

## **PRIVATE HIRE VEHICLE DRIVER' S LICENCE**

### **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 Civic Government (Scotland) Act 1982 or amendment or re-enactments thereof and any statute or regulation affecting the Civic Government (Scotland) Act 1982.
- (b) The "Council" means East Dunbartonshire Council as the licensing authority in terms of the Civic Government (Scotland) Act 1982.
- (c) 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.
- (d) "Operator" means the holder of an Operator's Licence.
- (e) "Operator's Licence" means a private hire car licence within the meaning of s.10 of the Civic Government (Scotland) Act 1982.
- (f) 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 the "Conditions".
- (g) The "Vehicle" means the private hire vehicle which is subject to a Private Hire Vehicle Operators Licence issued by the Council and driven by the Licence Holder in furtherance of the Licence.
- (h) "Licensed Area" means the local authority territory known as East Dunbartonshire, as defined within the Local Government etc. (Scotland) Act 1994, as amended.

### **SCHEDULE OF CONDITIONS**

1. A Licence Holder shall ensure that the following documentation is carried in the Vehicle at all times:
  - a. The private hire vehicle driver's Licence issued by the Council (copy);
  - b. The badge of identification issued by the Council;
  - c. The Operator's Licence (copy); and
  - d. An original or copy of an up to date, valid certificate of insurance issued for the Vehicle.
2. The badge of identification referred to in Condition 1(b) shall be displayed in a prominent position at all times whilst the Vehicle is being driven, and worn by

the Licence Holder should he leave the immediate proximity of the Vehicle. The identity badge issued by the Council shall include the driver's name, a recent photograph showing a true likeness and the date on which the licence expires. The badge of identification must be shown to any passenger upon request

3. The documents referred to in Condition 1 shall be exhibited by the driver upon demand to either a police officer or an Authorised Officer.
4. The Licence Holder must exhibit to the Council, an Authorised Officer, and/or police officer when required, 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.
5. A 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.
6. A 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 their duties.
7. 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.
8. The only exception to the maximum permitted number of passengers specified in Condition 7 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.
9. A private hire vehicle driver's licence shall be required for driving any Vehicle as a chauffeur whilst 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. Nor does this Condition apply to any type of minibus, bus or coach.
10. 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 requirement for repair is reported to the holder of the Operator Licence immediately upon becoming aware that the wheel and/or tyre are in need of repair.

11. The Licence Holder shall not display internally or externally on the Vehicle any advertisements/signage without the prior written consent of the Council, which consent shall not be unreasonably withheld.
12. The Licence Holder shall not operate in breach of Section 21 of the Civic Government (Scotland) Act 1982. In addition it is further stipulated that the Licence Holder may only operate from a radio base or control point located within the Licensed Area.
13. At the conclusion of any journey which requires the Licence Holder to leave the Licensed Area, the Licence Holder must return immediately to the Licensed Area.
14. The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the Vehicle which has been accepted, unless prevented by sufficient cause.
15. The Licence Holder when driving a Vehicle which has been hired may not, under any circumstances, pick up or convey another passenger without the consent of the original hirer or passenger.
16. The Licence Holder when driving a Vehicle which has been hired shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer.
17. Subject to Condition 18 below, the Licence Holder shall not refuse to drive a passenger to any place within the Licensed Area.
18. The Licence Holder need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried, or whose condition or clothing is offensive and likely to cause damage to the interior of the Vehicle, or who refuses to cease smoking in the Vehicle when requested to do so by the Licence Holder or, subject to Conditions 40 and 41, is accompanied by any animal which is likely to damage or soil the interior of the Vehicle, or any other reasonable excuse.
19. The Licence Holder shall, when requested to do so by a passenger, provide that passenger with a written receipt for their journey. Such a receipt shall include the date, time and cost of the journey.
20. 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 have not been specified by the Council in writing.
21. In respect of chauffeur driven Vehicles as are referred to in Condition 9, 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 either a police officer, Authorised Officer or passenger/s.

