

**EAST AYRSHIRE COUNCIL**

**LOCAL GOVERNMENT LICENSING PANEL**

**17 MARCH 2005**

**REVIEW OF TAXI/PRIVATE HIRE CAR OPERATOR'S AND DRIVER'S  
CONDITIONS, VEHICLE SPECIFICATIONS, BEST PRACTICE GUIDE, ETC.**

**Report by Executive Director of Neighbourhood Services**

**1. PURPOSE OF REPORT**

- 1.1 To invite the Panel to review the conditions attached to Licences for Taxi/Private Hire Operators and Drivers, the specifications for vehicles licensed as Taxis and Private Hire Cars and to consider a 'best practice' guide for all operators and drivers.

**2. BACKGROUND**

- 2.1 The conditions attached to Taxi/Private Hire Car Operators and Drivers Licences were originally agreed by the Council during the shadow year and have been amended over the years as a result of new legislation.
- 2.2 Similarly, the specifications for licensed vehicles and the approved vehicle list, inherited from the two former authorities, have been amended as a result of the continuing improvements by vehicle manufacturers and changes in legislation.
- 2.3 As a result of this inevitable piecemeal approach, problems of interpretation have arisen for the taxi and private hire car trade, the vehicle examiners and enforcement staff from the Licensing and Community Safety Service.

**3. DISCUSSION**

- 3.1 An officer working group comprising members from the Transport Service and Licensing and Community Safety Service has undertaken a review of the conditions and vehicle specifications and have produced a consolidation document which also includes a best practice guide for licensed operators and drivers. (Copy attached at Appendix 1)
- 3.2 The contents of the document are primarily a consolidation exercise but several suggested improvements have been incorporated as detailed below.
- (i) Originally the recommendation from the working group was to amend the current policy in respect of the age restriction and examination regime for vehicles but, following further discussions with the Head of Administration and Legal Services, it has been agreed to retain the current policy. (see Paragraphs 2.1, 2.3, 3.1, 6.2 and 7.1 of the attached document)

- (ii) Basic details of each vehicle's maintenance records be kept and submitted to the Councils' appointed Examiners on request. (Paragraphs 2.2 and 3.2 of the attached document)

The aim of this measure is to ensure that all licensed taxi and private hire car operators are made more aware of their responsibility to maintain vehicles to a satisfactory standard and so improve passenger safety. It would also provide the Council, as Licensing Authority, with a 'comfort zone' in the event of a third party claim.

- (iii) The specifications for vehicles have been rationalised to take into account changes in legislation and improvements and alterations agreed since 1996.

3.3 In July 2004, each individual licensed Taxi and Private Hire Car Operator was provided with a previous version of the document along with a covering letter highlighting the proposed changes. Also enclosed was a consultation sheet and reply-paid envelope requesting comments on the contents. (Copy letter and consultation sheet attached at Appendix 2)

3.4 The results of this consultation were disappointing in that, of the 100 operators contacted, a total of 31 operators responded. 7 operators replied as individuals and the remaining 24 all made reference to the same 'attached letter'. The letter basically stated that the Taxi Trade Council wished to have further discussions with East Ayrshire Council on the proposals.

3.5 As stated by the Chair at a previous meeting with representatives of the Taxi Trade Council, it was always the intention to hold a further meeting prior to lodging this report for consideration by the Panel.

3.6 At the liaison meeting with representatives of the Taxi Trade Council held on 20 October 2004, they were given a further opportunity to submit a written response for consideration by Members.

3.7 An undated response from East Ayrshire Taxi Trade Council, received on 21 December 2004, is attached at Appendix 3 to this report.

The points raised by the Taxi Trade Council, in their undated letter are outlined below.

- (i) The Taxi Trade Council feel that there is no need to reduce the upper age restriction for vehicles, restricting vehicles entering service to less than 3 years of age and amending the testing regime. In their opinion the current age limits and testing regime are sufficient to protect the safety and comfort of the travelling public.

This has now been addressed and the current policy will be retained.

- (ii) The Trade Council feel that the carrying of a Certificate of Insurance in the vehicle is inappropriate.

The requirement to carry the Certificate of Insurance, or a photocopy, in the vehicle has been removed.

- (iii) The final point raised is in relation to the proposal to assess driving ability and customer awareness. The Trade Council feel that an assessment of driving ability is totally unnecessary as the drivers are already in possession of a DVLA licence and the vehicles in use require no special abilities. They go on to make specific comments on the customer awareness aspect and believe that only first hand experience can train a driver in handling drunks, aggressive passengers, etc.

Following further consideration this requirement has also been removed.

3.8 A copy of this report has been forwarded to East Ayrshire Taxi Trade Council.

#### **4. FINANCIAL IMPLICATIONS**

4.1 Nil.

#### **5 LEGAL IMPLICATIONS**

5.1 Sections 10, 11, 13 and Schedule 1 of the Civic Government (Scotland) Act 1982.

5.2 The proposals contained within this report may be subject to amendment following the Scottish Ministers consideration of the recent report by the Task Group established to review the Civic (Government) Scotland Act 1982.

#### **6. POLICY IMPLICATIONS**

6.1 In terms of the Council's Community Plan, there is a commitment to continuously improve local transport and the safety and comfort of the travelling public. The adoption of the revised specifications for vehicles and the conditions attached to operators and drivers licences is considered an integral part of this policy.

#### **7. CONCLUSIONS**

7.1 The conditions attached to Taxi/Private Hire Car Operators and Drivers Licences were originally agreed by the Council during the shadow year and have been amended over the years as a result of new legislation.

7.2 Similarly, the specifications for licensed vehicles and the approved vehicle list, inherited from the two former authorities, have been amended as a result of the continuing improvements by vehicle manufacturers and changes in legislation.

- 7.3 As a result of this inevitable piecemeal approach, problems of interpretation have arisen for the taxi and private hire car trade, the vehicle examiners and enforcement staff from the Licensing and Community Safety Service.
- 7.4 An officer working group comprising members from the Transport Service and Licensing and Community Safety Service has undertaken a review of the conditions and vehicle specifications and have produced a consolidation document which also includes a best practice guide for licensed operators and drivers. (Copy attached at Appendix 1)
- 7.5 All currently licensed Taxi and Private Hire Car Operators and East Ayrshire Taxi Trade Council have been provided with an earlier version of the consolidation document and their comments have been taken into consideration in the attached document.

## **8. RECOMMENDATIONS**

- 8.1 It is recommended that the Licensing Panel, having considered the contents of this report, the proposed conditions attached to Licences for Taxi/Private Hire Operators and Drivers, the specifications for vehicles licensed as Taxis and Private Hire Cars and the 'best practice' guide for all operators and drivers, and agree that :-
- (i) with effect from 1 April 2005, or such other date that the Members may decide, the revised conditions be attached to any grant or renewal of a Taxi or Private Hire Car Operators licence;
  - (ii) with effect from 1 April 2005, or such other date that the Members may decide, the revised conditions be attached to any grant or renewal of a Taxi or Private Hire Car Drivers licence;
  - (iii) with effect from 1 April 2005, or such other date that the Members may decide, all new or replacement vehicles for use as taxis or private hire cars must comply with the revised specifications. Vehicles currently licensed as taxis or private hire cars will be permitted to remain in service until they reach the age limit or are replaced.

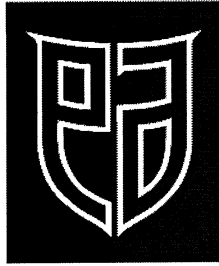
William Stafford  
Executive Director of Neighbourhood Services

WS/GS

1 March 2005

### **LIST OF BACKGROUND PAPERS**

**NIL**



**East Ayrshire**  
COUNCIL

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**LICENCE CONDITIONS**

**Taxis, Private Hire Cars, Taxi Drivers and Private Hire  
Car Drivers.**

**BEST PRACTICE**

**A Policy, Guidelines and Code of Conduct  
Applicable to the Operation of Licensed  
Taxis and Private Hire Cars**

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## **Preface**

It is an accepted fact that licensed taxis and private hire cars play an increasingly important part in the provision of an integrated public transport system within East Ayrshire. Their role will become more important as new policies develop in the future.

It is the Council's vision and opinion that Best Practice outlining a common standard should apply both in the vehicles that are licensed and to all the drivers who operate them, no matter the frequency or level of participation.

The first contact many individuals have while visiting East Ayrshire is a taxi or a private hire car. The Councils' aim is that this should be a pleasant experience as it is considered an integral and important part of any holiday or visit to East Ayrshire.

The Council advocates that Best Practice should be adopted as a norm and that taxi and private hire cars should be presented in a professional manner with uniform paintwork/livery. Ideally all vehicles should adopt one colour except where the vehicle has been approved under the Council's whole body livery policy.

The following contains what, in East Ayrshire Councils' opinion, would become Best Practice for both taxis and private hire cars and guidelines on the Code of Conduct for all personnel involved in operating or driving them.

This booklet also contains useful information, tips and guidance on driving licensed vehicles.

# **TAXIS AND PRIVATE HIRE CARS**

## **Section 1**

### **Interpretation/Definitions**

## Section 1

**NOTE:** These conditions are ancillary to and do not derogate from the powers granted to the Council in relation to taxis and private hire cars and their drivers under the Civic Government (Scotland) Act 1982 or any amendments thereto.

### PART 1 – INTERPRETATION & DEFINITIONS

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

- (a) Any reference in these conditions to “the Act” means the Civic Government (Scotland) Act 1982.
- (b) 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.

1.2 Subject to the foregoing the following words or phrases shall have the meanings set out below –

**“Approved”** – means, unless explicitly stated to the contrary, approved by the Council.

**“Authorisation”** – includes any licence, certificate, permit or registration.

**“Approved Fare”** – means any charge (whether described as fare, engagement fee, extras or otherwise) authorised and approved by the Council for publication in the table of fares issued and amended from time to time, being the fare table or tariff that indicates and authorises the maximum charge payable for the use of a taxi (or private hire car) within the local government area of East Ayrshire Council.

