

**REPORT TO:** Licensing Sub-Committee  
**MEETING DATE:** 9 November 2023  
**BY:** Head of Corporate Support  
**SUBJECT:** Taxi and Private Hire Car Licensing

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## **1 PURPOSE**

- 1.1 The purpose of this report is to allow the Licensing Sub-Committee to note:
- The updated conditions (Appendix 1) attached to Taxi and Private Hire Car (PHC) Drivers and Operators licences.
  - The Driver Application Guidance (Appendix 2) which has been updated with statutory requirements involving HMRC checks.
- 1.2 To make a decision on amending the age of Taxi and Private Hire Cars which can be licensed.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that the Licensing Sub-Committee approves the proposals outlined at para 3.5.

## **3 BACKGROUND**

- 3.1 Taxi and PHC Driver and Operator conditions have been updated in consultation with Legal Services, Transportation, Licensing, and Information Governance. The conditions have been separated in order that Electronic Security Systems, Dress Code and Advertising Policy, and Vehicle Conditions are stand-alone documents and the layout reduced in size.
- 3.2 Application form guidance has been updated to include the requirement that a renewal licence applicants have to provide licensing authorities with confirmation from HMRC that they have completed a 'tax check'.

- 3.3 Further updates to the application guidance include amendments to existing conditions which reflect operational changes but do not amend the condition.
- 3.4 Current policy on the age of licensable vehicles is as follows:
- Vehicles presented for grant of a new licence shall be no more than three years old (since date of first registration) on the date when the licence is granted.
  - Vehicles presented for substitution, including temporary substitution, on an existing licence:
    - (1) shall be no more than six years old (since date of first registration) on the date when the substitution on the licence is to take effect and
    - (2) shall not be older than the vehicle to be replaced as at the date or proposed date of substitution on the licence.
- 3.5 Following consultation with Transportation, the following proposal has been recommended:
- Zero Emission vehicles presented for grant of a new licence shall be no more than four years old (since date of first registration) on the date when the licence is granted.
  - Internal Combustion Engine (ICE) vehicles presented for grant of a new licence shall be no more than three years old (since date of first registration) on the date when the licence is granted.
  - Any vehicle presented for substitution, including temporary substitution, on an existing licence:
    - (1) shall be no more than seven years old (since date of first registration) on the date when the substitution on the licence is to take effect and
    - (2) shall not be older than the vehicle to be replaced as at the date or proposed date of substitution on the licence.
- 3.6 The proposal to increase the age of substitution vehicles is in response to the current challenges faced by operators procuring vehicles.
- 3.7 This paper was presented to the Licensing Sub-committee on 14 September 2023. It was agreed to defer making a decision in order that a consultation exercise with the taxi/PHC trade was undertaken.
- 3.8 Licence holders were emailed on 5 October 2023 and directed to the LSC paper of 14 September 2023. The trade was invited to make comment on the amended conditions. No responses were received.

#### **4 POLICY IMPLICATIONS**

- 4.1 This report has been assessed against the Policy Development Checklist and Purpose 1.1 has been classified as being an operational report. Purpose 1.2 will be a change to the existing policy on the age of vehicles which can be licensed.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none.  
6.2 Personnel – none.  
6.3 Other – none.

#### **7 BACKGROUND PAPERS**

- 7.1 None.

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<b>DATE</b>	18 October 2023



**EAST LOTHIAN COUNCIL**

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**LICENSING CONDITIONS FOR TAXI AND  
PRIVATE HIRE CAR DRIVERS**

Part 1	Interpretation of words and expressions
Part 2	Taxi and Private Hire Car Driver conditions
Schedule A	Vehicle Conditions
Schedule B	Dress code and Advertising policy
Schedule C	Electronic Security Systems

## **Part 1**

**NOTE:** These conditions are in addition to the provisions of the Civic Government (Scotland) Act 1982 and any amendment thereto.

### **INTERPRETATION**

Unless there is something in the subject or context inconsistent with, or repugnant to such construction, the following words and expressions in these conditions and their respective schedules have the following meanings respectively given to them

For the purposes of interpretation any reference to the singular shall include the plural and vice versa.

Any words used in these conditions or their respective Appendices should be given the meanings assigned to them in the Act, so far as applicable to Part II and Schedule 1 of the Act. In particular, where, in these conditions, any word is used which is defined in the Act and such definition is applicable in relation to “taxi” or “private hire car” as defined in the Act, the meaning of such word in these conditions shall be interpreted in accordance with the definition of the Act.

Subject to the foregoing the following words or phrases shall have the meanings set out below:-

**Act** – means the Civic Government (Scotland) Act 1982 as amended or any amending or replacement legislation governing the licensing of hire cars.

**Approved** - means unless explicitly stated to the contrary, approved by the Transport Compliance Officer or the Solicitor.

**Assistance Dog** - has the meaning set out in Section 173 of the Equality Act 2010 or any amending or replacement legislation.

**Authorisation** - includes any Licence, certificate, permit or registration.

**Authorised Metered Fare** - means any charge (whether described as fare, engagement fee, extras or otherwise) authorised and approved by the Council for publication in the Fare Table issued and amended from time to time, being the Fare Table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a Taximeter) within the East Lothian local government area.

**Authorised Officer** - means a person, including the Transport Compliance Officer, Authorised Taxi Examiner and any Licensing Standards Officers (LSOs), authorised by the Council or the Police either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

**Transport Compliance Officer** - means any person appointed by the Council to exercise the powers and carry out the duties of Transport Compliance Officer in terms of or by reference to these conditions, or any other person acting under the direct instructions or with the authority of the Transport Compliance Officer to ensure that these conditions and their Schedules and the terms of Part II of the Act are properly observed and implemented. Where there is a difference of opinion between the Transport Compliance Officer and any of the Transport Compliance

Officer's deputies or assistants the decision of the Transport Compliance Officer shall apply, and the term "Transport Compliance Officer" shall be interpreted accordingly.

**Authorised Taxi Examiner** – means a person appointed by the Council to exercise the powers and carry out the duties of Authorised Taxi Examiner in relation to the taxi testing criteria and standards set out within the schedules and Act.

**Solicitor, Licensing** - means the Council officer responsible for the management of Taxi/PHC compliance within the Council, and any officers delegated by said Council officer.

**Commencement of Hire** - a hire shall commence at the time the Hirer or passenger steps into the taxi or private hire car, and the hire shall end when the passenger either indicates that the hire has been terminated or offers payment of the fare. Where the passenger requires to exit the taxi or private hire car to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. However, where a taxi or private hire car has been called by telephone or other advance arrangement, the hire shall commence after the Driver has announced the arrival of the taxi or private hire car to the prospective Hirer or passenger at the place to which it has been summoned.

**Complaints Notice** - means a notice displayed which details how to make a complaint against the Driver or Operator of a Licensed Vehicle to the Council.

**Constable** - means any constable as defined in the Police (Scotland) Act 1967 (or any amending or replacement legislation) being a member of Police Scotland.

**Contravention** - in relation to any requirement includes a failure to comply with that requirement, and similar expressions shall be construed accordingly.

**Council** - means the East Lothian Council, incorporated under the Local Government Etc. (Scotland) Act 1994 and having its headquarters at John Muir House, Haddington, EH41 3HA its statutory successors.

**Driver** – means in relation to a taxi the holder of a current East Lothian Taxi Driver's licence and in the case of a Private Hire Car a Driver holding a current East Lothian Taxi Driver's licence or Private Hire Car Driver's Licence which without prejudice to the foregoing generality shall include a Licence Holder.

**DVLA standards in relation to Group 2 licence holders** – means the medical standards published by DVLA for group 2 licence holders or any equivalent replacement standard. These standards have been adopted by the Council and apply to the medical examination of all hire car drivers.

**Enactment** - includes any enactment (and any amendments thereof) contained in any Act of Parliament, Order, Regulation or other instrument issued by the UK Parliament or the Scottish Parliament affecting Scotland.

**Engagement** - means an agreement between any person and the holder of a taxi or private hire car licence or Driver (or their respective representatives) for the hire of a taxi or private hire car at a specified time and location and is also known as a booking.

**Engagement Fee** - is that sum so described in the Council's Fare Table which is payable in addition to the fare where, by telephone or other advance arrangement, there is an engagement for the hire of a taxi (or private hire car in which there is fitted a Taximeter).

**Fare table** - means the table of fares fixed by the Council to regulate the maximum metered charges for hires within East Lothian.

**Hire** - means the use of a taxi or private hire car for the purpose of uplifting a passenger from a stated location and conveying such passenger and their luggage to a specific destination and where the use of a taximeter is appropriate there is a requirement to pay for its hire (including an engagement fee where applicable) not exceeding the rate of such fares or fees authorised from time to time by the Council insofar as the journey is not illegal in terms of Section 21 of the Civic Government (Scotland) Act 1982.

**Hirer** - means the person who has instructed the Hire within the vehicle by advising the Driver of the intended destination or alternatively the person who has requested the Hire when the Hire involves the transportation of third parties.

**Holder of a Licence** - has the same meaning as Licence Holder.

**Hours of Darkness** - means the time between half an hour after sunset and half an hour before sunrise.

**Information Commissioner's Office** – means the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals or such replacement body.

**Licence** - means a licence granted by the Council to any person for the purpose of operating a vehicle as a taxi or private hire car or for the purpose of driving the same as appropriate during the currency or validity of such licence.

**Licence Holder** - means a person who has been granted and holds a current and valid licence from the Council in terms of Part II of the Act to operate either a taxi or a private hire car unless otherwise stated.

**Licence Plates** – means the licence plates issued by the Transport Compliance Officer identifying licensed vehicles as hire cars which are required to be displayed in accordance with these conditions.

**Licensed Area** - means the East Lothian local government area.

**Licensed** - in relation to any taxi or private hire car, its owner or Driver, means having been granted an appropriate licence by the Council in terms of the Act and these conditions during the currency of such licence.

**Licensed Vehicle** - means generally the taxi or private hire vehicle licensed under a taxi or private hire car licence or any approved replacement vehicle which has been inspected and issued with a Certificate of Compliance by the Transport Compliance Officer unless otherwise stated.



**Luggage** - includes all items which the hirer or passenger wishes to be carried in the hire vehicle, whether this is their own personal baggage for the journey, or being carried for business or otherwise, and shall also include Assistance dogs or animals or pets carried in an enclosed carrier, which reasonably may safely be accommodated within the vehicle.

