certified unfit for public use" and (b) the date of withdrawal in a position within the passenger compartment of the taxi so that it is readily visible to intending passengers. Such a notice shall have the effect of suspending the Licence and only an authorised officer of the Licensing Authority may permit the removal of the notice. Any person who attempts to remove or deface the said notice shall be guilty of a breach of these conditions and liable to prosecution.
25. The holder of a Taxi Licence shall not obstruct a duly authorised officer of the Licensing Authority or a Constable in the performance of any of his duties under these conditions.
26. The holder of a Taxi Licence shall comply with all instructions or directions of a duly authorised officer of the Licensing Authority or a Constable in relation to these conditions and shall give him all information he may reasonable require in the discharge of his duties.
27. The holder of a Taxi Licence shall not hire his vehicle to the holder of a Taxi Driver's Licence, or to any other person. The holder of a Taxi Licence shall not lend his vehicle to the holder of a Taxi Driver's Licence or to any other person save for domestic purposes, except with the written authority of the Licensing Authority. For the avoidance of doubt there shall be nothing to prevent the holder of a Taxi Licence from employing the holder of a Taxi Driver's Licence to drive the licensed taxi.
28. The holder of a Taxi Licence shall ensure that, while the vehicle is not in use as a taxi, any plates, or other things which have been issued by the Licensing Authority for the purpose of indicating that the vehicle is a taxi, shall be covered or obscured.
29. The holder of a Taxi Licence shall ensure that, while the vehicle is not in use as a taxi, any roof sign indicating that the vehicle is a taxi, shall be removed, covered or obscured.
30. The holder of a Taxi Licence shall surrender his Licence for a taxi within 7 days of the vehicle ceasing to be used in the trade or of the expiry, suspension, forfeiture or revocation of the Licence.

## **2. CONDITIONS APPLICABLE TO TAXI DRIVERS' LICENCES**

1. The driver of a taxi shall at all times while he/she is acting as such have with him/her the Taxi Driver's Licence and Badge of Identification issued by the Licensing Authority and shall exhibit such Licence on demand to any passenger, Constable or authorised officer of the Licensing Authority when required to do so. The Badge of Identification issued by the Licensing Authority shall include a recent photograph showing a true likeness of the driver, the driver's name and the date on which the Licence expires. He/she shall display his/her Badge of Identification at all times while so acting conspicuously on the outer front, upper portion of his/her outermost garment with the inscribed side of the Badge clearly visible.
2. The driver of a taxi shall NOT:-
  - (a) permit any other person to use his/her Badge of Identification;
  - (b) wilfully damage his/her Badge of Identification;
  - (c) give, transfer, sell or otherwise dispose of his/her Badge of Identification.
3. The driver of a taxi shall report the loss of his/her Badge of Identification to the Licensing Authority within two working days of the loss and shall obtain a replacement Badge from the Licensing Authority. For the avoidance of doubt any driver seeking a replacement Badge shall furnish the Authority with an up-to-date passport photograph and shall pay the appropriate fee for the replacement Badge.
4. The holder of a Taxi Driver's Licence shall surrender his/her Licence and Badge of Identification to the Licensing Authority within seven days of leaving the trade or of the expiry, suspension, forfeiture, revocation or surrender of his/her Taxi Driver's Licence.
5. The driver of a taxi shall surrender, for replacement, to the Licensing Authority a Badge of Identification, the inscription or photograph on which has become in whole or in part illegible or defaced as the case may be.
6. The driver of a taxi shall be bound to fulfil or cause to be fulfilled at the time and location specified an engagement to hire his/her taxi which he/she has accepted, unless prevented by sufficient cause.
7. The driver of a taxi shall operate on shared hire only with the consent of the first hirer or passenger even if there is displayed on the taxi a sign or other thing approved by the Licensing Authority indicating that the taxi is available for shared hire; but he/she shall not be required to operate on a shared hire if no such sign or other thing is displayed on the taxi at the time of the initial hiring.
8. The driver of a taxi which is on exclusive hire may not under any circumstances pick up or convey another passenger without the consent of the original hirer(s) or passenger(s).
9. The driver of a taxi shall not at any time convey in the taxi more than the number of passengers the taxi is licensed to carry.

