

**THESE CONDITIONS ARE ANCILLARY TO AND DO NOT DEROGATE FROM THE POWERS GRANTED TO THE LICENSING AUTHORITY IN RELATION TO TAXIS AND PRIVATE HIRE CARS AND THEIR DRIVERS UNDER THE TERMS OF THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 OR ANY AMENDMENT THERETO.**

**IT IS THE RESPONSIBILITY OF THE LICENCEHOLDER TO ENSURE THAT THEY ARE COMPLIED WITH. FAILURE TO COMPLY MAY LEAD, ON SUMMARY CONVICTION, TO A FINE AND/OR THE SUSPENSION OR LOSS OF THE LICENCE.**

## **PRIVATE HIRE CAR DRIVERS' LICENCES - CONDITIONS SCHEDULE**

1. The driver of a Private Hire Car, while in charge of the vehicle, shall at all times be clean and tidy in appearance and behave in a civil and orderly manner all to the satisfaction of the licensing authority.
2. The driver of a Private Hire Car shall, at all times while in charge of a Private Hire Car have a copy of their Private Hire Car Driver's Licence and a copy of these conditions. He/she shall exhibit such licence and conditions, on demand, to any passengers, Police constable or authorised officer of the Licensing Authority and shall have the identity card issued by the Licensing Authority displayed conspicuously at all times when he/she is in charge of a Private Hire Car. If the badge is lost or misplaced then a replacement badge must be obtained from the Licensing Authority immediately. A fee will be incurred in this respect.
3. The driver of a Private Hire Car and any passengers shall not be permitted to smoke within the vehicle at any time. A non-smoking sticker issued by the Licensing Authority must be clearly displayed within the vehicle and visible to passengers at all times.
4. The holder of a Private Hire Car Driver's Licence shall, if requested to do so by the Licensing Authority, produce a medical certificate at the time of renewal of the said licence or at any other time as may be requested by the Authority.
5. The holder of a Private Hire Car Driver's Licence shall, within fourteen days of a criminal conviction or offence being recorded against him intimate the details of any such conviction or offence in writing to the Licensing Authority.
6. Where the holder of a Private Hire Car Driver's Licence ceases for any reason to be authorised by law to drive on the road, he/she shall forthwith notify the Licensing Authority in writing as to the circumstances and shall return the Private Hire Car Driver's Licence identity badge and any other drivers identification as may be issued by the Licensing Authority.
7. The holder of a Private Hire Car Driver's Licence who ceases to act as a private hire car driver shall forthwith deliver to the licensing authority his/her licence, badge (or other form of identification which may have been issued), which shall therefore cease to have effect.
8. The holder of a Private Hire Car Driver's Licence shall not, while in charge of a vehicle as such canvass or pester for employment or stand for hire or ply for hire in any public place, street or car park or use his vehicle as a taxi. Nor shall he/she do anything which might indicate to the public the availability of the Private Hire Car to be engaged by an arrangement made in a public place for a journey beginning there and then. In the event of a breach of this condition the Licensing Authority shall be entitled to consider suspension of the licence in terms of Schedule 1 of the Civic Government (Scotland) Act 1982.
9. The driver of a private hire car shall not permit any person to drive the private hire car of which he/she is in charge while such private hire car is on hire unless that person is the holder of a current private hire car drivers licence issued by the Licensing Authority and there is in effect a valid certificate of insurance covering the said person to drive the vehicle as a private hire car.