**“Authorised Officer”** – means a person, authorised by the Council either generally or specifically to act in matters of any specified kind or in any specified manner relative to these conditions and the Act.

**“Constable”** – means any constable as defined in the Police (Scotland) Act 1967.

**“Contravention”** – in relation to any requirement includes a failure to comply with that requirement and cognate expressions shall be construed accordingly.

**“Commencement of hire”** – a hire shall commence at the time the hirer or passenger steps into the taxi or private hire car. The hire shall end when the hirer or passenger steps out of the taxi or private hire car, having indicated to the driver that the hire has

been terminated. However, where a taxi or private hire car has been called by telephone or other advance arrangement, the hire shall commence after the driver of the taxi or private hire car has announced verbally the arrival of the taxi or private hire car to the prospective hirer or passenger at the place to which it has been summoned. The means of announcement shall not take the form of sounding the vehicle horn, which is an offence in terms of the Road Vehicles (Construction & Use) Regulations 1986.

**“Council”** – means East Ayrshire Council.

**“Enactment”** – includes any Act of Parliament and any amendments thereof contained in any Order, Regulation or other instrument having effect by virtue of Parliament.

**“Engagement”** – means an agreement between any person and the holder of a taxi or private hire car licence or licensed driver (or their respective representatives) for the hire of a taxi or private hire car at a time and location specified.

**“Engagement fee”** – is the sum so described in the Council’s table of fares which is payable in addition to the fare where, by telephone or other advanced arrangement, there is an engagement for the hire of a taxi (or private hire car in which a taximeter is fitted).

**“Exclusive”** – as applied to the hire of a taxi or private hire car means that a single fare is payable by any one passenger for the whole hire of the vehicle whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly.

**“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 a passenger and their luggage to any destination and there is a requirement to pay for its hire, (including an engagement fee where appropriate) and not exceeding the rate for such fares or fees authorised from time to time by the Council.

**“Holder of a licence”** – has the same meaning as licensee.

**“Hours of darkness”** – means the time between half an hour after sunset and half an hour before sunrise.

**“Licensed area”** – means the local government area of East Ayrshire Council.

**“Licensed”** – in relation to any taxi or private hire car operator or driver, means having been granted the appropriate licence by the Council in terms of the Act and these conditions, during the currency of such licence, but excludes any period when such a licence is suspended.

**“Licensee”** – means a person who has been granted and holds a current and valid licence issued by the Council in terms of Part II of the Act to ply for hire with a taxi or to operate a private hire car or to drive such vehicles.

**“Luggage”** – includes all items which the hirer or passenger wishes to be carried in the hire vehicle, whether his own personal baggage for the journey, or being carried for the business or otherwise, and shall also include animals or pets which reasonably may be accommodated within the vehicles. (Guide dogs, hearing dogs or assistance dogs as defined in the Taxi Drivers’ Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 must be allowed to remain with the disabled passenger and no additional charge may be made for the carriage of the animal.)

**“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 amendments thereto.

**“Notice”** – means a Notice in writing.

**“Operator’s licence”** – means a licence granted by the Council to any person for the purpose of using a vehicle as a taxi or private hire car.

**“Purpose Built Vehicle”** – means a motor vehicle of a type or model which has been designed and constructed as a Hackney Carriage vehicle and approved by the Council for use as a taxi.

**“Public place”** – has the meaning assigned by Section 133 of the Act.

**“Reasonably Practical”** – means capable of being performed and implemented having regard to all the circumstances, including in any case where works, repairs or maintenance are involved, the expense of their execution.

**“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 telephone and radio communications) for the purpose of obtaining engagements for the hire of a taxi or private hire car.

**“Road”** – has the meaning assigned by the Road Traffic Act 1988 as amended.

**“Taxi stance”** – means a stance appointed by the Council in terms of Section 19 of the Act within any part of East Ayrshire.

# **TAXI AND PRIVATE HIRE CARS**

## **Section 2**

### **Holder of a Taxi Operator's Licence**

#### **Conditions**

## **Section 2**

- 2.1 The holder of the taxi licence shall ensure that their vehicle is in a proper state of repair for use as a taxi and is of a type approved by the Council. Any vehicle operating as a taxi, other than a 'Purpose Built Vehicle', must be under 8 years of age from the original date of registration. 'Purpose Built Vehicles' may remain in service until no longer deemed fit for service by the Council.
- 2.2 The holder of a taxi licence shall ensure that their taxi, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions. The holder of a taxi licence will, on demand, submit the address of the premises where the maintenance of the vehicle is carried out, and the frequency of the vehicle inspections.
- 2.3 The holder of a taxi licence shall require their vehicle to undergo and pass an annual or bi-annual inspection by the Council. Any vehicle other than a 'Purpose Built Vehicle' will be inspected annually up to the age of 5 years from original date of registration and thereafter bi-annually until 8 years old from original date of registration. 'Purpose Built Vehicles' are required to undergo and pass an inspection annually up to the age of 8 years old from original date of registration and thereafter bi-annually, until no longer deemed fit for service. On receiving the requisite notice in writing from the Council, the holder of a taxi operator's licence shall produce their taxi for examination at such time and place as may reasonably required by the Council.
- 2.4 If a taxi is damaged in a vehicular accident or by any other means, the holder of the taxi licence shall report the damage to the Council as soon as practicable. The taxi should be presented for inspection to the Council within two working days (being days on which the testing facilities operate) after the occurrence. The examination will determine if the vehicle is roadworthy or in need of repair. An 'Accident Damage Form' will be issued and must be retained in the vehicle. As soon as the repairs to the taxi have been completed, the vehicle should be presented to the Council for re-examination, no later than 28 days from initial inspection. Unless the Council confirms otherwise, the vehicle shall not be used as a taxi from the date of presentation for said examination until it has been re-examined by the Council and passed as being fit for use again as a taxi.
- 2.5 The holder of a taxi operator's licence shall ensure that, when the vehicle is presented for examination, the bodywork and the passenger accommodation of the vehicle are clean and the underside of the vehicle is free from road dirt, excess oil and grease.
- 2.6 The holder of a taxi operator's licence shall not ask a driver of a taxi to do anything which would result in the driver committing a breach of the conditions attached to his/her taxi driver's licence.
- 2.7 The holder of a taxi operator's licence shall hold in their own name the vehicle's registration document and the certificate of insurance in relation to their taxi required by Part VI of the Road Traffic Act 1988 or any other amending legislation. The holder of the licence shall be required to produce these documents along with a current Certificate of Compliance to the Council at any reasonable time on request. Where more than one

name appears on the taxi licence the vehicle registration document and the certificate of insurance shall be in the name of at least one of these names.

- 2.8 On a vehicle being licensed as a taxi, a number shall be allotted to it by the Council and the approved external plate (hereinafter referred to as the “taxi plate”) bearing such number shall be supplied to the licence holder by the Council. The holder of the taxi licence shall ensure that the plate is permanently affixed to the taxi immediately, by means of screws, and the taxi shall not be used for the hire until the plate is properly fixed.
- 2.9 If the letters or figures on any taxi plate affixed to a taxi become obliterated, or so defaced as not to be distinctly visible or legible, or the notice referred to in condition 2.12 is lost or defaced in any way, the licence holder shall forthwith obtain from the Council a replacement plate or notice.
- 2.10 The holder of a taxi operator’s licence shall affix the following, each in a conspicuous position inside their taxi namely the internal plate along with a notice indicating:-
  - (a) the table of approved fares in accordance with condition 2.12
  - (b) that a copy of these conditions may be inspected at the Council’s Licensing & Community Safety Office 14 London Road, Kilmarnock.
- 2.11 Except as otherwise provided for these conditions the holder of a taxi licence shall not, without the consent of the Council, fix or permit to be fixed on their taxi any plate other than the taxi plates or other plate or notice required by law.
- 2.12 The holder of a taxi licence shall obtain from the Council a notice detailing the table of approved taxi fares and charges and will display the notice in the passenger compartment of the taxi. It must be in an approved position so that it will be readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the vehicle.
- 2.13 Unless the cost of the journey is regulated by the Council fare structure, the holder of a taxi licence shall ensure that, prior to the acceptance of the hire, any potential hirer of the taxi is informed (a) that the fare is not so regulated: and (b) of the cost, or method of calculating the cost, of the proposed journey. The taximeter must be operated on all hires within a 5 mile radius as detailed in the Council’s fare structure.
- 2.14 The holder of a taxi licence shall not display in or on the taxi any signs for the purpose of advertising other than that approved in terms of 2.16 below.
- 2.15 Applications for the provisional approval of advertisements must be made in writing on the approved form to the Council enclosing two copies of all proposed advertisements in full colour along with a sample of the material to be used. Self-advertising, i.e. advertising the name and telephone number of the company/proprietor shall only be permitted on the front and rear windscreens of vehicle, outwith the windscreen pattern area and to the satisfaction of the Council. The advertising shall be contained in one line, unless letters smaller than the maximum permissible height of 75mm is used, but the combined height of any lines of lettering shall not exceed 75mm in height. In

addition, advertising of the company/proprietor's telephone number shall be permitted on the rear of the roof sign.

- 2.16 All advertisements must comply with The British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Authority. 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. In the event of the vehicle sustaining damage to any part of the advertisement the vehicle shall be removed from service until fully re-instated to the original approved design.
- 2.17 The holder of a taxi operator's licence shall have affixed to, and used on, the vehicle, a taximeter which has been tested and approved by the Council. No other taximeter shall be affixed or used. Such a taximeter must be electrical and incapable of multi tariff operation. A list of taximeters approved by the council will be available. The taximeter must be in an approved position so that the fare display will be readily visible to passengers being carried and must not obstruct the driver's view to the front.
- 2.18 The holder of a taxi operator's licence shall not use, cause or permit to be used, on the taxi, a road wheel or tyre of a different circumference from that for which the taximeter affixed to the taxi was designed, geared and has been tested by the Council.
- 2.19 The holder of a taxi operator's licence shall use only a taximeter which has been stamped or sealed by the Council after testing and approval as to distance and time in accordance with the approved taxi fares and charges. Once such a taximeter is fitted to the taxi the seal can only be broken if the taximeter is removed for repair. In this event the taximeter must be tested and re-sealed by the Council before the vehicle is returned to service.
- 2.20 The holder of a taxi operator's licence shall not knowingly operate the taxi or cause or permit it to operate if the seals on the taximeter are broken or detached, or if the taximeter is defective in any way.
- 2.21 The holder of a taxi operator's licence, on changing his permanent place of residence, shall notify such change and new address to the Council immediately.
- 2.22 The holder of a taxi operator's licence shall keep an up-to-date list of the names and addresses of all the taxi drivers employed by him/her and shall produce such list, to the Council or any Constable. The holder of a taxi licence must have a suitable system for regularly checking driver's licences.
- 2.23 When the licensed taxi ceases to be used as such, the holder of the taxi operator's licence shall give immediate notice thereof to the Council and return to the Council the licence in respect of that taxi, along with the taxi plates and other documentation issued by the Council.

