



LICENCE CONDITIONS

This licence is granted subject to the following twenty three Conditions. If the licenceholder does not keep to these Conditions then he/she may be asked to appear before the Licensing Committee of North Ayrshire Council for a Hearing which may result in the licence being revoked or suspended and will also affect the chance of the licence being renewed. It terms of the Civic Government (Scotland) Act 1982 it may be a criminal offence if you do breach these Conditions.

SECTION 1 THE LICENCEHOLDER

1. At all times when the licenceholder is operating a licensed vehicle which is available for hire, plying for hire, or engaged on hire he/she must wear in a conspicuous position, with the details legible and visible, the **badge** issued by the Licensing Authority showing that he/she is the holder of a Taxi Driver's Licence. If requested to do so by a Police Constable, an Officer of the Licensing Authority, a hirer or passenger, the licenceholder shall permit that person to inspect the badge and take a note of the details specified on the badge.
2. At all times when the licenceholder is operating a licensed vehicle which is available for hire, plying for hire or engaged on hire he/she must have in their possession this **licence** which shall at all times be kept in a clean and legible condition. If requested to do so by a Police Constable, an Officer of the Licensing Authority, a hirer or passenger, the licenceholder must show this licence to that person.
3. **No smoking** is permitted in the licensed vehicle. This prohibition relates to both passengers and drivers and applies in the vehicle at all times irrespective of whether or not it is on hire. ("smoking includes the use of E-Cigarettes and other vapourising devices").
4. When the vehicle is operating as a Taxi or Private Hire Car, the Licenceholder must conduct himself/herself in a proper and civil manner and **be clean and tidy in appearance**.

Licenceholders must, when operating the licensed vehicle, conform to the following 'Dress Code':

- a) The Licenceholder must wear trousers, slacks, or a skirt, with a shirt, a blouse, or similar top or t-shirt with a collar. No clothing should have a logo apart from a small manufacturer's logo;
- b) Any tie must be a "clip-on";
- c) The Licenceholder may not wear a tracksuit, shorts or any similar article of casual clothing;
- d) The Licenceholder may not wear any article of clothing more commonly associated with sporting activities (including head-gear and foot-wear). The following are not permitted - jeans of any colour or description, training shoes, baseball shoes, sandals, baseball caps, cargo pants, hooded sweatshirts or military-style clothing;
- e) The Licenceholder may not wear clothing with printing or lettering (unless it is the name or contact details of the Licenceholder, the taxi firm, or the Taxi Association);
- f) The Licenceholder may not wear a hat, cap or other head-wear while driving.

These requirements apply:

- 1) whether the vehicle is driving or not, and
- 2) whether or not it is at the time under hire or plying for hire,

except that requirement (f) (prohibition of hat, cap or other head-wear) only applies where the vehicle is driving and either under hire or plying for hire.

Departure from any of these requirements is permitted only where a particular type of clothing is required by the traditional and customary practices of the Licenceholder's particular religious, ethnic or other cultural group.

Where the Licenceholder is told by an officer of the Licensing Authority that, in the officer's opinion, the Licenceholder's clothing is not consistent with this Condition (including the 'Dress Code'), the Licenceholder shall cease operating under the Licence and shall not resume unless he/she has changed to clothing which meets the Licence Condition.

5. The licenceholder must notify the Licensing Authority **in writing within seven days** of
 - **being convicted of any offence** by any Court and the notification by the licenceholder must include the nature of the offence, the date of the conviction, the Court which dealt with the offence and the penalty which was imposed by that Court. This applies to any offence and is not restricted to offences arising from the operation of the licensed vehicle.
 - **receiving a fixed penalty** from the Police for a traffic offence. The notification must include the date of the offence, the type of fixed penalty offered and accepted and the number of points, if any, endorsed. This requirement also applies to any offence irrespective of whether the licensed vehicle was involved.
 - any **change in circumstances**. Any substantial change in circumstances since the application for this licence was made, which includes any change of address. This also covers medical conditions which affect the ability to drive.
6. If the licenceholder **surrenders the licence** or the Licensing Authority **revokes or suspends the licence** this licence, together with the badge, must be delivered to the Licensing Authority Office within seven days of being surrendered, revoked or suspended.
7. When the licensed vehicle in the charge of the licenceholder is available for hire or plying for hire, licenceholder shall either **sit** in the driver's seat or **stand** in the immediate proximity of the vehicle. When the licensed vehicle is hired the licenceholder shall occupy the driver's seat except during any period when he/she is announcing the arrival to the hirer, assisting the hirer or passenger or assisting with luggage.
8. The licenceholder must not permit the licensed vehicle being driven by him/her or in his/her charge to be used for any illegal or immoral purpose, to carry or convey any illegal substances, contraband goods or any article of a dirty, noxious, dangerous or explosive nature or to carry a passenger who is verminous.
9. On approaching a stance where taxis are permitted to stand, the licenceholder shall drive to the rear of any taxis standing there and shall progress to the head of the stance in line as the other taxis depart in an orderly fashion.

