

EAST DUNBARTONSHIRE COUNCIL

TAXI OPERATOR'S LICENCE CONDITIONS

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DEFINITIONS:-

- (a) "Authorised Officer" means any person authorised by the Council to act in connection with any matter relative to the Schedule of Conditions and to the Act or amendment or re-enactments thereof and any statute or regulation affecting the Act.
- (b) The "Act" means the Civic Government (Scotland) Act 1982.
- (c) The "Council" means East Dunbartonshire Council as the licensing authority in terms of the Act.
- (d) The "Licence Holder" means the person to whom the Council has granted a licence and whose name is specified in the licence to which the Schedule of Conditions relates. References to masculine gender include feminine unless the contrary intention appears.
- (e) "Operator" means the holder of an Operator's Licence.
- (f) "Operator's Licence" means a taxi licence within the meaning of s.10 of the Act.
- (g) The "Schedule of Conditions" means the undernoted numbered conditions imposed by the Council in respect of the licence, with which the Licence Holder must comply and also referred to as "Conditions".
- (h) The "Vehicle" or the "Taxi" means the vehicle specified in the licence.

SCHEDULE OF CONDITIONS

1. The Licence Holder shall ensure that all drivers who use the Vehicle are fully aware of their obligations under these Conditions and the consequence/s of breach of any of these Conditions by a driver.
2. The Licence Holder shall not ask, require or create an impression that he requires a driver of a Vehicle to do anything which would result in the driver breaching any of these Conditions or Driver Conditions or acting unlawfully in any way.
3. The Licence Holder must hold, in the name of the following persons, the required Vehicle Registration Document (V5) and certificate of insurance in relation to the Vehicle as required by Part VI of the Road Traffic Act 1988:-
 - a. if the Operator is an individual, in the name of that person; or
 - b. if the Operator is trading as a company, in the name of that company; or
 - c. if the Operator is trading as a partnership, in the name of all that partnership or at least one of the named partners; or
 - d. the named day to day manager; or

- e. Where the Vehicle is leased from a leasing company, proof of ownership of the Vehicle by the leasing company and proof of the leasing arrangement entered into by the Licence Holder with the leasing company.
4. A Licence Holder shall ensure that the following documentation is carried in the Vehicle at all times by the driver:-
 - a. The taxi driver's licence issued by the Council (copy);
 - b. The badge of identification issued by the Council;
 - c. The Operator's Licence (copy)
 - d. An original or copy of an up to date, valid certificate of insurance issued for the Vehicle.
5. The Licence Holder must display the badge of identification issued by the Council at all times and exhibit this to a passenger upon request. The Licence Holder shall ensure that the driver of the Vehicle is aware of his/her responsibility to exhibit the documents referred to in Condition 4 upon demand to a police officer or Authorised Officer. In addition, the Licence Holder shall ensure that the driver's driving licence issued by the DVLA shall be exhibited to a police officer or Authorised officer if requested.
6. The Licence Holder must exhibit to the Council, Authorised Officer and/or police officer, when required, the registration document relating to the Vehicle and the certificate of insurance for the Vehicle to satisfy the Council, Authorised Officer or police officer that the Vehicle is currently insured and has been continuously insured throughout the full currency of the licence.
7. The Licence Holder shall not obstruct in any way an Authorised Officer or police officer in the performance of that Authorised Officer's or police officer's duties/powers under the Act.
8. The Licence Holder shall comply with all lawful instructions and/or directions of an Authorised Officer or police officer in relation to these Conditions and shall hand over all information reasonably required in the discharge of the duties of that Authorised Officer or police officer.
9. The Licence Holder shall ensure that a Vehicle never carries more than four passengers except in the case where a Vehicle designed to carry more than four passengers is tested at a testing station authorised by the Council and approved to carry more than four passengers. The maximum permitted number of passengers which will be authorised in terms of this licence will be eight passengers. For the purposes of this Condition, one person constitutes one passenger.
10. The Licence Holder shall never authorise the Vehicle to carry more than the maximum number of passengers it is permitted to carry in terms of Condition 9 above and he/she will ensure that the driver of the Vehicle never carries more than this permitted maximum number.
11. The Licence Holder shall at all times ensure that, where provided by the manufacturer, the manufacturer's recommended spare wheel and tyre or an equivalent is carried in the Vehicle, and that said wheel and tyre are in a roadworthy condition. If any tyre and/or

