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Private Hire Vehicle Operator's Licence Conditions, Fitness Policies and S21 Guidance

EAST DUNBARTONSHIRE COUNCIL

PRIVATE HIRE VEHICLE OPERATOR'S LICENCE CONDITIONS

PRIVATE HIRE VEHICLE OPERATOR'S LICENCE CONDITIONS

DEFINITIONS:-

- (a) "Authorised Officer" means any person authorised by the Council to act in connection with any matter relative to the Schedule of Conditions and to the Act or amendment or re-enactments thereof and any statute or regulation affecting the Act.
- (b) The "Act" means the Civic Government (Scotland) Act 1982.
- (c) The "Council" means East Dunbartonshire Council as the licensing authority in terms of the Act.
- (d) The "Licence Holder" means the person to whom the Council has granted a licence and whose name is specified in the licence to which the Schedule of Conditions relates. References to masculine gender include feminine unless the contrary intention appears.
- (e) "Operator" means the holder of an Operator's Licence.
- (f) "Operator's Licence" means a private hire car licence within the meaning of s.10 of the Act.
- (g) The "Schedule of Conditions" means the undernoted numbered conditions imposed by the Council in respect of the licence, with which the Licence Holder must comply and also referred to as "Conditions".
- (h) The "Vehicle" means the vehicle specified in the licence.

SCHEDULE OF CONDITIONS

1. The Licence Holder shall ensure that all drivers who use the Vehicle are fully aware of their obligations under these Conditions and the consequence/s of breach of any of these Conditions by a driver.
2. The Licence Holder shall not ask, require or create an impression that he requires a driver of a Vehicle to do anything which would result in the driver breaching any of these Conditions or the Drivers Conditions or acting unlawfully in any way.
3. The Licence Holder must hold, in the name of the following persons, the required Vehicle Registration Document (V5) and certificate of insurance in relation to the Vehicle as required by Part VI of the Road Traffic Act 1988:
 - a. if the Operator is an individual, in the name of that person; or
 - b. if the Operator is trading as a company, in the name of that company; or
 - c. if the Operator is trading as a partnership, in the name of that partnership or at least one of the named partners; or
 - d. the named day to day manager; or
 - e. where the Vehicle is leased from a leasing company, proof of ownership of the Vehicle by the leasing company and proof of the leasing arrangement entered into by the Licence Holder with the leasing company.

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4. A Licence Holder shall ensure that the following documentation is carried in the Vehicle at all times by the driver of the Vehicle:
 - a. The private hire driver's licence issued by the Council (copy);
 - b. The badge of identification issued by the Council;
 - c. The Private Hire Operator's Licence (copy)
 - d. An original or copy of an up to date, valid certificate of insurance issued for the Vehicle.
5. The Licence Holder must display the badge of identification issued by the Council at all times and exhibit this to a passenger upon request. The Licence Holder shall ensure that the driver of the Vehicle is aware of his/her responsibility to exhibit the documents referred to in Condition 4 upon demand to a police officer or Authorised Officer. In addition, the Licence Holder shall ensure that the driver's driving licence issued by the DVLA shall be exhibited to a police officer or Authorised officer if requested.
6. The Licence Holder must exhibit to the Council, an Authorised Officer and/or police officer when required, the registration document relating to the licensed Vehicle and the certificate of insurance for the Vehicle to satisfy the Council, an Authorised Officer, and/or police officer that the Vehicle is currently insured and has been continuously insured throughout the full currency of the licence.
7. The Licence Holder shall not obstruct in any way an Authorised Officer and/or police officer in the performance of their duties/powers under the Act.
8. The Licence Holder shall comply with all lawful instructions and/or directions of an Authorised Officer or police officer in relation to these Conditions and shall hand over all information reasonably required in the discharge of the duties of that Authorised Officer or police officer.
9. The Licence Holder shall ensure that a Vehicle never carries more than four passengers, except in the case where a Vehicle designed to carry more than four passengers is tested at a testing station authorised by the Council and approved to carry more than four passengers. The maximum permitted number of passengers which will be authorised in terms of this licence will be eight passengers. For the purposes of these Conditions, one person constitutes one passenger.
10. The only exception to the maximum permitted number of passengers specified in Condition 9 above shall be in relation to chauffeur driven vehicles, in which case the maximum permitted number of passengers which will be authorised in terms of this licence shall be the number specified in the Vehicle Registration Document.
11. The Licence Holder shall never authorise the Vehicle to carry more than the maximum number of passengers it is permitted to carry in terms of Condition 9 or Condition 10 above and he/she will ensure that the driver of the Vehicle never carries more than the permitted maximum number.
12. An Operator's Licence shall be required for any vehicle which is to be driven by a chauffeur carrying passengers under a contract for its exclusive hire for a period of less than twenty four hours. This Condition does not apply to a vehicle while it is being used in connection with a funeral or wedding.
13. The Licence Holder shall at all times ensure that, where provided by the manufacturer, the manufacturer's recommended spare wheel and tyre or an equivalent is carried in the Vehicle, and that said wheel and tyre are in a roadworthy condition. If any tyre and/or wheel has been

punctured or damaged and has been submitted for repair then the Licence Holder shall ensure that evidence of that repair is carried by the driver in the Vehicle. The Licence Holder shall ensure that the necessary repair/s are effected within a forty-eight hour period.