- 2.24 The holder of a taxi operator's licence shall be bound to fulfil, or cause to be fulfilled, an engagement to hire their taxi which they have accepted, or which has been accepted on their behalf by any representative, unless prevented by reasonable and sufficient cause. Where any person indicates to such licence holder or their representative that they wish to engage a taxi for hire, no such proposed agreement shall be refused by such parties without reasonable and sufficient cause.
- 2.25 The holder of a taxi operator's licence shall give such information as may be required by the Council for the purpose of ascertaining the identity of any taxi driver employed by the said licence holder or for any other purpose relating to these conditions.
- 2.26 On receiving two days notice, in writing, from the Council the holder of a taxi operator's licence shall produce the relevant taxi for examination at the time and place specified by the Council.
- 2.27 If any person suffering from any infectious or contagious disease is carried in a taxi, the holder of the taxi operator's licence thereof shall, as soon as it comes to their knowledge, give notice to the Chief Administrative Officer of the Ayrshire and Arran Health Board. They shall not cause or permit the taxi to stand or ply for hire or carry passengers for hire until the Chief Administrative Officer of the Ayrshire and Arran Health Board certifies that the taxi has been adequately disinfected.
- 2.28 The holder of a taxi operator's licence shall not carry, or cause or permit to be carried, in their taxi any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- 2.29 The holder of a taxi operator's licence shall not knowingly carry, or cause or permit to be carried in their taxi any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- 2.30 The holder of a taxi operator's licence shall not permit their taxi to be used for any illegal or immoral purpose nor shall they act in any manner whatsoever as an agent for any prostitute or brothel keeper for the purpose of securing business.
- 2.31 When the taxi is withdrawn from service by the Council in accordance with Section 11 of the Act, an officer of the Council will affix a label bearing (a) the words "This Taxi/Hire Car is meantime certified unfit for public use" and (b) the date of withdrawal in a position within the passenger compartment of the taxi so that is readily visible to the intending passengers. Such a label has the effect of suspending the taxi licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.
- 2.32 The holder of a taxi operator's licence shall not obstruct any officer authorised by the Council in the performance of any of his/her duties under these conditions.
- 2.33 The holder of a taxi operator's licence shall not install an electronic security system capable of recording and storing a record of entry or exit of passengers by way of video images without the prior written approval of the Council. Prior to giving approval the Council will require to be satisfied that the holder of the taxi licence intends to operate and maintain such a system with due regard to the interest of passengers in the proper

use and ultimate destruction of any stored images. An approved notice in terms of the Data Protection Act 1998 shall be displayed within the vehicle.

- 2.34 The holder of a taxi operator's licence shall display upon the roof of his taxi a sign of a type approved by the Council for the purposes of identifying the vehicle as a taxi. While the taxi is available for hire the sign must be illuminated. The illuminated roof sign must be extinguished while carrying a fare paying passenger or if taxi has been withdrawn from service.
- 2.35 The holder of a taxi operator's licence shall ensure that while the taxi is in use that any plates, transfers or other items which have been issued by the Council for the purpose of indicating that the vehicle is a taxi, are displayed at all times in positions approved by the Council.
- 2.36 The holder of the taxi operator's licence shall not obliterate or deface any plate, transfers or other item issued by the Council for the purpose of indicating that the vehicle is a taxi and which are fitted to the taxi. If any such items become obliterated or defaced so as not to be distinctly visible or legible or become lost, the holder of the taxi operator's licence must report this to the Licensing Authority as soon as practicable in order to obtain replacement items. The taxi plate, transfers, etc will remain the property of the Council and shall be returned on demand.
- 2.37 The holder of a taxi operator's licence shall not at any time permit a taxi to convey within the vehicle more than the number of passengers the taxi is licensed to carry and shall ensure that all passengers wear seat belts in accordance with Road Traffic Act 1988.
- 2.38 The holder of a taxi operator's licence shall, within 28 days of the expiry, termination or suspension of the licence for whatever reason, deliver the same and all other property of the Council to the Licensing and Community Safety Service.
- 2.39 Where there is a material change of circumstances affecting the holder of a taxi operator's licence, he/she shall notify the licensing authority of the change as soon as reasonably practicable after such change has taken place. A 'material change' includes any material change in the particulars given or referred to in the application for grant or renewal of licence.

# **TAXI AND PRIVATE HIRE CARS**

## **Section 3**

### **Holder of a Private Hire Car Operator's Licence**

#### **Conditions**

### Section 3

- 3.1 A motor vehicle shall not be deemed to be of a suitable type and in a proper state of repair for use as a private hire car unless:-
- (a) It is designed for the carriage of passengers and is neither a goods vehicle nor an approved taxi.
  - (b) It is in a proper state of repair for the use as a private hire car, in accordance with the Councils' conditions.
  - (c) Any vehicle operating as a private hire car within East Ayrshire must be under 8 years of age from the date of original registration.
- 3.2 The holder of a private hire car licence shall, on demand, supply the address where the maintenance of the vehicle is carried out and the frequency of the vehicle inspections.
- 3.3 The holder of a private hire car operator's licence shall ensure that the private hire car, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to the prevailing road conditions.
- 3.4 The holder of a private hire car operator's licence is required to have the private hire car inspected annually up to the age of 5 years from original date of registration and thereafter bi-annually until 8 years old from original date of registration. On receiving the requisite notice in writing from an authorised officer of the Council or a Constable, the holder shall produce their private hire car for examination at such time and place as may be reasonably required.
- 3.5 The holder of a private hire car licence shall ensure that, when the vehicle is presented for examination, the bodywork and passenger accommodation of the vehicle is clean and that the underside of the vehicle is free from road dirt, excess oil and grease.
- 3.6 If a private hire car is damaged in a vehicular accident or by any other means, the holder of the private hire car operator's licence shall report the damage to the Council as soon as practicable. The vehicle should be presented for inspection by the Council within two working days (being days on which the testing facilities operate) after the occurrence. The examination will determine if the vehicle is roadworthy or in need of repair. An 'Accident Damage Form' will be issued and must be retained in the vehicle. As soon as the repairs to the vehicle have been completed, the private hire car should be presented to the Council for re-examination, no later than 28 days from initial inspection. Unless the Council confirms otherwise, the vehicle shall not be used as a private hire car from the date of presentation for said examination until it has been re-examined by the Council and passed as being fit for use again as a private hire car.
- 3.7 The holder of a private hire car operator's licence shall not ask any driver of the private hire car to do anything which would result in the driver committing a breach of the conditions attached to his/her drivers licence.
- 3.8 The holder of a private hire car operator's licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire their private hire car which they have accepted, unless prevented by sufficient cause.

- 3.9 The holder of a private hire car operator's licence shall hold in their own name the vehicle registration document and the certificate of insurance in relation to their private hire car required by part VI of the Road Traffic Act 1988 or any other amending legislation. The holder of the licence shall be required to produce these documents to the Council at any reasonable time on request. Where more than one name appears on the private hire car licence, the vehicle registration document and the certificate of insurance shall be in the name of at least one of those names.
- 3.10 The holder of a private hire car licence, on changing his permanent place of residence, shall notify the Council of such change immediately.
- 3.11 The holder of a private hire car operator's licence shall keep up an up-to-date list of the names and addresses of all the drivers employed by him/her and shall produce such list, to the Council or any constable. The holder of a private hire licence must have a system for regularly checking the driver's licences.
- 3.12 Unless the cost of the journey is regulated by the Council fare structure, the holder or a private hire car licence shall ensure that, prior to acceptance of the hire, any potential hirer of their private hire car is informed (a) that the fare is not regulated, and (b) of the cost, or the method of calculating the cost, of the proposed journey.
- 3.13 The holder of a private hire car operator's licence, whose private hire car is fitted with a taximeter, shall ensure that the taximeter has been tested and approved by the Council and no other taximeter shall be affixed or used. The taximeter must be electronic and be incapable of multi tariff operation. A list of approved meters will be made available.
- 3.14 The holder of a private hire car operator's licence, whose private hire car is fitted with a taximeter, shall obtain from the Council a notice detailing the table of approved taxi fares and charges. The notice in the private hire car should be displayed in an approved position that is readily visible to the passengers being carried and no other table of fares and charges shall be displayed in or on the vehicle.
- 3.15 The holder of a private hire car operator's licence shall take steps to ensure that each potential hirer of their private hire car consents at the time of the arrangement of the hire to an exclusive hire or a shared hire as the case may be.
- 3.16 The holder of a private hire car operator's licence, whose private hire car is fitted with a taximeter, shall not use, or cause to permit to be used, on their private hire car a road wheel or tyre of a different circumference from that for which the taximeter affixed to the private hire car was designed, geared and has been tested by the Council.
- 3.17 The holder of a private hire car operator's licence shall use only a taximeter which has been stamped or sealed by the Council after testing and approval as to distance and time in accordance with the approved fares and charges. Once such a taximeter is fitted to the private hire car the seal can only be broken if the taximeter is removed for repair. In this event the taximeter must be tested and re-sealed by the Council before the vehicle is returned to service.

