

Taxi Operator's Licence

Conditions

1. The holder of the taxi licence shall ensure that their vehicle is in a proper state of repair for use as a taxi and is of a type approved by the Council. Any vehicle operating as a taxi, other than a 'Purpose Built Vehicle', must be under 10 years of age from the original date of registration. 'Purpose Built Vehicles' may remain in service until no longer deemed fit for service by the Council.
2. The holder of a taxi licence shall ensure that their taxi, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions. The holder of a taxi licence will, on demand, submit the address of the premises where the maintenance of the vehicle is carried out, and the frequency of the vehicle inspections.
3. The holder of a taxi licence shall require their vehicle to undergo and pass an annual or bi-annual inspection by the Council. Any vehicle other than a 'Purpose Built Vehicle' will be 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. Taxis 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 the Council, the holder of a taxi operator's licence shall produce their taxi for examination at such time and place as may reasonably be required by the Council.

Non purpose built vehicles are due to be inspected *6 months from the vehicle's 5th 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 8th 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.

4. If a vehicle fails to pass a Certificate of Compliance test by the Council the Taxi 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.
5. 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.

6. If a taxi is damaged in a vehicular accident or by any other means, the holder of the taxi licence shall report the damage to the Council as soon as practicable. The taxi 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 taxi have been completed, the vehicle 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 taxi 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 taxi. If the vehicle is deemed not to be roadworthy the Taxi plates and door cards must be removed from the vehicle and presented to staff at the Test Centre. The Taxi plates and door cards will be returned once the vehicle has undergone and passed an inspection.
7. The holder of a taxi operator's licence shall ensure that, when the vehicle is presented for examination, the bodywork and the passenger accommodation of the vehicle are clean and the underside of the vehicle is free from road dirt, excess oil and grease.
8. The holder of a taxi operator's licence shall not ask a driver of a taxi to do anything which would result in the driver committing a breach of the conditions attached to his/her taxi driver's licence.
9. The holder of a taxi operator's licence shall hold either in their own name or in the name of a vehicle leasing company, the vehicle's registration document and the certificate of insurance in relation to their taxi 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 along with a current Certificate of Compliance to the Council at any reasonable time on request. 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 these names. If the Operator's 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.
10. On a vehicle being licensed as a taxi, a number shall be allotted to it by the Council and the approved external plate (hereinafter referred to as the "taxi plate") bearing such number shall be supplied to the licence holder by the Council. The holder of the Taxi Licence shall ensure that the front and rear plates are affixed to the exterior of the vehicle by means of screws. 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 taxi plate number must also be displayed in a passenger window in the nearside and offside of the vehicle and be clearly visible to all passengers.

11. If the letters or figures on any taxi plate affixed to a taxi, or any door card, become obliterated, be removed or so defaced as not to be distinctly visible or legible, or the notice referred to in condition 14 is lost or defaced in any way, the licence holder shall forthwith obtain from the Council a replacement plate, door card or notice.
12. The holder of a taxi operator's licence shall affix a notice in a conspicuous position inside their taxi indicating:-
 - (a) the table of approved fares in accordance with condition 14
 - (b) that a copy of these conditions may be inspected at the office of the Chief Governance Officer, Licensing Unit, Council Headquarters, London Road, Kilmarnock.
13. Except as otherwise provided for these conditions the holder of a taxi licence shall not, without the consent of the Council, fix or permit to be fixed on their taxi any plate other than the taxi plates or other plate or notice required by law.
14. The holder of a taxi licence shall obtain from the Council a notice detailing the table of approved taxi fares and charges and will display the notice in the passenger compartment of the taxi. It must be in an approved position so that it will be readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the vehicle.
15. Unless the cost of the journey is regulated by the Council fare structure, the holder of a taxi licence shall ensure that, prior to the acceptance of the hire, any potential hirer of the taxi is informed (a) that the fare is not so regulated: and (b) of the cost, or method of calculating the cost, of the proposed journey. The taximeter must be operated on all hires within a 5 mile radius as detailed in the Council's fare structure.
16. The holder of a taxi licence shall not display in or on the taxi any signs for the purpose of advertising other than that approved in terms of Condition 17 below.
17. Advertising the name and telephone number of the company/proprietor (self-advertising) shall be permitted on the front and rear windscreen glass of a vehicle outwith the windscreen wiper pattern area and to the satisfaction of the Chief Governance Officer. Lettering shall not exceed 75mm in height and shall be contained in one line, unless smaller lettering is used, but the combined height of any lines shall not exceed 75mm in height. In addition, advertising of the company/proprietor's telephone number shall be permitted on the rear of the roof sign.
18. Advertising in the form of full livery self-advertising or commercial advertising is permitted on the sides, bonnet and boot of vehicles and each individual design must be submitted for approval by the Chief Governance Officer of East Ayrshire Council. Applications for the approval of advertisements must be made in writing on the approved form to the Council enclosing two copies of all proposed advertisements in full colour along with a sample of the material to be used. Contravision will be permitted on the rear window and luggage compartment windows, following the relevant authorisation being received. There must be a clear unobscured view through the rear view mirror.

19. All advertisements must comply with The British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Authority. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities. In the event of the vehicle sustaining damage to any part of the advertisement the vehicle shall be removed from service until fully re-instated to the original approved design.