14. The Licence Holder shall not display internally or externally on the Vehicle any advertisements/signage without the prior written consent of the Council, such consent not to be unreasonably withheld. Vehicles must not display details of more than one booking office currently licensed by the Council.
15. The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, a request to hire the Vehicle which has been accepted, unless there is sufficient cause for not fulfilling the request to hire.
16. The Licence Holder shall ensure that the driver of the Vehicle is aware of his/her responsibility to provide any passenger with a written receipt for their journey when requested to do so. Such a receipt shall include the date, time and cost of the journey.
17. The Licence Holder shall ensure that, whilst the Vehicle is in use as a private hire Vehicle, any plates or other items which have been issued by the Council for the purpose of indicating that the Vehicle is a private hire Vehicle are displayed at all times in positions specified by the Council. No other signage shall be displayed on or in the Vehicle that has not been specified by the Council in writing.
18. In respect of chauffeur driven vehicles as are referred to in Condition 10, it shall be acceptable for the front and rear plates that are issued by the Council to be kept inside the luggage compartment of the Vehicle. This is on the basis that both plates shall be exhibited by the driver upon demand to a police officer, Authorised Officer and/or passenger/s and the Licence Holder shall ensure that the driver of the Vehicle is aware of his/her duty in this regard.
19. The Licence Holder shall not deface any plate or other item which is fixed to the Vehicle and has been issued by the Council for the purpose of indicating that the Vehicle is a private hire vehicle. If any plate or other item which is fixed to the Vehicle and has been issued by the Council for the purpose of indicating that the Vehicle is a private hire vehicle becomes so defaced as not to be distinctly visible or legible or if any such plate or other item is lost, the Licence Holder shall report this to the Council as soon as reasonably practicable in order to obtain a replacement.
20. Upon receiving a replacement plate or other item in terms of Condition 19, the Licence Holder shall ensure that the plate or other item is affixed to the Vehicle in the original position that has received prior written consent from the Council.
21. The Licence Holder shall ensure that affixed to the Vehicle, on both front external doors and in a position and style specified by the Council, there is a sign that has been provided by the Council and which reads 'Private Hire Vehicle Pre-Arranged Bookings Only'. Said sign must be obvious and clearly visible to members of the public.
22. The Licence Holder shall not install or allow to be installed at any time a camera or other similar device (including a video and/or digital image recorder) which is capable of recording/taking/storing images of passengers entering/exiting/sitting in the Vehicle without the prior written consent of the Council and with clear signs on all external passenger doors advising of the operation of said devices operating within the Vehicle. The provisions of this condition

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shall not apply to a camera or similar device which is entirely forward facing and cannot be reset or repositioned so as to record images of passengers entering/exiting/sitting in the Vehicle.

23. The Licence Holder shall require the driver of the Vehicle to notify any change of permanent address as soon as reasonably practicable. If it comes to the attention of the Licence Holder that a driver of the Vehicle has changed his/her permanent address then the Licence Holder shall ensure that this is communicated in writing to the Council by both the Licence Holder and the driver within five working days of said change.
24. If a Licence Holder changes permanent address or place of business or there is a material change in circumstances then the Licence Holder shall notify the Council in writing of said change within five working days.
25. The Licence Holder shall not allow any driver or passenger to smoke in the Vehicles at any time. This prohibition includes e-cigarettes. The Licence Holder shall ensure that a No-Smoking sign is displayed prominently within the Vehicle at all times.
26. The Licence Holder shall ensure that drivers of the Vehicle are fully aware that whilst the Vehicle is in motion, they are not permitted to use a mobile phone, satellite navigation system or any other interactive communication device, except a hands-free device which is permissible by law. Further, the Licence Holder shall ensure that all drivers of the Vehicle are aware that they are not permitted to conduct themselves in a manner which prevents them from exercising full control over the speed and direction of the Vehicle, while it is in motion.
27. The Licence Holder shall ensure that the Vehicle, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions.
28. The Licence Holder shall ensure that the Vehicle is in a proper state of repair for use as a private hire vehicle in accordance with Schedule A to these Conditions.
29. The Licence Holder must ensure that the Vehicle carries a modern, legally valid, fully working fire extinguisher in a suitable fastener which is easily accessible in the Vehicle at all times. The Licence Holder shall ensure that said fire extinguisher is of the correct type, conforms to the relevant British Standard and, at all times, in a good working order and, where applicable, within its expiry date.
30. Where the Licence Holder's Vehicle is fitted with a taximeter, the Licence Holder shall only use a taximeter which has been stamped or sealed by the Council/Council approved tester and no other taximeter shall be affixed or used. Once such a taximeter is fitted to the Vehicle, the Licence Holder shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment or connection affixed thereto except to remove the taximeter for repair or replacement. Should the taximeter be removed or should the seal be broken or faulty, the Licence Holder must immediately withdraw the Vehicle from service and the taximeter shall be re-tested, stamped and sealed by the Council/Council approved tester before being used again as a private hire vehicle.
31. The taximeter shall not be used for more than a twelve month period without retesting and written evidence of that re-testing must be submitted to the Council in writing within ten working days of re-testing.

