

# Private Hire Car Operator's Licence

## Conditions

1. A motor vehicle shall not be deemed to be of a suitable type and in a proper state of repair for use as a private hire car unless:-
  - (a) It is designed for the carriage of passengers.
  - (b) It is in a proper state of repair for the use as a private hire car, in accordance with the Councils' conditions.
  - (c) Any vehicle operating as a private hire car within East Ayrshire must be under **10** years of age from the date of original registration, unless the vehicle is a 'Purpose Built Vehicle' which may remain in service until deemed unfit for public service.
2. The holder of a private hire car licence shall, on demand, supply the address where the maintenance of the vehicle is carried out and the frequency of the vehicle inspections.
3. The holder of a private hire car operator's licence shall ensure that the private hire car, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to the prevailing road conditions.
4. The holder of a private hire car operator's licence is required to have the private hire car inspected annually up to the age of 5 years from original date of registration and thereafter bi-annually until 10 years old from original date of registration. Private hire cars which are 'Purpose Built vehicles' are required to be inspected annually until 8 years from original date of registration and thereafter bi-annually until deemed unfit for public service. On receiving the requisite notice in writing from an authorised officer of the Council or a Constable, the holder shall produce their private hire car for examination at such time and place as may be reasonably required.

Non purpose built vehicles are due to be inspected *6 months from the vehicle's 5<sup>th</sup> anniversary of the date of its original registration* and every 6 months thereafter, irrespective of the date of expiry of the current test certificate, until it is removed from service, i.e 10 years old.

When non purpose built vehicles reach the age of 10 years old from the original date of registration, the vehicle will cease to be used as a taxi/private hire vehicle with immediate effect.

Purpose built vehicles are due to be inspected *6 months from the vehicle's 8<sup>th</sup> anniversary of the date of its original registration*, irrespective of the date of expiry of the current test certificate, and every 6 months thereafter until it is removed from service, i.e. when deemed unfit for public service.

5. The holder of a private hire car licence shall ensure that, when the vehicle is presented for examination, the bodywork and passenger accommodation of the vehicle is clean and that the underside of the vehicle is free from road dirt, excess oil and grease.

6. If a vehicle fails to pass a Certificate of Compliance test by the Council the Private Hire Car plates and door cards must be removed from the vehicle and presented to staff at the Test Centre. The plates and door cards will be returned once the vehicle has undergone and passed an inspection.
7. The Licensing Section will be advised of all test failures. Should a vehicle fail two consecutive tests a formal letter will be issued. If there are three or more failures, the matter may be brought to the attention of the Licensing Panel whereby suspension or more frequent testing would be a consideration.
8. If a private hire car is damaged in a vehicular accident or by any other means, the holder of the private hire car operator's licence shall report the damage to the Council as soon as practicable. The vehicle should be presented for inspection to the Council within two working days (being days on which the testing facilities operate) after the occurrence. The examination will determine if the vehicle is roadworthy or in need of repair. An 'Accident Damage Form' will be issued and must be retained in the vehicle. As soon as the repairs to the vehicle have been completed, the private hire car should be presented to the Council for re-examination, no later than 28 days from initial inspection. Unless the Council confirms otherwise, the vehicle shall not be used as a private hire car from the date of presentation for said examination until it has been re-examined by the Council and passed as being fit for use again as a private hire car. If the vehicle is deemed not to be roadworthy the Private Hire Car plates and door cards must be removed and presented to staff at the Test Centre. The plates and door cards will be returned once the vehicle has undergone and passed an inspection.
9. The holder of a private hire car operator's licence shall not ask any driver of the private hire car to do anything which would result in the driver committing a breach of the conditions attached to his/her drivers licence.
10. The holder of a private hire car operator's licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire their private hire car which they have accepted, unless prevented by sufficient cause.
11. The holder of a private hire car operator's licence shall hold either in their own name or in the name of a vehicle leasing company the vehicle registration document and the certificate of insurance in relation to their private hire car required by part VI of the Road Traffic Act 1988 or any other amending legislation. The holder of the licence shall be required to produce these documents to the Council at any reasonable time on request. 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. If the Licence is held in the name of a company, it will be permitted for the vehicle registration document and the certificate of insurance to be in the name of a current director of the company.
12. The holder of a private hire car licence, on changing his permanent place of residence, shall notify the Council of such change immediately
13. The holder of a private hire car operator's licence shall keep up an up-to-date list of the names and addresses of all the drivers employed by them and shall produce such list, to the Council or any constable. The holder of a private hire licence must

have a system for regularly checking the Driver's Licence issued by the DVLA and the Driver's Licence issued by the Council.