10. The driver of a taxi which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a taxi which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom he/she is carrying at any one time.
11. The driver of a taxi not being used as a taxi-bus shall if the cost of the journey is not regulated by a Licensing Authority fare structure inform the hirer(s) or passenger(s) before the journey commences (a) that the fare is not so regulated; and (b) of the cost or method of calculating the cost of the proposed journey.
12. The driver of a taxi shall ensure that any taximeter fitted in the taxi in his/her charge shall be operated at all times within the Licensed Area and in accordance with the detailed requirements imposed by the Licensing Authority.
13. The driver of a taxi shall from time to time and at least once in each day in which he/she uses the taxi inspect the seals on the taximeter to ensure that they are intact. On discovering that the seals have become broken or damaged or that the taximeter has ceased to function correctly, the driver of a taxi shall immediately withdraw the vehicle from service.
14. Subject to conditions 15 and 16 below, the driver of a taxi shall not refuse to drive a passenger to any place within the Licensed Area.
15. The driver of a taxi may decline to accept a further passenger on the grounds that his/her intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers, or that the further passenger's luggage cannot be accommodated safely within the luggage compartment of the taxi.
16. The driver of a taxi need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried, or whose condition of clothing is offensive or likely to cause damage to the interior of the taxi, or who refuses to cease smoking in the taxi when requested to do so by the driver, or is accompanied by an animal (other than a guide dog) which is likely to damage or soil the interior of the taxi, or otherwise at his/her discretion.
17. The driver of a taxi shall not refuse to carry luggage in his/her taxi providing that the said luggage can be accommodated safely within the luggage compartment of the taxi.
18. The driver of a taxi shall give such assistance as he/she is able to give with loading and unloading passengers and luggage when required to do so but he/she shall not be required to leave the immediate proximity of the taxi in doing so.
19. The driver of a taxi at the end of his/her shift shall search the taxi of which he/she is in charge for any property which may have been left therein. Any property found by the driver shall, within 24 hours, be returned to the owner of the property if known or such property shall be handed in by the driver to any Police Station.
20. The driver of a taxi whilst so acting must at all times be strictly sober, clean and tidy in his/her person and clothing, shall conduct himself/herself in a proper and civil manner and shall not smoke.

21. The driver of a taxi shall not knowingly allow the taxi in his/her charge to be used for illegal or immoral purposes, permit to be carried in the taxi in his/her charge any article of a dirty, filthy or noxious nature or an explosive or dangerous nature, or permit to be carried in the taxi in his/her charge any person who has vermin on his/her person.
22. The driver of a taxi shall ensure that the taxi, including all bodywork, upholstery and fittings, is in a safe and serviceable condition and subject to prevailing conditions, is in a clean condition.
23. The driver, if driving a private hire car shall return to his/her operating base after each hire, unless en-route to another, pre-arranged hire.
24. The driver of a taxi, when a taxi is hired or standing for hire, shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period he/she may be absent to announce the arrival of his taxi to the hirer or when assisting the hirer to enter or leave the taxi or to load or unload luggage or for any other necessary purpose.
25. The driver of a taxi, while he/she is in charge of the taxi shall not park, or stop his/her taxi, nor canvass or importune for employment within 50 metres of any designated taxi stance.
26. All drivers of taxis arriving at an appointed taxi stance shall take their stations on such stance from front to rear in order of their arrival and hires will be accepted by the drivers in that order except when an intending hirer wishes to engage a specific taxi 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 taxi apparently chosen out of the order. Unless the Licensing Authority makes specific arrangement for particular stances, where a taxi is driven off a stance the driver of the taxi immediately behind shall draw up his/her vehicle to take the place vacated and the taxi drivers on the stance behind shall draw up their vehicles in like manner.
27. The driver of a taxi which is being operated on shared hire may wait at a stance only for such time as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers) in the immediate vicinity of the stance at that time who wish to participate in the shared hire of the taxi; but if no further such passengers are found there and then, the driver shall immediately drive his/her taxi off the stance.
28. All vehicles may be fitted with some form of in-car communication whether two-way radio, car phone or otherwise. For the avoidance of doubt no person shall, should any vehicle be fitted with citizens band radio (CB) use the CB radio for the purpose of disclosing the name, address, destination or other details of passengers or potential passengers and any person who does disclose these details over an open radio shall be in breach of these regulations.

### **3. CONDITIONS APPLICABLE TO PRIVATE HIRE CAR LICENCE**

1. The number of passengers which the vehicle shall be permitted to carry shall not exceed the number specified in the Licence.
2. The holder of a Private Hire Car Licence shall ensure that the private hire car, including all bodywork, upholstery and fittings is in a safe and serviceable condition and, subject to prevailing road conditions, is in a clean and tidy condition.
3. On receiving the requisite notice in writing from the Licensing Authority, the holder of a Private Hire Car Licence shall produce his or her private hire car for examination at such time and place as may be reasonably required by the Licensing Authority. Thereafter the private hire car will be required to pass a six-month inspection. Should the vehicle fail the inspection the Vehicle Inspector shall have authority to remove the plate from the vehicle. Only one re-test shall be permitted with the cost to be borne by the operator.
4. The holder of a Private Hire Car Licence, when the private hire car has been materially damaged in a vehicular accident or by any other means shall remove the vehicle from operation immediately and report the damage to the Licensing Authority within 48 hours, and if the private hire car is roadworthy he/she shall present it for examination on a date to be specified by the Licensing Authority. It shall be at the discretion of the vehicle examiner if he/she considers the private hire car unroadworthy, to issue an instruction that the private hire car shall not be used until the repairs have been completed and the private hire car re-examined in which case the holder of the Private Hire Car Licence must apply to the Licensing Authority to re-test the vehicle and submit the appropriate fee.

As soon as the repairs to the private hire car have been completed (which shall be within a period of 28 days, save in exceptional circumstances) the private hire car shall be re-examined. In the event that the repairs cannot be completed within the period specified above, the licence holder shall apply in writing to the Licensing Authority for an extension thereto.

