

PRIVATE HIRE CAR DRIVER LICENSING CONDITIONS

1. (i) The driver of a private hire car shall at all times, while he is in charge of a private hire car being used as such, wear in a position seen clearly by the public, the identification card, and have with him the private hire car driver's licence issued by the Licensing Authority and he shall exhibit such licence or identification card, on demand, to any passenger, constable or authorised officer of the Licensing Authority. The identification card issued by the Licensing Authority shall include the driver's name, a recent photograph showing his true likeness and the date on which the licence expires.

(ii) In addition, the driver of a private hire car shall ensure that the certificate of Insurance relating to the private hire car or a photocopy of that Certificate, is carried in the private hire car at all times during which it is being operated as such, and shall make this available for examination by a constable or an authorised officer of the Licensing Authority on demand.
2. The driver of a private hire car shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire his private hire car which he has accepted, unless prevented by sufficient cause. Subject to Condition 21 hereof, the driver shall announce the arrival of his private hire car immediately to the prospective hirer at the place to which it has been summoned, and, if that person does not commence his journey within five minutes of arrival of the private hire vehicle, or such additional period as may be agreed between the driver and that person, the driver may refuse to fulfil further the engagement to hire the vehicle and may assume that the call has been cancelled.
3. The driver of a private hire car which has been hired may not, in any circumstances, pick up or convey another passenger without the consent of the original hirer(s) or passenger(s).
4. The driver of a private hire car shall not at any time convey in the vehicle more than the number of passengers the private hire car is licensed to carry. A child shall be classified as a passenger. It is the responsibility of the driver to comply with the legislation on seatbelts and child restraints when carrying children in the taxi.
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 he is carrying at any one time.
6. The driver of a private hire car shall, if the cost of the journey is not regulated by a Licensing Authority fare structure, inform the hirer(s) or passenger(s) before the journey commences (a) that the fare is not so regulated; and (b) the cost, or the method of calculating the cost, of the proposed journey.
7. The driver of a private hire car shall ensure that any meter fitted in the private hire car in his charge shall be operated at all times within the licensed area when such operation is required, and in accordance with the detailed requirements imposed, by the Licensing Authority.
8. The driver of a private hire car shall from time to time, and at least once in each day in which he uses the vehicle, inspect the seals on any meter fitted in the vehicle to ensure that they are intact. On discovering that the seals on any meter fitted to the vehicle have become broken or damaged, or that the meter has ceased to function correctly, the driver of a private hire car shall immediately cover the dial or face of the meter.
9. The driver of a private hire car need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried, or whose condition or clothing is offensive or likely to cause damage to the interior of the private hire car, or who refuses to cease smoking in the private hire car when requested to do so by the driver, or is accompanied by any animal (other than a guide dog) which is likely to damage or soil the interior of the private hire car, or for any other reasonable excuse.
10. The driver of a private hire car, while he is in charge of the private hire car, shall not canvass or importune in any public place for employment.

