



## **CUSTOMER SERVICES – GOVERNANCE & LAW**

### **CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

#### **SCHEDULE OF CONDITIONS - PRIVATE HIRE CAR**

- 1 The holder of a private hire car licence shall ensure that the private hire car, including all bodywork, upholstery and fittings is in good, safe and serviceable condition, that the bodywork is of a uniform colour scheme (except where in the manufacturer's specification i.e. coachlines etc) and that subject to prevailing road conditions is in a clean condition.
- 2 During the currency of the licence the holder of a Private Hire Car Licence shall, on expiry of current documents, produce to the Licensing Authority (a) a current MOT Certificate (for vehicles over 3 years old) excluding vehicles on the Islands of Tiree, Coll, Colonsay and Lismore and (b) a current Certificate of Motor Insurance within 48 hours of the expiry of the previous Certificates. It is the responsibility of the licensee to ensure these documents are passed to the licensing authority. Failure to comply may lead to the licence being suspended. In addition the holder of a Private Hire Car Licence shall require the Private Hire Car to undergo and pass an annual inspection as instructed by the Licensing Authority. On such other occasions as may be required by the Licensing Authority and on such reasonable notice from the Licensing Authority, he shall produce his private hire car for inspection at such time and place as may be reasonably required. On request, he shall produce to the Licensing Authority evidence that the private hire car has passed the inspection.
- 3 The holder of a private hire car licence shall hold in his own name the requisite vehicle registration document and the certificate of insurance in relation to the private hire car required by Part VI of the Road Traffic Act 1972 and a certificate confirming the vehicle has passed inspection as issued by the testing station; where more than one name appears on the private hire car licence the vehicle registration document the certificate of insurance and inspection certificate shall be in the name of at least one of those names.
- 4 The holder of a private hire car licence, when the private hire car is damaged in a vehicular accident or by any other means, shall report the damage to the Licensing Authority within 2 working days. As soon as the repairs to the private hire car have been completed, the licence holder shall submit to the Licensing Authority an inspection certificate, or equivalent, for the vehicle dated after completion of repairs. Until an appropriate certificate has been submitted to the Licensing Authority the vehicle shall not be used as a private hire car. If a decision has been taken that the damage is of a more serious nature, the licensing authority may wish to inspect the vehicle before permitting it to be used again as a Private Hire Car.
- 5 Should the circumstances arise that a private hire car is damaged in a road accident and cannot be used for a temporary period, the licensing authority may consider an application for a temporary substitution of vehicle. It is recognized that the temporary vehicle may be provided by an insurance company and may therefore be part of a lease arrangement. In these circumstances the requirement to produce a vehicle registration document and/or bill of sale, may be replaced by production of the original lease agreement.
- 6 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 committing a breach of conditions attached to the grant of the driver's licence.

- 7 The holder of a private hire car licence shall keep an up-to-date list of the names and addresses of all private hire car drivers employed by him and shall supply the Licensing Authority with a list thereof on demand.
- 8 The holder of a private hire car licence shall be bound to fulfill, or cause to be fulfilled, at the time and location specified, an engagement to hire his private hire car which he has accepted, unless prevented by sufficient cause.
- 9 The holder of a private hire car licence shall ensure that while the vehicle is in use as a private hire car the plate which has been issued by the Licensing Authority for the purpose of indicating that the vehicle is a private hire car is displayed at all times on the back inside window of the car.
- 10 The holder of a private hire car licence shall not obliterate or deface any plate 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 becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate 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 on payment of the appropriate fee.
- 11 The holder of a private hire car licence shall ensure that any potential hirer of his private Hire car is informed, prior to acceptance of the hire, of the cost, or method of calculating the cost, of the proposed journey.
- 12 The holder of a private hire car licence (a) shall not display on his private hire car any signs for the purpose of advertising its services as a private hire car other than those approved by the Local Authority; the holder requires to apply to the Local Authority for approval of such sign in the prescribed form (b) shall not display a roof sign of any kind on his private hire car, (c) may have the name and address of the licence holder shown on the outside of his private hire car, (d) shall not have any advertisement notice on the outside or on the inside of his private hire car other than those approved by the Local Authority in terms of (a); and (e) shall display inside the private hire car, in a conspicuous position and of a size which will allow it to be read easily by all passengers, the private hire car licence number and the name and address of the licence holder.
- 13 The holder of a private hire car licence must carry a first aid kit and also, in a suitable Fastener in his private hire car, a fire extinguisher of an appropriate type in a readily accessible position.
- 14 The holder of a private hire car licence shall not substitute a vehicle in respect of which the private hire car licence is held for another vehicle without first making a formal application to the Licensing Authority and obtaining the written consent of the Licensing Authority. Before consenting to a substitution in terms of this condition, the Licensing Authority shall require that the vehicle to be substituted for the existing vehicle undergo and pass an inspection by or on their behalf.
- 15 The holder of a private hire car licence shall not employ anyone to drive their vehicle who does not hold a current private hire car driver's licence.
- 16 The holder of a private hire car licence shall report all changes of circumstances relating to the licence to the Licensing Authority, in writing, as soon as practicable. This includes, without prejudice on the foregoing generality dissolution of partnerships, change of address etc. Any licensee in doubt as to what constitutes a change of circumstances should contact the office of Head of Governance and Law for guidance.
- 17 Only those vehicles approved by the Licensing Authority shall be permitted for use as private hire cars by the Licensing Authority. These are:-
  - (a) FX4, Metrocab or similar vehicles purpose built for use as private hire cars.
  - (b) 4 door saloon, 5 door hatchback or estate cars of a size acceptable to the Council.