32. Where the Licence Holder's Vehicle is fitted with a taximeter, the Licence Holder shall ensure that the taximeter is fitted to the Vehicle in a manner and position approved by the Council.
33. The Licence Holder shall not knowingly use, or cause or permit to be used, a taximeter which is any way defective.
34. The Licence Holder shall not use, or cause or permit to be used on his Vehicle,
 - a. where there is an electronic taximeter fitted to the Vehicle, a road wheel or tyre or other apparatus which inhibits the proper functioning of the electronic taximeter; or
 - b. where there is a mechanical taximeter fitted to the Vehicle, a road wheel or tyre of a different circumference from that for which the taximeter affixed to the Vehicle was designed, geared and tested by the Council/Council approved tester.
35. Where the Licence Holder's Vehicle is fitted with a taximeter, the Licence Holder shall, within 2 working days, inform the Council of the removal of the taximeter from the Vehicle. The Licence Holder shall not re-fit a taximeter on a second or subsequent occasion without prior permission from the Council, except when the Vehicle is due to be tested by the Council/Council approved tester.
36. The Licence Holder shall ensure the following:
 - a. where there is a taximeter fitted to the Vehicle, the Licence Holder shall obtain from the Council a notice detailing the table of approved fares and charges ("**the Fare Card**") and shall display the notice in the passenger compartment of the Vehicle in such a position that it will be readily visible to the passengers being carried. The Fare Card shall be kept clear, legible and easily distinguishable, shall not be concealed in any way and shall set forth in distinct figures and lettering the detailed requirements imposed by the Council as to the fare charges to be charged;
 - b. where there is a taximeter fitted to the Vehicle, except where the cost of the journey is regulated by the Fare Card structure, the Licence Holder shall take steps to ensure that drivers inform any potential hirer of the Vehicle prior to acceptance of the hire,
 - i. that the fare is not so regulated; and
 - ii. the cost, or the method of calculating the cost, of the proposed journey;
 - c. where there is a taximeter fitted to the Vehicle, the Licence Holder shall ensure that drivers are aware that they are entitled to demand and take for the hire of the Vehicle, the fare prescribed on the Fare Card, the fare being calculated by distance unless the hirer expresses at the time of hiring his desire to engage by time, when the fare shall be the subject of special agreement. The Licence Holder or driver shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges prescribed on the Fare Card, which may not be possible to record on the face of the taximeter;
 - d. where a taximeter is not fitted to the Vehicle, the Licence Holder shall take steps to ensure that, where a driver is asked by a potential hirer to do so, the driver informs any potential hirer of the Vehicle, prior to acceptance of the hire, of either the cost or the method of calculating the cost of the proposed journey.

37. The Licence Holder shall require and ensure that the Vehicle undergoes and passes an annual inspection at a testing centre authorised by the Council, and that the Licence Holder holds a current certificate of compliance in respect of the Vehicle issued by that testing centre showing compliance with the Council's requirements in respect of that Vehicle. For those Vehicles that are five years old or more, a Licence Holder shall require and ensure that their Vehicle undergoes and passes an inspection twice per year.
38. In addition to any routine inspection, and upon receiving not less than two days' notice, either verbally or in writing from an Authorised Officer or police officer, the Licence Holder shall produce or ensure the production of the Vehicle for examination at a time and place specified by that Authorised Officer or police officer to ensure its road worthiness and/or safety.
39. The Licence Holder, when presenting the Vehicle for inspections, shall exhibit the certificate of insurance for the Vehicle. Said certificate of insurance shall satisfy the Council that the Vehicle is currently insured and has been continuously insured throughout the full currency of the Licence.
40. The Licence Holder, when the Vehicle is damaged in a vehicular accident or by any other means, shall report the damage to the Council no later than two working days from said damage and, if the Vehicle is roadworthy, shall present it for examination at a testing centre within the following two working days (being days on which the testing facilities operate) after the occurrence. As soon as repairs to the Vehicle have been completed, the Licence Holder shall present in writing to the Council appropriate evidence from the testing centre that the Vehicle is in a safe and roadworthy state of repair and is fit to be operated as a private hire vehicle. The Council shall be the ultimate arbiter in determining whether the Vehicle is fit for purpose to be used as a private hire vehicle.
41. Where the Licence Holder holds a current licence and a current certificate of compliance issued by a Council approved test centre, certifying compliance of the Vehicle with the requirements of the Council in respect of the Vehicle then, in accordance with Regulation 6(4) of the Motor Vehicle (Test) Regulations 1981, the Licence Holder shall not require to hold a separate MOT certificate in respect of the Vehicle. The Licence Holder shall require to renew the certificate of compliance every 12 months from the date of issue and shall exhibit the certificate of compliance to an Authorised Officer or a police officer upon request.
42. The Licence Holder shall keep an up-to-date record of the names and addresses of all drivers employed by that Licence Holder or in a contract or vehicle leasing arrangement with that Licence Holder, together with the dates and times that each driver is in charge of the Vehicle. The Licence Holder shall exhibit this record to an Authorised Officer or a police officer upon request.
43. The record referred to in Condition 42 shall be kept for a minimum of twelve months and must be produced on request to an Authorised Officer or a police officer for inspection at any reasonable time together with any other such information as may be required by an Authorised Officer or police officer, for the purpose of ascertaining the identity of any driver employed by the said Licence Holder or for any other purpose relating to these Conditions.
44. The Licence Holder shall ensure that, if any allegations are made to them of abusive, sexist, offensive, discriminatory or racist language relating to a person's characteristics, identity or circumstances, and which was allegedly perpetrated by a driver of their Vehicle in front of and/or

addressed to a passenger, then said allegations shall be reported to an Authorised Officer within two working days of said allegations being made.

