



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Private Hire Car Licence Conditions

Introduction

This licence is granted subject to the following 18 Conditions. If the licence holder does not keep to these Conditions, then he/she may be asked to appear before the Licensing Committee of North Ayrshire Council for a Hearing which can result in the licence being revoked or suspended and will also affect the chance of the licence being renewed. In terms of the Civic Government (Scotland) Act 1982 it may be a criminal offence if the licence holder does Breach a Condition of the licence.

Condition 1

The licence holder is specifically prohibited from canvassing or seeking to obtain a hire in any public place.

Condition 2

In counting this maximum number special allowance is made for children. If there is a child under age two then, provided the child is accompanied by an adult, that child is not counted. For children under age 12, if there are more than one then the first one is not counted. (Please note that only one child in the group does not count towards the total. If there are three children aged one, five and seven then this counts as two for the maximum number of passengers).

Condition 3

The private hire car must have a valid Certificate of Insurance which complies with the conditions of the Road Traffic Act as amended and any Regulations made thereunder which Certificate must be in the name of the licence holder and cover the licensed vehicle operating as a private hire car. There must also be a Current Certificate of Roadworthiness or MOT Certificate for the licensed vehicle. The Insurance cover, the Certificate of Roadworthiness and the MOT Certificate must be presented to the Licensing Authority when the licence is renewed, at the annual reinspection and should also be presented when the Certificates are renewed if this does not happen at the time of an inspection or renewal. In addition, these Certificates must be presented to the Licensing Authority and its Authorised Officers at any time the licence holder is asked to submit them.

Condition 4

The licensed vehicle may have a taximeter fitted in a position approved by the Licensing Authority. If a meter is fitted it must be

- of a type approved by the authority and be appropriate to cover the type of hire (either exclusive or sharing).
- must be calibrated by a company approved by the Licensing Authority to calculate the fares and charges fixed from time to time by the Licensing Authority.
- must be in proper working order, stamped and sealed after testing and must be maintained and serviced as required by the manufacturer.

- the seals to the taximeter and those fixing the taximeter to the licensed vehicle must not be broken, defective nor tampered with. The licence holder must not knowingly permit the licensed vehicle to trade as a private hire car if the taximeter is defective or the seals are broken or detached.
- when the scales and charges are reviewed the meter must be recalibrated to the new scale, but the revised rate cannot be charged until a Calibration Certificate, confirming that it has been set and sealed at the new rate, has been presented to the Licensing Office.
- the size of the wheels or tyres of the licensed vehicle can only be altered if this will not affect the calibration of the taximeter.
- if the taximeter develops a fault or any of the seals are broken or come off then the licensed vehicle cannot be used as a private hire car until the taximeter has been replaced or repaired and re-tested and approved by the Licensing Authority.

Condition 5

If the private hire car is fitted with a taximeter, then a copy of the current scales of fares and charges must be clearly displayed in the passenger compartment where it can be read by the passengers. The current scales and fees are fixed by North Ayrshire Council under the procedures set out in the Civic Government (Scotland) Act and no other scales of fares and charges can be displayed. The current scales and fares mean that the person who hires the licensed vehicle will be charged the fare shown on the approved meter which is calibrated to the current scales and fares. No other fare can be charged. In cases where a journey begins within North Ayrshire but ends out with its boundary the licence holder must make sure that, before the hire commences, the fare or charge or the method of calculating the fare is agreed with the person hiring the licensed vehicle.

Condition 6

If the licence holder accepts a hire for the licensed vehicle that agreement must be kept either by the licensed vehicle or by another licensed vehicle arranged by the licence holder. Where a licensed vehicle has been hired by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person or by a person who wishes to be accompanied by such a person, the licence holder must carry the disabled person's dog and allow it to remain with the disabled person and not make any additional charge for doing so. If the licence holder has been granted exemption from this Condition, then the notice of exemption must be fixed in a prominent position in the vehicle.

Condition 7

No smoking is permitted in the licensed vehicle. This prohibition relates to both passengers and drivers and applies in the vehicle at all times irrespective of whether or not it is on hire.

Condition 8

As a part of this licence the Licensing Authority has issued plates and window notices which detail the Licence Number and other information of the licensed vehicle. The larger plate must be secured to the rear bodywork and the smaller plate to the front bodywork of the licensed vehicle in a position where they can be clearly seen and read. The method of fixing the plates must be permanent and the decision of the Licensing Authority as to whether a plate is adequately fixed will be final. If one or both of the plates is lost or if it cannot be read, the licensed vehicle cannot operate as a private hire until a replacement plate, supplied by the Licensing Authority, has been securely fixed to the rear bodywork of the vehicle. The window notices must be placed in the rear passenger window of the vehicle where they can be clearly seen and read by any passenger. The plates and window notices are issued for this licensed vehicle, and it must not be transferred to any other vehicle.

