

# **EAST DUNBARTONSHIRE COUNCIL**

## **PRIVATE HIRE VEHICLE OPERATOR'S LICENCE** **CONDITIONS**

## **PRIVATE HIRE VEHICLE OPERATOR'S LICENCE CONDITIONS**

### **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 private hire car 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" 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 the Drivers 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 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 of the Vehicle:
  - a. - The private hire driver's licence issued by the Council (copy);
  - b. - The badge of identification issued by the Council;
  - c. - The Private Hire 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, an Authorised Officer and/or police officer when required, the registration document relating to the licensed Vehicle and the certificate of insurance for the Vehicle to satisfy the Council, an Authorised Officer, and/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 and/or police officer in the performance of their 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 these Conditions, one person constitutes one passenger.
- 10. - The only exception to the maximum permitted number of passengers specified in Condition 9 above shall be in relation to chauffeur driven vehicles, in which case the maximum permitted number of passengers which will be authorised in terms of this licence shall be the number specified in the Vehicle Registration Document.
- 11. - 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 or

- Condition 10 above and he/she will ensure that the driver of the Vehicle never carries more than the permitted maximum number.
12. - An Operator's Licence shall be required for any vehicle which is to be driven by a chauffeur carrying passengers under a contract for its exclusive hire for a period of less than twenty four hours. This Condition does not apply to a vehicle while it is being used in connection with a funeral or wedding.
  13. - 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 by the driver in the Vehicle. The Licence Holder shall ensure that the necessary repair/s are effected within a forty-eight hour period.
  14. - The Licence Holder shall not display internally or externally on the Vehicle any advertisements/signage without the prior written consent of the Council, such consent not to be unreasonably withheld. Vehicles must not display details of more than one booking office currently licensed by the Council.
  15. - 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 is sufficient cause for not fulfilling the request to hire.
  16. - 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.
  17. - The Licence Holder shall ensure that, whilst the Vehicle is in use as a private hire Vehicle, any plates or other items which have been issued by the Council for the purpose of indicating that the Vehicle is a private hire Vehicle 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 specified by the Council in writing.
  18. - In respect of chauffeur driven vehicles as are referred to in Condition 10, it shall be acceptable for the front and rear plates that are issued by the Council to be kept inside the luggage compartment of the Vehicle. This is on the basis that both plates shall be exhibited by the driver upon demand to a police officer, Authorised Officer and/or passenger/s and the Licence Holder shall ensure that the driver of the Vehicle is aware of his/her duty in this regard.
  19. - 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 private hire vehicle. 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 private hire vehicle 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.

20. - Upon receiving a replacement plate or other item in terms of Condition 19, 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.
21. - The Licence Holder shall ensure that affixed to the Vehicle, on both front external doors and in a position and style specified by the Council, there is a sign that has been provided by the Council and which reads 'Private Hire Vehicle Pre-Arranged Bookings Only'. Said sign must be obvious and clearly visible to members of the public.
22. - 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.
23. - The Licence Holder shall require the driver of the Vehicle to notify any change of permanent address as soon as reasonably practicable. If it comes to the attention of the Licence Holder that a driver of the Vehicle has changed his/her 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.
24. - If a Licence Holder changes permanent address or place of business or there is a material change in circumstances then the Licence Holder shall notify the Council in writing of said change within five working days.
25. - The Licence Holder shall not allow any driver or passenger to smoke in the Vehicles 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.
26. - The Licence Holder shall ensure that drivers of the Vehicle are fully aware that whilst the Vehicle is in motion, they are not permitted to use a mobile phone, satellite navigation system or any other interactive communication device, except a hands-free device which is permissible by law. Further, the Licence Holder shall ensure that all drivers of the Vehicle are 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.
27. - 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.
28. - The Licence Holder shall ensure that the Vehicle is in a proper state of repair for use as a private hire vehicle in accordance with Schedule A to these Conditions.