5. The holder of a Private Hire Car Licence shall not ask a driver of a private hire car to do anything which would result in the driver contravening any law or committing a breach of the conditions attached to the grant of the driver's Licence.
6. The holder of a Private Hire Car Licence shall keep an up-to-date list of the names and addresses of all drivers employed by him/her and shall produce this list on request to a duly authorised officer of the Licensing Authority or to a Constable at all reasonable times. In addition the holder of a Private Hire Car Licence must advise the Licensing Authority of all changes to the list within 7 days of the change being made.
7. The holder of a Private Hire Car Licence shall be bound to fulfil or cause to be fulfilled at the time and location specified an engagement to hire his/her private hire car which he/she has accepted unless prevented by sufficient cause.

8. The holder of a Private Hire Car Licence shall hold in his/her own name the requisite Vehicle Registration Document and the Certificate of Insurance in relation to the private hire car required by Part VI of the Road Traffic Act 1972; where more than one name appears on the Private Hire Car Licence the Vehicle Registration Document and the Certificate of Insurance shall be in the name of at least one of those names. The holder of a Private Hire Car Licence shall exhibit to the Licensing Authority not later than the initial date of cover thereunder, the Certificate of Insurance in relation to the use of the vehicle as a private hire car on and after that date. If at any time the insurance cover expires prior to the expiry of the Licence, the licence holder shall require to exhibit the insurance cover as aforesaid. Any change of insurer or insurance cover, must be intimated to the Licensing Authority within 2 working days of the change being made.
9. The holder of a Private Hire Car Licence shall ensure that while the vehicle is in use as a private hire car any plates or other things which have been issued by the Licensing Authority for the purpose of indicating that the vehicle is a private hire car are secured at all times and fixed to the outside of the licensed vehicle, one on the front of the vehicle, one at the rear off-side, in a position approved by an authorised officer of the Licensing Authority.
10. The holder of a Private Hire Car Licence shall not obliterate or deface any plate or other thing which has been issued by the Licensing Authority for the purpose of indicating that the vehicle is a private hire car and which is fixed to the private hire car. If any such plate or other thing becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate or other thing is lost, the holder of the Private Hire Car Licence shall report this to the Licensing Authority as soon as practicable in order to obtain from the Licensing Authority a replacement plate or other thing. If the vehicle licensed as a private hire car ceases to be used in the trade or the Private Hire Car Licence expires, is forfeited, suspended or revoked, any plate or other thing which has been issued by the Licensing Authority for the purpose of indicating that the vehicle is a private hire car shall forthwith be returned to the Licensing Authority or to a Constable on his/her request.
11. The holder of a Private Hire Car Licence whose private hire car is fitted with a taximeter shall obtain from the Licensing Authority a notice or notices detailing the approved maximum taxi fares and charges appropriate to exclusive or to shared hire of the private hire car and shall display the notice or notices as appropriate in the passenger compartment of the private hire car fitted with a taximeter in such a position that it or they will be readily visible to the passengers being carried, which notice or notices shall incorporate a provision to the effect that the private hire car may be operated on shared hire only with the consent of the first hirer or passenger; and no other notice or notices of fares and charges shall be displayed.
12. The holder of a Private Hire Car Licence shall, if the cost of the journey is not regulated by a Licensing Authority fare structure, take steps to ensure that any potential hirer of his/her private hire car is informed, prior to acceptance of the hire (a) that the fare is not so regulated; and (b) the cost or method of calculating the proposed journey.
13. The holder of a Private Hire Car Licence shall take steps to ensure that each potential hirer of his/her private hire car consents, at the time of the arrangement of the hire, to an exclusive hire or a shared hire, as the case may be.

14. The holder of a Private Hire Car Licence shall not display on his/her private hire car any advertisement, or any signs for the purpose of advertising its services as a private hire car other than those approved by the Licensing Authority.
15. The holder of a Private Hire Car Licence whose private hire car is fitted with a taximeter shall have affixed to and used on the private hire car only a taximeter which has been approved by the Licensing Authority.
16. The holder of a Private Hire Car Licence whose private hire car is fitted with a taximeter shall not use or cause or permit to be used on the private hire car a road wheel or tyre of a different circumference from that for which the taximeter affixed to the private hire car was designed, geared and has been tested and approved by the Licensing Authority.
17. The holder of a Private Hire Car Licence whose private hire car is fitted with a taximeter shall only use a taximeter which has been stamped or sealed by the Licensing Authority after testing and approval as to distance and time in accordance with the approved taxi fares and charges. Once a taximeter is fitted to his/her private hire car, he/she shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment fixed thereto by the manufacturer or Licensing Authority except to remove the taximeter for repair or replacement. Should the seal be broken or the taximeter repaired or replaced, the taximeter shall be re-tested and passed by or on behalf of the Licensing Authority before being used again.
18. The holder of a Private Hire Car Licence whose private hire car is fitted with a taximeter shall ensure that the taximeter is fitted to his/her private hire car in a position approved by the Licensing Authority.
19. The holder of a Private Hire Car Licence whose private hire car is fitted with a taximeter shall not knowingly operate the vehicle or cause or permit it to be operated, while the seals affixed to any taximeter and, where so affixed, to the vehicle, are broken or detached.
20. The holder of a Private Hire Car Licence whose private hire car is fitted with a taximeter shall not knowingly use or cause or permit to be used a taximeter which is in any way defective.
21. The holder of a Private Hire Car Licence whose private hire car is fitted with a taximeter shall within two working days inform the licensing authority of the removal of the taximeter from his/her private hire car. He/she shall not refit a taximeter on a second subsequent occasion without prior permission from the licensing authority except when the private hire car is due to be tested by the licensing authority.
22. The holder of a Private Hire Car Licence must carry in suitable fasteners in his/her private hire car a fire extinguisher of a type and in a position approved by the Licensing Authority and must carry a First Aid Kit in a suitable container in his/her private hire car, of a type and in a position approved by the Licensing Authority.