- 3.18 The holder of a private hire car operator's licence shall not knowingly operate the private hire car or cause or permit it to operate if the seals on the taximeter are broken or detached, or if the taximeter is defective in any way.
- 3.19 The holder of a private hire car operator's licence, whose private hire car is fitted with a taximeter, shall ensure that the taximeter fitted to the private hire car is in a position approved by the Council.
- 3.20 The holder of a private hire car operator's licence shall not display a roof sign of any kind on the vehicle.
- 3.21 The holder of a private hire car operator's licence shall not display in or on his private hire car any signs for any purpose of advertising other than 'Self-advertising' in accordance with the councils' agreed policy. This policy states that advertising the name and telephone number of the company/proprietor shall only be permitted on the front and rear windscreens of vehicle, outwith the windscreen wiper pattern area and to the satisfaction of the Council. The advert shall be contained in one line, unless letters smaller than the maximum permissible height of 75mm is used, but the combined height of any lines of lettering shall not exceed 75mm in height.
- 3.22 Where a licensed private car hire ceases to be used as such, the holder of the private hire car operator's licence shall forthwith give notice thereof to the Council and return to the Council the licence in respect of such private hire car along with the private hire plates.
- 3.23 If any person suffering from any infectious or contagious disease is carried in a taxi, the holder of the private hire car operator's licence thereof shall, as soon as it comes to their knowledge, give notice to the Chief Administrative Officer of the Ayrshire and Arran Health Board. They shall not cause or permit the private hire car to carry passengers for hire until the Chief Administrative Officer of the Ayrshire and Arran Health board certifies that the private hire car has been adequately disinfected.
- 3.24 On receiving notice in writing, from the Council the holder of a private hire car operator's licence shall produce their vehicle for examination at the time and place specified by the Council
- 3.25 The holder of a private hire car operator's licence shall not carry, or cause or permit to be carried, in their private hire car any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- 3.26 The holder of a private hire car operator's licence shall not knowingly carry, or cause or permit to be carried in their private hire car any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- 3.27 The holder of a private hire car operator's licence shall not permit their private hire car to be used for any illegal or immoral purpose nor shall they act in any manner whatsoever as an agent for any prostitute or brothel keeper for the purpose of securing business.
- 3.28 The holder of a private hire car operator's licence shall not display or cause or permit to be displayed on or in their private hire car (other than any taximeter fare dial) or on their

person the word “cab”, “taxi” or “for hire” or any word or words which might give the impression that the vehicle is plying for hire.

- 3.29 When a private hire car is withdrawn from service by the Council in accordance with Section 11 of the Act. A label shall be affixed bearing (a) the words “This Taxi/Hire Car is meantime certified unfit for public use” and (b) the date of withdrawal in a position within the passenger compartment of the private hire car so that it is readily visible to the intending passengers. Such a label has the effect of suspending the private hire car licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.
- 3.30 The holder of a private hire car operator’s licence shall not obstruct any authorised officer of the Council in the performance of their duties under these conditions.
- 3.31 The holder of a private hire car operator’s licence shall comply with all instructions or directions of the Council in relation to these conditions and shall give them all information that may be reasonably required.
- 3.32 The holder of a private hire car operator’s licence shall ensure that while the vehicle is in use any plates, transfers or other items which have been issued by the Council for the purpose of indicating that the vehicle is a private hire car, are displayed at all times in positions approved by the Council.
- 3.33 The holder of the private hire car operator’s licence shall not obliterate or deface any plate, transfers or other item issued by the Council for the purpose of indicating that the vehicle is a private hire car and which are fitted to the vehicle. If any such items become obliterated or defaced so as not to be distinctly visible or legible or become lost, the holder of the private hire car operator’s licence must report this to the Licensing Authority as soon as practicable in order to obtain replacement items. The licence plate, transfers, etc will remain the property of the Council and shall be returned on demand.
- 3.34 The holder of a private hire car operator’s licence shall not permit at any time a vehicle to convey more than the number of passengers the vehicle is licensed to carry and shall ensure that all passengers wear seat belts in accordance with Road Traffic Act 1988.
- 3.35 The holder of a private hire car operator’s licence shall, within 28 days of the expiry, termination or suspension of the licence for whatever reason, deliver the same and all other property of the Council to the Licensing and Community Safety Service.
- 3.36 Where there is a material change of circumstances affecting the holder of a private hire car operator’s licence, he/she shall notify the licensing authority of the change as soon as reasonably practicable after such change has taken place. A ‘material change’ includes any material change in the particulars given or referred to in the application for grant or renewal of licence.

# **TAXI AND PRIVATE HIRE CAR**

## **Section 4**

### **Holder of a Taxi Driver's Licence**

#### **Conditions**

## Section 4

- 4.1 The driver of a taxi must hold a current driving licence for the relevant class of vehicle. A taxi driver shall at all times while he/she is in charge of a taxi being used as such, have with him/her the taxi driver's licence or such other means of identification issued by the licensing authority and he/she shall exhibit such licence or identification, on demand, to any passenger, constable or authorised officer of the licensing authority. The identity badge issued by the Council shall include the driver's name, a recent photograph, the licence number and the date of expiry of the licence and shall be worn in a clearly visible position at all times whilst on duty.
- 4.2 Unless prevented by sufficient cause the driver of the taxi shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to the hire of their taxi, which has been accepted.
- 4.3 Where an engagement of a taxi for hire has been accepted by a driver they shall fulfil such engagement punctually and shall announce the arrival of such taxi immediately to the person on whose behalf the engagement was made at the place to which it has been summoned. If the person does not commence their journey within five minutes of the arrival of the taxi, 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 taxi (but where the taxi has been called by telephone or other advanced arrangement, they 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 tariff). The means of announcement shall not take the form of sounding the vehicle horn which contravenes the provisions of the Road Vehicles (Construction & Use) Regulations 1986.
- 4.4 No fare shall be payable by the hirer in respect of any journey by the taxi from the place at which it is discharged by the hirer.
- 4.5 The driver of a taxi shall not demand any fare from any person who has engaged a taxi (and no fare shall be payable by such person).
- (a) if the external plates with the appropriate taxi licence number are not displayed in accordance with the Council's conditions.
  - (b) if the taxi driver does not on demand exhibit the means of identification issued by the Council:
  - (c) if the taxi driver demands more than the fee agreed upon before the start of the hire;
  - (d) if the taxi driver fails or refuses to complete an engagement except for any reasonable cause; or
  - (e) if a taxi breaks down or if the taxi becomes in any way unfit to convey the hirer to the destination for which they engaged such taxi.
- 4.6 The driver of a taxi which is on exclusive hire may not in any circumstances pick up or convey another passenger without the consent of the original hirer.
- 4.7 The driver of a taxi which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer.

- 4.8 The driver of a taxi, while in charge of the taxi, must be clean and tidy in their person, shall conduct himself/herself in a proper and civil manner, shall not smoke and shall be reasonably dressed, having regard to the weather conditions. It is not acceptable for a licensed driver to wear sleeveless or collarless shirts, shell suits or track suits, football colours in any form, shorts (other than tailored shorts), or any other clothing to which the public may take offence.
- 4.9 The driver of a taxi shall not refuse to convey a hirer or passenger to any place within the licensed area unless
- (a) any hirer or passenger is not prepared to give the precise destination; or
  - (b) is drunk or otherwise not in a fit state to be carried; or
  - (c) whose condition or clothing is offensive or likely to cause damage to the interior of the taxi; or
  - (d) refuse to cease smoking in the taxi when requested by the driver; or
  - (e) is accompanied by any animal which is likely to damage or soil the interior of the taxi; or
  - (f) for any reasonable cause.
- 4.10 The driver of a taxi shall not permit any animal to be on or in their taxi other than an animal which is in the charge of a passenger.
- 4.11 The driver of a taxi shall not permit any person to drive the taxi of which they are in charge of while such taxi is on hire or available for hire unless that person is a holder of a current drivers licence.
- 4.12 The driver of a taxi shall not permit any person to ride on the loading platform or in the luggage compartment or other part of the taxi that is not set aside for the accommodation of passengers.
- 4.13 When the taxi is hired or standing for hire, the driver of the taxi shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period they may be absent to announce the arrival of their taxi or for any other necessary purpose.
- 4.14 The driver of a taxi shall not stand or loiter with the vehicle in any street in the near vicinity to a taxi stance while such a stance is fully occupied by the authorised number of taxis, nor shall they cause the taxi to stand in such vicinity.
- 4.15 The driver of a taxi shall not refuse to carry luggage of the hirer in their taxi providing that the said luggage can be accommodated safely within the luggage compartment of the taxi.
- 4.16 The driver of a taxi shall give such assistance to their passengers as they are able to give with the loading and unloading their luggage when required to do so but they will not be required to leave the immediate proximity of the taxi.
- 4.17 The driver of a taxi shall, as soon as they are hired but no sooner, set the taximeter in motion and whilst they are engaged the words "HIRED" shall be illuminated on the face of the taximeter so that it is readily visible at all times

- 4.18 Immediately on the termination of a hire the driver of a taxi shall stop the time mechanism within the taximeter but they shall not remove the fare record from the taximeter until the hirer has examined or has had a reasonable opportunity of examining it.
- 4.19 During the hours of darkness the driver of a taxi shall keep the fare dial display illuminated, for the whole period that the taxi in their charge is occupied by a hirer and until the hirer has examined or has had a reasonable opportunity of examining it.
- 4.20 When the taxi licence is suspended by the Council or a constable in accordance with Section 11 of the Act, an officer of the Council or a constable will fix a label bearing (a) the words “this taxi is meantime certified unfit for public use” and (b) the date of withdrawal in a position within the passenger compartment of the taxi so that is readily visible to the intending passengers. Such a label has the effect of suspending the taxi licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.
- 4.21 The driver of a taxi shall ensure that the taxi, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable and is in a clean condition subject to the prevailing road and weather conditions.
- 4.22 The driver of a taxi shall not at any time convey in such a taxi more passengers than that approved by Council who shall be properly seated in that part set aside for passengers. All passengers must wear seat belts in accordance with Road Traffic Act 1988.
- 4.23 The driver of a taxi on changing their permanent place of residence shall notify forthwith such change and their new address to the approved officer of the Council.
- 4.24 The driver of a taxi shall not obstruct an authorised officer of the Council in the performance of any of their duties under these conditions.
- 4.25 The driver of a taxi shall assist wheelchair users into the taxi using the ramps if necessary and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey.
- 4.26 The driver shall not use any taxi capable of being hired by wheelchair users for carriage of passengers in wheelchairs without having undergone training in the use of equipment carried by wheelchair accessible taxis to the satisfaction of the Council.
- 4.27 If the driver of a taxi ceases for any reason to be authorised by law to drive on the road the vehicle to which the driver’s licence relates they shall forthwith notify the Council their disqualification or such other reason. They must return to the Council the taxi driver’s licence issued by the Council.
- 4.28 Immediately after the completion of their shift the driver of a taxi shall search the taxi for any property which may have been left therein.