45. The Licence Holder shall report any alleged and/or suspicious criminal activity/behaviour allegedly perpetrated by a driver and/or within the Vehicle to Police Scotland and an Authorised Officer immediately upon awareness of the allegation/suspicion.
46. If during the currency of the licence, the Licence Holder is charged with or convicted of any offence or receives an endorsable fixed penalty, they shall, within 5 working days of said charge, conviction or endorsement, provide full details in writing of such charge, conviction or endorsement to the Council. The Licence Holder shall also upon request evidence to an Authorised Officer or a police officer that the charge, conviction or endorsable fixed penalty has been reported to the Licence Holder's insurance company.
47. Subject to Condition 48, the Licence Holder shall ensure that the driver of the Vehicle is aware of the responsibility not to refuse to carry luggage in the Vehicle providing that the said luggage can be accommodated safely within the Vehicle and/or its luggage compartment.
48. The Licence Holder shall ensure that the driver of the Vehicle is aware of the responsibility to give such assistance as the driver is physically able to give with loading and unloading luggage when required to do so. However, no driver shall be required to leave the immediate proximity of the Vehicle in doing so.
49. The Licence Holder shall ensure that the driver of the Vehicle is aware of the responsibility to not knowingly allow the Vehicle to be used for illegal or immoral purposes, permit to be carried in the Vehicle any article of a dirty, filthy or noxious nature or an explosive or dangerous nature, nor permit to be carried in the Vehicle anyone who has vermin on his person.
50. The Licence Holder shall ensure that, where the Vehicle has been hired by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog, or by a person who wishes such a disabled person to accompany them in the Vehicle, the driver of the Vehicle is fully aware of the legal obligations, subject to Condition 51 below, to carry the disabled person's dog and allow it to remain with the disabled person and that the driver makes no additional charge for doing so.
51. The Licence Holder shall ensure that all drivers of the Vehicle are aware that they may be exempted from their obligation to carry a disabled passenger's guide dog, hearing dog or assistance dog on medical grounds but only by the relevant driver applying to the Council for an exemption notice which, if granted, must be exhibited either by
 - a. affixing it in a prominent position on the dashboard facing upwards; or
 - b. affixing it to the windscreen of the Vehicle, facing outwards.

In either case, a Braille version of the exemption notice must be kept in the Vehicle at all times and provided to anyone requesting or appearing, in the reasonable opinion of the Licence Holder, to require this.

52. Where the Vehicle is designated as a wheelchair accessible vehicle in terms of section 167 of the Equality Act 2010, the Licence Holder shall ensure that the driver of the Vehicle is fully aware of the obligation:-

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- a. to carry a passenger whilst in a wheelchair;
 - b. not to make any additional charge for doing so;
 - c. if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - d. to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - e. to give the passenger such mobility assistance as is reasonably required.
53. The Licence Holder shall ensure that, if a driver of the Vehicle holds a certificate of exemption from compliance with the obligation to assist wheelchair users then he/she shall display copies of that certificate on the external passenger doors of the Vehicle for all potential passengers to easily see.
54. The Licence Holder shall ensure that, if it comes to their attention for whatever reason and/or they become concerned that the driver of the vehicle is and/or seems medically unfit to drive the Vehicle, then the Licence Holder shall notify the Council in writing of such reasonable concerns within 24 hours of becoming aware.
55. The Licence Holder shall take all reasonable steps to ensure that any driver in charge of the Vehicle has a lawful right to work in the United Kingdom. Said steps shall include the Licence Holder requesting sight of the original proof of that right to work in the United Kingdom and recording and maintaining a record of that request for a minimum period of twelve months. The record shall include the following:
- a. name of (the proposed/current) driver;
 - b. nationality of (the proposed/current) driver;
 - c. permanent address of the (proposed/current) driver; and
 - d. type of original proof shown by the (proposed/current) driver with regard to the right to work in the United Kingdom.
56. The record referred to in Condition 55 shall be made available to the Council upon request at any reasonable time.
57. The Licence Holder shall ensure that the Vehicle is, subject to the Council's discretion, of a saloon car, estate type or such other type of vehicle approved by the Council and which has four doors and a 'Power to Weight' ratio equal to or greater than 0.0648 hp per kg. The Licence Holder shall also ensure that the Vehicle has a minimum seat cushion size of 400mm wide and 350mm depth, minimum seat cushion height (or near side front cushion height if manufacturer's original) of 300mm and that the minimum leg room of any passenger seat within the Vehicle is 650mm.
58. Subject to inspection and testing by the Council or testing station authorised by the Council, Vehicles may use electricity as a means of propulsion including its use within any hybrid engine.
59. Any Vehicle which uses electricity as a means of propulsion must be contained in the approved list of electric vehicles maintained by the Council and no other vehicle using electricity as a means of propulsion may be operated hereunder.



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POLICIES IN RESPECT OF TAXI AND PRIVATE HIRE VEHICLES **AND DRIVER FITNESS**

POLICIES IN RESPECT OF TAXI AND PRIVATE HIRE VEHICLES AND DRIVER FITNESS

This policy document has been prepared to set out East Dunbartonshire Council's ("the Council's") policy in respect of certain requirements for taxi and private hire vehicles. For a full list of the relevant requirements applying to taxi and private hire licences the relevant conditions should be consulted.