**Maintenance** - includes repair, and “maintain” shall be construed accordingly.

**Motor Vehicle** - has the meaning assigned to it by the Road Traffic Act 1988 or any amending or replacement legislation

**Notice** - means a notice in writing.

**Passengers** – means any person travelling in a hired Licensed Vehicle other than the Hirer or the Licence Holder.

**Permanent Address** - means the address provided by the Licence Holder in an application for a Licence as amended from time to time by notice given to the Council by the Licence Holder

**PHC – means Private Hire Car.**

**Private Hire Car Door Signs** - means a set of two identical door signs issued by the Council identifying the vehicle as an East Lothian licensed private hire car and which are fitted to the front doors of private hire cars in a position approved by the Transport Compliance Officer.

**Public Place** - has the meaning assigned by Section 133 of the Act i.e. any place (whether a thoroughfare or not) to which the public have unrestricted access and includes — (a) the doorways or entrances of premises abutting on any such place; and (b) any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses

**Compliance Notice** - means a notice in writing issued by an Authorised Officer following inspection of a Licensed Vehicle, to the Driver of a Licensed Vehicle, giving notice of defects requiring to be repaired or breaches of conditions requiring to be remedied and the Licensed Vehicle submitted for re-testing within a maximum period as specified in that notice.

**Representative** - when used in relation to the holder of a taxi or private hire car licence or in relation to a driver of a taxi or private hire car, means any person, company, firm or association whose services as principal are engaged or used by such a licence holder (and that by any means whatsoever including internet, telephone and radio communications) for the purpose of obtaining or assisting in obtaining engagements for the hire of a taxi or private hire car.

**Suitable for transporting passengers travelling within wheelchairs** - means a taxi or private hire car which is equipped with either ramps or a passenger lift for use by passengers travelling within wheelchairs

**Taxi Bus** - means a taxi which is being used under a special licence granted under Section 12 of the Transport Act 1985 to provide a local service which is required to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

**Taxi Driver** - means the holder of a current East Lothian Taxi Driver's Licence

**Vehicle Plant Maintenance Unit (VPMU)** - means the normal place of work for the authorised Taxi Examiner.

**Taximeter** – means a device approved by Council and inspected by the authorised Taxi Examiner for the calculation of fares.

**Taxi Stance** - means a stance signed or marked for use by taxis within the East Lothian local government area.

**Working Day** - means a day when either the Council or the VPMU (whichever is referred to) are open for business.

## **Part 2**

### **TAXI AND PRIVATE HIRE CAR (PHC) DRIVER'S LICENCE CONDITIONS**

This Part 2 in conjunction with any relevant Schedules shall be referred to as the "Taxi and PHC Driver's Licence Conditions". For the purposes of the Taxi and PHC Driver's Licence Conditions the term Licence holder will refer only to those who hold a licence to drive a taxi and the term Licensed Vehicle will only refer to a taxi.

#### **1. Identity Card**

The Driver shall at all times when in charge of a Licensed Vehicle be in possession of a current identity card provided by the Licensing Authority. This badge must be worn by the Driver and displayed within the Licensed Vehicle and when requested, the Driver must allow the examination of the card by any passenger, Authorised Officer or Constable. The card shall include the Driver's name, photograph, licence number and expiry date.

#### **2. Driver checks**

The Driver, on each occasion prior to commencing their shift with a Licensed Vehicle shall ensure that:

- a) a valid certificate of insurance or cover note confirming that he is insured to drive the Licensed Vehicle is contained within the Licensed Vehicle as detailed in condition 2 of the Taxi and PHC Licence Conditions;
- b) the Licensed Vehicle, including all bodywork, upholstery and fittings (including ramps and accessories) is roadworthy, safe and serviceable, complies with the provisions of Schedule A to these conditions and is in a clean condition subject to prevailing road and weather conditions;
- c) the Licensed Vehicle is displaying current Licence Plates in accordance with the provisions of condition 4 of the Taxi and PHC Licence conditions; and
- d) a copy of the current Fare Table is being carried within the Licensed Vehicle.

#### **3. Condition of Vehicle**

The Driver shall not stand or ply for hire with any Licensed Vehicle during any period in which it does not comply with the provisions of Schedule A to these conditions.

#### **4. Fulfilment of Hire**

- a) The Driver shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the Licensed Vehicle which the Driver of a Licensed Vehicle has accepted, or which has been accepted on the Driver's behalf by any representative, unless prevented by reasonable and sufficient cause.
- b) Where an engagement of a Licensed Vehicle for hire has been accepted by a Driver, the said Driver shall fulfil such engagement punctually and shall announce the arrival of such immediately to the person on whose behalf the engagement was made at the place to which it has been summoned. If that person does not commence their journey within five minutes of arrival of the Licensed Vehicle, or such additional period as may be agreed between the Driver and that person, the Driver may refuse to fulfil further the engagement to hire the

Licensed Vehicle, but where the Licensed Vehicle has been called by telephone or other advance arrangement the Driver of a Licensed Vehicle shall be entitled to receive payment of any engagement fee and any fare which may be payable in terms of the Council's approved Fare Table.

- c) The Driver shall not refuse to convey a Hirer or passenger to any place within the Licensed Area unless any Hirer or passenger:
- is not prepared to give a precise destination;
  - is drunk or otherwise not in a fit and proper state to be carried;
  - is in a condition whereby their clothing is offensive or likely to cause damage to the interior of the Licensed Vehicle;
  - is smoking in the Licensed Vehicle and refuses to cease when requested to do so by the Driver;
  - is accompanied by any animal which is likely to damage or soil the interior of the Licensed Vehicle with the exception of an assistance dog; or
  - cannot be conveyed for any other reasonable cause.
- d) The Driver shall not:
- permit any animal to be on or in the Licensed Vehicle except an animal which is an assistance dog or animal or pet carried in an enclosed carrier;
  - carry, or cause or permit to be carried in any Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature;
  - knowingly carry, or cause or permit to be carried in such Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition;
  - knowingly cause or permit such Licensed Vehicle to be utilised for any illegal or immoral purpose
- e) Where a Licensed Vehicle has been hired:
- by or for a disabled person who is accompanied an assistance dog; or
  - by a person who wishes such a disabled person to accompany that person in a Licensed Vehicle, the holder of a Licensed Vehicle shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.
- f) This condition shall not apply where an Exemption Certificate in terms of Section 169 of the Equality Act 2010 has been issued to the Driver of the Licensed Vehicle and that notice is in force and is exhibited by being displayed in an approved holder on the dashboard of the taxi.
- g) The Driver shall –
- prior to driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs undertake training in the use of approved restraint systems for the carrying of wheelchairs within the Licensed Vehicle he is in charge of and follow the manufacturer's instructions for using all access and restraint equipment on every occasion that the systems are used;
  - Ensure all access and restraint equipment is safe and serviceable and carried on the Licensed Vehicle at all times;
  - Ensure that all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
  - Use an approved restraint system for wheelchairs and a seat belt for the passenger on every occasion. It is a legal requirement that passengers wear the seatbelt provided unless they hold a medical exemption certificate;
  - Follow the manufacturer's instructions for using all access and safety equipment on every occasion;
  - Where wheelchair tie-down and occupant restraint systems have not been provided at the

time of manufacture by the vehicle manufacturer, ensure that all such equipment used in the vehicle complies with ISO 10542 or any replacement standard.

The Driver may not in any circumstances pick up or convey another passenger without the consent of the original Hirer. The Licence Holder shall drive to the destination by the shortest practicable route unless otherwise instructed by the Hirer.

## **5. Number of Passengers**

The Driver shall not at any time convey more than the number of passengers for which the Licensed Vehicle has been licensed and shall ensure that before commencing any hire passengers are properly seated in approved passenger seats and remain so seated all at times during the journey.

## **6. Fares**

- a) Where the passenger requires to exit the Licensed Vehicle to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare.
- b) Where a Licensed Vehicle has been called by telephone or other advance arrangement, the hire shall commence after the Driver of the Licensed Vehicle has announced the arrival of Licensed Vehicle to the prospective Hirer or passenger at the place to which it has been summoned.
- c) No fare shall be payable by the Hirer in respect of any journey by the Licensed Vehicle from the place at which it is discharged by the Hirer.
- d) The Driver shall not demand any fare from any person who has engaged a Licensed Vehicle (and no fare shall be payable by such person):
  - if the external Licence Plates with the appropriate taxi licence number are not displayed in accordance with condition 7 of the taxi licence conditions; or
  - if the Driver does not, on demand, exhibit the means of identification issued by the Council; or
  - if the Driver demands more than the metered fare, or where appropriate in terms of condition 15 below, the fare agreed upon before the start of the hire; or
  - if the Driver fails or refuses to complete an engagement except for any reasonable cause; or
  - if the Licensed Vehicle breaks down or if the Licensed Vehicle becomes in any way unfit to convey the Hirer to the destination for which the hirer engaged such a Licensed Vehicle;
  - if the Fare Table programmed in the Taximeter is different from any Fare Table displayed in the vehicle;
  - if the Driver of a Licensed Vehicle removes the record of any fare from the Taximeter before the appropriate Hirer has examined it or has had a reasonable opportunity of examining it, or if, during the Hours of Darkness, the Licensed Vehicle Driver fails to keep any fare dial displayed illuminated for the whole of the period that such Licensed Vehicle is occupied by the Hirer and until the Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.
- e) The Driver shall, if the cost of the journey is not regulated by an Authorised Metered Fare, inform the Hirer before the journey commences (a) that the Taximeter is not required to be used and (b) of the cost or the method of calculating the cost of the proposed journey.
- f) The Driver shall carry a copy of the up to date Fare Table issued by the Council within the Licensed Vehicle at all times and shall produce it for immediate inspection by any member of the public on request.
- g) The Driver shall participate in the Council's assisted fares scheme, currently entitled "Taxi

Card” or such other discounted fares scheme which may be adopted by the Council in the future. The Driver shall ensure that discounted fares are charged in line with the scheme on production to him of a current taxi card or other replacement document. For the avoidance of doubt there is no requirement to mention the taxi card at the commencement of the hire, only at the time of booking, if applicable.