- 4.29 Any property found in such taxi by the driver shall forthwith be returned by the driver to the owner, if known. If the owner is unknown, such property shall be handed in by the driver of the taxi to any police station within twenty four hours, along with
- (a) a note of their own name and address
  - (b) the name of the holder of the licence for such taxi;
  - (c) the number of the taxi; and
  - (d) the names and addresses of all the hirers of the taxi during that day so far as known to the driver which may assist in determining ownership of the property.
- 4.30 Where there is a material change of circumstances affecting the holder of a taxi driver's licence, he/she shall notify the licensing authority of the change as soon as reasonably practicable after such change has taken place. A 'material change' includes any material change in the particulars given or referred to in the application for grant or renewal of licence.
- 4.31 Where a taxi has been hired –
- (a) by or for a disabled person accompanied by a guide dog, a hearing dog or an assistance dog of that person; or
  - (b) by a person who wishes such a disabled person to accompany that person in the taxi, the driver of the taxi shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any charge for doing so.
- This condition shall not apply where a notice of exemption has been issued to the taxi driver, the notice of exemption is in force and the notice is clearly displayed on or in the taxi.
- 4.32 The driver of a taxi shall undertake the Councils' approved course of disability awareness training and meet the required standard of competency in relation to the same.

# **TAXI AND PRIVATE CAR HIRE**

## **Section 5**

### **Holder of a Private Hire**

### **Car Driver's Licence**

### **Conditions**

## Section 5

- 5.1 The driver of a private hire car must hold a current driving licence for the relevant class of vehicle. A private hire car driver shall at all times while he/she is in charge of a private hire car being used as such, have with him/her the private hire car driver's licence or such other means of identification issued by the licensing authority and he/she shall exhibit such licence or identification, on demand, to any passenger, constable or authorised officer of the licensing authority. The identity badge issued by the Council shall include the driver's name, a recent photograph, the licence number and the date of expiry of the licence and shall be worn in a clearly visible position at all times whilst on duty.
- 5.2 Unless prevented by sufficient cause the driver of the private hire car shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to the hire of their private hire car, which they accepted.
- 5.3 A private hire car driver which is hired shall not permit any additional person to be carried in such hire car during such hire without the express consent of the hirer.
- 5.4 A private hire car driver shall ensure that all passengers are properly seated and wear seat belts at all times in accordance with Road Traffic Act 1988.
- 5.5 The driver of a private hire car which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a private hire car which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom they are carrying at any one time.
- 5.6 The driver of a private hire car shall, unless the cost of a journey is regulated by an authorised fare, inform the hirer or passenger before the journey commences (a) that the fare is not regulated and (b) the method of calculating the cost of the proposed journey.
- 5.7 The driver of a private hire car in which a taximeter has been fitted shall not charge any fare in respect of any journey by the private hire car from the place at which it is discharged by the hirer.
- 5.8 The driver of a private hire car in which a taximeter has been fitted shall ensure that the taximeter shall operate at all times in accordance with the Council's fare structure.
- 5.9 The driver of a private hire car in which a taximeter has been fitted, as soon as they are hired, but no sooner, set the taximeter in motion. Whilst they are engaged the words "HIRED" shall be illuminated on the face of the taximeter so that it is readily visible at all times.
- 5.10 Immediately on the termination of a hire the driver of a private hire car shall stop the time mechanism within the taximeter but they shall not remove the fare record from the taximeter until the hirer has examined or has had a reasonable opportunity of examining it.

- 5.11 During the hours of darkness the driver of a private hire car shall keep the fare dial display illuminated, for the whole period that the private hire car in their charge is occupied by a hirer and until the hirer has examined or has had a reasonable opportunity of examining it.
- 5.12 The driver of a private hire car shall not refuse to convey a hirer or passenger to any place within the licensed area unless:
- (a) any hirer or passenger is not prepared to give the precise destination; or
  - (b) is drunk or otherwise not in a fit state to be carried; or
  - (c) whose condition or clothing is offensive or likely to cause damage to the interior of the private hire car; or
  - (d) refuse to cease smoking in the private hire car when requested by the driver; or
  - (e) is accompanied by any animal which is likely to damage or soil the interior of the private hire car except a guide dog, hearing dog, assistance dog; or
  - (f) for any reasonable cause.
- 5.13 The driver of a private hire car, shall not canvass or importune in any public place or street for employment, or otherwise ply for hire.
- 5.14 The driver of a private hire car shall not refuse to carry luggage in their private hire car providing that the said luggage can be accommodated safely within the luggage compartment of the private hire car.
- 5.15 If any person suffering from any infectious or contagious disease is carried in a private hire car, the holder of the operator's licence thereof shall, as soon as it comes to their knowledge, give notice to the Chief Administration Officer of the Ayrshire and Arran Health Board. They shall not cause or permit the private hire car to stand or ply for hire or carry passengers for hire until the Chief Administrative Officer of the Ayrshire and Arran Health Board certifies that the private hire car has been adequately disinfected.
- 5.16 The driver of a private hire car shall not carry, or cause or permit to be carried, in their private hire car any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- 5.17 The driver of a private hire car shall not knowingly carry, or cause or permit to be carried in their private hire car any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- 5.18 The driver of a private hire car shall not knowingly cause or permit such private hire car to be used for any illegal or immoral purpose nor shall they act in any manner whatsoever as an agent for prostitute or brothel keeper for the purpose of securing business.
- 5.19 The driver of a private hire car shall not knowingly use the vehicle as a private hire car while the private hire car operator's licence is suspended.
- 5.20 Immediately after the completion of their shift the driver of a private hire car shall search the private hire car for any property which may have been left therein.

- 5.21 Any property found in such private hire car by the driver shall forthwith be returned by the driver to the owner, if known. If not known, such property shall be handed in by the driver of the private hire car driver to any police station within twenty-four hours, along with
- (a) a note of their own name and address
  - (b) the name of the holder of the licence for such private hire car;
  - (c) the number of the private hire car; and
  - (d) the names and addresses of all the hirers of the private hire car during that day so far as known to the driver which may assist in determining ownership of the property.
- 5.22 The driver of a private hire car, while in charge of the vehicle, must be clean and tidy in their person, shall conduct himself/herself in a proper and civil manner, shall not smoke and shall be reasonably dressed, having regard to the weather conditions. It is not acceptable for a Licensed driver to wear sleeveless or collarless shirts, shell suits or track suits, football colours in any form, shorts (other than tailored shorts), or any other clothing to which the public may take offence.
- 5.23 The driver of a private hire car, while in charge of the private hire car shall conduct her/himself in a civil and orderly manner. The driver of a private hire car shall ensure that the private hire car, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable and is in a clean condition subject to the prevailing road and weather conditions.
- 5.24 The driver of a private hire car shall not at any time convey in such a vehicle more passengers than that approved by Council who shall be properly seated in that part set aside for passengers.
- 5.25 When the private hire car licence is suspended by the Council or a police constable in accordance with Section 11 of the Act. An officer of the Council or a police constable will place a label bearing (a) the words “this private hire car is meantime certified unfit for public use“ and (b) the date of withdrawal in a position within the passenger compartment of the private hire car so that it is readily visible to the intending passengers. Such a label has the effect of suspending the private hire car licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.
- 5.26 The driver of a private hire car shall not display in or on the private hire car (other than any taximeter fare dial) or on their person 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.
- 5.27 The driver of a private hire car shall not permit any person to drive the private hire car of which they are in charge, while such private hire is on hire or is available for hire unless that person is the holder of a current private hire car driver’s licence.
- 5.28 The driver of a private hire car shall not demand any fare from any person who has engaged a private hire car (and no fare shall be payable by such person): -
- (a) if the private hire car driver does not on demand exhibit the means of identification issued by the Council;

- (b) if the private hire car driver demands more than the fare agreed upon before the start of the hire;
  - (c) if the private hire car driver fails or refuses to complete an engagement except for any reasonable cause; or
  - (d) if a private hire car breaks down or if the private hire car becomes in any way unfit to convey the hirer to the destination for which they engaged such private hire car.
- 5.29 The driver of a private hire car on changing their permanent place of residence shall notify forthwith such change and their new address to the approved officer of the Council
- 5.30 The driver of a private hire car shall not obstruct an authorised officer of the Council in the performance of any of their duties under these conditions.
- 5.31 If the driver of a private hire car ceases for any reason to be authorised by law to drive on the road the vehicle to which the driver's licence relates they shall forthwith notify the Council their disqualification or such other reason. They must return to the Council the driver's licence issued by the Council.
- 5.32 Where there is material change of circumstances affecting the holder of a private hire car driver's licence, he/she shall notify the licensing authority of the change as soon as reasonably practicable after such change has taken place. A 'material change' includes any material change in the particulars given or referred to in the application for grant or renewal of licence.
- 5.33 Where a private hire car has been hired –
- (a) by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person; or
  - (b) by a person who wishes such a disabled person to accompany that person in the private hire car,
- the driver of the private hire car 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. This condition shall not apply where a notice of exemption has been issued to the private hire car driver, the notice of exemption is in force and the notice is clearly displayed on or in the private hire car.
- 5.34 The driver of a private hire car shall undertake the Councils' approved course of disability awareness training and meet the required standard of competency in relation to the same.

