

PRIVATE HIRE CAR LICENCE

SCHEDULE OF STANDARD CONDITIONS

1. No more than passengers shall be carried in the vehicle.
2. The holder of a Private Hire Car Licence (hereinafter referred to as an Operator's Licence) shall ensure that the private hire car, including all bodywork, upholstery and fittings, is in a roadworthy condition as determined by a police officer or authorised officer of the Council and, subject to prevailing road conditions, is in a clean condition. In addition, when in use as a private hire car, the luggage compartment of the vehicle shall be kept clear for the purposes of carrying passengers' luggage.
3. The holder of an Operator's Licence shall require the private hire car to undergo and pass an annual inspection by the Council. On receiving the requisite notice, in writing, from the Council he/she shall produce his/her private hire car for examination at such time and place as may be reasonably required by the Council.
4. If in causing a hire to be fulfilled it is necessary for a trailer to be attached to the private hire car for the purposes of conveying luggage belonging to the hirer, it will be necessary for the aforesaid trailer to undergo and pass an annual inspection by the Council. On receiving the requisite notice, in writing, from the Council, the holder of the Operator's Licence shall produce the trailer for examination at such time and place as may be reasonably required by the Council.
5. The holder of an Operator's Licence shall ensure that where the private hire car is more than three years old it shall have a valid M.O.T. Certificate.
6. The holder of an Operator's Licence shall ensure that the following documentation is carried in the vehicle at all times when in use as a private hire car:
 - (i) the Operator's Licence;
 - (ii) the valid MOT Certificate for the vehicle (if applicable);
 - (iii) the certificate of insurance for the vehicle (or copy thereof)and shall exhibit any or all of the above documents, on demand, to any police officer or authorised officer of the Council.
7. The holder of an Operator's Licence shall ensure that when the vehicle is being operated by them as a private hire car, the manufacturer's recommended spare wheel and tyre are carried at all times, and that the aforementioned spare wheel and tyre are in a roadworthy condition, except when the spare has been used to replace a punctured or damaged tyre or wheel. In these circumstances, evidence of the damaged item having been submitted for repair shall be obtained from the repairer and carried by the driver in charge of the vehicle. A period of 24 hours is permitted to have the necessary repairs effected.
8. The holder of an Operator's Licence shall ensure that when the vehicle is being operated by another licensed driver, prior to control of the vehicle being passed to the driver, the manufacturer's recommended spare wheel and tyre are in the vehicle and are in a roadworthy condition. This requirement is subject to the exception detailed at (7) above, when the evidence of the punctured or damaged tyre or wheel having been submitted for repair shall be given to the driver in charge of the vehicle.
9. The holder of an Operator's Licence, when the private hire car is damaged in a vehicular accident or by any other means, shall report the damage verbally to the Council as soon as practicable and thereafter in writing within 14 days, and, if the private hire car is roadworthy, he/she shall present it for examination within the following 2 working days (being days on which the testing facilities operate) after the occurrence. As soon as repairs to the private hire car have been completed, the private hire car shall be re-examined.
10. The holder of an Operator's Licence shall not ask the driver of his/her private hire car to do anything which would result in the driver committing a breach of the conditions attached to the driver's licence.
11. The holder of an Operator's Licence shall keep an up-to-date list of the names and addresses of all private hire and taxi drivers employed by him/her and such list shall be produced on demand to the Depute Chief Executive.