SECTION 2 THE VEHICLE

10. When the licenceholder is in charge of a licensed vehicle which is available for hire, plying for hire or on hire he/she must ensure that it is operated under the following conditions:-

- 10.1 The licensed vehicle must have a valid **Certificate of Insurance** which complies with the conditions of the Road Traffic Acts and any Regulations made thereunder or amendments thereto which must be in the name of the holder of the vehicle licence and which must cover the licensed vehicle operating as such. There must also be a **current MOT Certificate** for the licensed vehicle.
- 10.2 The licensed vehicle must have fitted, in a suitable holder a **fire extinguisher** which is immediately accessible to the driver. This fire extinguisher must be kept in working order which includes having it serviced to the standard set by the manufacturer or supplier. The fire extinguisher, its holder and its position within the licensed vehicle must meet the approval of the Licensing Authority.
- 10.3 The licensed vehicle must be **maintained** in a safe, roadworthy, serviceable and clean condition. The bodywork, upholstery and fittings of the licensed vehicle must be maintained in a safe, serviceable, roadworthy and clean condition. The licenceholder must not use the vehicle if its condition contravenes the Road Traffic Acts and any Regulations made under those Acts.
- 10.4 That the **plates and window notices** issued by the Licensing Authority with the licence number of the taxi are securely and permanently fitted to the front and rear bodywork of the vehicle in a position where they can be clearly seen and read. If the plate/plates has/have been lost or defaced the taxi cannot be used until the Licensing Authority has given a replacement plate/plates to the taxi licenceholder and this has /these have been fixed to the vehicle. The window notices must be positioned in the rear passenger window of the vehicle where they can be clearly seen and read by any passenger.
- 10.5 That the taxi is fitted with a **sign** of a type approved by the Licensing Authority fitted to the roof of the vehicle which identifies it as licensed to operate as a taxi. The vehicle must not have any other signs which advertise that it is a licensed taxi.
- 10.6 That in the event the licensed vehicle which the licenceholder is driving or is otherwise in charge of is **damaged, altered or modified** the licenceholder shall not use it for hire until it has been presented for inspection and approved for hire by the Licensing Authority.
11. If the licenceholder is required to do so at the instruction of a Police Constable, Officer of the Licensing Authority authorised for that purpose he/she shall deliver the licensed vehicle which he/she is driving or otherwise in his charge for inspection to such a place and at such time as the Police Constable or Authorised Officer of the Licensing Authority so require.

SECTION 3 PASSENGERS

12. The **maximum number of passengers** carried in the licensed vehicle must not exceed the limit set down in the licence for the vehicle. In counting this maximum number special allowance is made for children. If there is a child under age 2 then, provided the child is accompanied by an adult, that child is not counted. For children under age 12, if there are more than one then the first one is not counted. *(Please note that only one child in the group does not count towards the total. If there are three children aged 1, 5 and 7 then this counts as two for the maximum number of passengers).*
13. If the licenceholder **accepts a hire** for the licensed vehicle that agreement must be kept either by the licensed vehicle or by another licensed vehicle arranged by the licenceholder.
14. Where a licensed vehicle has been hired by or for a disabled person who is accompanied by a **guide dog, a hearing dog or an assistance dog** of that person or by a person who wishes to be accompanied by such a person the licenceholder must carry the disabled person's dog and allow it to remain with the disabled person and not make any additional charge for doing so. The exception for refusing to carry an animal referred to in Condition 15 below does not apply in these circumstances. If the licenceholder has been granted exemption from this Condition then the Notice of Exemption must be fixed in a prominent position in the vehicle.
15. The licenceholder **shall not refuse to carry** a hirer or passenger to any destination within North Ayrshire except for the following cases:-
 - if the hirer or a passenger is, in the opinion of the licenceholder not in a fit and proper condition to be carried in the vehicle
 - if the condition or clothing of the hirer or a passenger is offensive or likely to cause damage to the interior of the vehicle
 - if the hirer or a passenger refuses to stop or refrain from smoking when asked to do so by the licenceholder
 - if the hirer or a passenger is accompanied by any animal which is likely to damage or soil the interior of the vehicle.
 - if any other condition of this licence authorises the licenceholder to refuse to carry a passenger.
16. The licenceholder must carry as much **luggage** of the hirer or passenger as can be safely accommodated in the boot or luggage compartment of the licensed vehicle and must give as much assistance with the loading and unloading of this luggage as he can without leaving the immediate proximity of the vehicle.