# **TAXI AND PRIVATE HIRE CAR**

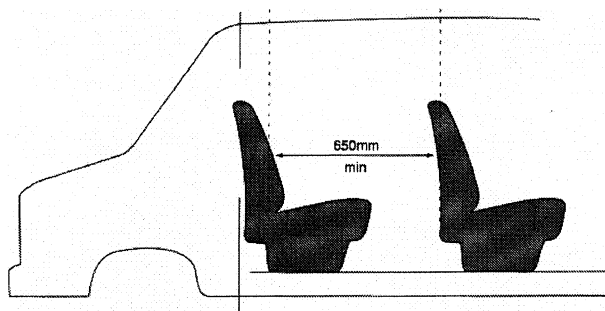
## **Section 6**

### **Taxi (Purpose Built Vehicle)**

#### **Specification**

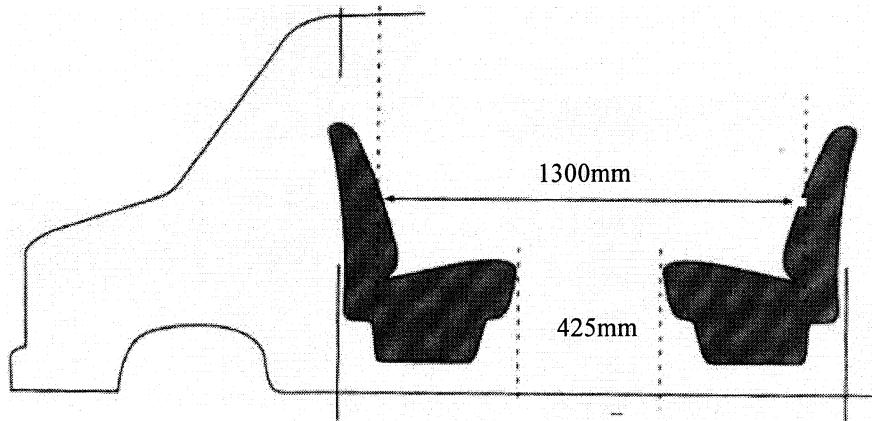
## Section 6

- 6.1 Safety is of paramount importance to East Ayrshire Council. Therefore, the taxi which will conform to the latest EEC standards i.e. M1 Whole Vehicle Type Approval (Category M1: vehicles used for the carriage of passengers and comprising no more than eight seats in addition to the drivers seat.) must comply in all respects with the requirements of any Act and Regulations relating to motor vehicles and be of the orthodox type. The Council has the right to specify the number of passengers the Taxi can carry and the seating layout.
- 6.2 The taxi must be in a proper state of repair for the use as a taxi. Any vehicle operating as a taxi within East Ayrshire must be under the age of 8 years from the original date of registration or until deemed unfit for public service thereafter.
- 6.3 The taxi shall have a taximeter which is incapable of multi-tariff operation and has been stamped or sealed by the Council after testing and approval as to distance and time in accordance with the approved taxi fares and charges. Once such a taximeter is fitted to the taxi the seal can only be broken if the taximeter is removed for repair. In this event the taximeter must be tested and re-sealed by the Council before the taxi is returned to service.
- 6.4 The steering wheel must be on the offside of the vehicle.
- 6.5 The minimum engine cubic capacity rating is 1500cc and/or 80bhp.
- 6.6 The vehicle must have a minimum of four doors. Childproof safety locks with an automatic motion sensitive locking system of an approved design must be fitted. Driver's door must be capable of locking independently from passenger doors.
- 6.7 The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the room immediately above that point must not be less than 96.5 centimetres. The width across the rear seat cushion must not be less than 1.07 metres.
- 6.8 All the passenger seats in the vehicle must have easy access and without obstruction.
- 6.9 To provide adequate knee room, the distance between the front surface of all seat backs and the back(s) in front or any obstruction must be at least 650mm.

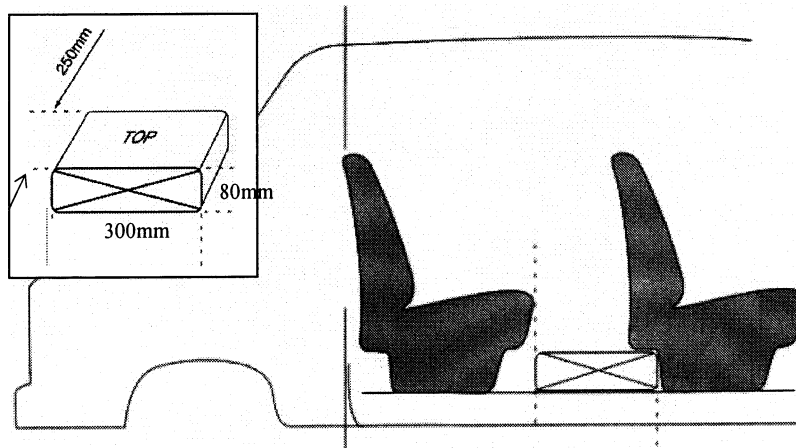


- 6.10 Where seats face each other, the distance between the seat backs measured in a horizontal plane through the centreline of the individual seating position along the top

surface of the seat cushion must be not less than 1,300mm. The distance between the front edges of the seat cushions must be a minimum of 425mm.



6.11 To provide adequate room for passenger's feet there must be clear floor space in front of the seat of 300mm long, 250mm wide and 80mm high.



6.12 The rear seat base width is a minimum of 116.5mm at rear of base and 122mm at front of base.

6.13 All seats should be either forward or rear facing.

6.14 The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver. Every cab must be provided with an approved means of communication between the passenger and the driver (where a driver/passenger intercom system has been fitted it must incorporate an induction loop for hearing aid users). When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 11.5 centimetres. All glass must be made of safety glass in accordance with the British or European Standards in force at the time and be capable of affording an unrestricted view of the vehicle interior (no dark tinted glass). Council's decision on what is an unrestricted view shall be final.

- 6.15 The vehicle must have a separate luggage compartment. The luggage compartment must be sufficient in size in order to safely stow the maximum amount of luggage in conjunction with maximum number of passengers authorised to carry by Council. All luggage must be securely retained by use of cargo netting or other Council approved method.
- 6.16 The vehicle must have a spare wheel fitted with a pneumatic tyre of the same size and type as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel. There must also be a suitable lifting jack and a suitable wheel brace.
- 6.17 The Licensing Authority plate must be affixed by means of screws to the exterior of the rear of the taxi. This must be a permanent fixture.
- 6.18 The Licensing Authority transfers must be affixed to the exterior of the front doors of the vehicle. This must be a permanent fixture. No other signage, other than 'self-advertising' as detailed in 6.19 below shall be permitted.
- 6.19 Advertising the name and telephone number of the company/proprietor (self-advertising) shall only be permitted on the front and rear windscreen glass of a vehicle outwith the windscreen wiper pattern area and to the satisfaction of a nominated council officer. Lettering shall not exceed 75mm in height and shall be contained in one line, unless smaller lettering is used, but the combined height of any lines shall not exceed 75mm in height
- 6.20 A wheelchair ramp at least 750mm wide and not more than 1,700mm in length is required and must be part of the vehicle's equipment at all times. A pair of channel ramps must not be used. When the ramp is deployed onto the road, the ramp slope must not exceed 1 in 4 (25%). It must be possible to deploy the ramp onto both a level road and a 125mm kerb. When the ramp is in use, it must be securely located at the point of wheelchair entry. The surface of the ramp must have a slip-resistant finish and all outer edges must be clearly marked in a contrasting colour.
- 6.21 All passenger entrances and the area immediately outside these entrances must be well lit. All entrances must have a maximum first step height of 250mm from ground level which may be achieved with a folding or slide out step. The first step height before deployment must not exceed 325mm from ground level. All step nosing and surfaces must be of slip-resistant material and all outer edges must be clearly marked in a contrasting colour.
- 6.22 There should be an approved security arrangement for the wheelchair user to remain within their chair while using the taxi.
- 6.23 The requirements on the rear door access for wheelchairs should be 1,170mm high and 680mm wide.
- 6.24 A fuel-isolating switch must be fitted.

- 6.25 The vehicle must have a “Taxi” roof sign fitted centrally to the front section of the roof, which must be illuminated when plying for hire. The roof sign must be automatically extinguished when the “Fare Meter” is engaged.
- 6.26 Bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished. The paintwork should be in good condition the same colour and the same shade; this also includes paint runs and the effect known as orange peel.
- 6.27 No fittings other than those approved may be attached to or carried upon the interior or exterior of the taxi. These include tow bars and fittings, roof racks, roof mounted luggage containers, etc (this list is not exhaustive)
- 6.28 The Council will approve the number and layout of passenger seats on any given taxi.