14. Unless the cost of the journey is regulated by the Council fare structure, the holder or a private hire car licence shall ensure that, prior to acceptance of the hire, any potential hirer of their private hire car is informed (a) that the fare is not regulated, and (b) of the cost, or the method of calculating the cost, of the proposed journey.
15. The holder of a private hire car operator's licence, whose private hire car is fitted with a taximeter, shall ensure that the taximeter has been tested and approved by the Council and is compliant with The Measuring Instruments (Taxi Meters) Regulations 2006. No other taximeter shall be affixed or used. The taximeter must be electronic and be incapable of multi tariff operation.

A GPS taximeter may be used as a taximeter if the type and model is certified as being compliant with the Measuring Instruments Directive (MID) 2004/22/EC. The operator must provide proof of such compliance to the Council prior to the installation and use of the GPS taximeter.

16. The holder of a private hire car operator's licence, whose private hire car is fitted with a taximeter, shall obtain from the Council a notice detailing the table of approved taxi fares and charges. The notice in the private hire car should be displayed in an approved position that is readily visible to the passengers being carried and no other table of fares and charges shall be displayed in or on the vehicle.
17. The holder of a private hire car operator's licence shall take steps to ensure that each potential hirer of their 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.
18. The holder of a private hire car operator's licence, whose private hire car is fitted with a taximeter, shall not use, or cause to permit to be used, on their private hire car a road wheel or tyre of a different circumference from that for which the taximeter affixed to the private hire car was designed, geared and has been tested by the Council.
19. The holder of a private hire car operator's licence shall use only a taximeter which has been stamped or sealed by the Council after testing and approval as to distance and time in accordance with the approved fares and charges. Once such a taximeter is fitted to the private hire car the seal can only be broken if the taximeter is removed for repair. In this event the taximeter must be tested and re-sealed by the Council before the vehicle is returned to service.
20. The holder of a private hire car operator's licence shall not knowingly operate the private hire car or cause or permit it to operate if the seals on the taximeter are broken or detached, or if the taximeter is defective in any way.
21. The holder of a private hire car operator's licence, whose private hire car is fitted with a taximeter, shall ensure that the taximeter fitted to the private hire car is in a position approved by the Council so that the fare display will be readily visible to passengers being carried and must not obscure the drivers view to the front.

22. The holder of a private hire car operator's licence shall not display a roof sign of any kind on the vehicle.
23. The holder of a private hire car operator's licence shall not display in or on his private hire car any signs for any purpose of advertising other than 'Self-advertising' in accordance with the councils' agreed policy. This policy states that advertising the name and telephone number of the company/proprietor shall only be permitted on the front and rear windscreens of vehicle, outwith the windscreen wiper pattern area and to the satisfaction of the Council. The advert shall be contained in one line, unless letters smaller than the maximum permissible height of 75mm is used, but the combined height of any lines of lettering shall not exceed 75mm in height.
24. Where a licensed private car hire ceases to be used as such, the holder of the private hire car operator's licence shall forthwith give notice thereof to the Council and return to the Council the licence in respect of such private hire car along with the private hire plates and door cards.
25. If any person suffering from any infectious or contagious disease is carried in a taxi, the holder of the private hire car operator's licence thereof shall, as soon as it comes to their knowledge, give notice to the Chief Administrative Officer of the NHS Ayrshire and Arran. They shall not cause or permit the private hire car to carry passengers for hire until the Chief Administrative Officer of the NHS Ayrshire and Arran certifies that the private hire car has been adequately disinfected.
26. On receiving notice in writing, from the Council the holder of a private hire car operator's licence shall produce their vehicle for examination at the time and place specified by the Council
27. The holder of a private hire car operator's licence shall not carry, or cause or permit to be carried, in their private hire car any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
28. The holder of a private hire car operator's licence shall not knowingly carry, or cause or permit to be carried in their private hire car any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
29. The holder of a private hire car operator's licence shall not permit their private hire car to be used for any illegal or immoral purpose nor shall they act in any manner whatsoever as an agent for any prostitute or brothel keeper for the purpose of securing business.
30. The holder of a private hire car operator's licence shall not display or cause or permit to be displayed on or in their private hire car (other than any taximeter fare dial) or on their person the word "cab", "taxi" or "for hire" or any word or words which might give the impression that the vehicle is plying for hire.
31. When a private hire car is withdrawn from service by the Council in accordance with Section 11 of the Act, a label shall be affixed bearing (a) the words "This Taxi/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 the intending passengers. Such a label has the effect of suspending the