## **7. Taximeter**

- a) The Driver shall ensure that the Taximeter fitted in the Licensed Vehicle in their charge shall be operated:-
  - at all times for hires starting and finishing within the Licensed Area; and
  - with the agreement of the Hirer in relation to hires either starting or finishing outwith the Licensed Area.
- b) The Driver shall, as soon as hired, but no sooner, set the Taximeter in motion and whilst engaged shall have the words “Hire” illuminated on the face of the Taximeter so that it is readily visible at all times.
- c) Immediately on the termination of a hire the Driver shall stop the time mechanism within the Taximeter but shall not remove the fare record from the Taximeter until the hirer has examined it or has had a reasonable opportunity of examining it.
- d) During the Hours of Darkness the Driver shall keep the fare dial display illuminated, for the whole of the period that the Licensed Vehicle in their charge is occupied by a Hirer and until the Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

## **8. Passenger Assistance**

- a) The Driver shall give such reasonable assistance to passengers or potential passengers to access the Licensed Vehicle as is required. In particular:
  - in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;
  - in relation to passengers who use wheelchairs the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get into and out of the Licensed Vehicle; if the passenger wants to transfer to a seat, the Driver must assist the passenger to get out of the wheelchair and into a seat and back into the wheelchair, if that assistance is required. The Driver must also load the wheelchair into the Licensed Vehicle; the Driver must also offer to load the passenger's luggage into and out of the Licensed Vehicle;
  - the Driver shall make use of the Licensed Vehicle’s step as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this.
  - The Driver shall give such reasonable assistance to their passengers as he is able to give with loading and unloading their luggage when required to do so but the Driver of the Licensed Vehicle will not be required to leave the immediate proximity of the Licensed Vehicle in doing so.
- b) The Driver shall either:-
  - assist passengers travelling within wheelchairs to access the Licensed Vehicle using the ramp and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey, or
  - if the Driver has an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 from complying with Conditions 23(a) and 20(b) above he shall explain that to the potential passengers, show them the Certificate of Exemption and enquire as to whether they are able to load the wheelchair themselves or

alternatively ask them to wait for the next suitable taxi.

- c) The Driver holding a Certificate of Exemption from compliance with condition 23(a) shall display a copy of the Certificate in an approved holder on the dashboard of the Licensed Vehicle.
- d) Conditions 22 (b) and (c) and 24 (a) above will not apply if the Licence Holder is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

## 9. Driver Behaviour

- a) The Driver, while in charge of the Licensed Vehicle, shall behave in a professional, considerate and orderly manner and shall not do anything while in charge of the Licensed Vehicle which is a breach of any road traffic or other legislation.
- b) In terms of the smoking legislation it is a criminal offence for anyone to smoke in a Licensed Vehicle at any time even when the Licensed Vehicle is not being used for hire. The Licence Holder shall not smoke within the Licensed Vehicle at any time and shall ensure that no one else does.
- c) The Driver shall not permit any person to drive the Licensed Vehicle he is in charge of while such Licensed Vehicle is on hire or is available for hire unless that person is the holder of a current Taxi Driver's licence issued by the Council.
- d) The Driver shall not permit any person to ride on any loading platform or in any luggage compartment or other part of the taxi not set aside for the accommodation of passengers.
- e) When a Licensed Vehicle is hired or standing for hire, the Driver shall either sit in the driving seat of the Licensed Vehicle or stand in the immediate proximity thereto except during any period the Driver may be absent to announce the arrival of the Licensed Vehicle or for any other necessary purpose.
- f) The Driver shall not stand or loiter with the Licensed Vehicle in any street in the near vicinity to a taxi stance while such taxi stance is fully occupied nor shall the Licence Holder cause the Licensed Vehicle to stand in such vicinity.
- g) The Driver shall not:-
  - use a mobile phone (even by means of a "hands free" kit), or
  - any other communication device, or
  - conduct himself in any manner which prevents him from exercising full control over the speed and direction of the Licensed Vehicle while it is in motion.
- h) The Driver shall not knowingly use the Licensed Vehicle as a Licensed Vehicle while the Licence is suspended or while the Licensed Vehicle is not displaying current Licence plates.

## 10. Idling

- a) The Driver must switch off the engine when the vehicle is stationary to avoid unnecessary vehicle idling, (especially in sensitive areas such as schools, hospitals and built up areas) except in the following circumstances -
  - where the Licensed Vehicle is stationary owing to the necessities of traffic – e.g. when vehicles are queuing at traffic lights;
  - where an engine is being run so that a defect can be traced and rectified – e.g. when a defective vehicle is being attended to by a breakdown / recovery agent;
  - for short periods on occasions where the weather conditions are extreme either to operate the vehicle's heating or air conditioning system.
- b) The Driver is required to switch off the Licensed Vehicle's engine immediately when requested to do so by an Authorised Officer.

### **11. Dress Code**

The Driver, while in charge of the Licensed Vehicle, shall be clean and tidy in their person and shall wear clothing of a type specified as appropriate in the Dress Code contained in Schedule B to these conditions.

### **12. Advertising Material**

The Driver shall not distribute advertising material of any kind to members of the public, other than business cards providing contact details handed out to passengers within the Licensed Vehicle, or allow any such material to be kept within the Licensed Vehicle.

### **13. Passenger Luggage**

- a) All passenger luggage other than light hand luggage must be stored in the luggage compartment of the Licensed Vehicle. Additional charges for the carrying of luggage may not be made other than in accordance with the current Fare Table.
- b) The Driver shall not refuse to carry luggage in the Licensed Vehicle providing that the said luggage can be accommodated safely within the luggage compartment of the Licensed Vehicle.

### **14. Lost Property**

- a) Immediately after the completion of their shift, the Driver shall search the Licensed Vehicle of which he is in charge for any property which may have been left therein.
- b) Any property found in such Licensed Vehicle by the Driver shall forthwith be returned by the Driver of the Licensed Vehicle to the owner of the property or such property shall be handed in by the Driver to any police station within 24 hours along with:
  - a note of the taxi Driver's name and address;
  - the name of the Licence Holder of the licence for such Licensed Vehicle;
  - the number of the Licensed Vehicle; and
- c) the names and addresses of all Hirers of the Licensed Vehicle during that day so far as known to the Driver which may assist in determining ownership of the property.

### **15. Stances**

- a) All Drivers arriving at a Taxi Stance shall take their stations on Taxi Stance from front to rear in order of their arrival, and hires will be accepted in that order, except, when an intending Hirer wishes to engage a specific Licensed Vehicle or its Driver, in which case the engagement may be accepted in the order indicated by the intending Hirer, but the onus of proving the Hirer's wishes shall be on the Driver of the Licensed Vehicle apparently chosen out of order.
- b) When the Driver of a Licensed Vehicle drives off a Taxi Stance (except on any stance where contrary conditions or restrictions are specified), the Driver immediately behind shall draw up their vehicle to take the place vacated, and the Drivers of other Licensed Vehicles on the stance behind shall draw up their vehicles in a like manner.
- c) When a signal for a taxi is made to a Taxi Stance from a distance, only the Driver of the



Licensed Vehicle first on such a Taxi Stance to which the signal is made shall drive off in answer to such a signal.

- d) The Driver of a Licensed Vehicle on or within 50 metres of any stance to which a signal is made for a taxi shall not be permitted to accept a hire and shall not answer the signal if there is any disengaged Licensed Vehicle on such stance capable of accepting the hire, unless all Drivers of such Licensed Vehicles clearly indicate that they have no objection.
- e) The Driver shall not stand or loiter with the Licensed Vehicle in any street in the near vicinity to a stance while such Taxi Stance is fully occupied by the authorised number of taxis nor shall the Driver of the Licensed Vehicle to stand in such vicinity.
- f) Whilst outwith the Licensed Vehicle at a Taxi Stance the Driver shall not loiter in the roadway at or near the Taxi Stance nor cause their Licensed Vehicle to encroach in any way onto the road.

## **16. Electronic Security System**

When the Driver's is driving a Licensed Vehicle with CCTV installed in the vehicle the additional conditions contained in Schedule C to these conditions will apply.

## **17. Change of Address / Address for Correspondence**

- a) When the Driver changes their permanent address he must:
  - advise the Council of the change to their address within five working days of that change. This may be done by notice to the Council's Licensing Team, John Muir House, Haddington, EH41 3HA or by e-mail to: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)
  - immediately update their DVLA driving licence with their new address
- b) Drivers must make arrangements for the receipt of correspondence when they are absent from their permanent address for periods in excess of fifteen Working Days. All notices sent to Drivers in relation to these conditions will be sent to the Driver's permanent address as intimated to the Council in terms of Condition 51 above.

## **18. Suspension of Licence**

When a Licensed Vehicle is withdrawn from service by an Authorised Officer in accordance with Section 11 of the Act, there shall be affixed a label bearing the words

- (i) "this hire car is meantime certified unfit for public use" and
- (ii) (ii) the date of withdrawal

in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. Such a label has the effect of suspending the Licence pertaining to the Licensed Vehicle so labelled and only an Authorised Officer is authorised to remove such label.

## **19. Return of Licence and Identity Card**

If the Driver ceases for any reason to be authorised by law to drive a car on a road, the Licence shall also cease to have effect and he shall immediately give notice to the Council of the change in their circumstances and return their Licence and identity card to the Council's Licensing Team, John Muir House, Haddington, EH41 3HA within two working days of receiving notice of that he is no longer authorised to drive a car.

## **20. Medicals**

- a) All Drivers aged 65 years and over, must be certified as medically fit by the Council's appointed medical examiners, annually. Drivers aged between 45 and 64 years of age are required to be certified as medically fit by the Council's appointed medical examiners, every 5 years. Any Driver with a declared medical condition will be required to be certified as medically fit by the Council's appointed medical examiner.
- b) The Driver must have a current certificate of medical fitness to drive a taxi, if required by the DVLA standards in relation to Group 2 licence holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate.
- c) A Driver who fails to attend for a medical examination after receiving written confirmation of the date of the examination shall be required to pay the appropriate fee for the missed medical before a further medical examination will be arranged.
- d) In relation to the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a Driver's fitness to drive shall be met by the Driver. For the avoidance of doubt, all new applicants for Licences must be certified fit to drive a Licensed Vehicle for a minimum period of twelve months by the Council's appointed medical examiners following a single medical examination.
- e) If a Driver suffers from, or is diagnosed with any medical condition which may affect their fitness to drive a Licensed Vehicle he shall immediately report that information to the Council's Licensing Team, John Muir House, Haddington, EH41 3HA within two working days of that information coming to their attention and shall thereafter attend a medical examination within the next 14 days for the purpose of confirming their fitness to drive a Licensed Vehicle.

## **21. Compliance with Authorised Officer**

- a) The Driver of a Licensed Vehicle shall not obstruct any Authorised Officer in the performance of any of the Authorised Officer's duties under these conditions.
- b) The Driver of a Licensed Vehicle shall comply with all the instructions or directions of any Authorised Officer in relation to these conditions and shall give all information reasonably required in the discharge of the duties of the Authorised Officer.

## **22. Notification of Convictions etc**

Where a Driver:

- Is charged with any crime or offence of any nature;
- Is convicted of any crime or offence by any court;
- is given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); and/or
- has their DVLA driving licence endorsed with any offence or penalty;

they must report that to the Council within 10 working days of the date of any of the above being intimated to them.