Condition 9

The private hire car must not be fitted with any sign except those approved by the Licensing Authority for the purpose of identifying it as a vehicle licensed to operate as a private hire vehicle, and no other signs or advertisements may be displayed on the vehicle which, for the avoidance of doubts includes the windows.

Condition 10

As part of the procedure for the issuing of this licence this vehicle has undergone a vehicle inspection and received a Pass Certificate from the representative of a body appointed by the Licensing Authority to carry out these inspections. The licensed vehicle must pass vehicle inspections 12 months and 24 months after this licence has been granted. The Licensing Authority may require the vehicle to be tested on more than those two occasions if it considers it appropriate in the circumstances and the licensed vehicle must be presented for all such inspections and receive a Pass Certificate. In addition, the licence holder must comply with any request made by a Police Constable or an Authorised Officer of the Licensing Authority that the vehicle be inspected. The licensed vehicle is not permitted to operate as a private hire car if it fails to receive a Pass Certificate at any inspection.

Condition 11

The licensed vehicle must be maintained in a safe, roadworthy, serviceable, and clean condition. The bodywork, upholstery and fittings of the licensed vehicle must be maintained in a safe, serviceable, roadworthy, and clean condition. The licence holder must not use the vehicle nor allow the vehicle to be used if its condition contravenes the Road Traffic Acts and any Regulations made under those Acts.

Condition 12

The licensed vehicle must have fitted in a suitable holder a fire extinguisher which is immediately accessible to the vehicle driver. The licence holder must keep the extinguisher in working order which includes having it serviced to the standard set by

the manufacturer or supplier. The fire extinguisher, its holder and its position within the licensed vehicle are subject to the approval of the Licensing Authority.

Condition 13

If the licensed vehicle is involved in an accident the licence holder must report this to the Licensing Authority within 48 hours of the accident occurring. The report by the licence holder must include details of the damage sustained in the accident. The vehicle may not be used as a private hire car until the necessary repairs have been carried out and the Licensing Authority has confirmed that it can now be used as a private hire car. When the vehicle is inspected by the Licensing Authority the licence holder must detail the repair works which have been carried out to the vehicle. Similarly, if the licensed vehicle is modified or altered the licence holder must advise the Licensing Authority of that within the 48-hour period and comply with the same requirements as would be necessary following an accident to the vehicle.

Condition 14

The licence holder must ensure that, when the vehicle is operating as a private hire car, the driver.

- holds a current Private Hire Car Driver's Licence or a Taxi Driver's Licence issued by North Ayrshire Council under the Civic Government (Scotland) Act 1982.
- displays the driver's licence badge from North Ayrshire Council on his/her person.
- is clean and tidy in appearance.
- conducts himself/herself in a proper and civil manner.

The licence holder must also keep a record of the names, addresses and Private Hire Car Driver's Licence number or Taxi Driver's Licence number of every driver employed to drive this licensed vehicle. If a Police Officer or an Officer authorised by the Licensing Authority, ask to see that list the licence holder must supply it to them immediately.

Condition 15

The licence holder must notify the Licensing Authority in writing within seven days of

- being convicted of any offence by any Court and the notification by the licence holder must include the nature of the offence, the date of the conviction, the Court which dealt with the offence and the penalty which was imposed by that Court. This applies to any offence and is not restricted to offences arising from the operation of the licensed vehicle.
- receiving a fixed penalty from the Police for a traffic offence. The notification must include the date of the offence, the type of fixed penalty offered and accepted and the number of points, if any, endorsed. This requirement also applies to any offence irrespective of whether the licensed vehicle was involved.

- any change in circumstances. Any substantial change in circumstances since the application for this licence was made, which includes any change of address or a change in the trading name. This also covers medical conditions which affect the ability to drive.

Condition 16

If the licence holder surrenders the licence or the Licensing Authority revokes or suspends the licence this licence, together with the plate, must be delivered to the Licensing Authority Office within seven days of being surrendered, revoked, or suspended.

Condition 17

In addition to Conditions 1 to 15 the licence holder must also comply with the general conditions imposed under the Civic Government (Scotland) Act 1982 and any amendments to any Regulations made in terms of that Act.

Condition 18

In these Conditions certain words have the following meaning:

- “exclusive” where it relates to the hire of a taxi, means that a single fare is payable by any one passenger for the whole hire of the taxi whether or not more than one passenger is carried.
- “sharing” where it relates to the hire of a taxi, means that each passenger is carried at a separate fare payable to the driver.
- “vehicle” means a motor vehicle which meets with the specification laid down by the Licensing Authority.
- “Licensing Office” is the designated office for the processing of licences for the Licensing Authority of North Ayrshire and is located at North Ayrshire Council, Licensing Office, Cunninghame House, Irvine.