23. When a private hire car is withdrawn from service by an authorised officer of the Licensing Authority or a Constable in accordance with Section 11 of the Civic Government (Scotland) Act 1982 he/she shall affix a prohibition notice bearing (a) the words “this hire car is meantime certified unfit for public use” and (b) the date of withdrawal in a position within the passenger compartment of the private hire car so that it is readily visible to intending passengers. Such a notice shall have the effect of suspending the Licence and only an authorised officer of the Licensing Authority may permit the removal of the notice. Any person who attempts to remove or deface the said notice shall be guilty of a breach of these conditions and liable to prosecution.
24. The holder of a Private Hire Car Licence shall not obstruct a duly authorised officer of the Licensing Authority or a Constable in the performance of any of his/her duties under these conditions.
25. The holder of a Private Hire Car Licence shall comply with all instructions or directions of a duly authorised officer of the Licensing Authority or a Constable in relation to these conditions and shall give him/her all information he/she may reasonably require in the discharge of his/her duties.
26. The holder of a Private Hire Car Licence shall not hire his/her vehicle to the holder of a Taxi or Private Hire Car Driver’s Licence, or to any other person. The holder of a Private Hire Car Licence shall not lend his/her vehicle to the holder of a Taxi or Private Hire Car Driver’s Licence or to any other person save for domestic purposes, except with the written authority of the Licensing Authority. For the avoidance of doubt there shall be nothing to prevent the holder of a Private Hire Car Licence from employing the holder of a Taxi or Private Hire Car Driver’s Licence to drive the licensed private hire car.
27. The holder of a Private Hire Car Licence shall ensure that, while the vehicle is not in use as a private hire car, any plates, or other things which have been issued by the Licensing Authority for the purpose of indicating that the vehicle is a private hire car, shall be covered or obscured.
28. The holder of a Private Hire Car Licence shall surrender his/her Licence for a private hire car within 7 days of the vehicle ceasing to be used in the trade or of the expiry, suspension, forfeiture or revocation of the Licence.

#### **4. CONDITIONS APPLICABLE TO PRIVATE HIRE CAR DRIVER'S LICENCES**

1. The driver of a private hire car shall at all times while he/she is acting as such have with him/her the Private Hire Car Driver's Licence and Badge of Identification issued by the Licensing Authority and shall exhibit such Licence on demand to any passenger, Constable or authorised officer of the Licensing Authority when required to do so. The Badge of Identification issued by the Licensing Authority shall include a recent photograph showing a true likeness of the driver, the driver's name and the date on which the Licence expires. He/she shall display his/her Badge of Identification at all times while so acting conspicuously on the outer front, upper portion of his/her outermost garment with the inscribed side of the Badge clearly visible.
2. The driver of a private hire car shall NOT:-
  - (a) permit any other person to use his/her Badge of Identification;
  - (b) wilfully damage his/her Badge of Identification;
  - (c) give, transfer, sell or otherwise dispose of his/her Badge of Identification.
3. The driver of a private hire car shall report the loss of his/her Badge of Identification to the Licensing Authority within two working days of the loss and shall obtain a replacement Badge from the Licensing Authority. For the avoidance of doubt any driver seeking a replacement Badge shall furnish the Authority with an up-to-date passport photograph and shall pay the appropriate fee for the replacement Badge.
4. The holder of a Private Hire Car Driver's Licence shall surrender his/her Licence and Badge of Identification to the Licensing Authority within seven days of leaving the trade or of the expiry, suspension, forfeiture, revocation or surrender of his/her Private Hire Car Driver's Licence.
5. The driver of a private hire car shall surrender, for replacement, to the Licensing Authority a Badge of Identification, the inscription or photograph on which has become in whole or in part illegible or defaced as the case may be.
6. The driver of a private hire car shall be bound to fulfil or cause to be fulfilled at the time and location specified an engagement to hire his/her private hire car which he/she has accepted, unless prevented by sufficient cause.
7. The driver of a private hire car which has been hired may not under any circumstances pick up or convey another passenger without the consent of the original hirer(s) or passenger(s).
8. The driver of a private hire car shall not at any time convey in the private hire car more than the number of passengers the private hire car is licensed to carry.
9. The driver of a private hire car which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a private hire car which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom he/she is carrying at any one time.