- wheel has been punctured or damaged and has been submitted for repair then the Licence Holder shall ensure that evidence of that repair is carried in the Vehicle. The Licence Holder shall ensure that the necessary repair/s are effected within a forty eight hour period.
12. Advertising is permitted on and/or in all taxis subject to the requirements set out in Conditions 13 to 16.
 13. Advertisements must not
 - a. be placed on any of the Vehicle's windows;
 - b. obscure any identification plates, notices, stickers or signs provided by the Council; and
 - c. display details of more than one booking office currently licensed by the Council.
 14. Wheel hub advertisements must be securely fitted and comply with the requirements applied by a test centre approved by the Council.
 15. The fitting of internal TV or video displays for advertisement or entertainment purposes will require the making of an application for consent to carry out a material alteration to the Vehicle and, if approved, will require to be inspected by a test centre approved by the Council and comply with the requirements set.
 16. The advertising of the following products is prohibited –
 - a. Alcohol products (but not including advertisements of premises which are licensed in terms of the Licensing (Scotland) Act 2005)
 - b. Tobacco products and/or e-cigarettes, including reference to sporting activities sponsored by tobacco and/or e-cigarette companies where the tobacco or e-cigarette producer or the name of the manufacturing company is included.
 17. The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, a request to hire the Vehicle which has been accepted, unless there be sufficient cause for not fulfilling the request to hire.
 18. The Licence Holder shall ensure that the driver of the Vehicle is aware of his/her responsibility to provide any passenger with a written receipt for their journey when requested to do so. Such a receipt shall include the date, time and cost of the journey.
 19. The Licence Holder shall display upon the roof of the Vehicle a sign of a type approved by the Council for the purpose of identifying the Vehicle as a taxi.
 20. The Licence Holder shall ensure that, whilst their Vehicle is in use as a taxi, any plates 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 specified by the Council. No other signage shall be displayed on or in the Vehicle that has not been approved by the Council in writing.

21. The Licence Holder shall not deface any plate or other item which is fixed to the Vehicle and has been issued by the Council for the purpose of indicating that the Vehicle is a taxi. If any plate or other item which is fixed to the Vehicle and has been issued by the Council for the purpose of indicating that the Vehicle is a taxi becomes so defaced as not to be distinctly visible or legible or if any such plate or other item is lost, the Licence Holder shall report this to the Council as soon as reasonably practicable in order to obtain a replacement.
22. Upon receiving a replacement plate or other item in terms of Condition 21, the Licence Holder shall ensure that the plate or other item is affixed to the Vehicle in the original position that has received prior written consent from the Council.
23. The Licence Holder shall not install or allow to be installed at any time a camera or other similar device (including a video and/or digital image recorder) which is capable of recording/taking/storing images of passengers entering/exiting/sitting in the Vehicle without the prior written consent of the Council and with clear signs on all external passenger doors advising of the operation of said devices operating within the Vehicle. The provisions of this condition shall not apply to a camera or similar device which is entirely forward facing and cannot be reset or repositioned so as to record images of passengers entering/exiting/sitting in the Vehicle.
24. The Licence Holder shall require the driver of the Vehicle to notify any change of permanent address as soon as reasonably practicable after the change. If/when it comes to the attention of the Licence Holder that a driver has changed permanent address then the Licence Holder shall ensure that this is communicated in writing to the Council by both the Licence Holder and the driver within five working days of said change.
25. If a Licence Holder changes permanent address or place of business, or there is any other material change in circumstances, then the Licence Holder shall notify the Council in writing of said change within five working days.
26. The Licence Holder shall not permit any driver or passenger to smoke in the Vehicle at any time. This prohibition includes e-cigarettes. The Licence Holder shall ensure that a No-Smoking sign is displayed prominently within the Vehicle at all times.
27. The Licence Holder shall ensure that any driver of the Vehicle is fully aware that whilst the Vehicle is in motion, they are not permitted to use a mobile phone, satellite navigation system or interactive communication device, except a hand-free device permissible by law. Further, the Licence Holder shall ensure that any driver of the Vehicle is aware that they are not permitted to 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.
28. The Licence Holder shall ensure that the Vehicle, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions.
29. The Licence Holder shall ensure that the Vehicle is in a proper state of repair for use as a taxi in accordance with Schedule A to these conditions.