29. - 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, at all times, in a good working order and, where applicable, within its expiry date.
30. - Where the Licence Holder's Vehicle is fitted with a taximeter, 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 private hire vehicle.
31. - 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.
32. - Where the Licence Holder's Vehicle is fitted with a taximeter, the Licence Holder shall ensure that the taximeter is fitted to the Vehicle in a manner and position approved by the Council.
33. - The Licence Holder shall not knowingly use, or cause or permit to be used, a taximeter which is any way defective.
34. - The Licence Holder shall not use, or cause or permit to be used on his 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.
35. - Where the Licence Holder's Vehicle is fitted with a taximeter, the Licence Holder shall, within 2 working days, inform the Council of the removal of the taximeter from the Vehicle. The Licence Holder shall not re-fit a taximeter on a second or subsequent occasion without prior permission from the Council, except when the Vehicle is due to be tested by the Council/Council approved tester.
36. - The Licence Holder shall ensure the following:
  - a. - where there is a taximeter fitted to the Vehicle, the Licence Holder shall obtain from the Council a notice detailing the table of approved fares and charges ("**the Fare Card**") and shall display the notice in the passenger compartment of the Vehicle 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, shall not be concealed in any way and shall set forth in distinct figures and lettering the detailed requirements imposed by the Council as to the fare charges to be charged;
- b. - where there is a taximeter fitted to the Vehicle, except where the cost of the journey is regulated by the Fare Card structure, the Licence Holder shall take steps to ensure that drivers inform any potential hirer of the Vehicle prior to acceptance of the hire,
- i. - that the fare is not so regulated; and
- ii. - the cost, or the method of calculating the cost, of the proposed journey;
- c. - where there is a taximeter fitted to the Vehicle, the Licence Holder shall ensure that drivers are aware that they are entitled to demand and take for the hire of the Vehicle, 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;
- d. - where a taximeter is not fitted to the Vehicle, the Licence Holder shall take steps to ensure that, where a driver is asked by a potential hirer to do so, the driver informs any potential hirer of the Vehicle, prior to acceptance of the hire, of either the cost or the method of calculating the cost of the proposed journey.
37. - 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.
38. - 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.
39. - The Licence Holder, when presenting the Vehicle for inspections, 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.

40. - 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 appropriate 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 private hire vehicle. The Council shall be the ultimate arbiter in determining whether the Vehicle is fit for purpose to be used as a private hire vehicle.
41. - 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.
42. - The Licence Holder shall keep an up-to-date record of the names and addresses of all 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.
43. - The record referred to in Condition 42 shall be kept for a minimum of twelve months and must be produced on request to an Authorised Officer or a 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 employed by the said Licence Holder or for any other purpose relating to these Conditions.
44. - The Licence Holder shall ensure that, if any allegations are 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 their Vehicle in front of and/or addressed to a passenger, then said allegations shall be reported to an Authorised Officer within two working days of said allegations being made.
45. - 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.
46. - 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 5 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.

47. - Subject to Condition 48, 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.
48. - 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.
49. - 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.
50. - 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 51 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.
51. - 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.

52. - 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.

53. - 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 he/she shall display copies of that certificate on the external passenger doors of the Vehicle for all potential passengers to easily see.
54. - The Licence Holder shall ensure that, if it comes to their attention for whatever reason and/or they become concerned that the driver of the vehicle is and/or seems medically unfit to drive the Vehicle, then the Licence Holder shall notify the Council in writing of such reasonable concerns within 24 hours of becoming aware.
55. - The Licence Holder shall take all reasonable steps to ensure that any driver in charge 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.
56. - The record referred to in Condition 55 shall be made available to the Council upon request at any reasonable time.
57. - The Licence Holder shall ensure that the Vehicle is, subject to the Council's discretion, of a saloon car, estate type or such other type of vehicle approved by the Council and which has four doors and a 'Power to Weight' ratio equal to or greater than 0.0648 hp per kg. The Licence Holder shall also ensure that the Vehicle has a minimum seat cushion size of 400mm wide and 350mm depth, minimum seat cushion height (or near side front cushion height if manufacturer's original) of 300mm and that the minimum leg room of any passenger seat within the Vehicle is 650mm.
58. - Subject to inspection and testing by the Council or testing station authorised by the Council, Vehicles may use electricity as a means of propulsion including its use within any hybrid engine.
59. - Any Vehicle which uses electricity as a means of propulsion must be contained in the approved list of electric vehicles maintained by the Council and no other vehicle using electricity as a means of propulsion may be operated hereunder.