10. The driver of a private hire car shall if the cost of the journey is not regulated by a Licensing Authority fare structure inform the hirer(s) or passenger(s) before the journey commences (a) that the fare is not so regulated; and (b) of the cost or method of calculating the cost of the proposed journey.
11. The driver of a private hire car shall ensure that any taximeter fitted in the private hire car in his/her charge shall be operated at all times within the Licensed Area and in accordance with the detailed requirements imposed by the Licensing Authority.
12. The driver of a private hire car shall from time to time and at least once in each day in which he/she uses the private hire car inspect the seals on the taximeter to ensure that they are intact. On discovering that the seals have become broken or damaged or that the taximeter has ceased to function correctly, the driver of a private hire car shall immediately withdraw the vehicle from service.
13. Subject to condition 14 below, the driver of a private hire car shall not refuse to drive a passenger to any place within the Licensed Area.
14. The driver of a private hire car need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried, or whose condition of clothing is offensive or likely to cause damage to the interior of the private hire car, or who refuses to cease smoking in the private hire car when requested to do so by the driver, or is accompanied by an animal (other than a guide dog) which is likely to damage or soil the interior of the private hire car, or otherwise at his/her discretion.
15. The driver of a private hire car while he/she is in charge of his/her private hire car shall not canvass or importune for employment in any street or other public place.
16. The driver of a private hire car shall not refuse to carry luggage in his/her private hire car providing that the said luggage can be accommodated safely within the luggage compartment of the private hire car.
17. The driver of a private hire car shall give such assistance as he/she is able to give with loading and unloading passengers and luggage when required to do so but he/she shall not be required to leave the immediate proximity of the private hire car in doing so.
18. The driver of a private hire car at the end of his/her shift shall search the private hire car of which he/she is in charge for any property which may have been left therein. Any property found by the driver shall, within 24 hours, be returned to the owner of the property if known or such property shall be handed in by the driver to any Police Station.
19. The driver of a private hire car whilst so acting must at all times be strictly sober, clean and tidy in his/her person and clothing, shall conduct himself/herself in a proper and civil manner and shall not smoke.
20. The driver of a private hire car shall not knowingly allow the private hire car in his/her charge to be used for illegal or immoral purposes, permit to be carried in the private hire car in his/her charge any article of a dirty, filthy or noxious nature or an explosive or dangerous nature, or permit to be carried in the private hire car in his/her charge any person who has vermin on his person.

21. The driver of a private hire car shall ensure that the private hire car including all bodywork, upholstery and fittings, is in a safe and serviceable condition and, subject to prevailing conditions, is in a clean condition.
22. The driver of a private hire car shall return to his/her operating base after each hire, unless en-route to another, pre-arranged hire.
23. All vehicles may be fitted with some form of in-car communication whether two-way radio, car phone or otherwise. For the avoidance of doubt no person shall, should any vehicle be fitted with citizens band radio (CB) use the CB radio for the purpose of disclosing the name, address, destination or other details of passengers or potential passengers and any person who does disclose these details over an open radio shall be in breach of these regulations.

## APPENDIX 1

The following are items which will be tested in relation to each vehicle submitted:-

### Section I - Lighting

Front Lamps and Fog Light (if fitted)  
Rear Lamps – Stop/Reverse/Fog/No. Plate  
Headlamps + Aim  
Rear Reflectors  
Direction Indicators + Hazards

### Section II - Steering & Suspension No Movement

Steering Controls  
Steering Mechanism  
Power Steering including oil leaks  
Drive Shafts/Inner + Outer CV Boots  
Axle Assemblies + Wheel Bearings  
  
Suspension/Bushes/Shock  
Absorbers/Spring + Struts  
Engine Mounts + Oil Leaks & Water Leaks

### Section III - Brakes

Service Brake Condition Hoses/Pipes + assemblies  
Park Brake Condition Cables + assemblies  
Service Brake Performance  
Park Brake Performance  
  
Brake Imbalance

### Section IV - Tyres & Wheels

Tyre Type Load/Speed/Index Rating  
Tyre Condition  
Road wheels

### Section V - Seat Belts

All Seats to be fitted with Seat Belts  
Security of Mounts  
Condition + Operation

### Section VI - Interior Condition

Upholstery Good Clean Condition  
Floor Coverings

Hand + Arm Rests  
Security of Non-Standard Seating (if any)

### Section VII - General Items

Drivers View of Road, Windscreen Wipers + Washers, Front + Rear  
Exhaust System + Emissions

Fuel System + Tank  
Electric Wiring Insulation/Security + Battery Security

Door Latches/Locks + Mirrors  
Windows Up and Down

Interior Lighting + Horn  
First Aid Kit (Present + in Date)  
Fire Extinguisher (Present + Tested Annually)

Ordinary Tools  
Vehicle Structure Damage + Corrosion  
Bodywork Condition Damage + Corrosion  
Good and Clean Condition  
Roof Sign Works in Conjunction with Meter  
Taximeter if Fitted  
Taxi Calibration Certificated  
Taxi/Private Hire Car Exterior Plate/Plates  
Card Holder for Interior of Taxi  
Advertising

As well as the above, the security of the Battery and any oil leaks will also be checked.