private hire car licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.

32. The holder of a private hire car operator's licence shall not obstruct any authorised officer of the Council in the performance of their duties under these conditions.
33. The holder of a private hire car operator's licence shall comply with all instructions or directions of the Council in relation to these conditions and shall give them all information that may be reasonably required.
34. On a vehicle being licensed as a private hire car, a number shall be allotted to it by the Council and the approved external plates bearing such number shall be supplied to the licence holder by the Council. The holder of the Private Hire Car Licence shall ensure that the front and rear plates are affixed to the exterior of the vehicle by means of screws. Door stickers clearly identifying the vehicle as a private hire car will be supplied by the Council and displayed on the driver and front passenger doors. If fitting the plates to the vehicle bumpers the plates must be affixed to either the centre or the driver's side of the vehicle, or alternatively, alongside a square registration plate. If using brackets, the brackets must be affixed to the vehicle registration plate by means of screws. The information on the plate must be clearly visible and in a vertical position on or above the bumper. A door card displaying the private hire car number must also be displayed in the window in the nearside and offside of the vehicle and be clearly visible to all passengers.
35. The holder of the private hire car operator's licence shall not obliterate or deface any plate, transfers or other item issued by the Council for the purpose of indicating that the vehicle is a private hire car and which are fitted to the vehicle. If any such items become obliterated or defaced so as not to be distinctly visible or legible or become lost, the holder of the private hire car operator's licence must report this to the Licensing Authority as soon as practicable in order to obtain replacement items. The licence plate, door cards, transfers, etc will remain the property of the Council and shall be returned on demand.
36. The holder of a private hire car operator's licence shall not permit at any time a vehicle to convey more than the number of passengers the vehicle is licensed to carry and shall ensure that all passengers wear seat belts in accordance with Road Traffic Act 1988.
37. The holder of a private hire car operator's licence shall, within 28 days of the expiry, termination or suspension of the licence for whatever reason, deliver the same and all other property of the Council to the Chief Governance Officer.
38. Where there is a material change of circumstances affecting the holder of a private hire car operator's licence, he/she shall notify the licensing authority of the change as soon as reasonably practicable after such change has taken place. A 'material change' includes any material change in the particulars given or referred to in the application for grant or renewal of licence.

39. Should an Operator wish to install an electronic security system capable of recording and storing a record of entry or exit of passengers by way of video images, written permission must be sought from the Chief Governance Officer. Prior to giving approval the Council will require to be satisfied that the holder of the taxi licence intends to operate and maintain such a system with due regard to the interest of passengers in the proper use and ultimate destruction of any stored images. An approved notice in terms of the Data Protection Act 1998 shall require to be displayed within the vehicle. The camera must be positioned to record only the head and shoulders of passengers and be available for the passenger to observe on the onboard monitor. The camera must be positioned so as not to obstruct the driver's normal view of the swept area of the windscreen.

## Interpretation/Definitions

**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 and their drivers under the Civic Government (Scotland) Act 1982 or any amendments thereto.

Unless there is something in the subject or context inconsistent with, or unacceptable to such construction, the following words and expressions in these conditions and their respective schedules have the following meanings respectively given to them:-

- (a) Any reference in these conditions to "the Act" means the Civic Government (Scotland) Act 1982.
- (b) Any words used in these conditions or their respective Appendices should be given the meanings assigned to them in the Act, so far as applicable to Part II and Schedule 1 of the Act. In particular, where, in these conditions, any word is used which is defined in the Act and such definition is applicable in relation to "taxi" or "private hire car" as defined in the Act. The meaning of such word in these conditions 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 Council.

