

INFORMATION ON TAXI LICENCES

The purpose of these notes is to give some help to anyone applying for the grant or renewal of a taxi licence. If, after reading, you need more information or help, please contact :

North Ayrshire Council Licensing Office, Cunninghame House, Irvine.

Phone: 01294 324305 or email licensing@northayrshire.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.

Taxi 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 Taxi Licence?

There are two different classes of licences one for a taxi and another licence for a vehicle which operates as a private hire car. 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 prearranged booking. A taxi has a roof sign and a private hire car does not. 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. The taxis must also have a taxi meter which is set to the maximum fare scale agreed by North Ayrshire Council.

Zones and Numbers Limitation

The Act allows the Licensing Authority to set an upper limit to the number of taxi licences within their area and also to set different limits for different parts of their area. North Ayrshire Council operates with 6 zones, each with its own number limitation. These are:

1. Irvine New Town Area, number limit: 105
2. Ardrossan/Saltcoats/Stevenston, number limit: 85
3. Garnock Valley, number limit: 20
4. West Kilbride/Fairlie/Largs/Skelmorlie, number limit: 20
5. Millport, number limit: 2
6. Arran, number limit: 9

Most of the licences allocated to each of the zones have been granted. Any application for the grant of a further licence in any area could be outwith the permitted numbers set by the Licensing Authority.

Duration of a Licence

When a licence is granted this is for a period of 3 years, or 1 year, but this is conditional on it passing an inspection process. A reminder is sent to the licence holder that the vehicle must be inspected and that the

Vehicle Registration Document, current MOT Certificate or Certificate of Roadworthiness, if appropriate, and the current Insurance Certificate must be presented to the Licensing Office for inspection. Provided the application form and the above documents are in order and the vehicle passes its inspection the licence continues.

The Licensing Authority deals applications 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. The licensing office would then contact the next person on the waiting list for a taxi licence to tell them that they can now apply for a licence.

Vehicle Inspections

In order to ensure that the vehicles operating as taxis meet the standard set by the Licensing Authority they are inspected annually, or 6 monthly, whichever is appropriate. 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 and on the Isle of Arran. The inspection is more extensive than a MOT examination and covers all aspects of the taxi e.g. ensuring the fire extinguisher, required in terms of the licence, is fitted and that the taxi 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 licence holder approximately 6 weeks before their licence is due to be renewed and for each vehicle inspection. It is important that the necessary documentation, Vehicle Registration Document, Insurance Certificate, MOT if the car is over 1 year of age 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 Inspector at the test. 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 signed and sent out.

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 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 public 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 produced for all vehicles over 1 year of age.

The Vehicle Registration Document is required by 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 licence holder.

Meter Calibration

Every taxi must be fitted with a meter 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. The operator is not permitted to trade without a calibrated meter. The meter must be sealed at all times.

These fees are for the processing of the application and not for the grant of a licence. If a licence is refused or if the applicant withdraws it the fee is not returnable.