**APPENDIX 2****Aberdeenshire Council Taxi Testing  
Supplement to the VOSA M.O.T. testers manual****NOTE**

The following pages should be used as a supplement to the VOSA M.O.T. Testers Manual. Technical specifications will be the same as the M.O.T. class 4 testing unless otherwise stipulated in this supplement. It is intended that this supplement will clarify existing standards covering all aspects of Taxi Test where reasonably practicable.

## TAXI TESTING MANUAL

## 2.1 OIL LEAKS

| Information   | Method of Inspection  | Reason for Rejection   |
|---|---|--|
| <p>Engine and transmission should be clean and free from leaks.</p> | <ul style="list-style-type: none"> <li>• Check the engine and transmission for leakage of any type of oil.</li> <li>• Check without operating any equipment other than the engine which may be run at tick-over speed.</li> <li>• Temporary means of preventing leaked oil reaching the ground are not acceptable.</li> <li>• Check temporary repairs for oil leakage.</li> </ul> | <ul style="list-style-type: none"> <li>a) Any oil leak which deposits oil on the ground during the test which forms a pool greater than 10mm diameter in a five minute period or a number of leaks which collectively would deposit oil at the same rate.</li> <li>b) A temporary means of preventing leaked oil reaching the ground.</li> <li>c) Any leak which when the vehicle is in motion could compromise the Health and Safety of its passengers.</li> <li>d) Oil leakage from a temporary repair.</li> </ul> |

## 2.2 COOLING SYSTEM

| Information  | Method of Inspection   | Reason for Rejection   |
|--|--|--|
| <p>Cooling system should be in good condition and fully operational.</p> | <p>Examine the condition of the whole cooling system including the radiator, coolant pump, drive belts including pulleys for security, deterioration and completeness.</p> | <ul style="list-style-type: none"> <li>a) A cooling system component which is insecure, deteriorated, missing or inoperative.</li> <li>b) Coolant leak which deposits any coolant on the ground during the test forming a pool of more than 10mm in diameter.</li> </ul> |

### 2.3 BODYWORK

| Information   | Method of Inspection   | Reason for Rejection   |
|---|--|--|
| <p>Bodywork should be clean and free from dents and scratches.</p> <p>All panels &amp; trim should be secure.</p> | <ul style="list-style-type: none"> <li>• Examine bodywork for scratches, dents, irregularities or inadequate repairs.</li> <li>• Check for insecure panels or trim.</li> </ul> | <ul style="list-style-type: none"> <li>a) Significant scratches, dents or other irregularities, especially where indicative of accident damage or where metal is visible through the bodywork.</li> <li>b) Inadequate repair which is not properly painted and finished.</li> <li>c) Insecure panels or trim.</li> </ul> <hr/> <p><b>IMMEDIATE FAILURE</b></p> <p>Refusal at time of test to issue certificate of compliance.</p> <ul style="list-style-type: none"> <li>a) Any bodywork with sharp or protruding edges likely to cause injury to a pedestrian or other road users.</li> <li>b) Significant bodywork damage.</li> <li>c) Any body panel not matching the vehicle's original colour e.g. blue door on a red car.</li> </ul> |

## 2.4 INTERIORS

| Information  | Method of Inspection  | Reason for Rejection   |
|--|---|--|
| <p>The vehicle should be submitted for the Taxi Inspection clean and free from damage and in a condition which would be acceptable to be hired by members of the public.</p> | <p><b>SEATS</b><br/>Check the condition, security cleanliness of seats.</p> <hr/> <p><b>INTERIOR LIGHTS</b><br/>Check the interior lights provide adequate illumination of the interior of the vehicle.</p> <hr/> <p><b>INTERIOR SURFACE</b><br/>Check interior surfaces including roof linings, side panel covering and carpets for cleanliness, condition and security.</p> <hr/> <p><b>OPENING WINDOWS</b><br/>Check all opening windows can be opened from the relevant controls.</p> <hr/> <p><b>HEATING AND DEMISTING</b><br/>Examine presence, condition and operation of heating and demisting equipment. A system with variable speed control must be operable in all speeds as designed.</p> <hr/> <p><b>TARIFF CARD</b><br/>Tariff card should be carried in vehicle and accessible to passengers.</p> | <p>a) A seat which is insecure, damaged or weakened so that the damaged seat structure or covering could endanger passengers or damage their clothes.<br/>b) Seats with covering(s) in such a condition that they are likely to soil passengers clothing.<br/>c) Headrests insecure or missing.</p> <hr/> <p>Inadequate illumination of saloon interior.</p> <hr/> <p>a) Insecure or damaged so that they are likely to injure passengers.<br/>b) Contaminated so that they are likely to soil passenger's clothing.</p> <hr/> <p>A driver's or any passengers window cannot be opened from the relevant controls.</p> <hr/> <p>Missing, inoperative or ineffective demisting, heating or cooling equipment.</p> <hr/> <p>Not in vehicle and accessible to passengers.</p> |