22. 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 holder of the Operator Licence as soon as reasonably practicable in order to obtain a replacement.
23. The Licence Holder shall ensure that, whilst the Vehicle is in use as a private hire 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 in a position specified by the Council.
24. 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 Council's consent to such device shall not be unreasonably withheld. 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.
25. If the Licence Holder changes his/her permanent address, or there is otherwise a material change in circumstances such that requires to be notified to the Council, then the Licence Holder shall notify the Council and the holder of the Operator License in writing of said change within five working days.
26. The Licence Holder shall not smoke and shall not permit any 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 not use a mobile phone, satellite navigation system or interactive communication device whilst the Vehicle is in motion, except a hand-free device which is permissible by law. Further, the Licence Holder shall not conduct him/herself in a manner which prevents him/her from exercising full control over the speed and direction of the Vehicle while it is in motion.
28. The Licence Holder shall ensure that, whilst the Vehicle is in use the Vehicle, including all bodywork, upholstery and interior fittings, is in a safe and serviceable condition and, subject to prevailing road conditions, in a clean condition.

29. The Licence Holder shall ensure that whilst the Vehicle is in use, there is carried in a suitable fastener a modern, legally valid, fully working fire extinguisher which is easily accessible at all times.
30. Where the Vehicle driven by the Licence Holder has had a taximeter fitted it shall be operated at all times in accordance with the following requirements:-
- a. The taximeter has been approved and sealed by the Council and
  - b. The seal affixed by the Council has neither been broken nor tampered with in any way.
31. The Licence Holder, whose Vehicle is fitted with a taximeter, shall ensure at all times whilst the Vehicle is in use as a private hire vehicle, that there is affixed in a conspicuous position inside the Vehicle, a printed card in a slip-in frame ("the Fare Card") which shall be kept clear, legible and easily distinguishable and not concealed in any way and which shall set forth in distinct figures and lettering the detailed requirements imposed by the Council as to the fare charges to be charged.
32. The following applies in relation to Fare Cards:
- a. where there is a taximeter fitted to the Vehicle, the Licence Holder shall ensure that any potential hirer of the Vehicle is informed, prior to acceptance of the hire:
    - i. that the fare is not so regulated;
    - ii. the cost, or the method of calculating the cost, of the proposed journey;except where the cost of the journey is regulated by the Fare Card structure;
  - b. where there is a taximeter fitted to the Vehicle, the Licence Holder shall be 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 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;
  - c. where a taximeter is not fitted to the Vehicle, the Licence Holder shall, when asked by a potential hirer to do so, takes steps to ensure that any potential hirer of the Vehicle is informed, prior to acceptance of the hire, of either the cost or the method of calculating the cost of the proposed journey.

33. When the Vehicle is damaged in a vehicular accident or by any other means the Licence Holder shall report the damage to the Council and to the holder of the Operator's Licence within two working days.
34. The Licence Holder shall not use any abusive, sexist, offensive or racist language either in front of and/or addressed to a passenger.
35. The Licence Holder shall at all times avoid the improper use of the Vehicle's horn (e.g. sounding of the Vehicle horn to announce arrive at point of hire/pick up). NOTE: Misuse of car horns is a criminal offence.
36. Subject to Condition 37, the Licence Holder shall not refuse to carry luggage in the Vehicle providing that the said luggage can be accommodated safely within the Vehicle and/or its luggage compartment.
37. The Licence Holder shall give such assistance as physically able to give with loading and unloading luggage when required to do so. However, the Licence Holder shall not be required to leave the immediate proximity of the Vehicle in doing so.
38. The Licence Holder shall 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, or permit to be carried in the Vehicle anyone who has vermin on his person.
39. The Licence Holder, at the end of a shift, shall search the Vehicle for any property which may have been left therein. Any property found by the Licence Holder shall, within twenty four hours, be returned to the owner of the property if known, or shall be handed in to any police station.
40. The Licence Holder shall, where a 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, subject to Condition 41 below, carry the disabled person's dog and allow it to remain with the disabled person. The Licence Holder shall not be entitled to make any additional charge for doing so.
41. The Licence Holder may be exempted from the obligation to carry a disabled passenger's guide dog, hearing dog or assistance dog on medical grounds but only by 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.

42. 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 he/she complies with the obligations: \_
- 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; to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - d. to give the passenger such mobility assistance as is reasonably required
43. Where the Licence Holder 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.
44. The Licence Holder shall not drive the Vehicle if he/she is or becomes medically unfit to do so. The Licence Holder shall notify both the holder of the Operator Licence and the Council in writing within 24 hours of after he/she becomes aware of being medically unfit to drive the Vehicle.
45. If during the currency of the licence, the Licence Holder is charged with or convicted of any offence or receives an endorsable fixed penalty, he/she shall, within 5 working days of said charge, conviction or endorsement, provide full details in writing of such charge, conviction or endorsement, convictions to the Council.

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