12. The holder of an Operator's Licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement of his/her private hire car which he/she has accepted, unless prevented by sufficient cause.
13. The holder of an Operator's Licence shall hold in his/her own name the requisite vehicle registration document and the certificate of insurance in relation to the private hire car required by Part VI of the Road Traffic Act 1972. Where more than one name appears on the Operator's Licence, the vehicle registration document and the certificate of insurance shall be in the name of at least one of the persons whose name appears on the Operator's Licence.
14. The holder of an Operator's Licence shall ensure that, while the vehicle is in use as a private hire car, the plate which has been issued by the Council for the purpose of indicating that the vehicle is a licensed private hire car is displayed at all times in a position approved by the Council, and shall be securely fixed to the vehicle either by way of the fixing kit issued with the licence plate or by the use of screws, rivets etc.
15. The holder of an Operator's Licence shall not obliterate or deface the plate which has been issued by the Council for the purpose of indicating that the vehicle is a licensed private hire car and which is fixed to the private hire car. If the plate becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate is lost, the holder of the Operator's Licence shall report this to the Council as soon as practicable in order to obtain from the Council a replacement plate for which a fee, to be approved by the Council, will be charged.
16. The holder of an Operator's Licence whose private hire car is fitted with a taximeter shall obtain from the Council a notice or notices detailing the approved maximum fares and charges appropriate for exclusive and shared use of a private hire car and will display the notice or notices as appropriate in the passenger compartment of the private hire car fitted with a taximeter in such a position that it will be readily visible to the passengers being carried and no other notice or notices of fares and charges shall be displayed.
17. The holder of an Operator's Licence shall, if the cost of the journey is not regulated by a Council fare structure, take steps to ensure that any potential hirer of his/her private hire car 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.
18. The holder of an Operator's Licence shall take steps to ensure that each potential hirer of his/her private hire car consents, at the time of the arrangement of the hire, to an exclusive hire or shared hire, as the case may be.
19. The holder of an Operator's Licence shall not display on his/her private hire car any signs for the purpose of identifying it as a private hire car, other than those approved by the Council.
20. The holder of an Operator's Licence shall not display a roof sign of any kind on his/her private hire car.
21. The holder of an Operator's Licence will seek and gain permission from the Council to affix any advertising signage to their vehicle prior to the aforementioned signs being affixed.
22. The holder of a Operator's Licence whose private hire car is fitted with a taximeter shall not use or cause to permit to be used on the private hire car a road wheel or tyre of a different circumference from that for which the taximeter affixed to the private hire car was designed, geared and has been tested by the Council.
23. The holder of an Operator's Licence whose private hire car is fitted with a taximeter shall have affixed to and used on the private hire car only a taximeter which has been approved by the Council.

24. The holder of an Operator's Licence whose private hire car is fitted with a taximeter shall use only a taximeter which has been stamped or sealed by the Council after testing as respects distance and time in accordance with the approved fares and charges. Once a taximeter is fitted to his/her private hire car he/she shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment affixed thereto by the manufacturer or Council except to remove the taximeter for repair or replacement. Should the seal be broken the taximeter shall be re-tested and passed by or on behalf of the Council before being used again.
25. The holder of an Operator's Licence whose private hire car is fitted with a taximeter shall ensure that the taximeter in his/her private hire car is in a position approved by the Council.
26. The holder of an Operator's Licence whose private hire car is fitted with a taximeter shall not knowingly operate the vehicle, or cause or permit it to be operated while the seals affixed to the taximeter and, where so affixed to the vehicle, are broken or detached.
27. The holder of an Operator's Licence whose private hire car is fitted with a taximeter shall not knowingly use or cause or permit to be used a taximeter which is in any way defective.
28. The holder of an Operator's Licence whose private hire car is fitted with a taximeter shall, within two working days, inform the Council of the removal of the taximeter from his/her private hire car. He/she shall not re-fit a taximeter on a second or subsequent occasion without prior permission from the Council, except when the private hire car is due to be annually tested by the Council.
29. The holder of an Operator's Licence must carry in a suitable fastener in his/her private hire car a fire extinguisher of a type and in a position approved by the Council.
30. Where there is a material change of circumstances affecting the holder of an Operator's Licence, or the activity to which the licence relates, the holder of the licence shall notify the Council in writing of the change as soon as reasonably practicable after it has taken place. (This includes change of address, change of radio company, being convicted of an offence or receiving a fixed penalty).
31. The holder of an Operator's Licence will not carry out any activity that would constitute an offence in terms of Section 21 of the Civic Government (Scotland) Act 1982.
32. The holder of an operator's licence shall not use or cause or permit to be used the private hire car once it is ten years old from the date of first registration in the U.K. or any other country. The date of first registration shall be as confirmed by the V5 or equivalent document for the vehicle and ten years old means the tenth anniversary of the date of first registration. The Council has the sole discretion to determine if a vehicle is ten years old. This condition comes into force on 1st January, 2017.

Note 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, whether or not more than one passenger is carried; and "exclusive hire" shall be construed accordingly; and

"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.

"vehicle" or "private hire car" means the vehicle presently licensed in terms of the licence number on this licence.