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|  | <p><b>DASHBOARD OPERATIONS</b><br/>Check for dashboard operations.</p>   | <ul style="list-style-type: none"> <li>a) Speedometer not working correctly on road test.</li> <li>b) Odometer not working on road test.</li> <li>c) Lights, gauges or lighting components missing.</li> <li>d) Worn, damaged, incorrectly fitted or missing trim or accessories.</li> <li>e) Inoperative or damaged passenger controls including sharp edges</li> <li>f) Insecure accessories or fittings Lose, dangerous or untidy wiring</li> </ul> |
|  | <p><b>FIRE EXTINGUISHER</b></p> <ul style="list-style-type: none"> <li>• Check that the fire extinguisher is of the correct type. They must contain foam or powder and be marked BS 5423 or EN 3.</li> <li>• A fire extinguisher should be fitted securely in a position easily accessible by the driver. If the extinguisher is hidden from view the position must be clearly marked in view of the driver and passengers.</li> <li>• Check Green indication Band and or Date of Expiry on Fire extinguisher.</li> <li>• The Taxi or Private hire number to be displayed on Fire extinguisher.</li> </ul> | <ul style="list-style-type: none"> <li>a) Missing, inaccessible, discharged, incorrect type, in an obviously poor condition.</li> <li>b) No notice of position is present.</li> <li>c) A Halon filled extinguisher.</li> <li>d) Insecure.</li> <li>e) Expiry date passed.</li> <li>f) Green Band indicator showing red.</li> <li>g) No or incorrect taxi or private hire number on fire extinguisher.</li> </ul>                                       |
|  | <p><b>FIRST AID KIT</b></p> <ul style="list-style-type: none"> <li>• First aid kits should contain the minimum as recommended by HSE for a 1-person kit. Check that the first aid kit is not contaminated or the contents obviously deteriorated and that the receptacle which contains the first aid kit is prominently marked. If the receptacle is in a sealed compartment or closed glove box the compartment or glove box should be clearly marked to indicate the position of the first aid kit.</li> <li>• The Taxi or Private hire number to be displayed on First Aid Kit.</li> </ul>             | <ul style="list-style-type: none"> <li>a) Missing, inaccessible or in poor or contaminated condition.</li> <li>b) Receptacle not marked.</li> <li>c) No notice of position is present.</li> <li>d) A kit which is not British Standard BS 8599-2 compliant.</li> <li>e) A kit which contains out of date item.</li> <li>f) No or incorrect Taxi or Private hire number displayed on First Aid Kit.</li> </ul>  |

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## 2.5 TYRES

| Information   | Method of Inspection   | Reason for Rejection   |
|---|--|--|
| <p>Tyres including spare should have not less than 2mm tread depth.</p> <p>2mm will replace 1.6mm in the main MOT Testing Manual where stated.</p> <p>Where the vehicle is equipped with a Spare wheel &amp; tyre this must be stored securely in the correct location and be compatible.</p> | <ul style="list-style-type: none"> <li>• Check the tread pattern over the complete circumference of the tyre.</li> <li>• Check also that the tread depth meets the requirement using, as necessary, a depth gauge accepted for MOT testing.</li> <li>• Check that central three-quarters of the breadth of tread has a continuous around the entire outer circumference of the tyre.</li> <li>• Check security.</li> <li>• Check serviceability to the same standards as fitted tyres.</li> <li>• Ensure bi directional fitting.</li> <li>• Check size &amp; specification.</li> <li>• Check Load Rating Index.</li> </ul> | <ol style="list-style-type: none"> <li>a) The grooves of the tread pattern are not at least 2mm throughout a continuous band comprising.</li> <li>b) The central three-quarters of the breadth of tread this band must be continuous around the entire outer circumference of the tyre.</li> <li>c) Under inflation.</li> <li>d) In-secure.</li> <li>e) Not serviceable as per fitted tyres.</li> <li>f) Not bi-directional.</li> <li>g) Different size or specification to fitted tyres except in the case of a manufacturer fitted space saver.</li> <li>h) Incorrect Load Rating Index.</li> <li>i) Spare wheel or tyre (where present) not stored securely or in the wrong location or incompatible with the vehicle.</li> </ol> |

## 2.6 SUSPENSION AND STEERING

| Information  | Method of Inspection                               | Reason for Rejection   |
|--|--|--|
| <p>This applies to both front and rear suspension, including any optional components fitted.</p> <p>This applies to all types of steering mechanism.</p> | <p>Check for excessive movement on components.</p> | <p>No <del>minimum</del> movement except for manufacturers specification e.g. Volkswagen and Mercedes 3mm.</p> |

## 2.7 BRAKES CALIPERS AND DISKS

| Information                                 | Method of Inspection   | Reason for Rejection  |
|---|--|---|
| This applies to both front and rear brakes. | <ul style="list-style-type: none"> <li>• Check thickness of pads (front 2mm).</li> <li>• Check all disks for cracks or deterioration, deep corrosion or damage and incomplete assembly.</li> </ul> | <ul style="list-style-type: none"> <li>a) Insufficient available pad (thickness).</li> <li>b) Any cracks or distortion or deterioration of the disk.</li> <li>c) Deep corrosion or damage.</li> <li>d) Incomplete assembly</li> </ul> |