10. 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 which he/she has accepted to hire his/her private hire car unless prevented by sufficient cause.
11. The driver of a private hire car shall keep a written log of all journeys undertaken when operating as such, such records together with the names and address of hirer, show date, starting point and finishing points and times.
12. Subject to Condition 13 below, the driver of a private hire car shall not refuse to drive a passenger to any place within the licensed area.
13. The driver of a private hire car shall not refuse to convey any hirer or passenger to any place within the licensed area unless any hirer or passenger:-
  - (a) is drunk or otherwise not in a fit and proper state to be carried; or
  - (b) is not prepared to give a precise destination; or
  - (c) whose condition or clothing is offensive or likely to cause damage to the interior of the vehicle; or
  - (d) refuses to cease smoking in the vehicle when requested to do so by the driver of the private hire car; or
  - (d) is accompanied by an animal which is likely to damage or soil the interior of the taxi with the exception of a guide dog, hearing dog or assistance dog; or
  - (e) for any other reasonable excuse.
14. Where a Private Hire Car has been hired (a) by or for a disabled person who is accompanied by a guide dog, A hearing dog or an assistance dog of that person; or (b) by a person who wishes such a disabled person to accompany that person in a private hire car, the driver of the private hire car shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so. This condition shall not apply where a notice of exemption has been issued to the driver of the private hire car and that notice is in force and is exhibited by being affixed in a prominent position on the dashboard of the private hire car facing upwards, or on the windscreen of the private hire car facing outwards.
15. The driver of a private hire car shall not at any time convey in the vehicle more than the number of passengers the vehicle is licensed to carry.
16. The driver of a private hire car, which has been hired, shall not permit any additional person to be carried in the private hire car during such hire without the express consent of the hirer.
17. The driver of a private hire car shall not refuse to carry luggage in his/her private hire car unless the said luggage cannot reasonably be accommodated safely in the vehicle.
- 18.. The driver of a private hire car shall give such assistance as he/she is able to give with loading and unloading luggage when required to do so but he/she shall not be required to leave the immediate proximity of the vehicle in doing so.
19. The driver of a Private Hire Car where appropriate, shall assist wheelchair users into the vehicle using the ramps if necessary and shall ensure that they are properly secured by means of the fixed seatbelts/clamps.
20. The driver of a Private Hire Car holding a Certificate of Exemption from compliance with condition 19 shall display a copy of the certificate on the passenger door of the vehicle.
21. 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.
22. The driver of a private hire car, which has been hired on shared hire, shall take the shortest practicable route which will serve the destination of all the passengers whom he/she is carrying at any one time.
23. The driver of a private hire car shall, except in the circumstance provided for in conditions 26 and 27 below, inform the hirer or passenger the cost of the proposed journey and the method of calculating the said cost of the proposed journey.
24. The driver of a private hire car which is hired and in which a calendar meter has been fitted to the satisfaction of the Licensing Authority, shall ensure that the said calendar meter is operated for all journeys which both commence and terminate within the licensing area, in accordance with the general taxi tariff approved by the Licensing Authority, with the exception of those journeys forming part of a written contract for a series of same or similar such journeys or where the said private hire car is being used as a wedding or funeral car.

25. The driver of a private hire car which is hired and in which a calendar meter has been fitted to the satisfaction of the Licensing Authority, shall activate the said calendar meter only after the hirer has had reasonable time to take his/her seat and the vehicle has started on the journey. The driver must thereafter keep the calendar meter at the recording position until arrival at the destination and the hirer has had good time to check the reading for his/her journey prior to querying or paying his/her/their fare. Only then may the driver clear the calendar meter.
26. The driver of a private hire car which is hired and in which a calendar meter has been fitted to the satisfaction of the Licensing Authority shall except in the circumstance provided for in condition 28, during the hours of darkness, keep the fare display illuminated for the whole of the period that the private hire car is occupied by the hirer, until arrival at the destination and the hirer has had good time to check the reading for his/her journey.
27. The driver of a private hire car in which a calendar meter has been fitted to the satisfaction of the Licensing Authority shall, from time to time, and at least once in each day, in which the vehicle is being used as such, 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 calendar meter has ceased to function correctly, the driver shall either immediately withdraw the vehicle from services or shall cover the face of the calendar meter for the remainder operate only as provided in condition.
28. Should a calendar meter which has been fitted to a private hire car to the satisfaction of the Licensing Authority record a fare clearly higher than is in proportion to the mileage covered, the driver shall not be entitled to exact or demand more than the fare chargeable by distance in accordance with the current general taxi tariff approved of the Licensing Authority. The said fare by distance shall be payable should the calendar meter stop recording during a journey.
- 29.. The driver of a private shall ensure that all passengers travelling in the private hire car of which he/she is in charge comply with the laws in relation to the wearing of seatbelts.