Full body wrap advertising is permitted subject to the design being approved by the Chief Governance Officer. If full body wrap advertising is applied to the vehicle and the main colour of the vehicle is changed, the operator must update the DVLA of the new colour. The operator must also apply to the Testing Centre that issued the Certificate of Compliance for the necessary amendment to be made. The operator must also apply to the Licensing Department for a replacement front and rear vehicle identity plate to be issued

20. The holder of a taxi operator's licence shall have affixed to, and used on, the vehicle, a taximeter which 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. Such a taximeter must be electrical and incapable of multi tariff operation. The taximeter must be in an approved position so that the fare display will be readily visible to passengers being carried and must not obstruct the driver's view to the front.

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.

21. The holder of a taxi 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 taxi fares and charges. Once such a taximeter is fitted to the taxi 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. (See Condition 5 of the Vehicle Specifications in respect of GPS taximeter sealed units)
22. The Holder of a Taxi Operators Licence shall not knowingly operate the taxi or cause or permit the taxi to operate if the seals on the taximeter are broken or detached, or if the taximeter is defective in any way.
23. The holder of a taxi operator's licence shall not use, cause or permit to be used, on the 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 by the Council.

24. The holder of a taxi operator's licence, on changing his permanent place of residence, shall notify such change and new address to the Council immediately.
25. The holder of a taxi operator's licence shall keep an up-to-date list of the names and addresses of all the taxi drivers employed by them and shall produce such list, to the Council or any Constable. The holder of a taxi licence must have a suitable system for regularly checking both driving licences issued by the DVLA and Taxi Driver's Licence issued by the Council.
26. When the licensed taxi ceases to be used as such, the holder of the taxi operator's licence shall give immediate notice thereof to the Council and return to the Council the licence in respect of that taxi, along with the taxi plates and other documentation issued by the Council.
27. The holder of a taxi operator's licence shall be bound to fulfil, or cause to be fulfilled, an engagement to hire their taxi which they have accepted, or which has been accepted on their behalf by any representative, unless prevented by reasonable and sufficient cause. Where any person indicates to such licence holder or their representative that they wish to engage a taxi for hire, no such proposed agreement shall be refused by such parties without reasonable and sufficient cause.
28. The holder of a taxi operator's licence shall give such information as may be required by the Council for the purpose of ascertaining the identity of any taxi driver employed by the said licence holder or for any other purpose relating to these conditions.
29. On receiving two days notice, in writing, from the Council the holder of a taxi operator's licence shall produce the relevant taxi for examination at the time and place specified by the Council.
30. If any person suffering from any infectious or contagious disease is carried in a taxi, the holder of the taxi 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 taxi to stand or ply for hire or carry passengers for hire until the Chief Administrative Officer of the NHS Ayrshire and Arran certifies that the taxi has been adequately disinfected.
31. The holder of a taxi operator's licence shall not carry, or cause or permit to be carried, in their taxi any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
32. The holder of a taxi operator's licence shall not knowingly carry, or cause or permit to be carried in their taxi any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
33. The holder of a taxi operator's licence shall not permit their taxi 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.

34. When the taxi is withdrawn from service by the Council in accordance with Section 11 of the Act, an officer of the Council will affix a label 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 taxi so that is readily visible to the intending passengers. Such a label has the effect of suspending the taxi licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.
35. The holder of a taxi operator's licence shall not obstruct any officer authorised by the Council in the performance of any of his/her duties under these conditions.
36. The holder of a taxi operator's licence shall not install an electronic security system capable of recording and storing a record of entry or exit of passengers by way of video images without the prior written approval of the Council. 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 be displayed within the vehicle. The camera must be positioned so as not to obstruct the driver's normal view of the swept area of the windscreen.
37. The holder of a taxi operator's licence shall display upon the roof of his taxi a sign of a type approved by the Council for the purposes of identifying the vehicle as a taxi. While the taxi is available for hire the sign must be illuminated. The illuminated roof sign must be extinguished while carrying a fare paying passenger or if taxi has been withdrawn from service.
38. The holder of a taxi operator's licence shall ensure that while the taxi is in use that any plates, transfers or other items which have been issued by the Council for the purpose of indicating that the vehicle is a taxi, are displayed at all times in positions approved by the Council.
39. The holder of the taxi operator's licence shall not obliterate or deface any plate, or other item issued by the Council for the purpose of indicating that the vehicle is a taxi and which are fitted to the taxi. If any such items become obliterated or defaced so as not to be distinctly visible or legible or become lost, the holder of the taxi operator's licence must report this to the Licensing Authority as soon as practicable in order to obtain replacement items. The taxi plate etc. will remain the property of the Council and shall be returned on demand.
40. The holder of a taxi operator's licence shall not at any time permit a taxi to convey within the vehicle more than the number of passengers the taxi is licensed to carry and shall ensure that all passengers wear seat belts in accordance with Road Traffic Act 1988.
41. The holder of a taxi 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 Chief Governance Officer.
42. Where there is a material change of circumstances affecting the holder of a taxi 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.

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 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.

“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 Licensing Panel on 22.11.18
Effective as from 1.1.19