## **Miscellaneous**

- a) The fee for the grant or renewal of a Taxi Driver's Licence will be payable in terms of the Council's published table of fees in full on the lodging of the application;
- b) The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to their Licence within 5 working days of the payment falling due. Where any payment is not made within the above timescale or any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Senior Solicitor within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.
- c) When the Driver is in charge of a PHC whilst it is undertaking a hire or available for hire the Private Hire Car Driver's Licence conditions in Part 5 shall apply in place of the Taxi Driver's Licence conditions under this part.
- d) If the Driver loses their Licence or identity card or any other document issued to him by the Council, he shall notify such loss immediately to the Licensing Authority and shall obtain a duplicate of each lost document from the Licensing Authority on payment of the appropriate fee.
- e) When the Driver has given up the activity of driving a Licensed Vehicle, they shall surrender their Licence to the Licensing Authority as required by Paragraph 13(2)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982.

## **23. Training**

The Driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to them by notice sent to their address as last notified to the Council.

**EAST LOTHIAN COUNCIL**

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**LICENSING CONDITIONS FOR TAXIS AND  
PRIVATE HIRE CARS**

Part 1	Interpretation of words and expressions
Part 2	Taxi and Private Hire Car Licence conditions
Schedule A	Vehicle Conditions
Schedule B	Dress Code and Advertising
Schedule C	Electronic Security System

## **Part 1**

**NOTE:** These conditions are in addition to the provisions of the Civic Government (Scotland) Act 1982 and any amendment thereto.

### **INTERPRETATION**

Unless there is something in the subject or context inconsistent with, or repugnant to such construction, the following words and expressions in these conditions and their respective schedules have the following meanings respectively given to them

For the purposes of interpretation any reference to the singular shall include the plural and vice versa.

Any words used in these conditions or their respective Appendices should be given the meanings assigned to them in the Act, so far as applicable to Part II and Schedule 1 of the Act. In particular, where, in these conditions, any word is used which is defined in the Act and such definition is applicable in relation to “taxi” or “private hire car” as defined in the Act, the meaning of such word in these conditions shall be interpreted in accordance with the definition of the Act.

Subject to the foregoing the following words or phrases shall have the meanings set out below:-

**Act** – means the Civic Government (Scotland) Act 1982 as amended or any amending or replacement legislation governing the licensing of hire cars.

**Approved** - means unless explicitly stated to the contrary, approved by the Transport Compliance Officer or the Solicitor.

**Assistance Dog** - has the meaning set out in Section 173 of the Equality Act 2010 or any amending or replacement legislation.

**Authorisation** - includes any Licence, certificate, permit or registration.

**Authorised Metered Fare** - means any charge (whether described as fare, engagement fee, extras or otherwise) authorised and approved by the Council for publication in the Fare Table issued and amended from time to time, being the Fare Table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a Taximeter) within the East Lothian local government area.

**Authorised Officer** - means a person, including the Transport Compliance Officer, Authorised Taxi Examiner and any Licensing Standards Officers (LSOs), authorised by the Council or the Police either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

**Transport Compliance Officer** - means any person appointed by the Council to exercise the powers and carry out the duties of Transport Compliance Officer in terms of or by reference to these conditions, or any other person acting under the direct instructions or with the authority of the Transport Compliance Officer to ensure that these conditions and their Schedules and the terms of Part II of the Act are properly observed and implemented. Where there is a difference of opinion between the Transport Compliance Officer and any of the Transport Compliance Officer’s deputies or assistants the decision of the Transport Compliance Officer shall apply, and the term “Transport Compliance Officer” shall be interpreted accordingly.

**Authorised Taxi Examiner** – means a person appointed by the Council to exercise the powers and carry out the duties of Authorised Taxi Examiner in relation to the taxi testing criteria and standards set out within the schedules and Act.

**Solicitor, Licensing** - means the Council officer responsible for the management of Taxi/PHC compliance within the Council, and any officers delegated by said Council officer.

**Commencement of Hire** - a hire shall commence at the time the Hirer or passenger steps into the taxi or private hire car, and the hire shall end when the passenger either indicates that the hire has been terminated or offers payment of the fare. Where the passenger requires to exit the taxi or private hire car to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. However, where a taxi or private hire car has been called by telephone or other advance arrangement, the hire shall commence after the Driver has announced the arrival of the taxi or private hire car to the prospective Hirer or passenger at the place to which it has been summoned.

**Complaints Notice** - means a notice displayed which details how to make a complaint against the Driver or Operator of a Licensed Vehicle to the Council.

**Constable** - means any constable as defined in the Police (Scotland) Act 1967 (or any amending or replacement legislation) being a member of Police Scotland.

**Contravention** - in relation to any requirement includes a failure to comply with that requirement, and similar expressions shall be construed accordingly.

**Council** - means the East Lothian Council, incorporated under the Local Government Etc. (Scotland) Act 1994 and having its headquarters at John Muir House, Haddington, EH41 3HA its statutory successors.

**Driver** – means in relation to a taxi the holder of a current East Lothian Taxi Driver’s licence and in the case of a Private Hire Car a Driver holding a current East Lothian Taxi Driver’s licence or Private Hire Car Driver’s Licence which without prejudice to the foregoing generality shall include a Licence Holder.

**DVLA standards in relation to Group 2 licence holders** – means the medical standards published by DVLA for group 2 licence holders or any equivalent replacement standard. These standards have been adopted by the Council and apply to the medical examination of all hire car drivers.

**Enactment** - includes any enactment (and any amendments thereof) contained in any Act of Parliament, Order, Regulation or other instrument issued by the UK Parliament or the Scottish Parliament affecting Scotland.

**Engagement** - means an agreement between any person and the holder of a taxi or private hire car licence or Driver (or their respective representatives) for the hire of a taxi or private hire car at a specified time and location and is also known as a booking.

**Engagement Fee** - is that sum so described in the Council's Fare Table which is payable in addition to the fare where, by telephone or other advance arrangement, there is an engagement for the hire of a taxi (or private hire car in which there is fitted a Taximeter).

**Fare table** - means the table of fares fixed by the Council to regulate the maximum metered charges for hires within East Lothian.

**Hire** - means the use of a taxi or private hire car for the purpose of uplifting a passenger from a stated location and conveying such passenger and their luggage to a specific destination and where the use of a taximeter is appropriate there is a requirement to pay for its hire (including an engagement fee where applicable) not exceeding the rate of such fares or fees authorised from time to time by the Council insofar as the journey is not illegal in terms of Section 21 of the Civic Government (Scotland) Act 1982.

**Hirer** - means the person who has instructed the Hire within the vehicle by advising the Driver of the intended destination or alternatively the person who has requested the Hire when the Hire involves the transportation of third parties.

**Holder of a Licence** - has the same meaning as Licence Holder.

**Hours of Darkness** - means the time between half an hour after sunset and half an hour before sunrise.

**Information Commissioner's Office** – means the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals or such replacement body.

**Licence** - means a licence granted by the Council to any person for the purpose of operating a vehicle as a taxi or private hire car or for the purpose of driving the same as appropriate during the currency or validity of such licence.

**Licence Holder** - means a person who has been granted and holds a current and valid licence from the Council in terms of Part II of the Act to operate either a taxi or a private hire car unless otherwise stated.

**Licence Plates** – means the licence plates issued by the Transport Compliance Officer identifying licensed vehicles as hire cars which are required to be displayed in accordance with these conditions.

**Licensed Area** - means the East Lothian local government area.

**Licensed** - in relation to any taxi or private hire car, its owner or Driver, means having been granted an appropriate licence by the Council in terms of the Act and these conditions during the currency of such licence.

**Licensed Vehicle** - means generally the taxi or private hire vehicle licensed under a taxi or private hire car licence or any approved replacement vehicle which has been inspected and issued with a Certificate of Compliance by the Transport Compliance Officer unless otherwise stated.



**Luggage** - includes all items which the hirer or passenger wishes to be carried in the hire vehicle, whether this is their own personal baggage for the journey, or being carried for business or otherwise, and shall also include Assistance dogs or animals or pets carried in an enclosed carrier, which reasonably may safely be accommodated within the vehicle.

**Maintenance** - includes repair, and “maintain” shall be construed accordingly.

**Motor Vehicle** - has the meaning assigned to it by the Road Traffic Act 1988 or any amending or replacement legislation

**Notice** - means a notice in writing.

**Passengers** – means any person travelling in a hired Licensed Vehicle other than the Hirer or the Licence Holder.

**Permanent Address** - means the address provided by the Licence Holder in an application for a Licence as amended from time to time by notice given to the Council by the Licence Holder

**PHC – means Private Hire Car.**

**Private Hire Car Door Signs** - means a set of two identical door signs issued by the Council identifying the vehicle as an East Lothian licensed private hire car and which are fitted to the front doors of private hire cars in a position approved by the Transport Compliance Officer.

**Public Place** - has the meaning assigned by Section 133 of the Act i.e. any place (whether a thoroughfare or not) to which the public have unrestricted access and includes — (a) the doorways or entrances of premises abutting on any such place; and (b) any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses

**Compliance Notice** - means a notice in writing issued by an Authorised Officer following inspection of a Licensed Vehicle, to the Driver of a Licensed Vehicle, giving notice of defects requiring to be repaired or breaches of conditions requiring to be remedied and the Licensed Vehicle submitted for re-testing within a maximum period as specified in that notice.

**Representative** - when used in relation to the holder of a taxi or private hire car licence or in relation to a driver of a taxi or private hire car, means any person, company, firm or association whose services as principal are engaged or used by such a licence holder (and that by any means whatsoever including internet, telephone and radio communications) for the purpose of obtaining or assisting in obtaining engagements for the hire of a taxi or private hire car.

**Suitable for transporting passengers travelling within wheelchairs** - means a taxi or private hire car which is equipped with either ramps or a passenger lift for use by passengers travelling within wheelchairs

**Taxi Bus** - means a taxi which is being used under a special licence granted under Section 12 of the Transport Act 1985 to provide a local service which is required to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

**Taxi Driver** - means the holder of a current East Lothian Taxi Driver’s Licence

**Vehicle Plant Maintenance Unit (VPMU)** - means the normal place of work for the authorised Taxi Examiner.

**Taximeter** – means a device approved by Council and inspected by the authorised Taxi Examiner for the calculation of fares.

**Taxi Stance** - means a stance signed or marked for use by taxis within the East Lothian local government area.

**Working Day** - means a day when either the Council or the VPMU (whichever is referred to) are open for business.

## **Part 2**

### **TAXI AND PRIVATE HIRE CAR (PHC) LICENCE CONDITIONS**

This Part 2 in conjunction with any relevant Schedules shall be referred to as the "Taxi and Private Hire Car Licence Conditions". For the purposes of the Taxi and PHC Licence Conditions the term Licence Holder will refer only to those who hold a Licence to operate a Taxi or PHC and the term Licensed Vehicle will refer to a Taxi or PHC.

