

PRIVATE HIRE CAR LICENCE CONDITIONS

- (1) The licence holder shall ensure that the private hire car (including all bodywork, upholstery, fittings and accessories) is in an undamaged, safe, serviceable and clean condition.
- (2) The licence holder shall ensure that the private hire car complies with the relevant Council vehicle specification at all times.
- (3) The licence holder shall require the private hire car to undergo and pass an annual inspection to be carried out by the Council or its agents.
- (4) At the expiry of the annual inspection certificate of the private hire car, the licence holder shall not operate the private hire car until the private hire car has been inspected and passed by the Council or its agents.
- (5) The licence holder shall pay the Council such fee as the Council may fix for inspecting the vehicle on any occasion that such inspection is required and fee demanded.
- (6) The licence holder shall, on demand or by arrangement, submit the private hire car to inspection by a Police Officer, Transport Manager or other authorised officer of the Council.
- (7) Where the licence holder is advised by a Police Officer, Transport Manager or other authorised officer of the Council that the private hire car is in their opinion defective or damaged or in any way in breach of these conditions, they shall rectify the defect, damage or breach within the time stated in any formal notice issued in respect of that defect or damage. This condition has effect regardless of whether the defect, damage or breach is considered to affect the roadworthiness of the private hire car.
- (8) The licence holder shall report any damage caused to the private hire car by vehicular accident or by any other means to the Council within 24 hours or at the earliest opportunity thereafter. If the vehicle remains roadworthy the licence holder shall present the private hire vehicle to the Council's Transport Manager for examination within seven days of the damage being caused. If the vehicle is not roadworthy, the licence holder shall not be entitled to operate the vehicle as a private hire car until such time as the Transport Manager confirms that the necessary repairs have been carried out to their satisfaction.
- (9) If, following any inspection, the Transport Manager indicates to the licence holder that they consider the relevant vehicle to be a threat to public safety, the licence holder shall not be entitled to operate the vehicle as a private hire car until such time as the Transport Manager confirms that the necessary repairs have been carried out to their satisfaction.
- (10) The licence holder shall, within seven days, advise the Council when they have been served with formal notice under the vehicle rectification scheme administered by Police Scotland or with any notice in terms of section 11 of the Civic Government (Scotland) Act 1982. The licence holder shall present evidence of the rectification of any defects to the Council within seven days of obtaining it. Where the defects have not been rectified, or upon the request of the Transport Manager, the licence holder will present the private hire car for inspection by the Council's Transport Manager within seven days of the notice expiring. Where the private hire car is no longer to be operated the licence holder shall notify the Council in accordance with the conditions on substitution or temporarily or permanently ceasing to operate the private hire car business. (Conditions 11, 35 and 36).

FAILURE TO COMPLY WITH LICENCE CONDITIONS MAY LEAD TO CRIMINAL CONVICTION AND PENALTY AND/OR SUSPENSION OF A LICENCE IN TERMS OF PARAGRAPH 11 OF THE FIRST SCHEDULE TO THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982.

- (11) The licence holder may substitute another private hire car for the private hire car designated in the licence. The licence holder shall not operate the substitute private hire car until they have intimated their intention in writing to the Council, the substitute private hire car has been tested and certified by the Council's Transport Manager as suitable for use as a private hire car and the licence has been amended by the Council to reflect the substitution.
- (12) The licence holder shall cause to be exhibited to them and shall endorse as so exhibited the taxi or private hire driver's licence of any person they permit or employs to act as the driver of the private hire car. The licence holder shall not ask the taxi or private hire driver to do anything that would result in the driver committing a breach of the conditions of this licence or the conditions attached to their taxi or private hire driver's licence, and shall take reasonable measures to ensure that the driver does not commit a breach of the conditions of the licence or the conditions attached to their taxi or private hire driver's licence. The licence holder shall ensure that any person employed to act as a driver of the private hire car is covered by an appropriate motor insurance policy.
- (13) The licence holder shall keep an up-to-date list of the names and addresses of all taxi or private hire car drivers employed by them, together with a record of who is driving the private hire car at any given time and shall produce the list to any police officer or other authorised officer of the Council on demand. Each such record shall be retained by the licence holder for inspection for a period of one year.
- (14) The licence holder shall ensure that an accepted hire is fulfilled unless there is a reasonable excuse for not doing so.
- (15) The licence holder shall hold the vehicle registration document in their own name and home address and where there is more than one principal licence holder the vehicle registration document shall be in the name and home address of at least one of those persons. The document shall be produced in person by the person named thereon as soon as possible at the request of any police officer or authorised officer of the Council.
- (16) The licence holder shall maintain motor insurance in respect of the private hire car as required by Part VI of the Road Traffic Act 1972 and the certificate of motor insurance shall be held in the name of the person shown on the vehicle registration document. Where there is more than one principal licence holder the certificate of insurance shall contain the name of the person shown on the vehicle registration document. The document shall be produced in person by the person named thereon as soon as possible at the request of any police officer or authorised officer of the Council.
- (17) The named licence holder shall produce in person to the Council, in person, a valid annual certificate of motor insurance within seven days of the last certificate's expiry date. The named licence holder shall also produce to the Council, in person, any other document relating to the operation of the private hire car within seven days of the documentation being requested.
- (18) The licence holder shall ensure that while the vehicle is in use as a private hire car any plates or other things which have been issued by the Council for the purpose of indicating that the vehicle is a private hire car are displayed at all times in positions approved by the Council. For the avoidance of doubt, private hire car licence plates must be affixed to the rearmost exterior part of the vehicle.
- (19) If any plate or other thing which has been issued by the Council for the purpose of indicating that the vehicle is a private hire car becomes damaged or defaced so as not to be distinctly visible or legible, or is lost, the licence holder shall immediately obtain a replacement from the Council. The licence holder is required to pay the Council in terms of this condition such fees as the Council may fix.

