

East Dunbartonshire Council**Guidance Note****Section 21 of the Civic Government (Scotland) 1982****What Is Permissible?**

Section 21 of the Civic Government (Scotland) Act 1982 (the “**Act**”) makes it an offence for taxi and private hire drivers and operators to work in areas that they are not licensed in. The same section of the Act also provides exceptions to this basic rule. The purpose of this guidance note is to set out clearly what the Council, as the licensing authority, considers section 21 allows you to do.

It is important to note that this is not intended to be a definitive statement of the law and that it will have no binding effect upon the Police, the Procurator Fiscal or other local authorities. In following this guidance note however, you will be meeting the expectations of the Council while you are driving or operating your vehicle.

1. What Can You Do?

- It is **always** OK to commence a hire and drop off within the area where you are licensed.
- You can commence a hire which drops off outwith the area you are licensed for if you are in your licensed area when
 - you receive the request from your booking office, or
 - you receive the request for hire from a passenger.
- You can commence a hire outwith your licensed area when that hire drops off in the area you are licensed for.
- You can commence a hire when outwith your licensed area
 - **if** you were engaged in a hire at the time the request for hire was received
 - **and** the hire you are engaged in when the request was made began or ends within your licensed area.
- You can commence a hire and drop off outwith your area **if** you were on your way back to your licensed area **immediately** after a drop off outwith your licensed area. “**Immediately**” means you must be returning by the quickest, most direct or most expedient route.

2. What You Cannot Do

- Taxis must only pick up hails in public when operating within their licensed area.
- You must never commence a hire and drop off outwith your area if you completed a drop off then waited for any period of time outside your area. You must return immediately to your licensed area.

- You cannot operate outwith your licensed area unless the situations outlined above apply.

Important Point to note:-

- Section 21 does not just apply to drivers. It also applies to operators and to booking offices who permit drivers or operators to work outside their licensed areas.