**"Authorisation"** – includes any licence, certificate, permit or registration.

**"Approved Fare"** – means any charge (whether described as 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 that indicates and authorises the maximum charge payable for the use of a taxi (or private hire car) within the local government area of East Ayrshire Council.

**"Authorised Officer"** – means a person, authorised by the Council either generally or specifically to act in matters of any specified kind or in any specified manner relative to these conditions and the Act.

**"Constable"** – means any constable as defined in the Police (Scotland) Act 1967.

**“Contravention”** – in relation to any requirement includes a failure to comply with that requirement and cognate expressions shall be construed accordingly.

**“Commencement of hire”** – a hire shall commence at the time the hirer or passenger steps into the taxi or private hire car. The hire shall end when the hirer or passenger steps out of the taxi or private hire car, having indicated to the driver that the hire has been terminated. However, where a taxi or private hire car has been called by telephone or other advance arrangement, the hire shall commence after the driver of the taxi or private hire car has announced verbally the arrival of the taxi or private hire car to the prospective hirer or passenger at the place to which it has been summoned. The means of announcement shall not take the form of sounding the vehicle horn, which is an offence in terms of the Road Vehicles (Construction & Use) Regulations 1986.

**“Council”** – means East Ayrshire Council.

**“Enactment”** – includes any Act of Parliament and any amendments thereof contained in any Order, Regulation or other instrument having effect by virtue of Parliament.

**“Engagement”** – means an agreement between any person and the holder of a taxi or private hire car licence or licensed driver (or their respective representatives) for the hire of a taxi or private hire car at a time and location specified.

**“Engagement fee”** – is the sum so described in the Council’s table of fares which is payable in addition to the fare where, by telephone or other advanced arrangement, there is an engagement for the hire of a taxi (or private hire car in which a taximeter is fitted).

**“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; and “exclusive hire” shall be construed accordingly.

**“Hire”** – means the use of a taxi, or private hire car for the purpose of uplifting a passenger from a stated location and conveying such a passenger and their luggage to any destination and there is a requirement to pay for its hire, (including an engagement fee where appropriate) and not exceeding the rate for such fares or fees authorised from time to time by the Council.

**“Holder of a licence”** – has the same meaning as licensee.

**“Hours of darkness”** – means the time between half an hour after sunset and half an hour before sunrise.

**“Licensed area”** – means the local government area of East Ayrshire Council.

**“Licensed”** – in relation to any taxi or private hire car operator or driver, means having been granted the appropriate licence by the Council in terms of the Act and these conditions, during the currency of such licence, but excludes any period when such a licence is suspended.

**“Licensee”** – means a person who has been granted and holds a current and valid licence issued by the Council in terms of Part II of the Act to ply for hire with a taxi or to operate a private hire car or to drive such vehicles.

**“Luggage”** – includes all items which the hirer or passenger wishes to be carried in the hire vehicle, whether his own personal baggage for the journey, or being carried for the business or otherwise, and shall also include animals or pets which reasonably may be accommodated within the vehicles. (Guide dogs, hearing dogs or assistance dogs as defined in the Taxi Drivers’ Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 must be allowed to remain with the disabled passenger and no additional charge may be made for the carriage of the animal.)

**“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 amendments thereto.

**“Notice”** – means a Notice in writing.

**“Operator’s licence”** – means a licence granted by the Council to any person for the purpose of using a vehicle as a taxi or private hire car.

**“Purpose Built Vehicle”** – means a motor vehicle of a type or model which has been designed and constructed as a Hackney Carriage vehicle and approved by the Council for use as a taxi/phc.

**“Public place”** – has the meaning assigned by Section 133 of the Act.

**“Reasonably Practical”** – 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.

**“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 telephone and radio communications) for the purpose of obtaining engagements for the hire of a taxi or private hire car.

**“Road”** – has the meaning assigned by the Road Traffic Act 1988 as amended.

**“Taxi stance”** – means a stance appointed by the Council in terms of Section 19 of the Act within any part of East Ayrshire.

**Approved by the Licensing Panel on 22.11.18**  
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