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- (20) The licence holder shall not display a roof sign of any kind on the private hire car.
- (21) The licence holder shall not display any sign or mark on the private hire car that gives, or is intended to give, the impression that the private hire car is a taxi.
- (22) The licence holder shall not, without the approval of the Council, cause or permit any notice, advertisement, private bill, name, letter, number, sign, trade mark or logo to appear on the outside or inside of the private hire car other than any name and number required by law and these conditions.
- (23) If the licence holder has a taximeter affixed to the private hire car, it shall be a taximeter that has been stamped or sealed by the Council or its authorised agents after testing and approval as to distance and time in accordance with the approved taxi fares and charges. Once a taximeter is fitted to the private hire car, they shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment affixed thereto by the manufacturer or the Council except to remove the taximeter for repair or replacement. Should the seal be broken, the licence holder shall have the taximeter re-tested by the Council or its authorised agents before using the taximeter again. The licence holder shall not use a taximeter where that taximeter has not been tested and approved by the Council for a period in excess of one year.
- (24) Where a taximeter is fitted to a private hire car the taximeter should be operated at all times.
- (25) Where a taximeter is fitted to a private hire car the licence holder shall display in the taxi a Council notice stating the approved maximum taxi fares and charges. That notice shall be placed in a position where it is readily visible to passengers being carried. No other table of fares and charges shall be displayed.
- (26) The licence holder shall not use, or cause or permit to be used on a private hire car, a road wheel or tyre of a different circumference from that for which a taximeter affixed to the private hire car was designed, geared and tested by the Council.
- (27) The licence holder shall ensure that a taximeter fitted to the private hire car remains in a position approved by the Council.
- (28) The licence holder, if the private hire car is fitted with a taximeter, shall within two working days inform the Council of the removal of the taximeter from the private hire car. A taximeter shall not be refitted on a second or subsequent occasion without prior permission from the Council, except when the private hire car is due to be annually tested by the Council.
- (29) The licence holder shall not operate the private hire car, or cause or permit it to be operated while the seals affixed to any taximeter are broken or detached.
- (30) The licence holder shall not use, or cause or permit to be used, a defective taximeter.
- (31) The licence holder shall carry a fire extinguisher of a type and in a position approved by the Council.
- (32) If the cost of a journey is not regulated by a licensing authority fare structure the licence holder shall take steps to ensure that any potential hirer of the private hire car is informed, prior to acceptance of the hire of the cost or method of calculating the cost of the proposed journey.

- (33) The licence holder shall not permit or employ any person or agent to run the business as a private hire car operator or to carry out the day-to-day management of the business unless that person is approved by the Council and is designated on the licence as day-to-day manager.
- (34) The licence holder shall not sell, transfer, hire out, assign, exchange, gift or otherwise alienate all or part of his interest in, or rights under, the private hire car licence unless approved by the Council.
- (35) If the licence holder ceases to operate the private hire car for a period of 28 days or more whether during the substitution of vehicle process or otherwise, they shall immediately deliver the licence and identification plate to the Council where it will be held in safekeeping until such times as the private hire car business recommences trading or the licence holder permanently ceases to operate the business.
- (36) If the licence holder permanently ceases to operate the private hire car business they shall immediately surrender the licence and identification plate to the Council and the licence and plate shall cease to have effect.
- (37) If the licence holder changes their place of residence they shall, within seven days of such change, give notice to the Council in writing and shall produce the licence to the Council for substitution of an amended licence. The licence holder shall pay the Council such fee, if any, as the Council may fix for the amended licence.
- (38) The licence holder shall intimate the details of any criminal conviction recorded against them, or fixed penalty accepted by them, within 28 days of the conviction or acceptance of the fixed penalty.
- (39) All formal intimations shall be sent in writing to the Chief Officer (Legal and Democratic), North Lanarkshire Council, Windmillhill Street, Civic Centre, Motherwell ML1 1AB.

In these conditions:-

“The Council means - North Lanarkshire Council.

“Private hire car” has the meaning ascribed to it in terms of the Civic Government (Scotland) Act 1982 and in particular refers to a vehicle that may only be engaged for hire by a pre-booking arrangement.

“Taxi” has the meaning ascribed to it in terms of the Civic Government (Scotland) Act 1982 and in particular refers to a vehicle that may be pre-booked or engaged for hire in a public place for a journey beginning there and then.

“Transport Manager” includes any officer or any employee of any sub-contractor authorised by the Council to carry out or fulfil the functions of the Council in terms of Section 11 of the Civic Government (Scotland) Act 1982.

The use of the singular implies the plural and the use of the masculine implies the feminine.