#### **1. General**

The Licence Holder shall ensure that, all times when the Licensed Vehicle is available for hire or being used for hire:

- the Licensed Vehicle is covered by a valid Licence issued by East Lothian Council and complies with the conditions of fitness contained in Schedule A to these conditions;
- the Licensed Vehicle is displaying current Licence Plates as issued by the Authorised Officer for the Licensed Vehicle in the approved positions on the front and rear (and for PHC's, the interior) of the Licensed Vehicle;
- all Drivers of the Licensed Vehicle are holders of a current driver's licence issued by the DVLA at all times whilst they are in charge of the Licensed Vehicle;
- the Licensed Vehicle, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;
- any defects identified in the Licensed Vehicle, or any breaches of these conditions identified by an Authorised Officer must be rectified to the satisfaction of the Authorised Officer within the time frame specified at the point of notification;
- they do not do anything in the course of the operation of the Licensed Vehicle which is unlawful.
- he does not ask a Driver of a Licensed Vehicle to do anything which would result in the Driver committing a breach of the conditions attached to the grant of the Driver's Licence;

#### **2. Registration and Insurance**

The Licence Holder shall:

- a) hold in their own name the requisite vehicle registration document and a valid certificate of insurance in relation to the taxi or PHC required by Part VI of the Road Traffic Act 1988 or any other amending legislation and the holder of the Licence shall be required to produce these documents to any Authorised Officer at any reasonable time on request. Where the Licence Holder is a partnership or company the vehicle registration document and the certificate of insurance shall be in the name of either the partnership or the company. The vehicle registration document and certificate of insurance must also state the permanent address of the Licence Holder named in those documents.
- b) ensure that either (i) a valid certificate of insurance which shows that insurance cover is in place for all Drivers of the Licensed Vehicle or (ii) a valid cover note on the same basis is carried within the Licensed Vehicle to which it relates at all times and is available for immediate inspection by any passenger being carried within the vehicle, Authorised Officer, Transport Compliance Officer or Constable.
- c) not cause or permit the Licensed Vehicle to stand or ply for hire during any period it does not comply with the provisions of these conditions.

### 3. Vehicle Inspections

The Licence Holder shall:

- a) require the Licensed Vehicle to undergo and pass an annual inspection by the authorised Taxi Examiner;
- b) ensure that when the Licensed Vehicle is presented for examination the bodywork and passenger accommodation of the Licensed Vehicle are clean and that the underside of the Licensed Vehicle is free from road dirt, excess oil and grease, otherwise the inspection cannot be undertaken;
- c) if the Licensed Vehicle is fitted with a passenger lift, ensure that the lift is serviced and maintained on a six monthly basis by a qualified lift repairer approved of in advance by the Transport Compliance Officer, and at the time of the Licensed Vehicle's annual test, shall submit a report to the Transport Compliance Officer from such repairer to the effect that the lift is in good working order and condition
- d) in addition to any annual examination and upon receiving two working days notice from the Transport Compliance Officer, produce the Licensed Vehicle for examination at the time and place specified;
- e) in the event that he fails to keep any appointment for examination of the Licensed Vehicle, or the inspection cannot be undertaken due to the state of the Licensed Vehicle, pay a cancellation charge to the Council before a further examination of the Licensed Vehicle is arranged;
- f) in the event that the Licensed Vehicle fails the annual test, a retest fee must be paid to the Council before a further examination of the vehicle is arranged;
- g) In the event that the vehicle's taxi license has expired, the licence holder shall, within 28 days, return the vehicle taxi plates to the VPMU or Licensing Section at council headquarters;
- h) The Licence Holder, when the Licensed Vehicle is damaged in a vehicular accident or by any other means, shall report the damage to the Licensing Authority as soon as practicable and, if the Licensed Vehicle is roadworthy, shall present it for examination within two working days of the occurrence. As soon as repairs to the Licensed Vehicle have been completed, the Licensed Vehicle shall be presented to the Transport Compliance Officer for re-examination. Unless the Transport Compliance Officer confirms otherwise, the Licensed Vehicle shall not be used as a taxi from the date of the damage until the repairs have been completed, and the Licensed Vehicle is passed by the Transport Compliance Officer as being fit for use again.
- i) If the Transport Compliance Officer issues the Licence Holder with a Compliance Notice relating to advertising or signage on the Licensed Vehicle, the Licence Holder must comply with the Compliance Notice and present the Licensed Vehicle to the Transport Compliance Officer for re-examination within either 14 days or the period specified in the Compliance Notice.

#### **4. Display of Plates**

- a) On a Licensed Vehicle, a number shall be allotted to it by the Licensing Authority and the approved external Licence Plates bearing such number shall be supplied to the Licence Holder by the Licensing Authority. The Licensed Vehicle shall not be used for hire until the Licence Plates are properly affixed by the authorised Taxi Examiner at VPMU. The Licence Plates remain the property of the Council at all times and must be returned to the Council as and when required by these conditions.
- b) If the letters or figures on any Licence Plate affixed to a Licensed Vehicle become obliterated or defaced so as not to be distinctly visible or legible, or any of the plates are lost or stolen, the Licence Holder shall immediately request from the Licensing Authority (on payment of the appropriate fee), a replacement Licence Plate or Car Door Sign. These can only be fitted by an authorised Taxi Examiner located at VPMU. In the event that any of the Licence Plates are stolen the Licence Holder must immediately report this to the Police and obtain a crime reference number.

#### **5. Other Signage**

- a) The Licence Holder shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the Licensed Vehicle that are present when it is supplied by the manufacturer and which are aimed at assisting passengers to identify the type or features of the vehicle.
- b) Taxi - The Licence Holder shall display upon the roof of the Licensed Vehicle an illuminated sign of a type approved by the Council for the purpose of identifying the vehicle as a licensed taxi.
- c) PHC - The Licence Holder shall not display a sign of any kind on the roof of the Licensed Vehicle, display or cause or permit to be displayed on or in the Licensed Vehicle (other than any Taximeter fare dial) or on their person (including their clothing) the word "cab", "taxi" or "for hire" or any other word or words which might give the impression that the vehicle is plying for Hire.
- d) Two notices detailing the Council's complaints procedures must be displayed in the Licensed Vehicle. The complaints notices must be attached to both rear quarter-lights, or, in the absence of quarter-lights, in a similar position approved by the Transport Compliance Officer, so that they may be read by passengers travelling in the Licensed Vehicle. An additional notice capable of being read by a front seat passenger may be required at the discretion of the Transport Compliance Officer.

## **6. Transportation of wheelchairs**

The Licence Holder of a Licensed Vehicle which is suitable for the transportation of passengers travelling with wheelchairs shall ensure that:

- appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the Licensed Vehicle at all times;
- all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
- where a vehicle has a lift system installed, this must be inspected every six months in line with LOLER (Lift Operating and Lifting Equipment Regulations 1998) and the certificate presented to the Licensing Authority;
- all Drivers of the Licensed Vehicle must be able to demonstrate to an authorised officer on request, that they are trained in the use of approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer's instructions for using all access and safety equipment on every occasion;
- That any passenger lift and ramp used with the licensed Vehicle has a plate attached to it, readily visible to passengers, showing the safe working limit of the lift or ramp;
- where lifts and ramps used with the Licensed Vehicle were not provided at the time of manufacture of the Licensed Vehicle these comply with British Standard BS 6109 and BS1756-2:2004 or any replacement standards; and
- where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle, ensure that all such equipment used within the vehicle complies with ISO 10542 or any replacement standards.

## **7. Fares**

- a) The Licence Holder of a Licensed Vehicle equipped with a Taximeter shall obtain from the Council a notice detailing the approved Fare Table and will arrange for a copy of the up to date Fare Table to be carried within the Licensed Vehicle at all times to allow it to be produced for immediate inspection by any member of the public, on request.
- b) Unless the cost of the journey is regulated by the Fare Table and calculated by the taximeter the Licence Holder shall ensure that, prior to acceptance of the hire, any potential Hirer of the Licensed Vehicle is informed whether by the Driver or otherwise that (a) the fare is not to be calculated using the meter and (b) the cost, or method of calculating the cost, of the proposed journey.

## **8. Taximeter**

- a) Taxi's - The Licence Holder shall have affixed to, and used in the Licensed Vehicle in line with the requirements of these conditions, in a position approved by the Authorised Taxi Examiner, a Taximeter which has been stamped or sealed by the Authorised Taxi Examiner after testing and approval.
- b) PHC's - Any Licence Holder, who wishes their Licensed Vehicle to use a taximeter, shall have affixed to and used on their Licensed Vehicle, a taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Transport Compliance Officer as to distance and time in accordance with the approved taxi fares and charges, and no other taximeter shall be affixed or used. Such taximeter must be electronic and capable of multi tariff operation.
- c) The Taximeter shall be used to record distance and time and calculate the exact fare for

each required journey in accordance with the approved taxi fares and charges, and no other Taximeter shall be affixed or used. Such Taximeter must be electronic and capable of multi tariff operation. This condition insofar as it relates to the use of the Taximeter shall not apply to any Licensed Vehicle while it is in use as a Taxi Bus.

- d) The Licence Holder shall not use, or cause or permit to be used on the Licensed Vehicle, a road wheel or tyre of a different circumference from that for which the Taximeter affixed to the taxi was designed and geared for that Licensed Vehicle and has been tested by the Authorised Taxi Examiner.
- e) Once such a Taximeter is fitted to the Licensed 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 Taximeter shall be re-tested, stamped and sealed by the Authorised Taxi Examiner before being used again. The Council may charge a fee for testing and sealing of meters.
- f) The Licence Holder shall not knowingly operate the Taximeter or cause or permit it to be operated other than as a Taxi Bus while the seals affixed to any Taximeter or (where so affixed) to the taxi are broken or detached. The Licence Holder shall ensure that the seals on the Taximeter are checked on a daily basis whilst the Licensed Vehicle is in use as a Licensed Vehicle.
- g) The Licence Holder shall not knowingly use, or cause or permit to be used on their Licensed Vehicle, a Taximeter which is in any way defective.

## **9. Advertising**

a) The Licence Holder shall not display in or on the Licensed Vehicle any signs other than those approved by the Council. Approval shall not be required for advertising which is only displayed on the front doors of the taxi, although the Council reserves the right to require the immediate removal of

- i. any advertising on the front doors which would not be permitted in terms of condition 9(b) below or the Advertising Policy contained in Schedule B to these conditions or any advertising which mentions private hire cars or which is in a similar format and layout to the Private Hire Car Door Signs referred to in Schedule A hereof.
- ii) Applications for approval of other advertisements must be made in writing to the Solicitor, Licensing and should be accompanied by the appropriate fee. The request must include a colour specification for all proposed advertisements. Applications for full livery advertising must be accompanied by full colour five view art work and the Solicitor shall be entitled to retain all materials submitted with the application. All applications for approval of advertisements will be considered by the Solicitor who, if satisfied (after consultation with the Transport Compliance Officer where appropriate) as to the non-contentious nature or placement of any advertisement, shall grant the application and issue a letter of approval. Magnetic signage will not be approved.

b) All advertisements must comply with The UK Code of Non - broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) published by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.

c) If the Solicitor is not satisfied as to the non-contentious nature or placement of an advertisement then any such application will be submitted to the Council for consideration, it being understood that in no case will the Solicitor refuse any application.

d) The Licence Holder whose Licensed Vehicle is displaying any advertisement(s) requiring approval shall ensure that the letter of approval from the Council to display an advertisement on the vehicle shall be held at all times within the particular vehicle and shall be available for inspection by an Authorised Officer or any Constable or the Transport Compliance Officer on request.