30. The Licence Holder must ensure that the Vehicle carries a modern, legally valid, fully working fire extinguisher in a suitable fastener which is easily accessible in the Vehicle at all times. The Licence Holder shall ensure that said fire extinguisher is of the correct type, conforms to the relevant British Standard and is, at all times, in a good working order and, where applicable, within its expiry date.
31. The Licence Holder shall obtain from the Council a notice detailing the table of approved taxi fares and charges ("the Fare Card") and shall display the notice in the passenger compartment of the taxi in such a position that it will be readily visible to the passengers being carried. The Fare Card shall be kept clear, legible and easily distinguishable and shall not be concealed in any way. No other table of fares and charges shall be displayed in or on the Vehicle.
32. The Licence Holder shall ensure that, except where the cost of the journey is regulated by the Fare Card structure, drivers take steps to ensure that any potential hirer of the taxi is informed, prior to acceptance of the hire,
 - a. that the fare is not so regulated; and
 - b. the cost, or the method of calculating the cost of the proposed journey.
33. The Licence Holder shall ensure that drivers are aware that they are entitled to demand and take for the hire of the taxi, the fare prescribed on the Fare Card, the fare being calculated by distance unless the hirer expresses at the time of hiring his desire to engage by time, when the fare shall be the subject of special agreement. The Licence Holder or driver shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges prescribed on the Fare Card, which may not be possible to record on the face of the taximeter.
34. Nothing shall prevent the Licence Holder or driver from charging lower fares than those prescribed. If such lower fares are charged, the particulars as to fares to be set forth in the Fare Card required by Condition 31 to be affixed inside the carriage shall be such lower fares and the taximeter fixed to the taxis shall be so constructed as to register accurately such lower fixed fares.
35. The Licence Holder, shall only use a taximeter which has been stamped or sealed by the Council/Council approved tester and no other taximeter shall be affixed or used. Once such a taximeter is fitted to the Vehicle, the Licence Holder shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment or connection affixed thereto except to remove the taximeter for repair or replacement. Should the taximeter be removed or should the seal be broken or faulty, the Licence Holder must immediately withdraw the Vehicle from service and the taximeter shall be re-tested, stamped and sealed by the Council/Council approved tester before being used again as a taxi Vehicle.
36. The taximeter shall not be used for more than a twelve month period without retesting and written evidence of that re-testing must be submitted to the Council in writing within ten working days of re-testing.
37. The Licence Holder shall ensure that the taximeter is fitted to the Vehicle in a manner and position approved by the Council.