VEHICLE TESTING

Frequency of Testing

All vehicles which are younger than five years old must undergo a test once per year to assess their roadworthiness and suitability for use as a taxi or private hire car vehicle, and the Licence Holder must hold a current Certificate of Compliance in respect of the vehicle issued by a Test Station showing compliance with the Council's requirements in respect of that vehicle.

In respect of vehicles which are five years old or older, these must undergo a test every six months to assess their roadworthiness and suitability for use as a taxi or private hire car vehicle, and the Licence Holder must hold a current Certificate of Compliance in respect of the vehicle issued by a Test Station showing compliance with the Council's requirements in respect of that vehicle. Consequently, for such vehicles the test pass will only be valid for six months instead of twelve months.

Test Stations

Testing must be carried out only by Test Stations that have been approved by the Council in writing.

Test Stations shall only be approved if they comply with certain requirements notified by the Council from time to time.

Among these will be the requirements to show that a valid, up-to-date Motor Vehicle Testing Authorisation of Examiner certificate issued by the Driver and Vehicle Standards Agency is in place.

A Test Station shall not be approved by the Council to carry out taxi or private hire vehicle testing in respect of any vehicle where any person who owns, has an interest in or exerts any control over the Test Station, or is involved directly in the testing, also holds or has an interest in that taxi or private hire operator's, driver's or booking office licence granted by the Council under the Civic Government (Scotland) Act 1982. Applicants for approval and current holders of approval in respect of a Test Station will be required to confirm and, if required, evidence to the Council's satisfaction that no such person is in this position.

VEHICLE SPECIFICATION

Vehicle Specification – Taxis

In addition to the vehicle requirements below, all vehicles used for taxi licences must be of a Hackney, Fiat Scudo, Peugeot Euro 7 or other type of vehicle approved in writing by the Council for public hire.

Vehicle Requirements - Taxis

In order to pass the annual or six monthly vehicle inspection, vehicles must meet the standards set out in the conditions of fitness of taxi vehicles which are incorporated within this policy at Schedule A Part 1 and which are also attached to the new standard taxi Conditions as Schedule A.

Guidance Notes on Vehicle Testing are to be issued to each new and existing licence holder in relation to these conditions of fitness. This guidance is incorporated within this policy at Schedule B.

Vehicle Specification – Private Hire Vehicles

In addition to the vehicle requirements below, all vehicles used for private hire licences must:

- (i) be a saloon car, estate type or such other type of vehicle approved by the Council;
- (ii) have four doors;
- (iii) have an engine capacity with a power to weight ratio equal to or greater than 0.0648 hp per kg; and
- (iv) have a minimum seat cushion size of 400mm wide and 350mm depth.
- (v) have a minimum seat cushion height (or near side front cushion height if manufacturer's original) of 300mm, and
- (vi) have minimum leg room of any passenger seat of 650mm.

Subject to vehicles being included in the approved list of electric vehicles maintained by the Council and inspection and testing by the Council or Test Stations approved by the Council, private hire vehicles may use electricity as a means of propulsion including its use within any hybrid engine.

Vehicle Requirements – Private Hire Vehicles

In order to pass the annual or six monthly vehicle inspection, vehicles must meet the standards set out in the conditions of fitness of private hire car vehicles which are incorporated within this policy at Schedule A Part 2 and which are also attached to the new standard private hire car conditions as Schedule A.

Guidance Notes on vehicle testing are to be issued to each new and existing licence holder in relation to these conditions of fitness. This guidance is incorporated within this policy at Schedule B.

HEALTH OF DRIVERS

Fitness to drive will be assessed against the DVLA Group 2 standard. Responsibility for determining any higher standards and medical requirements for taxi and private hire vehicle drivers, over and above the driver licensing requirements, rests with the Council, in line with DVLA recommendations.

The Council has taken into account the occupational nature of the driving, the length of time that drivers spend driving on a daily basis and the fact that drivers convey paying passengers, including vulnerable passengers, in their vehicles. Accordingly it is appropriate that drivers are required to meet DVLA Group 2 medical fitness to drive standards and any medical certification required to be produced by a driver by the Council to prove that driver's fitness to drive must be to Group 2 standard.

SCHEDULE A

Conditions of fitness of taxi vehicles and private hire vehicles.

Part 1 - Condition of fitness of taxi vehicles

- i.** The battery shall be in good condition and free from leaking.
- ii.** Terminals shall be in good condition and free from corrosion.
- iii.** Engine compartment components shall be in good condition, secure and with no signs of chafing.
In particular, the wiring shall be secure and insulated.
- iv.** The driver compartment shall be clean and in good condition. In particular, it shall not be dirty or dusty and it shall be free from any rubbish.
- v.** The speedometer shall be in full working order and shall be registering correctly.
- vi.** All ventilation equipment and heaters shall be in full working order. In particular, the heater shall emit heat, the ventilation shall supply adequate airflow to windscreen and car interior, the vents shall be secure and the control mechanism shall be fully operational.
- vii.** Vehicle suspension shall be of the correct geometry and not excessively worn.
- viii.** Wheel alignment shall not display any visible signs of incorrect geometry e.g. feathering of tyres.
- ix.** Clutch shall be in good working order and the pedal rubbers shall not be excessively worn or missing.
- x.** Tread depth of tyres shall not be less than 1.6mm across the width of the tyre.
- xi.** Wheels shall be of the type specified by the manufacturer.
- xii.** All wheels and wheel trims shall be matching.
- xiii.** Brake pads friction material shall not be less than 3.00mm.
- xiv.** The jack and wheel key shall be securely stored in the Vehicle.
- xv.** The fuel tanks shall be the manufacturer's original equipment.

