

INFORMATION ON PRIVATE HIRE CAR LICENCES

The purpose of these notes is to give some help to anyone applying for the grant or renewal of a Private Hire Car Licence. After you have had an opportunity to read these, if you need any further information or help, please contact **North Ayrshire Licensing Office, Cunninghame House, Irvine Tel: 01294 324305, email licensing@north-ayrshire.gov.uk**. These notes set out how the application is dealt with and the policies of North Ayrshire Council. They are not intended to give any interpretation of the law or what your own business requirements may be. You are recommended to go over this with your own Solicitor or adviser.

Private Hire Car Licensing is dealt with in the Civic Government (Scotland) Act 1982 in particular Sections 10 to 23 *and* Schedule 1 of the Act. These notes give some information on this but you, or your Solicitor, may not agree with this interpretation of what the Act says and so you should check this information out yourself.

What is a Private Hire Car Licence?

There are two different classes of licences, one for a **private hire car** and another licence for a vehicle which operates as a taxi. The difference between them is that only a taxi can pick up a passenger in a public place and it can, of course, be hired by a pre-arranged booking. A taxi has a roof sign and a private hire car does not. A private hire car can only be hired by a pre-arranged booking. It is a criminal offence for a private hire car to pick up a passenger in a public place unless they have previously been hired to do so. A private hire car does not require to have a meter but, if it does have one, that meter must be calibrated to the maximum fare scale set by North Ayrshire Council.

Unlike taxis, the Licensing Authority cannot set a limit on the number of Private Hire Car Licences, which it grants and, once licensed, a private hire car can operate in any part of North Ayrshire.

Duration of a Licence

When a licence is granted this is for a period of three years but this is conditional on the vehicle passing an annual inspection. Each year a reminder is sent to the licenceholder that the vehicle must be inspected. The Vehicle Registration Document, valid M.O.T Certificate or Certificate of Roadworthiness, where applicable, and a valid Certificate of Insurance must be presented to the Licensing Office for inspection. The Vehicle Registration Document and the Certificate of Insurance must be in the name of the Licenceholder. Provided the application form and the above documents are in order, and the vehicle passes its inspection, the licence continues to the next year.

All the applications the Licensing Authority deals with are for the renewals of existing licences and the Act makes a special provision for renewals. If an application for renewal is **lodged before the expiry date** of the current licence then the vehicle can continue to operate under the old licence until the renewal is processed. The licence is cancelled on the expiry date if the renewal application has not been received.

Vehicle Inspections

In order to ensure that the vehicles operating as private hire cars meet the standard set by the Licensing Authority they are inspected annually if the vehicle is less than 5 years old and 6 monthly if vehicle over 5 years of age. These inspections are carried out on behalf of the Licensing Authority and take place at the Garages of North Ayrshire Council at West Byrehill, Kilwinning. The inspection is more extensive than an MOT examination and covers all aspects of the private hire car e.g. ensuring the fire extinguisher, required in terms of the licence, is fitted and that the licensing plate is correctly attached to the rear of the vehicle. On passing inspection a certificate will be issued to the licenceholder. This certificate must be carried within the licensed vehicle at all times.

Vehicle inspections will also be required if a new vehicle is being substituted for the one currently licensed and this is done under a separate application process. A vehicle can be inspected on the roadside at any time by a Police Officer or an Authorised Officer of the Council. If it fails that check then the vehicle is immediately suspended and, after the defects have been repaired, it must pass a vehicle inspection before it can trade again.

Processing the Application

It is the licenceholders' responsibility to ensure that applications are lodged at the right time but, in order to assist, the Licensing Office issues a reminder to every licenceholder about six weeks before their licence is due to be renewed and for each annual check. It is important that the necessary documentation, Vehicle Registration Document, Insurance Certificate and MOT if required is submitted with the application as it cannot be processed without these. Only **original** documents will be accepted. The applicant will be given a date and time for the vehicle inspection and a voucher for this, which must be presented to the Vehicle Examiner at inspection. The result of this will be given to the licenceholder who will then know if a retest is required. Again this has to be booked and paid for at the Licensing Office. The reports of the tests will also be passed to the Licensing Office. If there are no adverse comments with regard to the renewal then it will be renewed and the new licence issued.

If there are any adverse comments as a result of the information in the application form or arising from the consultations then the application must go to the Licensing Sub-Committee for consideration. This Committee cannot reach any decision which would mean that the licence would not be granted unless the applicant has had a chance to reply to the adverse reports. If the Committee decides that there needs to be a Hearing then the applicant will receive a note of the adverse comments which are being considered. If an application is not granted then there is a right of appeal to the Sheriff Court.

Insurance, MOT Certificate & Registration Document

It is essential that all vehicles have the appropriate insurance. An application will not be renewed unless this is produced to the Licensing Authority and if it is not submitted at each annual inspection, or at any other time it is requested by the Licensing Authority, the licence will be suspended. The insurance cover must allow the use of the vehicle for private hire for the conveyance of members of the public. The Insurance Certificate must be in the name only of the applicant, if it is a partnership then it must be in the names of the partners only.

The MOT Certificate must be presented if car is over 3 years old.

The Vehicle Registration Document is required by the Licensing Office when lodging the application form. It must also be produced to the vehicle examiner at the Vehicle Testing Station on the day of inspection. The document must be in the name of the licenceholder.

These fees are not returnable if you decide to withdraw the application or if the licence is refused.

Meter Calibration

If a private hire car is fitted with a meter then that meter must be calibrated to the scale of fares set by the Licensing Authority in terms of the Act. The appropriate Calibration Certificate must be exhibited with all new vehicles applied for and on each occasion the fare scale is amended. If fitted with a meter the operator must charge for hire in accordance with the scale.