## **10. Fulfilment of Hire**

The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the Licensed Vehicle which the Licence Holder has accepted, or which has been accepted on the Licence Holder's behalf by any representative, unless prevented by reasonable and sufficient cause.

## **11. Exceptions to Hire**

- a) The Licence Holder shall not carry, or cause or permit to be carried in the Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- b) The Licence Holder shall not knowingly carry, or cause or permit to be carried in the Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- c) The Licence Holder shall not permit the Licensed Vehicle to be utilised for any illegal or immoral purpose.
- d) If any person suffering from any infectious or contagious disease is carried in a Licensed Vehicle, the Licence Holder shall, as soon as it comes to their knowledge, ensure that the vehicle is thoroughly cleaned and disinfected before permitting or carrying passengers for hire.

## **12. Receipts**

The Licence Holder shall ensure that, at the termination of the hire, a signed receipt for the fare shall be provided by the Driver of the taxi to the passenger if requested, stating:

- the time and date of the journey
- the licence number of the vehicle
- the amount of the fare charged
- the name of the driver

## **13. Electronic Security System**

Where an Operator chooses to install an electronic security system, they will comply with the guidance in Schedule C in these conditions.



#### **14. Record of Drivers**

- a) The Licence Holder shall keep an up-to-date record of the names, addresses and telephone numbers of all Drivers used by him to drive the Licensed Vehicle concerned, together with the dates and times that each Driver was in charge of the Licensed Vehicle.
- b) The record referred to in condition 14(a) shall be kept for a minimum of six months and must be produced immediately on request to an Authorised Officer or a Constable for inspection together with any other such information as may be required by an Authorised Officer for the purpose of ascertaining the identity of any taxi Driver used by the said Licence Holder or for any other purpose relating to these conditions.

#### **15. Change of Address**

- a) The Licence Holder must advise the Council in writing of a change to their permanent address within five working days of that change. This may be done by notice to the Council's Licensing Team, John Muir House, Haddington, EH41 3HA or by e-mail to: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk).
- b) Licence Holders must make arrangements for the receipt of correspondence when they are absent from their permanent address for periods in excess of fifteen Working Days. All notices sent to the Licence Holder in relation to these conditions will be sent to the Licence Holder's permanent address as intimated to the Council in terms of Condition 15(a) above.

#### **16. Suspension of Licence**

- a) When a Licensed Vehicle is withdrawn from service by an Authorised Officer in accordance with Section 11 of the Act, the Authorised Officer shall affix a label bearing
  - i) the words "this hire car is meantime certified unfit for public use" and
  - ii) the date of withdrawal, in a position within the passenger compartment of the Licensed Vehicle so that it is readily visible to intending passengers. Such a label has the effect of suspending the Licence pertaining to the Licensed Vehicle so labelled and therefore the Licensed Vehicle cannot be used as a Licensed Vehicle until the label is removed by the Authorised Officer.
- b) When a Licence has been suspended by the Council the Licence Holder shall present the vehicle to the VPMU and the plates will be removed by the Authorised Taxi Examiner within one working day of having received notice that the Licence has been suspended.

## **17. Return of Licence and Licence Plates**

- a) When a Licensed Vehicle ceases permanently to be used as such, the Licence Holder shall give immediate notice to the Licensing Authority and return to the Licensing Authority the licence in respect of the taxi or PHC, along with the licence plates, within ten working days.
- b) When the date of expiry of the Licence Plates of a Licensed Vehicle has passed without replacement Licence Plates having been issued, the Licence Holder shall return the expired Licence Plates to the Licensing Authority within one working day of the date of expiry.

## **18. Miscellaneous**

- a) The Licence Holder shall:
  - not obstruct any Authorised Officer, in the performance of any of their duties under these conditions;
  - comply with all instructions or directions of any Authorised Officer in relation to these conditions;
  - provide these officers with accurate information reasonably required in the discharge of their duties, and;
  - ensure that no advertising material of any kind, other than business cards providing contact details handed out to passengers within the Licensed Vehicle, is distributed by Drivers of the Licensed Vehicle or left within the Licensed Vehicle.
- b) If the Licence Holder loses their Licence or any other document issued to him by the Council or the Transport Compliance Officer, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.
- c) The fee for the grant or renewal of a Licence will be payable in terms of the Council's published table of fees, in full on the lodging of the application.
- d) The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to their Licence within 5 working days of the payment falling due. Where any payment is not made within the above timescale or any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Licensing Authority within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.

## **19. Notification of convictions etc**

Where a holder of a Licence:

- is charged with any crime or offence of any nature;
- is convicted of any crime or offence by any court;
- is given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); or
- has their DVLA driving licence endorsed with any offence or penalty

He must report that information to the Council within 10 working days of the date of any of the above being intimated to him.

## **20. Notification of information in relation to Drivers**

The Licence Holder is required to report the following information regarding any Driver of their Licensed Vehicle to the Licensing Authority within 24 hours (or the following Working Day) of that information coming to their attention in relation to Drivers of the Licensed Vehicle:

- information that any Driver has been disqualified from driving;
- information that any Driver is suffering from any medical condition which may affect their fitness to drive a vehicle;
- information that any Driver is using illegal drugs;
- information that any Driver may have committed any offence involving dishonesty or sexual impropriety.

## **21. Training**

The Licence Holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to their address as last notified to the Council.

## SCHEDULE A

### VEHICLE CONDITIONS OF FITNESS

Taxis in East Lothian must be a side-loading motor vehicle which is Disability and Discrimination Compliant (DDA). Vehicles must have a minimum power output of 70kW/94hp.

The vehicle must hold low volume type approval or such equivalent amended certification as issued by the Vehicle Certification Agency or its successors and must comply in all respects with the requirements of all Acts and Regulations relating to motor vehicles.

Taxis must be capable of being licensed to carry between 5 and 8 passengers. The decision of the Transport Compliance Officer as to the appropriate number of passengers for the vehicle to be licensed to carry shall be final following inspection of the vehicle and consideration of safety and luggage requirements.

A fee will be payable to the Licensing Office, East Lothian Council, John Muir House, Haddington, for non-attendance at the time/test date provided and if test dates are cancelled 48 hours from the date of the test date.

All vehicles must have a valid M.O.T. Certificate obtained within the previous 30 days.

Vehicle inspections, outwith the standard M.O.T. inspection, will take place annually and will ensure that every vehicle meets the Licensing Authority's criteria of fitness to carry fare-paying passengers.

The inspection and examination will extend beyond mechanical aspects and will also cover bodywork condition, structure, cleanliness etc.

The fee for inspections is contained within the annual licence fee however a vehicle failing inspection will require to be retested with a further fee payable, for each occasion, prior to the retest. This must be paid online at <http://www.eastlothian.gov.uk> or at any of the Council Area Offices, with cash or by debit/credit card and the receipt produced at the VPMU. If the vehicle is returned to the VPMU and retested within 10 working days on one or more of the following items only then no retest fee will apply.

- Access panels
- Battery
- Bonnet
- Boot lid
- Brake pedal anti-slip
- Break glass hammer
- Doors (including hinges, catches and pillars)
- Door open warning device
- Dropsides
- Electrical wiring
- Emergency exits and signs
- Entrance door remote control
- Entrance/exit steps
- Fire Extinguisher
- First aid kit
- Fuel filler cap
- Headlamp cleaning or levelling devices (not requiring a headlamp aim check)

Horn  
Lamps (excluding headlamp aim)  
Lifting Jack  
Loading door  
Main beam 'tell-tale'  
Mirrors  
Paintwork  
Rear reflectors  
Registration plates  
Seat belts (but not anchorages)  
Seat belt load limiter  
Seat belt pre-tensioner  
Seats  
Sharp edges or projections  
Spare wheel  
Spare wheel method statement  
Stairs  
Steering wheel  
Tailboard  
Tailgate  
Tyre pressure monitoring system  
Vehicle identification number (VIN)  
Windscreen and glass  
Windscreen wipers/ washers  
Wheel brace  
Wheels and tyres

All vehicles presented must be in appropriate condition with the bodywork and passenger accommodation being clean and the underside of the vehicle free from road dirt, excess grease and oil etc.

Where the inspection shows the vehicle has not been presented in a suitable condition, it is the responsibility of the licence holder to arrange any required remedial work prior to re-presentation. A supplementary inspection charge will be levied against vehicles presented in an unsuitable condition. Payment to be made in accordance with retest fees.

In addition to the annual inspection, spot checks on vehicle condition will be conducted, from time to time, by an authorised Officer of the Licensing Authority, an authorised Officer of the Vehicle Inspectorate or the Police, any of whom may require identified remedial work to be carried out. In such circumstances, the vehicle must be re-presented to VPMU after the remedial work has taken place before approval is granted for the vehicle to be used in service.

All vehicles, of an approved type and model, must carry:

- A spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres and wheels on the vehicle, or where a spacesaver wheel and tyre (as provided by the manufacturer) is used, a method statement indicating limits of use must be present with the vehicle. Any spare wheel must be in such condition as to instantly replace any damaged wheel or a wheel on which the tyre has become damaged;
- A suitable lifting jack;
- A suitable wheel brace;
- Any vehicle manufactured without space for a spare wheel must provide a copy of a contract for vehicle recovery and onward travel of the passengers. Evidence that such cover is in place must be produced annually at the time of the vehicle inspection;

- A fire extinguisher (BSI approved) suitable for use on petrol, diesel or electrical fires carried in a suitable fastener fixed to the vehicle or held within a suitable compartment of the vehicle in a position approved by the licensing authority;
- A first aid kit that is adequate for treating the maximum number of passengers carried in the vehicle, fixed to or held within a compartment within the vehicle in a position approved by the licensing authority.

## Appeal Process

If you wish to appeal against a decision to fail your vehicle, you should do so on the Appeal Request form available at the VPMU. This form together with a further full test fee should be sent to Licensing, East Lothian Council, John Muir House, Haddington, EH41 3HA within 14 days of the initial vehicle inspection. Your appeal will be heard at the next appropriate Licensing Sub-Committee after which, if your appeal is successful your test fee, or if appropriate part of it will be returned to you. Prior to submitting your appeal you should contact the VPMU and ensure that an agreed photographic record of the item in dispute is available for the Sub-Committee's information and consideration, this may entail securing this evidence prior to any repair work being carried out or the vehicle being put back into service.