# **TAXI AND PRIVATE HIRE CAR**

## **Section 7**

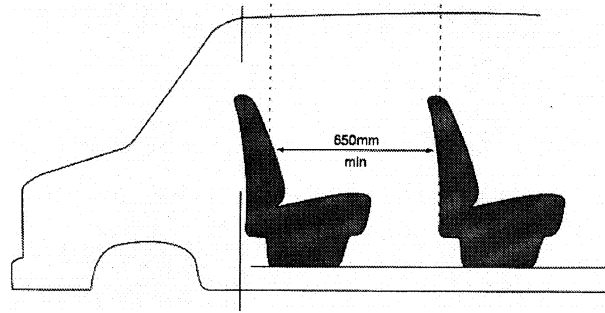
### **Taxis (Non-purpose built vehicles) Private Hire Cars & Minibuses**

#### **Specifications**

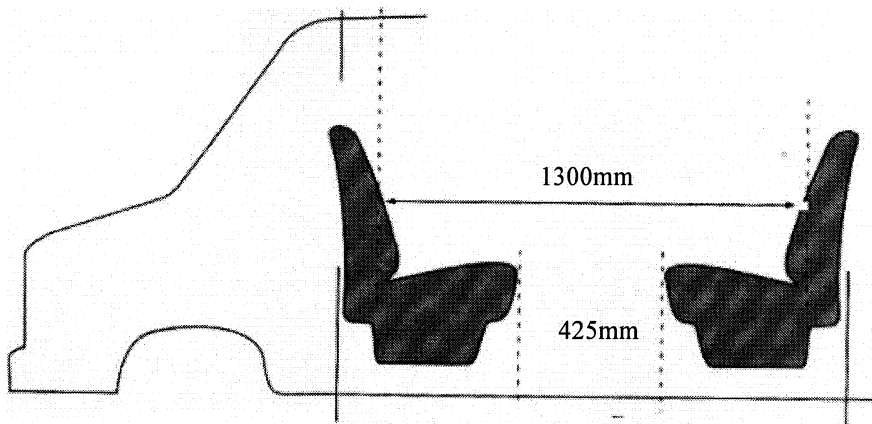
## **Section 7**

- 7.1 The vehicle must be in a proper state of repair for the use as a taxi or private hire car. Any vehicle operating as a taxi or private hire car within East Ayrshire must be under the age of 8 years from the original date of registration.
- 7.2 Every taxi or private hire car must comply in all respects with the requirements of any Acts or Regulations relating to motor vehicles in force at the time of licensing.
- 7.3 The steering wheel must be on the offside of the vehicle.
- 7.4 The minimum engine cubic capacity rating is 1500cc and/or 80bhp.
- 7.5 The vehicle must have a minimum of four doors excluding any doors at the rear of the vehicle. Passenger doors must be capable of being readily open and must be of such construction so as to permit reasonably unrestricted access for passengers.
- 7.6 The vehicle must have a separate luggage compartment. The luggage compartment must be sufficient in size in order to safely stow the maximum amount of luggage in conjunction with maximum number of passengers authorised to carry by Council. All luggage must be securely retained by use of cargo netting or other method approved by the Council.
- 7.7 If the vehicle is an estate type, people carrier type or a minibus, the passengers must be protected from loose luggage by a suitable grill or other approved arrangement.
- 7.8 The vehicle must have a spare wheel fitted with a pneumatic tyre of the same size and type as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel. There must also be a suitable lifting jack and a suitable wheel brace.
- 7.9 The Licensing Authority plate must be affixed to the exterior of the rear of the vehicle by means of screws.
- 7.10 The paintwork should be in good condition the same colour, the same shade and free from paint runs and the effect known as orange peel. The bodywork must be in good condition without rust, paint blisters caused by rust, scratches or dents.
- 7.11 All the passenger seats in the vehicle must have easy access and without obstruction. The rear seat base width is a minimum of 116.5mm at rear of base and 122mm at front of base.

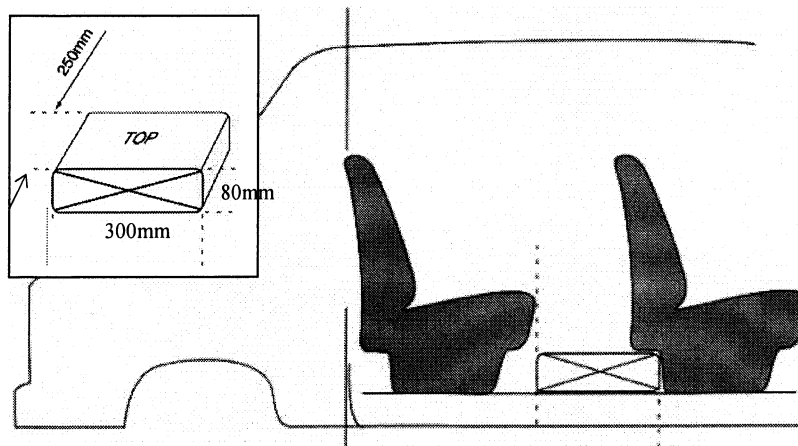
7.12 To provide adequate knee room, the distance between the front surface of all seat backs and the back(s) in front or any obstruction must be at least 650mm.



7.13 Where seats face each other, the distance between the seat backs measured in a horizontal plane through the centreline of the individual seating position along the top surface of the seat cushion must be not less than 1,300mm. The distance between the front edges of the seat cushions must be a minimum of 425mm.



7.14 To provide adequate room for passenger's feet there must be clear floor space in front of the seat of 300mm long, 250mm wide and 80mm high.



7.15 All seats should be either forward or rear facing.

- 7.16 All passenger entrances and the area immediately outside these entrances must be well lit. The nearside entrance must have a maximum first step height of 250mm from ground level which may be achieved with a folding or slide out step. The first step height before deployment must not exceed 325mm from ground level. All step nosing and surfaces must be of slip-resistant material and all outer edges must be clearly marked in a contrasting colour.
- 7.17 All vehicles other than saloon and estate type must be provided with childproof safety locks with an automatic motion sensitive locking system of an approved design. The driver's door must be capable of locking independently from passenger doors.
- 7.18 The Licensing Authority transfers must be affixed to the exterior of the front doors of the vehicle. This must be a permanent fixture. No other signage, other than 'self-advertising' as detailed in 7.19 below shall be permitted
- 7.19 Advertising the name and telephone number of the company/proprietor (self-advertising) shall only be permitted on the front and rear windscreen glass of a vehicle outwith the windscreen pattern area and to the satisfaction of a nominated council officer. Lettering shall not exceed 75mm in height and shall be contained in one line, unless smaller lettering is used, but the combined height of any lines shall not exceed 75mm in height.
- 7.20 No fittings other than those approved may be attached to or carried upon the interior or exterior of the taxi. These include tow bars and fittings, roof racks, roof mounted luggage containers, etc (this list is not exhaustive)

#### **Minibus – Additional requirements**

- 7.21 Must be capable of carrying safely up to a maximum of 8 passengers including luggage.
- 7.22 The vehicle must be factory/custom built and be approved by the manufacturer.
- 7.23 Passenger seats must be minimum 425mm wide (measured at the leading edge) and 400mm deep (measured through the centre line of top cushion).
- 7.24 Dual passenger seat located within driver's compartment is strictly not permitted.
- 7.25 All seat belts must be 3-point, lap and diagonal type.
- 7.26 Main Passenger compartment to be serviced by a minimum of 2 doors (excluding rear doors).

## **GENERAL INFORMATION ON SUITABLE VEHICLES**

**There will be a list of makes and models of vehicle's the Council consider suitable for the use as Taxis or Private Hire Cars.**

**This list will be amended from time to time to add new vehicles or models that the Council considers suitable.**

**The Council has the right to specify the number of passengers that any Taxi or Private Hire Car can carry and the seating layout.**

**The layout of seats within the vehicle will be subject to approval by an authorised council officer at time of initial inspection and no changes will be permitted unless given prior consent.**

**No vehicles (other than purpose built taxis) that have been the subject of major conversion or modification will be accepted unless a Low Volume Type Approval Certificate, issued by the Vehicle Certification Agency (VCA) covering such conversion or modification, is presented at time of inspection of vehicle for the purposes of issuing a Certificate of Compliance.**

**For Purpose Built Taxis an EEC M1 Whole Vehicle Type Approval Certificate issued by the Vehicle Certification Agency (VCA) must be presented at time of inspection of vehicle for the purposes of issuing a Certificate of Compliance.**

**For vehicles fitted with passenger taillifts a valid Lifting Operations and Lifting Equipment Regulations 1998, (LOLER), Bi-annual certification must be presented at time of inspection of vehicle for the purposes of issuing a Certificate of Compliance.**

# **TAXI AND PRIVATE HIRE CAR**

## **Section 8**

### **Driving a Taxi or Private Hire Car**

This section covers some of the key issues associated with driving a taxi or private hire car. It looks at some of the skills you require to drive a taxi or private hire car safely with passenger consideration.

## **SAFE DRIVING**

Driving a taxi or private hire car demands a sense of responsibility. You are responsible for the lives of your passengers in your vehicle as well as other road users and pedestrians.

It means driving with responsibility, care, consideration and courtesy. Other people may make mistakes so you should be aware of other road users and pedestrians.

Safe driving involves:-

1. Being aware of what is happening around you and anticipating the actions of other road users.
2. Driving to take account of the unexpected.
3. Staying in full control at all times.

Driving safely relies on making effective observations and to do this you must look and assess your situation, decide on an appropriate course and act on that decision.

## **THE SAFETY GAP**

Try to maintain a safety gap around your vehicle at all times.

In slow moving or stationary traffic you should never get so close to the vehicle ahead of you that if it stalled or broke down you would have to use reverse gear or more than a moderate amount of steering to pass the vehicle.

In faster moving traffic you should keep a safe distance from the vehicle in front. If the vehicle behind is too close do not speed up; increase the distance from the vehicle in front. This allows the following vehicle a better chance to overtake, or if the vehicle in front stops suddenly, it gives you and the following vehicle a better chance to stop gradually.

## **MIRRORS AND BLIND SPOTS**

The mirrors must be clean and in the right position. You should use them frequently and always before signalling or changing speed or course.

All vehicles have blind spots and you should know where they are. You should never stay in another vehicle's blind spot for longer than is necessary.

## **REVERSING**

If reversing is unavoidable then carry out the manoeuvre slowly.

Before reversing, you should always check that the way is clear and that the manoeuvre can be made safely.

Take care when reversing near children as nearly a quarter of all deaths involving children and vehicles occur while the vehicles are reversing.

## **SIGNALS**

Always give the signals illustrated in the Highway Code, and avoid giving confusing signals.

## **SPEED**

Speed limits are a legal maximum and are not the same as safe driving speeds.

## **PASSENGER CONSIDERATION**

Drivers should be considerate to their passengers. Passengers with disabilities require special consideration, not only embarking or disembarking but also during the journey. Harsh cornering, stopping or braking could cause pain and distress.

## **VEHICLE SYMPATHY**

Vehicle sympathy involves being aware of your vehicle's capabilities and not trying to exceed them.