- xvi.** All visible fuel components shall be in good condition and there shall not be any fuel accumulating in/on any fitting or receptacle.
- xvii.** The exhaust system shall be in good working order and shall be of a standard specification.
- xviii.** Bodywork shall be in good condition and shall not be damaged or extensively corroded.
- xix.** The paint finish shall be of a good standard, and in particular shall be of a uniform finish, shall not be of any different colours or shades (except where intrinsic to the manufacturers livery), and shall not contain any surface deficiencies i.e. paint runs, peeling, scratches or broken paint surface, beyond that attributable to normal use.
- xx.** The engine compartment shall be in good condition and shall not be dirty, greasy or oily.
- xxi.** The passenger compartment shall be in a good and clean condition. It shall not be dirty or dusty and shall be free from any rubbish or litter.
- xxii.** Interior upholstery shall be secure, and in a good and clean condition. In particular, the upholstery shall not be dirty, missing, insecure or torn or in such a condition as to soil clothing or adversely affect passenger comfort.
- xxiii.** Ramps and steps for disabled access shall be in good condition, shall be stable, secure, and correctly and safely stowed.
- xxiv.** Roof mounted taxi sign shall be present, secure and in good working order. In particular, said sign shall illuminate.
- xxv.** The front and rear taxi plates shall be displayed, matching and secured with the appropriate fixing kit.
- xxvi.** Door opening mechanisms shall be in good condition, and in particular, the door seals shall not be damaged or missing.
- xxvii.** Door hinges are in good condition and are not worn or insecure.
- xxviii.** Taximeter (where fitted), lights, seal and calibration shall all be in good working order. In particular, they shall all be of the correct specification, shall illuminate, shall not be defective in any way and shall not fail the relevant road test. The seal shall not be missing or broken.



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- xxix.** Modern, legally valid and fully working fire extinguishers shall be present, easily accessible, and properly secured. Fire extinguishers shall be of the correct type, conform to the relevant British standard and shall be at all times in good working order, and where applicable within its expiry date. Alternatively, and where appropriate, fire extinguishers shall be maintenance checked every 12 months. Fire extinguishers in Vehicles shall not be damaged, have been discharged or have a lack of pressure charge.
- xxx.** Tow bars may be fitted to the Vehicle, and may be used for towing while the Vehicle is in use as a taxi.
- xxxi.** All exterior lights fitted to the Vehicle shall be clean and in good working order.
- xxxii.** All wiper blades fitted to the Vehicle shall be in good condition and any washer fluid system shall be fully operational with sufficient fluid present in the reservoir.

Part 2 - Condition of fitness of private hire vehicle

- i.** The battery shall be in good condition and free from leaking.
- ii.** Terminals shall be in good condition and free from corrosion.
- iii.** Engine compartment components shall be in good condition, secure and with no signs of chafing. In particular, the wiring shall be secure and insulated.
- iv.** The driver compartment shall be clean and in good condition. In particular, it shall not be dirty or dusty and it shall be free from any rubbish.
- v.** The speedometer shall be in full working order and shall be registering correctly.
- vi.** All ventilation equipment and heaters shall be in full working order. In particular, the heater shall emit heat, the ventilation shall supply adequate airflow to windscreen and car interior, the vents shall be secure and the control mechanism shall be fully operational.
- vii.** Vehicle suspension shall be of the correct geometry and not excessively worn.
- viii.** Wheel alignment shall not display any visible signs of incorrect geometry e.g. feathering of tyres.
- ix.** Clutch shall be in good working order and the pedal rubbers shall not be excessively worn or missing.
- x.** Tread depth of tyres shall not be less than 1.6mm across the width of the tyre.
- xi.** Wheels shall be of the type specified by the manufacturer.
- xii.** All wheels and wheel trims shall be matching.
- xiii.** Brake pads friction material shall not be less than 3.00mm.
- xiv.** The jack and wheel key shall be securely stored in the Vehicle.
- xv.** The fuel tanks shall be the manufacturer's original equipment.
- xvi.** All visible fuel components shall be in good condition and there shall not be any fuel accumulating in/on any fitting or receptacle.
- xvii.** The exhaust system shall be in good working order and shall be of a standard specification.
- xviii.** Bodywork shall be in good condition and shall not be damaged or extensively corroded.

- xix.** The paint finish shall be of a good standard, and in particular shall be of a uniform finish, shall not be of any different colours or shades (except where intrinsic to the manufacturers livery), and shall not contain any surface deficiencies i.e. paint runs, peeling, scratches or broken paint surface, beyond that attributable to normal use.
- xx.** The engine compartment shall be in good condition and shall not be dirty, greasy or oily.
- xxi.** The passenger compartment shall be in a good and clean condition. It shall not be dirty or dusty and shall be free from any rubbish or litter.
- xxii.** Interior upholstery shall be secure, and in a good and clean condition. In particular, the upholstery shall not be dirty, missing, insecure or torn or in such a condition as to soil clothing or adversely affect passenger comfort.
- xxiii.** Ramps and steps for disabled access shall be in good condition, shall be stable, secure, and correctly and safely stowed.
- xxiv.** The front and rear private hire car plates shall be displayed, matching and secured with the appropriate fixing kit.
- xxv.** Door opening mechanisms shall be in good condition, and in particular, the door seals shall not be damaged or missing.
- xxvi.** Door hinges are in good condition and are not worn or insecure.
- xxvii.** Taximeter (where fitted), lights, seal and calibration shall all be in good working order. In particular, they shall all be of the correct specification, shall illuminate, shall not be defective in any way and shall not fail the relevant road test. The seal shall not be missing or broken.
- xxviii.** Modern, legally valid and fully working fire extinguishers shall be present, easily accessible, and properly secured. Fire extinguishers shall be of the correct type, shall conform to the relevant British standard and shall be at all times in good working order, and where applicable within its expiry date. Alternatively, and where appropriate, fire extinguishers shall be maintenance checked every 12 months. Fire extinguishers in Vehicles shall not be damaged, have been