38. The Licence Holder shall not knowingly use, or cause or permit to be used, a taximeter which is any way defective.
39. The Licence Holder shall not use, or cause or permit to be used on the Vehicle,
 - a. where there is an electronic taximeter fitted to the Vehicle, a road wheel or tyre or other apparatus which inhibits the proper functioning of the electronic taximeter; or
 - b. where there is a mechanical taximeter fitted to the Vehicle, a road wheel or tyre of a different circumference from that for which the taximeter affixed to the Vehicle was designed, geared and tested by the Council/Council approved tester.
40. The Licence Holder shall require and ensure that the Vehicle undergoes and passes an annual inspection at a testing centre authorised by the Council, and that the Licence Holder holds a current certificate of compliance in respect of the Vehicle issued by that testing centre showing compliance with the Council's requirements in respect of that Vehicle. For those Vehicles that are five years old or more, a Licence Holder shall require and ensure that their Vehicle undergoes and passes an inspection twice per year.
41. In addition to any routine inspection, and upon receiving not less than two days' notice either verbally or in writing from an Authorised Officer or police officer, the Licence Holder shall produce or ensure the production of the Vehicle for examination at a time and place specified by that Authorised Officer or police officer to ensure its road worthiness and/or safety.
42. The Licence Holder, when presenting the Vehicle for inspection, shall exhibit the certificate of insurance for the Vehicle. Said certificate of insurance shall satisfy the Council that the Vehicle is currently insured and has been continuously insured throughout the full currency of the Licence.
43. The Licence Holder, when the Vehicle is damaged in a vehicular accident or by any other means, shall report the damage to the Council no later than two working days from said damage and, if the Vehicle is roadworthy, shall present it for examination at a testing centre within the following two working days (being days on which the testing facilities operate) after the occurrence. As soon as repairs to the Vehicle have been completed, the Licence Holder shall present in writing to the Council evidence from the testing centre that the Vehicle is in a safe and roadworthy state of repair and is fit to be operated as a taxi Vehicle. The Council shall be the ultimate arbiter in determining whether the Vehicle is fit for purpose to be used as a taxi Vehicle.
44. Where the Licence Holder holds a current licence and a current certificate of compliance issued by a Council approved test centre, certifying compliance of the Vehicle with the requirements of the Council in respect of the Vehicle then, in accordance with Regulation 6(4) of the Motor Vehicle (Test) Regulations 1981, the Licence Holder shall not require to hold a separate MOT certificate in respect of the Vehicle. The Licence Holder shall require to renew the certificate of compliance every

- 12 months from the date of issue and shall exhibit the certificate of compliance to an Authorised Officer or a police officer upon request.
45. The Licence Holder shall keep an up-to-date record of the names and addresses of all taxi drivers employed by that Licence Holder or in a contract or vehicle leasing arrangement with that Licence Holder, together with the dates and times that each driver is in charge of the Vehicle. The Licence Holder shall exhibit this record to an Authorised Officer or a police officer upon request.
 46. The record referred to in Condition 45 shall be kept for a minimum of twelve months and must be produced on request to an Authorised Officer or police officer for inspection at any reasonable time, together with any other such information as may be required by an Authorised Officer or police officer for the purpose of ascertaining the identity of any driver or for any other purpose relating to these Conditions.
 47. The Licence Holder shall ensure that any allegations made to them of abusive, sexist, offensive, discriminatory or racist language relating to a person's characteristics, identity or circumstances, and which was allegedly perpetrated by a driver of the Vehicle in front of and/or addressed to a passenger, shall be reported to an Authorised Officer within two working days of said allegations being made.
 48. The Licence Holder shall report any alleged and/or suspicious criminal activity/behaviour allegedly perpetrated by a driver and/or within the Vehicle to Police Scotland and an Authorised Officer immediately upon awareness of the allegation/suspicion.
 49. If during the currency of the licence, the Licence Holder is charged with or convicted of any offence or receives an endorsable fixed penalty, they shall, within five working days of said charge, conviction or endorsement, provide full details in writing of such charge, conviction or endorsement to the Council. The Licence Holder shall also upon request evidence to an Authorised Officer or a police officer that the charge, conviction or endorsable fixed penalty has been reported to the Licence Holder's insurance company.
 50. Subject to Condition 51, the Licence Holder shall ensure that the driver of the Vehicle is aware of the responsibility not to refuse to carry luggage in the Vehicle, providing that the said luggage can be accommodated safely within the Vehicle and/or its luggage compartment.
 51. The Licence Holder shall ensure that the driver of the Vehicle is aware of the responsibility to give such assistance as the driver is physically able to give with loading and unloading luggage when required to do so. However, no driver shall be required to leave the immediate proximity of the Vehicle in doing so.
 52. The Licence Holder shall ensure that the driver of the Vehicle is aware of the responsibility to not knowingly allow the Vehicle to be used for illegal or immoral purposes, permit to be carried in the Vehicle any article of a dirty, filthy or noxious nature or an explosive or dangerous nature, nor permit to be carried in the Vehicle anyone who has vermin on his person.

