

TAXI DRIVER LICENSING CONDITIONS

1. (i) The driver of a taxi shall at all times, while he is in charge of a taxi being used as such, wear in a position seen clearly by the public, the identification card, and have with him the taxi 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 taxi shall ensure that the certificate of Insurance relating to the taxi, or a photocopy of that Certificate, is carried in the taxi 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 taxi shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire his taxi which he has accepted, unless prevented by sufficient cause. The driver shall announce the arrival of his taxi 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 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 and may assume that the call has been cancelled.
3. The drive of a taxi shall operate on shared hire only with the consent of the first hirer or passenger, even if there is displayed on the taxi a sign or other thing approved by the Licensing Authority indicating that the taxi is available for shared hire; but he shall not be required to operate on shared hire if no such sign or other thing is displayed on the taxi at the time of the initial hiring.
4. 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(s) or passenger(s).
5. The driver of a taxi shall not at any time convey in the taxi more than the number of passengers the taxi 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.
6. 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. The driver of a taxi 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.
7. The driver of a taxi not being used as a taxi-bus 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.
8. The driver of a taxi shall ensure that any taximeter fitted in the taxi 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.
9. The driver of a taxi shall from time to time, and at least once in each day in which he uses the taxi, inspect the seals on the taximeter to ensure that they are intact. On discovering that the seals have become broken or damaged, or that the taximeter has ceased to function correctly, the driver of a taxi shall immediately withdraw the vehicle from any service for which the taxi meter is required to calculate the fare.
10. Subject to Conditions 11 and 12 the driver of a taxi shall not refuse to drive a passenger to any place within the licensing area.

11. The driver of a taxi on shared hire may decline to accept a further passenger on the grounds that his intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers, or that the further passenger's luggage cannot be accommodated safely within the luggage compartment of the taxi.
12. The driver of a taxi 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 taxi, or who refuses to cease smoking in the taxi 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 taxi, or for any other reasonable excuse.
13. The driver of a taxi, while he is in charge of the taxi, shall not canvass or importune in any public place for employment, except, where the taxi is being operated on shared hire, to such extent as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers) who wish to participate in the shared hire of the taxi.
14. The driver of a taxi shall not refuse to carry luggage in his taxi provided that the said luggage can be accommodated safely within the luggage compartment of the taxi.
15. The driver of a taxi 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 taxi in doing so.
16. The driver of a taxi, at the end of his shift, shall search the taxi 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.
17. The minimum standard of dress required by Scottish Borders Council will be trousers (jeans are acceptable provided they are clean and not torn) or knee length skirt or kilt. A collared top is required. Clothing must not bear wording/images that could be offensive or discriminatory. This in effect bans clothing such as track suits, shorts, and collarless shirts. Ideally, normal shoes would be the preferred footwear, but training shoes are acceptable providing they are clean.
18. The driver of a taxi shall not knowingly allow the taxi in his charge to be used for illegal or immoral purposes, permit to be carried in the taxi 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 taxi in his charge any person who has vermin on his person.
19. The driver of a taxi shall ensure that the taxi, including all bodywork, upholstery and fittings, is in a safe and serviceable condition and, subject to prevailing road conditions, is in a clean condition.
20. (i) Unless the Licensing Authority makes specific arrangement for particular stances, when a taxi is driven off a stance, the driver of the taxi immediately behind shall draw up his vehicle to take the place vacated, and the taxi drivers on the stance behind shall draw up their vehicles in a like manner.
(ii) All taxi drivers arriving at a stance shall take their stations on such stance from front to rear in order of their arrival and hires will be accepted by the drivers in that order, provided that, when an intending passenger wishes to engage a specific taxi or its driver, that hire order shall not apply, the onus being on the chosen taxi driver to prove the hirer's wishes.
(iii) The driver of a taxi which is being operated on shared hire may wait at a stance only for such time as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers) in the immediate vicinity of the stance at that time who wish to participate in the shared hire of the taxi; but if no such further passengers are found there and then, the driver shall immediately drive his taxi off the stance.
21. The driver of a taxi shall not stand or loiter with the vehicle in any street in the near vicinity to a stance while such stance is fully occupied by the authorised number of taxis nor shall he cause the taxi to stand in such vicinity.
22. The driver of a taxi, when the taxi is hired or standing for hire, shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period he may be absent to announce the arrival of his taxi to the hirer or when assisting the hirer with luggage to or from the taxi or for any other necessary purpose. He shall not, between the hours of 10.00pm and 7.00am, announce the arrival of his

taxi to the hirer by sounding his horn and shall at all times conduct himself in such a way as not to cause a nuisance.

23. The driver of a taxi 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.
24. The driver of a taxi shall notify the Licensing Authority forthwith of any change in his address.
25. The conviction of the taxi driver or of the holder of the taxi 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 taxi driver to the Licensing Authority as soon as practicable after the conviction or endorsement becomes known to him.
26. Should any disability or medical condition which may affect the taxi 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.
27. The driver of a taxi 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.
28. The driver of a taxi shall not stand or ply for hire with a taxi, or carry a passenger in a taxi during any period in which the taxi does not comply with the provisions of Schedule A to these conditions.
29. 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.
30. 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 a taxi breaks down or if the taxi becomes in any way unfit to convey the hirer to the destination for which he engaged such taxi;
 - (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 taxi are not displayed in the manner approved by the Licensing Authority;
 - (c) if the taxi driver does not on demand exhibit the means of identification issued by the Licensing Authority;
 - (d) if the taxi driver demands more than the fare agreed upon before the start of the hire;
 - (e) if the taxi driver fails or refuses to complete an engagement except for any reasonable cause; and
 - (f) if the taxi driver fails to comply with conditions A16, A17, B16 or B17 of Schedule B to these conditions, relating to examination of the fare recorded on the taximeter by the hirer and the illumination of the fare record during the hours of darkness for that purpose.
31. Whilst operating as a shared taxi or as a taxi-bus, the driver of a taxi shall ensure that all signs or other things approved by the Licensing Authority for signifying the mode of operation of the vehicle are displayed in accordance with the status or mode of operation of the vehicle at that time and are not so displayed at any other time.
32. When a taxi 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 taxi so that it is readily visible to intending passengers. Such a label shall have the effect of suspending the taxi licence pertaining to the vehicle so labelled.
33. Only an authorised officer of the Licensing Authority is authorised to remove the label referred to in Condition 32 hereof after the defects have been rectified to his satisfaction.
34. The driver of a taxi shall not obstruct an authorised officer or agent of the Licensing Authority in the performance of any duties under these conditions.
35. The driver of a taxi shall notify the Licensing Authority immediately of any change in the person for whom he drives a taxi or a private hire car.
36. If the driver of a taxi 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.

37. (i) Where a licence has been granted to the driver of a taxi 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 taxi 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.
38. 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.
39. In these conditions:
- “exclusive”, as applied 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; and “exclusive hire” shall be construed accordingly;
- “shared”, as applied to the hire of a taxi, means that each passenger is carried at a separate fare, payable to the driver; and “shared hire” shall be construed accordingly;
- “taxi-bus” means a taxi which is being used, under a special licence granted under Section 12 of the Transport Act 1985, to provide a local service which is or required to be registered under Part 1 of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers; and

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

This is the Schedule of Conditions referred to in the foregoing Licence issued to .

2022

Licensing Officer