Private Hire Vehicle Operator's Licence Conditions, Fitness Policies and S21 Guidance

discharged or have a lack of pressure charge. In respect of estate type Vehicles, no dog guard type device shall be fitted.

- xxix.** Tow bars may be fitted to the Vehicle, and may be used for towing while the Vehicle is in use as a private hire vehicle.
- xxx.** All exterior lights fitted to the Vehicle shall be clean and in good working order.
- xxxi.** All wiper blades fitted to the Vehicle shall be in good condition and any washer fluid system shall be fully operational with sufficient fluid present in the reservoir.

Schedule B

GUIDANCE FOR TAXI AND PRIVATE HIRE VEHICLE
INSPECTION

TAXI AND PRIVATE HIRE VEHICLE INSPECTION

Introduction

East Dunbartonshire Council (“the Council”), as licensing authority in terms of the Civic Government (Scotland) Act 1982, is responsible for the licensing of drivers of taxis and private hire car vehicles. To comply with licensing conditions, drivers are required to present their vehicles to the Council, or a Test Station authorised by the Council, for inspection on an annual or six monthly basis.

The purpose of this document is to provide taxi and private hire car vehicle operators with an indication of the requirements of the vehicle inspection. This document should be used as guidance for ensuring that vehicles are suitably presented for testing.

Vehicle Inspection

Vehicle inspections for taxis and private hire car vehicles are required to pass the Certificate of Compliance examination according to the Council’s standards. This examination must take place annually for taxis and private hire vehicles less than five years old. In respect of taxis and private hire vehicles that are older than five years, vehicle inspections must be conducted every six months.

The condition that a vehicle must be in to pass the taxi and private hire car vehicle inspection is higher than that which is required for a M.O.T test and is to the standard contained in Schedule A to the licence conditions and Policy in Respect of Taxi and Private Hire Vehicles and Driver Fitness. A list of the standard that is required is outlined at pages 3 – 8 of this document. Generally speaking, any area where a “pass with advisory” is awarded for a M.O.T inspection will result in a failure for a taxi or private hire vehicle inspection.

In addition to assessing the mechanical condition of the vehicles, the taxi and private hire car vehicle inspection will also cover areas such as bodywork condition and cleanliness.

Testers responsible for inspecting vehicles are experienced professionals and are either officers of the Council or are acting on behalf of a Test Station authorised by the Council where a valid, up-to-date Motor Vehicle Testing Authorisation of Examiner certificate is in place. No Test Station shall be authorised by the Council to test a vehicle where any person who owns, has an interest in or exerts any control over the centre, or is involved directly in the testing, also holds or has an interest in a taxi or private hire operator’s, driver’s or booking office licence granted by the Council under the Civic Government (Scotland) Act 1982 for that vehicle..

Should the vehicle inspection result in a failure, it is the responsibility of the licence holder to carry out any remedial work prior to presenting the vehicle for a re-test.

Lights and Electrical system

Inspection	Reason for Failure
Check operation of all lights and indicators	Lights not working Insecure Not fitted Flickers Cracked lens Insufficient illumination Out of alignment Bulb/lens discolouration Indicator rate of flash too fast (60-120per minute)
Check battery and terminals	Insecure, leaking Corroded terminals
Check engine compartment components	Wiring not secure or insulated Signs of chafing Components insecure

Drivers Compartment and Controls

Inspection	Reason for Failure
Check driver compartment is clean and in good condition	Dirty/Dusty Contains any rubbish Contains any items likely to interfere with the proper control of the vehicle
Check condition and security of driver's seat & passenger seats	Seat insecure or structurally weakened Padding or covering is seriously deteriorated Seat belts must be operational and in good condition (not structurally weakened)
Check seat adjustment mechanism	Insecure, ineffective
Check steering wheel and drivers controls	Controls inoperative, ineffective, insecure Damage to steering wheel Movement between shaft and steering wheel Excessive radial movement at top of steering wheel Excessive steering shaft end float
Check Horn	Horn control or horn faulty Sound emitted not loud enough to be heard by another road user or pedestrian
Check Speedometer operation	Not working Clearly registering incorrectly
Check the operation of all ventilation equipment and heaters	Heater doesn't emit heat Ventilation not supplying adequate airflow to windscreen or car interior Insecure vents Control mechanism is inoperative

Steering, Drive and Suspension

The steering wheel must be set on the offside of the vehicle.