## INSPECTION AND FAILURE CRITERIA

### CLEANLINESS/APPEARANCE

The purpose of the inspections is to ensure that vehicles are safe, aesthetically pleasing and present both the operator and East Lothian Council in a favourable manner.

Inspection	Failure	Note
Check bodywork is not damaged or extensively corroded	Body work damaged Bodywork extensively corroded Dent in excess of 600mm <sup>2</sup>	
Check paint in good condition	Different colour/shade Not to a uniform finish Has surface deficiencies e.g. paint runs or peeling Scratched or stained Broken paint surface	
Check External Cleanliness	Dirty/Contaminated exterior	
Check Vehicle Underside	Not free from road dirt Excess grease Excess oil	
Check passenger compartment is clean and free from rubbish Check interior upholstery for security, cleanliness and condition	Dirty Contains any rubbish Upholstery, trim or headlining is dirty, missing, insecure, torn or in such condition as to soil clothing or adversely affect passenger comfort	
Check Tariff Sheet if vehicle fitted with a meter	Absent Out of Date	

Check front and rear Licence Plate	Not displayed Different Not secured with approved fixing kit	
Check roof mounted "Taxi" sign (not applied to Private Hire Vehicles)	Absent Insecure Fails to illuminate	
Check front and rear Private Hire Plate (not applied to Taxis)	Not displayed Different Not secured with approved fixing kit	
Check door mounted Private Hire sign	Absent Insecure	
Check Road Fund Licence Proof to be supplied at test	Out of Date	

## ADVERTISING

- All advertising carried either externally or internally by Taxis must not be of a nature to cause offence and every request to display advertisements must therefore be submitted to the Licensing Authority for a prior decision on suitability. Requests to display 3<sup>rd</sup> party advertising should include scale drawings of the adverts. The Civic Government (Scotland) Act 1982 prohibits any form of advertising on a Private Hire Car that could imply the vehicle is a Taxi. Where permission is granted for an advertisement to be carried this permission will be granted for one year or to the next annual test of the vehicle.
- Fees will not be payable for adverts on a Taxi which are solely for the purpose of identifying the Taxi as that of the Operator.

## Taxis

Exterior advertising on Taxis must meet the following conditions:

- Where the complete vehicle body forms an advertisement this must be approved by the Licensing Authority and the relevant fee paid prior to the advert being fitted to the body or the vehicle painted;
- Adverts for 3<sup>rd</sup> party companies, on the bonnet or panels of the vehicle, must be in no more than two colours and measure no more than 800mm by 400mm and must not be fitted prior to the relevant fees being paid and Licensing Authority approval given;
- No advert may be placed on any window of a Taxi. (Excluding Health & Safety signs)

Interior advertising on Taxis must meet the following conditions:

- Adverts inside a Taxi can be placed on seat fronts or backs and seat headrests subject to the relevant fees being paid and Licensing Authority approval given.

## Private Hire Cars

- Private Hire Cars may display the name of the operator and a telephone number on two rear side panels of the vehicle or on the bonnet only, but not on all three locations or the rear of the vehicle. The display must be single colour and cover an area of no more than 800mm by 400mm. The display must not in any way or form imply that the vehicle is other than a Private Hire Vehicle. It must not include the words Taxi(s), Cab(s) or Car(s).

Inspection	Failure	Note
Check Advertising (if applicable – see note)	Offensive Placed on any window Size Colour	The Local Government (Scotland) Act prohibits any form of advertising on a Private Hire Car that could imply the vehicle is a taxi

## DRIVER'S COMPARTMENT AND CONTROLS

The purpose of these inspections is to ensure the safety and comfort of passengers and driver.

Inspection	Failure	Note
Check for cleanliness and presentation	Dirty Contains rubbish Contains items liable to interfere with the proper control of the vehicle	
Check the condition and security of the driver's seat	Seat insecure or structurally weakened Padding or covering is seriously deteriorated	
Check seat adjusting mechanism noting movement relative to vehicle structure	Insecure Ineffective	
Check driver's controls can be operated from the driver's seat	Control cannot be operated from the driver's seat without maintaining proper control of the vehicle	
Check view to front and rear	Any object on the vehicle which is located or is of such a size that the driver has a restricted view of the road ahead or view to the rear having regard to the original design of the vehicle.	



Check the operation of all ventilation equipment and heaters	A heater that does not emit heat Ventilation equipment not supplying adequate air to screen or car interior A leaking unit An insecure unit A control mechanism is inoperative or ineffective	
Check Fire Extinguisher (may be secured within an exposed area of the luggage compartment)	Absent Not easily accessible Clearly discharged Damaged Not conforming to current British Standards Last maintenance check in excess of expiry date Not secured or in an inappropriate compartment	
Check First Aid Kit (of a size suitable for the number of passengers carried in the vehicle)	Absent Insufficient for maximum number of passengers Not secured or in an inappropriate compartment	

## WHEELS AND TYRES

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- No road wheel or tyre, including spare wheel, shall be of a different circumference from that for which the taximeter affixed to the vehicle was designed, geared and tested by East Lothian Council's VPMU.

Inspection	Failure	Note
Check circumference of all wheels/tyres	Different from that specified by taximeter	
Check inflation of tyres	Beyond tolerance specified by vehicle manufacturer	
Check tyre condition	Tyre is worn Tyre has a lump or bulge Incorrectly seated on the wheel rim Tyre is cut Any part of the cord is exposed Tread depth is less than 1.6mm over the centre $\frac{3}{4}$ of the tyre	
Check wheel rim condition	Damaged, distorted or cracked	
Check wheel security	Insecure	
Check spare wheel security	Not secured If secured in the passenger cabin and not covered	

## BRAKES

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- Where brake connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pin is uppermost.

Inspection	Failure	Note
Check foot brake pedal	Any side play Not anti-slip Worn or corroded Fading on holding down pedal for approximately 1 minute	
Check hand brake lever	Any side play	
Check pawl holding	Insecure	
Foot Brake Efficiency	Not met	
Hand Brake Efficiency	Not met	

## STEERING

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- The steering wheel must be on the offside of the vehicle.
- The steering mechanism must be so constructed and arranged that no over lock is possible and that the road wheels do not, in any circumstance, foul any part of the vehicle.
- Where steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pin is uppermost.

Inspection	Failure	Note
Check steering column security	Insecure	
Check steering box or steering rack for security to chassis	Insecure	
Check steering box or steering rack	Leaking Fractured Roughness	
Check sector shaft, or rack, bushes	Excessively worn	

## LIGHTING

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- Adequate lighting of the passenger and driver must be provided.
- All step entry areas must have adequate lighting when in use.

Inspection	Failure	Note
Check operation of all lights	Not fitted Insecure Not working Flickers when tapped lightly by hand	
Check reflectors	Not fitted Cracked or broken	

## ELECTRICAL EQUIPMENT

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- All electrical leads and cables must be adequately insulated. Suitable fuses must protect all electrical circuits.

Inspection	Failure	Note
Check battery	Insecure Leaking	
Check battery terminals	Insecure Corroded	
Check wire/cable insulation	Not insulated Not secured Heavily contaminated with oil Signs of chaffing Heat damage	

## COMMUNICATION APPARATUS

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- Communication equipment must be fitted so as not to obstruct the operation of the vehicle controls or access for passengers.

Inspection	Failure	Note
Check all radio equipment	Insecure Inappropriate position	
Aerial	Inappropriate type	Only aerials of a type and in a position approved by the Licensing Authority

## DOORS

- The vehicle must have a minimum of 4 doors usable for entry to the vehicle.
- All doors and door locks must be capable of being readily opened. On all vehicles only approved original central locking systems will be permitted.

Inspection	Failure	Note
Check operation of door opening mechanism, internally and externally	Inoperative Incomplete	
Check door hinges	Worn Insecure	
Check door pillars	Insecure Weakened by damage Corroded	
Check door locks in the closed position	Insecure locking	
Check Side door open to maximum extent (wheelchair accessible vehicles)	Open door over-extends to be in contact with vehicle bodywork Door does not stay in open position Access dimension is less than 1220mm (height) by 680mm (width)	
Check Rear door open to maximum extent (wheelchair accessible vehicles)	Access dimension is less than 1220mm (height) by 780mm (width)	

## WINDOWS AND VISIBILITY

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- An interior mirror must be fitted in the driver's compartment. External mirrors must be fitted to the near side and off side of the vehicle.
- The vehicle must have windows at the sides and rear.
- For vehicles used on or after 01 April 1985, legal requirements must be met, in that, the light transmitted through the windscreen must be at least 75% and the front side windows must allow at least 70% of light to be transmitted through them. In East Lothian, agreed requirements are that the rear side windows must allow at least 40% of light to be transmitted through them and should be of such transparency as to enable the driver and passengers to be seen from outside the vehicle.
- No advertising sign or sticker should be positioned on glazed areas, unless it displays a legal requirement. E.g. No smoking. It is acceptable for the warning/legislative sticker to display a suppliers name.

Inspection	Failure	Note
Check windows	Missing Insecure Not made of safety glass Excessively scored or marked Tinted so as to obscure visibility Obscured by signs/stickers	
Check window opening	Does not open Insecure Open beyond design limits	Applies only to windows designed to open

## EXHAUST

The exhaust pipe must be fitted or shielded so that no flammable material can fall or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any flammable material on the vehicle. The outlet must be placed at the rear of the vehicle in such a position as to prevent exhaust fumes entering the vehicle.

Inspection	Failure	Note
Check exhaust system	Insecure Leaking Corroded	

## LUGGAGE COMPARTMENT

The vehicle must have adequate provision for the carriage of luggage with an effective method of securing luggage being provided. No luggage fittings may be attached to or carried upon the outside of the vehicle.

Inspection	Failure	Note
Check for cleanliness/tidiness	Dirty Untidy	
Check boot latch	Insecure Defective	
Check luggage carrying capacity	Insufficient space to carry two suitcases	
Check mechanism to secure luggage	Missing Insecure	

## ACCESSIBILITY

The purpose of these inspections is to ensure compliance with legal requirements and to ensure safety for passengers and driver.

