CIVIC GOVERNMENT (SCOTLAND) ACT 1982
LICENSING OF TAXIS/PRIVATE HIRE CARS AND DRIVERS

EXPLANATORY NOTES

TYPES OF LICENCES

A vehicle must hold a taxi or a private hire vehicle licence. Every driver must have a taxi driver or private hire vehicle driver licence. The essential difference between a taxi and private hire vehicle is that only a taxi is permitted to ply for hire. A private hire vehicle can only carry passengers by prior booking.

As from 1 January 2002, taxi and private hire vehicles shall not at time of grant or renewal exceed a seven year age limit subject to an exemption for classic cars used for events such as weddings and funerals.

Only vehicles with seating capacity of up to eight passenger seats are permitted under the licensing framework.

Each driver of the vehicle requires to have a licence under the system. A taxi driver licence entitles a driver to drive both licensed taxis and licensed private hire vehicles. A private hire vehicle driver licence does not entitle the driver to drive a taxi. All driver applicants must have held a full driving licence under Part III of the Road Traffic Act 1972 during any continuous period of twelve months prior to the date of application. Driver applicants may be required to undergo a medical examination.

Details supplied on application forms may be stored on a computer system by this Authority for the purpose of licensing. Information may be disclosed to the Police and other relevant parties for vetting and background enquiries whilst the application is being processed.

All licences granted will be subject to appropriate terms and conditions.

HOW DO I APPLY?

All you require to do when applying for a licence:

1. Complete the application form enclosed with these explanatory notes.

2. Submit the application form, along with the fee payable, and (if applying to be a driver), your DVLA driving licence and four identical passport sized photographs
(if applying for a vehicle licence) the vehicle registration document and, if appropriate, MOT certificate to:
Licensing Unit
Legal Services
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA

Telephone: 01835 826662 Email: liquorandlicensing@scotborders.gov.uk

Licensing Unit Staff will be pleased to help should you have queries regarding any of the questions on the Application Form or queries regarding the general Licensing system.

EXEMPTIONS

There is no requirement to have a licence if the vehicle is:

1. Bringing passengers/bookings into or out of the area on a contract that was made outside the area and the vehicle itself is not available for hire within the area;

2. Being used in connection with a funeral or wedding;

3. Being used under a contract for exclusive hire for a period of not less than twenty four hours. (Exclusive hire means a written contract with a particular individual or group totally and no other, excluding all else and unshared);

4. A public service vehicle within the meaning of section 1(1)(a) of the Public Passenger Vehicles Act 1981.

VEHICLES

Whilst each application will be considered on its particular merits, the following guidelines are given to assist applicants relative to the types and condition of vehicles considered to be appropriate for licensing approval

(a) Every vehicle must comply in all respects with the requirements of any Acts or Regulations relating to motor vehicles;

(b) The vehicle must be of a suitable size and design so that it is capable of withstanding the loads and stresses likely to be met from the service provided;

(c) The vehicle must have an engine capacity of not less than 1500cc. However permission will be given for the use of vehicles with smaller engines which have equivalent power (in the opinion of the Licensing Authority);

(d) The vehicle must have not less than four road wheels excluding any spare wheel;

(e) The vehicle must have seats for not less than four people excluding the driver;

(f) The steering must be on the off side of the vehicle (right hand drive);

(g) All bodywork must be in a satisfactory condition, free from dents or other irregularities and properly painted and polished;

(h) The vehicle will not be more than seven years old at the date of application. The vehicle should have at least four doors although allowance will be made to licence certain vehicles with less than four doors, excluding any rear door, but only with the prior written consent of the Licensing Authority. Passenger doors and windows must be capable of being readily opened;

(i) An adequate heating and ventilation system must be fitted. The vehicle must be fitted with, or carry a spare wheel of suitable standard and ready for immediate substitution for any damaged tyre, a suitable lifting jack and wheel brace and a fire extinguisher of a type required for public service vehicles. A first aid box which is adequate for treating up to the maximum number of passengers carried in the vehicle must also be provided;

(j) There must be adequate provision within the vehicle for carrying luggage; and

(k) Even after initial application is made, the Licensing Authority reserves the right to reject an application on grounds that the vehicle is not up to the standard required of a taxi/private Hire vehicle for their area. The Licensing Authority also reserves the right to reject a Renewal Application on grounds that the vehicle is not up to the standard required of a taxi/private hire vehicle for their area, even though the vehicle was approved for use and was licensed in their area in the past.