11. The driver of a private hire car shall not refuse to carry luggage in his private hire car provided that the said luggage can be accommodated safely within the luggage compartment of the private hire car.
12. The driver of a private hire car shall give such assistance as he is able to give with loading and unloading luggage when required to do so but he shall not be required to leave the immediate proximity of the private hire car in doing so.
13. The driver of a private hire car, at the end of his shift, shall search the private hire car of which he is in charge for any property which may have been left therein. Any property found by the driver shall, within 24 hours, be returned to the owner of the property if known or such property shall be handed in by the driver to any police station.
14. The driver of a private hire car, while carrying a passenger, shall be clean and tidy in his person and clothing, shall conduct himself in a proper and civil manner and shall not smoke. The driver of a private hire car shall not permit any animal to be on or in his private hire car except any animal which is in the charge of a passenger.
15. The driver of a private hire car shall not knowingly allow the private hire car in his charge to be used for illegal or immoral purposes, permit to be carried in the private hire car in his charge any article of a dirty, filthy or noxious nature, of an explosive or dangerous nature, or permit to be carried in the private hire car in his charge any person who has vermin on his person.
16. The driver of a private hire car shall ensure that all child passengers aged 13 or under comply with the law regarding the wearing of seat belts or child restraints as appropriate for their age and height and shall advise adult passengers of the seat belts available for their use.
17. The driver of a private hire car shall notify the Licensing Authority forthwith of any change in his address.
18. The conviction of the private hire car driver or of the holder of the private hire car licence for any crime or offence and the endorsement of either such person's driving licence with an offence or penalty shall be reported by the private hire car driver to the Licensing Authority as soon as practicable after the conviction or endorsement becomes known to him.
19. Should any disability or medical condition which may affect the private hire car driver's ability to drive arise or change during the term of this licence, the driver shall within 7 days of such occurrence notify the Licensing Authority.
20. The driver of a private hire car shall ensure that the private hire car, including all bodywork, upholstery and fittings, is in a safe and serviceable condition and, subject to prevailing road conditions, is in a clean condition.
21. The driver of a private hire car shall comply with all instructions or directions given to him by a constable, authorised officer of the Licensing Authority or authorised agent acting on their behalf.
22. The driver of a private hire car shall not display on or in his private hire car (other than any taximeter fare dial) or on his person, the word "cab", "taxi", "for hire", or "sharing" or any other word and words which might give the impression that the vehicle is plying for hire.
23. The driver of a private hire car shall not sit or loiter in a private hire car or loiter in the vicinity of such vehicle while the private hire car is parked in a public place, except when he is fulfilling an engagement to hire his private hire car, entered into previously. He may be absent to announce the arrival of his car to the hirer or when assisting the hirer with luggage to or from the vehicle. He shall not, between the hours of 10.00pm and 7.00am announce the arrival of his car to the hirer by sounding his horn and shall at all times conduct himself in such way as not to cause a nuisance.
24. The driver of a private hire car shall not use such vehicle as a private hire car during any period in which it does not comply with the provisions of Schedule A to these conditions.
25. No fare shall be payable by the hirer in respect of any journey by the private hire car from the place at which it is discharged by the hirer.

26. 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 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 he engaged such private hire car;
 - (b) if the plates or other things which have been issued by the Licensing Authority for the purpose of indicating that the vehicle is a private hire car are not displayed in the manner approved by the Licensing Authority;
 - (c) if the private hire car driver does not on demand exhibit the means of identification issued by the Licensing Authority;
 - (d) if the private hire car driver demands more than the fare agreed upon before the start of the hire;
 - (e) if the private hire car driver fails or refuses to complete an engagement except for any reasonable cause; and
 - (f) if the private hire car driver fails to comply with conditions A16, A17, B16 or B17 of Schedule C to these conditions, relating to examination of the fare record on the meter by the hirer and the illumination of the fare record during the hours of darkness for that purpose.
27. When a private hire car is withdrawn from service by the Licensing Authority in accordance with Section 11 of the Civic Government (Scotland) Act 1982, an authorised officer of the Licensing Authority shall affix a label bearing the words "This hire car is meantime certified unfit for public use" and the date of withdrawal in a position within the passenger compartment of the private hire car so that it is readily visible to intending passengers. Such a label shall have the effect of suspending the private hire car licence pertaining to the vehicle so labelled.
28. Only an authorised officer of the Licensing Authority is authorised to remove the label referred to in Condition 26 hereof, after the defects have been rectified to his satisfaction.
29. The driver of a private hire car shall not obstruct an authorised officer or agent of the Licensing Authority in the performance of any duties under these conditions.
30. The driver of a private hire car shall notify the Licensing Authority immediately of any change in the person for whom he drives a private hire car.
31. If the driver of a private hire car loses his licence or any other document or thing issued to him by the Licensing Authority he shall notify such loss immediately to the Licensing Authority and shall obtain a duplicate of each lost item from the Licensing Authority on payment of the appropriate fee.
32. (i) Where a licence has been granted to the driver of a private hire car on receipt of a cheque which is subsequently dishonoured, the licence shall be void as from the time when it was granted.
(ii) The driver of a private hire car to whom such licence was granted shall return it to the Licensing Authority, together with all ancillary items issued to him, within 48 hours of receiving notice to that effect.
33. In the event of the Licensing Authority entering into an agreement with a particular licensee regarding his compliance with a licence condition or setting a timescale for such compliance, it is confirmed, for the avoidance of doubt, that this shall not be deemed a general waiver or relaxation applicable to all licensees nor shall it fetter the discretion of the Licensing Authority regarding enforcement of these conditions, at any other time or in any other case.

34. In these conditions:

"exclusive", as applied to the hire of a private hire car, means that a single fare is payable by any one passenger for the whole hire of the private hire car, whether or not more than one passenger is carried; and "exclusive hire" shall be construed accordingly;

"shared", as applied to the hire of a private hire car, means that each passenger is carried at a separate fare, payable to the driver; and "shared hire" shall be construed accordingly;

the singular includes the plural and the masculine includes the feminine.