#### Summary of the law relating to seat belts

Seat Belt Requirement	Front Seat	Rear Seat	Whose Responsibility?
<b>Driver</b>	<b>Must be worn if fitted.</b>		<b>Driver</b>
<b>Child under 3</b>	Appropriate child restraint must be worn.	Appropriate child restraint must be worn if available	Driver
<b>Child aged 3 to 11 and under 1.5 metres (about 5 feet in height)</b>	Appropriate child restraint must be worn if available. If not, an adult seat belt must be worn.	Appropriate child restraint must be worn if available. If not, an adult seat belt must be worn.	Driver
<b>Child aged 12 or 13 or younger child 1.5 metres or more in height</b>	Adult seat belt must be worn if available	Adult seat belt must be worn if available.	Driver
<b>Passengers over the age of 14</b>	Must be worn if available.	Must be worn if available.	Passenger

30. The driver of a private hire car shall not use a mobile phone, any other communications device or otherwise conduct themselves in a manner which prevents them from exercising full control over the speed and direction of the vehicle, while it is in motion.
31. Immediately after the completion of their shift, the driver of a private hire car shall search the vehicle of which they are in charge for any property which may have been left behind. Any property found by the driver shall be dealt with as per the lost property policy operated by the licence holder. If no such policy exists then the property should be returned by the driver to the owner of the property, if known, and if not known, such property shall be handed in by the driver to any police station within 24 hours along with:-
- a) A note of the private hire car driver's name and address and licence number; and
  - b) The names and addresses of all hirers of the private hire car during that day so far as known to the driver which may assist in determining ownership of the property.

32. The driver of a private hire car shall not knowingly allow the vehicle in his/her charge to be used for illegal or immoral purposes, permit to be carried in the vehicle in his/ her charge any article of a dirty, filthy or noxious nature or an explosive of dangerous nature, or permit to be carried in the vehicle in his/her charge any person who has vermin on his/her person.
33. The driver of a private hire car in his/her charge shall:-
- (a) ensure that the vehicle in his/her charge, including all bodywork, upholstery and fittings is in a safe and serviceable condition and that the interior is clean, well-aired and comfortable for passengers, all to the satisfaction of the Licensing Authority and;
  - b) subject to prevailing road conditions, ensure that the bodywork and glass and chrome is cleaned and polished, all to the satisfaction of the Licensing Authority.
34. The driver of a private hire car, when the vehicle is hired or standing awaiting the arrival of a specific hirer or passenger hire, shall either sit in the driving seat of the vehicle or stand in the immediate proximity thereto except during any period he/she may be absent to announce the arrival of his/her vehicle to the hirer or when assisting the hirer with luggage to or from the vehicle or for any other necessary purpose.
35. The driver of a private hire car shall not hinder the driver of another taxi or private hire car in taking up or setting down any person in or from his/her vehicle, nor shall he/she prevent or endeavour to prevent the driver of another taxi or private hire car from being hired.
36. Where there is a material change of circumstances, including change of address or medical condition, affecting the holder of the Private Hire Car Driver's Licence, the holder or the Private Hire Car Driver's Licence must notify the Licensing Authority of the change as soon as reasonably practicable after it has taken place.
37. All new licensed private hire car drivers must undertake a training course as prescribed by the licensing authority within 12 months of the initial grant of the private hire car driver licence.

## **NOTES**

In these conditions:

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

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