VEHICLE INSPECTION

All vehicles will be subject to an annual mechanical and bodywork inspection to ensure that each vehicle meets the Council's criteria of fitness to carry fare-paying passengers. This will take place at a Scottish Borders Council Authorised Testing Station convenient for your place of business. The existence of an MOT Certificate alone will not suffice. The inspection and examination will extend beyond mechanical aspects and also cover bodywork condition, structure etc. All vehicles presented for such testing must be in appropriate condition with the bodywork and passenger accommodation being clean and the underside of the vehicle being free from road dirt, excess oil and grease etc. If the inspection discloses that the vehicle has not been presented in a suitable condition, it will be the responsibility of the applicant to arrange for remedial work and to present the vehicle for a further check. There may be a supplementary inspection charge for the extra labour and administration involved, due to the vehicle being presented in an unsatisfactory condition. In addition to an annual inspection spot checks on vehicle condition will be carried out from time to time by authorised Officers of the Council. At the annual inspection or following any spot any authorised Officer of the Council, any authorised Officer of the Vehicle Inspectorate or the Police may require certain work carried out before certification of fitness is granted for the vehicle. Regarding taxi vehicles, an illuminating roof sign will be required which must be fitted and electrically wired to operate all to the satisfaction of the Council. There shall not be displayed on or in a private hire vehicle any word, sign, notice, mark, illumination or other feature which may suggest that the vehicle is available for hire as a taxi.

ACCIDENT DAMAGE

There will be a duty on all vehicle licence holders to report any accident or other damage caused within 24 hours, Monday to Friday or on the following Monday if the damage occurs during the weekend and to submit the vehicle for further inspection as directed.

LICENCE PLATES

Scottish Borders Council Licence Plates will be issued in respect of each vehicle and must be displayed as directed by the Licensing Authority. The plates will remain the property of the Licensing Authority and a deposit will be payable against their return in appropriate condition at the end of the licence period.

VEHICLE DOCUMENTATION

The holder of a Vehicle licence will hold in his own name, or if a business or partnership, in the business or partnership's name, the appropriate Vehicle Registration Document and a Certificate of Insurance in relation to the operation of the vehicle under the system. All vehicle documents must be readily available for inspection or checking by any authorised Officer of the Licensing Authority at any time.

TAXI FARES

Scottish Borders Council as Licensing Authority will set the maximum level of Taxi fares which may be charged in their area from time to time following the processes detailed in the Civic Government (Scotland) Act 1982 for determination. All taxis will have to operate a taxi meter. The Scottish Borders Council will not set fares in respect of private hire vehicles and there will be no requirement on that category of vehicle to have a metered system of fare charging.

SUBSTITUTION OF VEHICLE

During the currency of a vehicle licence a licence holder may change vehicles provided that he has first made an application to the Licensing Authority for the new vehicle and the application has undergone appropriate investigation including vehicle inspection and is approved.

CHANGE OF USE

Conversion from a licensed private hire vehicle to a taxi vehicle or vice versa will be allowed subject to prior permission in writing from the Licensing Authority. (Such permission will not be unreasonably withheld). Conversion will be subject to Licensing Authority Conditions in force at that time.

SURRENDER OF LICENCE PLATES

Where a Licenceholder is disposing of a vehicle and not seeking a substitution it is a requirement of the licensing framework that he surrenders the licence plates to the Scottish Borders Council within 28 days of the sale or disposal of the vehicle to which the licence plate relates.

RENEWAL OF LICENCES

Whilst it is the current practice of the Council to issue a reminder as a courtesy, they are under no obligation to do so. The responsibility to renew a licence is entirely that of the licensee and the Licensing Authority will not be responsible if no reminder is issued or received.