17. Within 24 hours of **finding any property** left by a hirer or passenger in the vehicle the licenceholder must either return it to the owner if the owner is known or deliver it to a Police Station.

SECTION 4 FARES

18. A taxi must have a **taximeter** fitted in a position approved by the Licensing Authority and a private hire car may have a taximeter fitted in a position approved by the Licensing Authority. In the case of both categories of licensed vehicles this meter must be :-

- of a type approved by the Authority and be appropriate to cover the type of hire (either exclusive or sharing).
- must be calibrated by a company approved by the Licensing Authority to calculate the fares and charges fixed from time to time by the Licensing Authority.
- must be in proper working order, stamped and sealed after testing and must be maintained and serviced as required by the manufacturer.
- the seals to the taximeter and those fixing the taximeter to the vehicle must not be broken, defective nor tampered with. The licenceholder must not knowingly operate the licensed vehicle as a taxi if the taximeter is defective or the seals are broken or detached.
- when the scales and charges are reviewed the meter must be recalibrated to the new scale but the revised rate cannot be charged until a Calibration Certificate, confirming that it has been set and sealed at the new rate, has been presented to the Licensing Office.
- the licensed vehicle cannot be operated if the size of the wheels or tyres have been altered in a manner which will affect the calibration of the taximeter.
- if the taximeter develops a fault or any of the seals are broken or come off then the vehicle cannot be used as a taxi until the taximeter has been replaced or repaired and re-tested and approved by the Licensing Authority.

19. A copy of the **current scales of fares and charges** must be clearly displayed in the passenger compartment where it can be read by the passengers. The current scales and fees are fixed by North Ayrshire Council under the procedures set out in the Civic Government (Scotland) Act and no other scales of fares and charges can be displayed. The current scales and fares mean that the person who hires the licensed vehicle will be charged the fare shown on the approved meter which is

calibrated to the current scales and fares. **No other fare can be charged.**

In cases where a journey begins within North Ayrshire but ends outwith its boundary the licenceholder must make sure that, before the hire commences, the fare or charge or the method of calculating the fare is agreed with the person hiring the licensed vehicle.

20. Where a single fare is paid by any one passenger for the whole hire of the taxi whether or not more than one passenger is carried this is called an **“exclusive hire”**.

A **“sharing hire”** means that each passenger is carried at a separate fare payable to the licenceholder.

When a taxi is on **exclusive hire** the licenceholder may not, under any circumstances, pick up or carry another passenger without the consent of the original hirer. The licenceholder must drive to the destination of the hirer by the shortest practicable route unless otherwise directed by the hirer.

21. The licenceholder may operate a **sharing hire** subject to the following conditions:-

21.1 Sharing hire may be operated only with the consent of the first hirer or passenger even if the taxi carries a sign approved by the Licensing Authority indicating that the vehicle is available for sharing hire.

21.2 The licenceholder does not need to operate on a sharing hire if no sign to that effect is displayed on the taxi at the time of the initial hiring.

21.3 Where a taxi has been hired on a sharing hire the licenceholder must take the shortest practicable route which will serve the destinations of the passengers whom he is carrying at any one time.

21.4 The licenceholder can refuse 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 his existing passenger or passenger or that the further passenger’s luggage cannot be accommodated safely within the luggage compartment of the car.

21.5 When operating a sharing hire the licenceholder may wait at a stance only for such time as is reasonably required to find out if there are any prospective further passengers (in addition to the existing passenger or passengers) in the immediate vicinity of the stance at that time who wish to participate in the sharing hire of

the taxi. If no such further passengers are found there and then, the licenceholder must immediately drive his taxi off the stance.

SECTION 5 GENERAL

22. Nothing in this licence authorises or permits the licenceholder to breach any term or Condition of the licence issued by the Licensing Authority to the licenceholder of the vehicle licence.
23. In addition to Conditions 1 to 22 the licenceholder must also comply with the General Conditions imposed under the **Civic Government (Scotland) Act 1982** and any amendments to and Regulations made in terms of that Act.

The Licensing Office for the Licensing Authority of North Ayrshire which processes licence applications, issues licences, to which any notifications which must be given under the Licensing Conditions and to which all enquiries or requests for further information should be made is located at **North Ayrshire Council, Licensing Office, 1st Floor, Cunninghame House, Irvine, KA12 8EE. Telephone Number 01294 324305.**