## **VEHICLE CHECKS**

Before you start your shift you should check that:-

1. There is no external damage to the bodywork.
2. All doors and locks are operating correctly.
3. All tyres are in an acceptable condition and at the correct pressure.
4. Oil, water, brake fluid and washer fluid levels are correct.
5. All lights and indicators are working and clean.
6. Windscreen wipers and washers are in working order.
7. Mirrors are intact correctly positioned and clean.
8. Windows are clean.
9. The horn is in working order.
10. All the seats are fixed and secure and the seat belts are working.
11. Check the wheelchair ramp (if applicable).

## **ACCIDENTS**

If you are involved in an accident you are legally obliged to stop and exchange details with any other person involved in the accident. However, if the other person involved in the accident will not give you their details, note the registration number, make and model of the other vehicle. You should take the names and addresses of any witnesses.

If you are suspicious or feel vulnerable offer to drive to the nearest police station. If the other driver does not agree, be cautious.

If someone is injured or if for any reason particulars cannot be exchanged, then you have a duty to report the accident to the Police as soon as possible but within 24 hours.

Remember that your passengers may panic and you may also experience some shock yourself. Remain calm, reassure your passengers and take control of the situation. When you have the situation as safe as possible, you should then concern yourself with collecting and exchanging the necessary details.

If the accident causes injury to any person or animal, or damage to any other vehicle or any property you should:

1. Stop! This may seem obvious, but it is a legal requirement.
2. Do not move the vehicle unless it would be dangerous to leave where it is.
3. Immobilise the vehicle by applying the handbrake, putting the vehicle into a high gear or in the parked mode if the vehicle is an automatic and switch off the engine. Turn off any electrical or fuel isolating switches that may be fitted.
4. Evacuate your passengers if there is a risk of fire or further accident.
5. Check carefully for any injuries amongst the passengers. If anyone is injured call the emergency services and administer first aid if you are a qualified first aider. Remember that shock symptoms may not be immediately obvious and shock can be life threatening.

IT IS ADVISABLE NOT TO:

1. Admit liability, even if you believe you are at fault. It may invalidate your insurance cover.
2. Discuss the accident with anyone at the scene except the police.
3. Visit other parties involved in the accident.
4. Talk to the media about the accident.

### **IF THE VEHICLE IS ON FIRE**

In the event of a fire, the first priority is to evacuate the passengers, since a vehicle can burn out in 3 to 4 minutes. It is suggested that the following steps should be considered in the event of a fire:-

1. Take control of the situation.
2. Stop the vehicle immediately if it has not already come to a halt. Engage the handbrake and a high gear.
3. Switch off the engine.
4. Operate the fuel cut-off switch. (If fitted)
5. Assist the passengers to leave the vehicle.
6. Under no circumstances return to the vehicle or permit any passengers to return to the vehicle to collect personal belongings

### **BASIC FIRST AID**

First aid training is widely available and inexpensive. Certificated courses are organised by St. John Ambulance, British Red Cross and St. Andrews Ambulance Association.

If you are the first person on the scene of a road traffic accident then you will find the following information useful:-

1. If possible, position your vehicle so as to protect the scene of the accident.
2. Engage the handbrake, switch off the engine and put on the hazard warning lights.
3. Stay calm and assess the situation before taking any action.
4. Call the emergency services using the 999 facility, or get someone else to do so.

## **ALCOHOL AND DRUGS**

It is illegal to drive whilst under the influence of alcohol or drugs (this can include prescribed drugs). When you are taking prescribed medicines check with your doctor if it is safe to drive. If you are taking other medicines, a pharmacist can offer advice.

Drinking any amount of alcohol will impair your driving ability and may lead to a breach of the law. The effect of alcohol from the day before may impair your judgement and could still be detected by the Police.

## **ROADSIDE INSPECTION**

The Police can stop a taxi or private hire car at any time. They have the right to inspect the vehicle for defects and can issue a prohibition on the vehicle.



**East Ayrshire**  
COUNCIL

**Department of Neighbourhood Services**

Executive Director: William Stafford, MCIWM, MREHIS

Licensing and Community Safety

14 London Road

Kilmarnock KA3 7AF

Tel: 01563 554391 Fax: 01563 554390

*If telephoning or calling please ask for: Alison Smith/David Johnstone*

7 July 2004

**TO ALL LICENSED TAXI AND  
PRIVATE HIRE CAR OPERATORS**

Dear Sir/Madam

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
CONSULTATION DOCUMENT: LICENCE CONDITIONS, VEHICLE SPECIFICATIONS AND  
BEST PRACTICE IN RELATION TO THE OPERATION AND DRIVING OF TAXIS AND  
PRIVATE HIRE CARS**

The Council has prepared the enclosed document which brings together licence conditions, policy, guidelines and a code of conduct in relation to the driving and operation of taxis and private hire cars in East Ayrshire. It is anticipated that this document, together with any comments from the Taxi Trade Council and individual licensees, will be submitted to the Licensing Panel for consideration at its meeting in October.

Accordingly, I would be obliged if you could use the attached consultation form and pre-paid return envelope to advise the Council of any comments you have on the document.

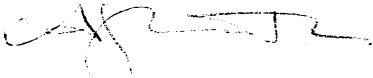
The main changes to the current conditions and specifications are briefly as follows:-

1. It is proposed that the current age restrictions on vehicles be amended. (Paragraphs 2.1, 2.3, 3.1, 6.2, and 7.1)
2. Basic details of each vehicle's maintenance records to be kept and submitted. (Paragraphs 2.2 and 3.2)
3. All drivers to be assessed on their driving ability and customer awareness. (Paragraphs 4.1 and 5.1)
4. The Vehicle Specifications have been rationalized to take into account changes in legislation and improvements/alterations agreed since 1996. There are no major changes other than the proposal to lower the age limits detailed at 1 above.

It would be helpful if you could indicate, in your response, which paragraphs are relevant to your comments.

Please complete and return the consultation form to arrive at this office no later than 20 August 2004.

Yours faithfully



**Alison J Smith**  
**Licensing and Community Safety Manager**

EAST AYRSHIRE COUNCIL

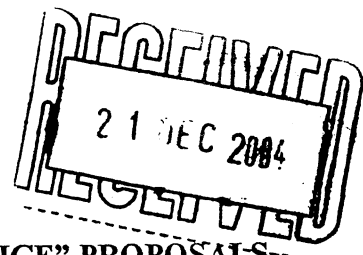
CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CONSULTATION ON LICENCE CONDITIONS, VEHICLE SPECIFICATIONS AND BEST PRACTICE  
IN RELATION TO THE OPERATION AND DRIVING OF TAXIS AND PRIVATE HIRE CARS

<b>Name:</b>	<b>Licence No(s):</b>
<b>Address:</b>	<b>Member of Taxi Trades Council: Yes/No</b>
Please provide your comments, if any, on the proposed changes to the age restrictions on vehicles.	
Please provide your comments, if any, on the proposed requirements in relation to vehicle maintenance.	
Please provide your comments, if any, on the proposed conditions of licence.	
Please provide any comments you may have on any aspect of the consultation document, indicating clearly to which sections and paragraphs you are referring.	

# APPENDIX 3

## EAST AYRSHIRE TAXI TRADE COUNCIL



### RESPONSE TO EAST AYRSHIRE COUNCIL'S "BEST PRACTICE" PROPOSALS

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- 2.1 The Council must recognise the improvement in the taxi fleet in recent years. The Council must also recognise that the majority of East Ayrshire taxi fleet comprises modern, well maintained, smartly turned out cars.

The Council's proposal that vehicles "entering service etc. must be under the age of etc." is not practical. The majority of operators use second hand cars most of which are ex fleet, most of which are three years old or just approaching three years old. The Council's proposal would exclude our biggest resource. It must be pointed out that the condition of a car taxed from new for four or five years is indistinguishable from a car taxed for an equivalent period from three years old. We can see no obvious benefit for the public in limiting taxis to less than three years old when first entering service. The same applies to limiting service to six years old. A seven year old car which has been taxed for one year will undoubtedly be in superior condition to a five year old one which has been taxed for five years.

It must also be pointed out that although under current conditions a car can be taxed for up to eight years from first registration. The Council is under no obligation to keep issuing certificates of compliance, in at least one instance an operator was told by a tester at Crookedholm "I've passed it but don't bring it back in six months. It won't pass another test". Even although the car would have been less than eight years old. The Council demonstrably has the power already to make sure that vehicles which are no longer suitable can be stopped from taxi-ing which makes the six year proposal pointless. As has been pointed out to the Council on many occasions that taxi operators earnings are falling and have been for many years. The taxi trade cannot think of a single instance where public safety or comfort has been compromised under current age restrictions or testing regime. If as the Council suggests, a minority of operators are not maintaining their cars and are not properly preparing their cars for (bi)annual test(s) surely these operators should be penalised rather than penalise the whole trade.

- 2.2 The Trade understands that safety concerns are already catered for by annual and bi annual testing. As pointed out above, the taxi trade cannot think of a single instance where public safety or comfort has been compromised under current age restrictions or testing regime.
- 2.3 The current system of one up to five years then twice annually has served well. We are not aware of any circumstances where the current system has undermined the comfort or safety of passengers. We see the new proposal as causing additional expense to an already financially beleaguered taxi trade with no demonstrable benefit to the public.

- 2.32 A certificate of insurance is surely too important a document to be carried in a taxi at all times. I'm sure most operators would be happy to produce a certificate of insurance either to the police or a council official on a next day basis.
- 4.1 To suggest that "all applicants for the grant of a taxi driver's licence must be assessed by a council official on their "driving ability and passenger awareness" is absolutely ludicrous. There is nothing about the vehicles to be driven which requires specific driver training. All applicants for the grant of a taxi driver's licence have demonstrated their driving ability to the satisfaction of Her Majesty's Government. No one in the taxi trade can think of any aspect of passenger awareness in which a council officer might be qualified to assess our ability. Only experience can train someone to handle an aggressive drink/drug addict or sexually aggressive passenger(s) or people with no money or people with money who refuse to pay. There are many other passenger types, and situations which the trade cope with on a regular basis where we would find it wholly inappropriate for a council officer to assess our ability to deal with them.