## 2.8 LIGHTS AND WIPERS

| Information   | Method of Inspection   | Reason for Rejection  |
|---|--|---|
| <b>REVERSE LAMPS</b><br>Reverse should be fitted as per manufacturers' specification. | <ul style="list-style-type: none"> <li>• Check that a reverse lamp is working</li> <li>• That lamps are illuminated when vehicle is in reverse gear</li> </ul> | <p>A reverse lamp:</p> <ul style="list-style-type: none"> <li>a) Is missing, does not emit a steady white light or emit a light other than white whilst in reverse gear.</li> <li>b) Incomplete, not in good working order or not visible from a reasonable distance.</li> <li>c) Is insecure, obscured or not facing to the rear.</li> <li>d) Adversely affected by the operation of any other lamps.</li> </ul> |
| <b>ALL LAMPS</b>  | All fitted lamps must work correctly.  | A fitted lamp not working correctly.  |
| <b>ALL WIPERS &amp; WASHERS</b>   | Check correct operation.   | <ul style="list-style-type: none"> <li>a) Failure to operate.</li> <li>b) If wiper blades are not clearing screen properly.</li> <li>c) Jets blocked or insufficient fluid</li> </ul>   |

## 2.9 TAXI METER

| Information   | Method of Inspection  | Reason for Rejection  |
|---|---|---|
| The taxi meter will be checked for security and accuracy. | <ul style="list-style-type: none"> <li>• Check that a taxi meter is fitted, fitted correctly and is complete.</li> <li>• Check for condition and position, the meter must be in a position where easily readable by the passengers.</li> <li>• Check for accuracy with respect to distance and time.</li> <li>• Check taxi meter seals for presence and condition and that they are of the correct type.</li> <li>• Check that the begging light works at the correct time in sequence with the operation of the taxi meter.</li> </ul> | <ul style="list-style-type: none"> <li>a) Taxi meter is in anyway defective.</li> <li>b) Fitted in a position not approved by the Licensing Authority.</li> <li>c) Found to be inaccurate after testing with respect to distance and time.</li> <li>d) Seal missing or having been tampered with.</li> <li>e) Obscuring the forward vision of the driver.</li> <li>f) Any manual method of operating the begging lamp.</li> <li>g) Is in a dangerous position.</li> <li>h) Meter is insecure</li> </ul> |

## 3.0 TAXI PLATE

| Information                               | Method of Inspection  | Reason for Rejection   |
|---|---|--|
| The taxi plate must be in good condition. | <ul style="list-style-type: none"> <li>• Check that there is a taxi plate fitted to an external surface on the middle to offside rear of the vehicle.</li> <li>• Check for security and condition.</li> </ul> | <ul style="list-style-type: none"> <li>a) Missing or incorrect.</li> <li>b) So insecure that it is likely to fall off.</li> <li>c) Letter or figure missing or incomplete.</li> <li>d) Faded, dirty, deteriorated or obscured.</li> <li>e) Not affixed to an external surface on the rear of the vehicle.</li> </ul> |

### 3.1 MIRRORS

| Information    | Method of Inspection   | Reason for Rejection  |
|----------------|--|---|
| <b>MIRRORS</b> | <p>Check the presence, security, condition of:</p> <ul style="list-style-type: none"> <li>a) An exterior mirror fitted to the offside.</li> <li>b) An exterior mirror fitted to the nearside.</li> <li>c) An interior mirror.</li> </ul> | <p>A taxi/private hire car which does not have at least:</p> <ul style="list-style-type: none"> <li>a) One main exterior rear view mirror on offside.</li> <li>b) One main exterior rear view mirror on nearside.</li> <li>c) An interior mirror.</li> </ul> <p>A taxi/private hire car which has:</p> <ul style="list-style-type: none"> <li>a) Deteriorated or cracked mirror lens that distorts vision.</li> <li>b) An insecure mirror or holder.</li> </ul> |

### 3.2 PERFORMANCE

| Information                                | Method of Inspection  | Reason for Rejection   |
|--|---|--|
| <b>ROAD TEST</b>                           | Carry out a road test and check performance and noise levels. | <ul style="list-style-type: none"> <li>a) Where a vehicle has been road tested but the tester knows more efficient operation is normally obtained for the type of vehicle.</li> <li>b) Noise levels in excess of what the tester knows are normally obtained for the type of vehicle.</li> </ul> |
| <b>GEAR BOX, DRIVE SHAFTS AND BEARINGS</b> | Check noise levels.   | Abnormal noises from the engine, transmission, drive shafts or bearings  |

### 3.3 ROOF SIGNS

| Information  | Method of Inspection   | Reason for Rejection  |
|--|--|---|
| <p>Roof sign shall be of size and type as approved by the Licensing Authority.</p> | <p>Check that the sign is:</p> <ul style="list-style-type: none"> <li>• Suitable for the vehicle</li> <li>• Signage is in accordance with the Licensing specification.</li> <li>• Installed tidily e.g. no loose wires or protruding screws</li> </ul> | <ul style="list-style-type: none"> <li>a) Incorrect size.</li> <li>b) Incorrect position.</li> <li>c) Signage contravenes Licensing specification.</li> <li>d) Untidy installation</li> </ul> |

***Should any dispute arise in connection with the test, an appeal may be lodged with the Supervisor who will be on site to resolve any issues.***