- All Taxis must be wheelchair accessible. Wheelchair accessible Private Hire Vehicles must comply with accessibility requirements of this section
- Wheelchair accessibility must be available without the requirement to remove any seating from the vehicle. Seating may be moved within the vehicle on approved tracking in the vehicle floor to provide sufficient space for wheelchair compliance. Anchorage for a wheelchair should be available in a forward/reverse and side to side direction.
- If the vehicle is fitted with a powered lifting ramp it must be presented for inspection with current certification.
- Steps.
- The top of the tread on the lowest step for any entrance, or where there is no step on the floor itself at the lowest entrance, must not be more than 38 centimetres above the ground when the vehicle is unladen.
- Where any step in the vehicle is electronically operated, it must be fully retractable, tamper and weather-proof. Any such step must be equipped with sensors and a warning system to alert the driver when the step is extended. This step should be under the automatic control of the driver in such a way that it cannot be left extended when the vehicle is moving.
- Any fixed step must not protrude from the vehicle line further than the folded in rear view wing mirror

Inspection	Failure	Note
Check passenger side door entrance	Any height dimension less than 1220mm Any width dimension less than 680mm No locking device in open position	
Check passenger rear door entrance	Any height dimension less than 1220mm Any width dimension less than 780mm No locking device in open position	
Check access ramps for side or rear door as applicable	Missing Max gradient greater than 25% (1:4) Safe working load less than 250kg	
Check Passenger Lift	Hydraulic oil leak	
Check LOLER Record	If certificate in excess of 6 months	
Check minimum space requirement for wheelchair.	An area of less than 1200mm by 700mm wide. (1200mm to be measured from rear wheel of wheelchair location to footstep location in vehicle)	

## SEATING

The purpose of these inspections is to ensure the safety of passengers.

Inspection	Failure	Note
Check seating	Not securely fixed Not facing either front or rear Not provided with 3 point lap and diagonal seat belt or where not possible a 2 point lap seat belt.	
Check upholstery	Dirty Worn Torn	

## FLOOR COVERING

The purpose of these inspections is to ensure the safety of passengers.

- Floor coverings should be of a quality and standard to minimise the possibility of any slip or trip hazard.

Inspection	Failure	Note
Check floor covering	Dirty/Oily Excessively worn Torn Uneven	

## HAND GRABS

The purpose of these inspections is to ensure the safety of passengers.

Inspection	Failure	Note
Check hand grabs	Missing Insecure	

## METER & FARE TABLE FRAMES

- All taximeters must be calendar type.
- Where a taximeter is fitted, it must be operational, calibrated to the correct Fare Table and be sealed by the Licensing Authority in a manner that meets the satisfaction of the Licensing Authority. Every taximeter must be fitted in a position where the passenger can easily view it. All vehicles fitted with a taximeter must display the Licensing Authority approved Fare Table in a position enabling the passenger to view it.
- **It is an offence to operate with a taximeter that is not sealed and vehicles must not operate if the seal has been broken, damaged or tampered with in any way. The Licensing Authority shall retest meters before being used again.**
- Taxi Plates issued by the Licensing Authority will be displayed at all times when the vehicle is on or available for hire. Plates require to be kept clean and if broken should be replaced by the Licensing Authority on payment of the appropriate fee.

- Meter calibration and sealing will take place annually.
- Private Hire Cars do not require a taximeter to be fitted, but where a taximeter is fitted it must be used unless the hirer has given prior permission.
- Private Hire pre-booked signs issued by the Licensing Authority will be displayed at all times when the vehicle is on or available for hire.
- Private Hire identification plates must be displayed on the front and rear of the vehicle.
- After a Fare Table review and approval by the Licensing Authority, operators must present all vehicles for checking of taximeter calibration and sealing within fourteen days of the commencement of the new Fare Table

Inspection	Failure	Note
Check fare table frame	Missing Insecure Incorrectly positioned to be easily viewed by the passenger	
Check fare table	Missing Incorrect fare table Incorrectly positioned to be easily viewed by the passenger	
Check taximeter seal	Missing Damaged Not approved by Council	
Check taximeter	Not operational Incorrectly positioned to be easily viewed by the passenger	

Inspection	Failure	Note
Check taximeter calibration for distance over a pre-determined measured distance	Calibration is shown to be incorrect	
Check taximeter calibration for standing time	Calibration is shown to be incorrect	



## ENGINE & ANCILLARIES

These checks are primarily a visual examination of readily observable items.

Inspection	Failure	Note
Check engine/ancillaries	Dirty Insecure Defective engine mounting Fractured Oil leak Water leak Brake fluid leak Fuel leak Air leak Any warning light illuminated	

## FUEL

- Fuel tanks must be adequately protected from possible damage by collision. All fuel tanks and apparatus supplying fuel to the engine must be placed or shielded in such a manner that no fuel overflowing or leaking therefrom can fall or accumulate on any part or fitting where it is capable of being ignited or can fall into any receptacle where it may accumulate.
- The filling point for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
- In the case of a gas-powered engine, a device must be provided to enable the supply of fuel to the engine to be cut off immediately. The device must be visible and readily accessible from the outside of the vehicle and the "OFF" position must be clearly marked.

Inspection	Failure	Note
Check fuel tanks	Positioned under bonnet Not protected from collision damage Leaking	
Check fuel supply systems	Not shielded Overflowing Leaking Fuel accumulating on/in any fitting or receptacle	
Check fuel cut off device	Missing Not operating effectively Not visible Not readily accessible Not on outside of vehicle "Off" position not clearly marked	Applies to gas-powered engine only
Alternative fuel range	Fuel range below 60% on presentation for test	Electric, hydrogen or other alternative fuel

## ROAD TEST

During a short road test with the vehicle in motion, the following tests will be conducted.

Inspection	Failure	Note
Check engine performance	Not able to maintain a reasonable pace Excessively noisy Excessive vibration	
Check transmission	Excessively noisy Excessive vibration	
Check speedometer/odometer	Inoperative Malfunctioning	
Check clutch operation	Clutch slipping	
Check ride of vehicle	Causes discomfort or distress to a passenger	

## SCHEDULE B

### DRESS CODE AND ADVERTISING POLICY

#### 1. DRESS CODE

All Drivers must comply with the following dress code while in charge of a taxi or private hire car -

##### Appropriate dress

- Shirt or polo shirt with collar
- Blouse/skirt/dress with either short or long sleeves
- Full length trousers/jeans or tailored shorts
- Shoes or boots

##### Inappropriate dress

- Tracksuits
- Shorts/jogging trousers
- Vests /sportswear with club colours
- Baseball caps or other hats
- Flip-flops

#### 2 ADVERTISING POLICY

##### Taxis

- a) no approval is required for advertising on the two front doors of a taxi (although the Council reserves the right to require the immediate removal of
- b) any advertising on the front doors which would not be permitted in terms of condition 9 of the Taxi Licence Conditions, (i) any advertising which mentions private hire cars or (ii) any advertising which does not comply with this policy).
- c) there is a fee charged (which may be varied from time to time by the Solicitor) for approval of full livery advertising on a taxi which would include adverts on the tip up seats (unless the vehicle is an identical replacement vehicle and identical advertising has already been approved; for the avoidance of doubt approval will still be required but no fee will be charged)
- d) there is a fee charged (which may be varied from time to time by the Solicitor) for approval of advertising on the sides of a taxi vehicle only (unless the vehicle is an identical replacement vehicle and identical advertising has already been approved; for the avoidance of doubt approval will still be required but no fee will be charged in these circumstances)
- e) taxi advertising is restricted to the bodywork and tip up seats only and no advertising is permitted on the windows or interior glass
- f) only one business or product can be advertised on any taxi vehicle

##### PHCs

Type 1 PHCs – no advertising is permitted, only approved signage, see condition 5 of the Private Hire Car Licence conditions

## SCHEDULE C

### CCTV SYSTEMS WITHIN TAXIS / PRIVATE HIRE CARS

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of a vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle.

Licence operators may choose to install a CCTV system in taxis and private hire vehicles, please note that such installation is optional.

#### **Personal data**

If the licence operator decides to proceed with the installation of a CCTV system in a taxi or private hire vehicle, it should ensure that it understands the responsibilities this brings. By installing a camera which covers public areas, the licence operator may become the 'data controller' as the CCTV system will hold 'data' on anyone who is filmed on it. Please note that the Council is not a data controller or data processor for these purposes.

The Information Commissioners Office (ICO) is the organisation that provides guidance on information rights, which includes video and audio recordings. There are useful links on their website including <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/cctv-and-video-surveillance/>

The ICO website explains additional steps which could include signs warning people there is a camera and giving contact details. There are many legal responsibilities the data controller may have in relation to the storage of footage and it is important for the data controller/ licence operator to understand what the installation of a CCTV system may mean in relation to these.

#### **Installation**

Generally, the licence operator should ensure that the CCTV system:-

- is installed as prescribed by the equipment and/or vehicle manufacturer installation instructions;
- complies with current British Standards and any other legislative requirements;
- is installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers;
- does not obscure the driver's view; and
- does not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags or air curtains or within proximity of other supplementary safety systems that may cause degradation in performance or functionality of such safety systems.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****GUIDANCE NOTES****LICENSING OF  
TAXI DRIVER'S LICENCE**

1. Ensure all questions are answered
2. The application fee (non-refundable) will be lodged along with the completed application form
3. The following documentation is to be submitted along with the completed application form:
  - One recent passport size photograph showing a true likeness
  - A valid driving licence (You must have held a full driving licence for a continuous period of one year before you can apply)
  - If you are aged 45 and over or if you have stated a medical condition, you must complete the medical consent form. If you are applying for any exemption certificates, supporting medical evidence will be required
  - From 2 October 2023, a 9-character 'tax check' code from HMRC
4. In terms of paragraph 6, Schedule 1 of the Act, where a licensing authority has refused an application, the licensing authority shall not consider within one year from the date of refusal, an application for a taxi/private hire driver's licence unless there has been a material change in their circumstances
5. No licence will be granted or renewed for taxis except in respect of vehicles which are wheelchair accessible
6. From 1 December 2016 it is a requirement for the Licensing Authority to undertake immigration checks. Please see Annex A of the Application Form for a list of evidence that is required to be produced with the application form.

7. In the case of a married woman, provide your maiden name
8. All taxi drivers must attend a Wheelchair Training Course in the carriage of wheelchair passengers, where applicable
9. A holder of an East Lothian taxi driver's licence is permitted to drive both taxis and private hire cars
10. Part D of the application form refers to any convictions / offences. This must be completed accurately. All convictions / offences are to be declared, including those which may be spent or admonished. Failure to do so will be taken into account in determining your application. If there are no convictions / offences of any kind, enter 'None'
11. Any person who, or in connection with the making of this application, makes any statement which they know to be false, or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction
12. Information supplied on this form will be held electronically and applicants are advised that in processing this application, background enquiries will be made which may include reference to personal data held electronically
13. East Lothian Council is required by law to protect the public funds it administers. Thus, the Council may share the information you provide with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud

**Please return the application form with appropriate fee and enclosures to:**

Licensing Team  
East Lothian Council  
John Muir House, Haddington  
EH41 3HA