Without prejudice to the foregoing generality any such vehicle shall have a rear seat of at least 51 inches in width.

- (c) "People Carriers" or multi purpose vehicles (MPV's) which are, after inspection, considered suitable for their intended purpose.
- (d) Tuk tuk vehicles.
- (e) Trikes.
- (f) Such other vehicle(s) as may be approved by the Licensing Authority from time to time.

Where a hatchback or estate car is used, the rear parcel shelf shall be kept in place or a satisfactorily secured device shall be fitted to prevent luggage travelling from the luggage compartment into the passenger compartment in the event of a sudden stop or accident.

- 18 On being granted a licence for the first time, an applicant shall be furnished with a private hire car plate by the Head of Governance and Law. In the event of the plate being damaged or lost while in his possession or if a new plate is required in respect of the substitution of a vehicle, a replacement plate may be issued on payment of the requisite fee.
- 19 No charge may be made for carrying blind and hearing dogs and only owners/drivers with an allergy to dogs are entitled to refuse to carry such animals. In this respect operators/drivers must ensure that such allergies are notified to the Licensing Authority in writing.
- 20 The driver of a private hire car shall not use a mobile phone in contravention of the legislation in relation to the use of mobile phones.
- 21 Without prejudice to the foregoing, where the licence relates to the use of a tuk tuk vehicle, the licence holder shall ensure that:
  - (a) The vehicle is maintained in a sound, mechanical and structural condition at all times and that the vehicle complies with the Road Vehicle Lighting Regulations 1989 and any other legislation that affects the construction and use of tuk tuk style vehicles.
  - (b) The bodywork of the vehicle is in good condition and the paint work clean and well maintained.
  - (c) Any roof covering is water tight.
  - (d) The condition, fixing and routing or position of electric cables and fittings, if any, are such that there is no risk of electrical fire or other incident.
  - (e) The vehicle is provided with an audible warning device such as a bell or a horn.
  - (f) Any door hinges, locks and hand rails and any grab handles fitted to the vehicle are secure and sound and not liable to injure any passengers or damage or soil their clothing or luggage.
  - (g) A suitable spare wheel is provided, readily available for use, together with the tools and equipment required to carry out any emergency replacement or repairs required to the vehicle.
  - (h) The fittings and furniture of the vehicle are kept clean and well maintained and in every way fit and safe for public use.
  - (i) Any internal linings of the vehicle are sound, clean and not liable to damage or soil passengers clothing or luggage and the floor is provided with a carpet, mat or other suitable non slip floor covering which is sound and clean.

- (j) The seats are properly cushioned and covered by a water resistant material and the covers are in a sound and clean condition, which may be easily cleaned and dried.
- (k) Seat belts are fitted to all seats. The seat belts shall be readily accessible for use by all passengers and must be maintained in a safe condition at all times.

22 Without prejudice to the foregoing, where the licence relates to the use of a trike, the licence holder shall ensure that:

- (a) The vehicle is maintained in a sound mechanical and structural condition at all times and that the vehicle complies with the Road Vehicle Lighting Regulations 1989 and any other legislation that affects the construction and use of trikes.
- (b) Seat belts are fitted to all passenger seats. Seat belts shall be readily accessible for use by all passengers and must be maintained in a safe condition at all times.
- (c) Passengers are provided with or equipped in suitable clothing including waterproof jacket and trousers and gloves.
- (d) Passengers are provided or equipped with suitably fitting safety helmets conforming to legal safety requirements for use on a motorcycle in the United Kingdom.

23 Operation of tuk tuk vehicles as private hire cars shall be limited to fixed routes agreed between the licence holder and the licensing authority.

24 Without prejudice to the foregoing, operation of tuk tuk vehicles as private hire cars shall be limited to those roads or streets within town limits where speed restrictions limiting road users to 30mph or lower are in force. For the avoidance of doubt, tuk tuk vehicles shall not be licensed for use as private hire vehicles on roads where a speed restriction of greater than 30mph is in force.