Inspection	Reason for Failure
Check steering mechanism	Any part of mechanism that is not working correctly, excessively worn, fouling or obstructing movement at wheel rims/brake pipes Dust covers/gators damaged/ not intact
Check Power steering operation and inspect for leaks	Power steering inoperative Leak in system Pipe damaged/ fouling Pump insecure/ drive system defective
Check transmission shafts	Any obvious damage Excessive wear in a shaft bearing Loose or missing flange bolts, flange cracked or loose on the transmission shaft Bearing housing cracked/ insecure Excessive wear in universal joint Deterioration of flexible coupling Damaged, cracked or bent shaft Fouling Dust covers/ gators damaged/ not intact
Check wheel bearings	Excessive free play or "roughness in wheel" that could result in failure
Check suspension (front/ rear)	Incorrect geometry Fracture, displacement or distortion that could affect steering operation or excessive wear.
Check shock absorbers (front/rear)	Missing, leaking, potential to detach Condition likely to adversely affect control of vehicle
Wheel alignment	Visible incorrect steering geometry e.g. feathering of tyres
Check clutch operation	Pedal not secure, pedal rubbers worn excessively or pedal rubbers missing. Excessive wear and/or defective clutch operation



Wheels, Tyres and Brakes

Inspection	Reason for Failure
Check circumference of all wheels/tyres	Different to that specified by taximeter
Check tyre type/size	Incorrect type of tyre (as per manufacturers standard specification) Incorrect tyre size
Check tyre condition	Any obvious damage/faults: Worn Bulge Incorrectly seated Cut(s) Tread depth is less than 1.6mm across the width of the tyre
Check wheels	Incorrect size Wheels different from manufacturers specification Any obvious damage to wheel or rim Spare wheel is not full size, or a is not a manufacturers recommended space saver wheel Non-matching wheels or wheel trims
Check wheel security	Insecure, loose nuts
Check foot pedal/ hand brake	Operation/condition/ fitment and performance Any side play Excessive wear/travel Pedal rubbers worn excessively or missing. Brake pads friction material - less than 3.0mm Handbrake pawl insecure/ineffective
Check service brake operation	General condition, fitment & performance Failure on brake tester, vacuum not building.
Check brake pipes	Leaks rust, insecure, fouling.
Check jack and wheel key	There is no appropriate wheel key or jack securely stored

Fuel and Exhaust system

Inspection	Reason for Failure
Check fuel tanks	Not original manufacturers equipment Leaking or insecure Tank condition, free of corrosion
Check (all visible) fuel system components	Unshielded, Overflowing, Leaking Fuel accumulating in/on any fitting or receptacle
Check exhaust system	Insecure, leaking / “blowing”, corroded Not standard specification
Smoke emission	Failure to meet specified standards per vehicle type

Vehicle Cleanliness/ Appearance/ Structure

Inspection	Reason for Failure
Check bodywork security/condition	Bodywork damage Bodywork extensively corroded
Check paint finish	Different colours/shades Not to a uniform finish Surface deficiencies i.e. paint runs, peeling, scratched, beyond that attributable to normal use. Broken paint surface
Check external cleanliness	Dirty/ Dusty exterior
Check vehicle underside	Not free from road dirt Excess grease
Check engine compartment	Dirty, Greasy, Oily Insecure components Defective engine mounting Any leaks
Check passenger compartment is clean and in good condition Check interior upholstery for security, cleanliness and condition Ramps and steps for disabled access	Dirty/Dusty Contains any rubbish Upholstery, trim or headlining is dirty, missing, insecure, torn or in such a condition as to soil clothing or adversely affect passenger comfort Incorrectly/unsafely stowed, insecure, not in good condition, unstable

Check front and rear licence plate	Not displayed Delaminated Illegible Different Not secured with approved fixing kit
Check roof mounted "Taxi" sign (doesn't apply to P-H vehicles)	Absent Insecure Fails to illuminate Taxi P.H. stickers correctly positioned Taxi Details & number displayed on vehicle
Check front and rear "Taxi" or PHV plates.	Not displayed Different Not secured with fixing kit Taxi P.H. stickers correctly positioned Taxi Details & number displayed on vehicle
Online check of road tax or equivalent to be undertaken by testing centre on day of test.	Out of date

Doors, windows and visibility

Inspection	Reason for Failure
Check operation of door opening mechanisms	Inoperative, defective Door seals damaged/ missing
Check door hinges	Worn, insecure
Check door pillars	Insecure, weakened by damage, corroded
Check windows (including view to front and rear)	Any obstruction that limits the view out of front or rear windows Insecure Not made of safety glass Crack, scratch or surface damage, which impairs the drivers vision to the front and rear Tinted out with legal limits Obscured by signs/stickers



Meter Testing

Inspection	Reason for Failure
Check Taxi meter (where fitted), lights, seal and calibration	Incorrect specification Missing or broken seal Failure to illuminate Fails road test Defective

Approved and Non-Approved additional extras

Inspection	Reason for Failure
Check fire extinguishers	Absent Not easily accessible Not properly secured Discharged or lack of pressure charge Damaged Last maintenance check in excess of 12months
Estate type vehicles only	Dog guard type device fitted



EAST DUNBARTONSHIRE COUNCIL

SECTION 21 GUIDANCE NOTE



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

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

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

1. What Can You Do?

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

2. What You Cannot Do

- Taxis must only pick up hails in public when operating within their licensed area.
- You must never commence a hire and drop off outwith your area if you completed a drop off then waited for any period of time outside your area. You must return immediately to your licensed area.
- You cannot operate outwith your licensed area unless the situations outlined above apply.

Important Point to note:-

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