53. The Licence Holder shall ensure that, where the Vehicle has been hired by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog, or by a person who wishes such a disabled person to accompany them in the Vehicle, the driver of the Vehicle is fully aware of the legal obligations, subject to Condition 54 below, to carry the disabled person's dog and allow it to remain with the disabled person and that the driver makes no additional charge for doing so.
54. The Licence Holder shall ensure that all drivers of the Vehicle are aware that they may be exempted from their obligation to carry a disabled passenger's guide dog, hearing dog or assistance dog on medical grounds but only by the relevant driver applying to the Council for an exemption notice which, if granted, must be exhibited either by –
- a. affixing it in a prominent position on the dashboard facing upwards; or
 - b. affixing it to the windscreen of the Vehicle, facing outwards.
- In either case, a Braille version of the exemption notice must be kept in the Vehicle at all times and provided to anyone requesting or appearing, in the reasonable opinion of the Licence Holder, to require this.
55. Where the Vehicle is designated as a wheelchair accessible vehicle in terms of section 167 of the Equality Act 2010, the Licence Holder shall ensure that the driver of the Vehicle is fully aware of the obligation:
- a. to carry a passenger whilst in a wheelchair;
 - b. not to make any additional charge for doing so;
 - c. if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - d. to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - e. to give the passenger such mobility assistance as is reasonably required
56. The Licence Holder shall ensure that, if a driver of the Vehicle holds a certificate of exemption from compliance with the obligation to assist wheelchair users then the driver shall display copies of that certificate on the external passenger doors of the Vehicle for all potential passengers to easily see.
57. The Licence Holder shall ensure that, if it comes to their attention for whatever reason and/or they become concerned that a driver of the Vehicle is and/or seems medically unfit to drive a Vehicle, then the Licence Holder shall notify the Council in writing of such reasonable concerns within 24 hours of becoming aware.
58. The Licence Holder shall take all reasonable steps to ensure that any driver of the Vehicle has a lawful right to work in the United Kingdom. Said steps shall include the Licence Holder requesting sight of the original proof of that right to work in the United Kingdom and recording and maintaining a record of that request for a minimum period of twelve months. The record shall include the following:
- a. name of (the proposed/current) driver;
 - b. nationality of (the proposed/current) driver;
 - c. permanent address of the (proposed/current) driver; and

- d. type of original proof shown by the (proposed/current) driver with regard to the right to work in the United Kingdom.
59. The record referred to in Condition 58 shall be made available to the Council upon request at any reasonable time.
60. The Licence Holder shall ensure that the Vehicle is either:
- a. of the Hackney, Fiat Scudo, Peugeot Euro 7 or other type of vehicle approved in writing by the Council as a taxi vehicle; or,
 - b. subject to the Council's discretion, of a saloon car, estate type or such other type of vehicle approved by the Council which has four doors, a 'Power to Weight' ratio equal to or greater than 0.0648 hp per kg, a minimum seat cushion size of 400mm wide and 350mm depth, a minimum seat cushion height (or near side front cushion height if manufacturer's original) of 300mm and a minimum leg room of any passenger seat within the Vehicle of 650mm.
61. The Licence Holder is entitled to operate at taxi stances officially designated by the Council, a list of which can be obtained from the Council. The precise location and number of taxis to be allowed at each such stance shall be fixed by the Council from time to time and may be amended by them, having regard to any change of circumstances arising at or near any of the said stances. The said locations and number of taxis allowed when so fixed or amended shall be advertised in a newspaper circulating in East Dunbartonshire, and may also be identified by the erection of notices or the provisions of marking at such locations or any of them.
62. The Licence Holder shall comply with all rules and regulations established by any landowner and approved by the Council in relation to the conduct of taxis operating from taxi stances located on private land. In particular, if so required by the landowner, the Licence Holder shall obtain a permit from the landowner authorising him to operate from the private stance.