

PERTH AND KINROSS COUNCIL**Licensing Committee****10 December 2015****Review of
Conditions of Taxi and Private Car Operators' and
Conditions for Taxi and Private Hire Drivers' Licences issued under the
Civic Government (Scotland) Act, 1982****Report by Head of Legal Services****PURPOSE OF REPORT**

This report recommends that the Committee approve the revised Conditions of Taxi and Private Car Operators' and Conditions for Taxi and Private Hire Drivers' Licences issued under the Civic Government (Scotland) Act, 1982.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Council regulates the licensing of taxi and private hire cars under the Civic Government (Scotland) Act 1982. As part of that, the Council can impose conditions on taxi and private hire car licences.
- 1.2 The Council's Handbook of Conditions of Taxi and Private Hire Car Operators and Taxi and Private Hire Car Drivers' Licences ("the Blue Book") sets out the conditions of taxi and private hire car drivers' licences.
- 1.3 The Handbook of Conditions of Taxi and Private Car Operators' and Taxi and Private Hire Drivers' Licences, known as 'the Blue Book' was introduced in 1998 and was last the subject of major review in 2005. There have been minor amendments but it is recognized following consultation with the taxi and private hire trade that conditions have not kept pace with changes to technology, changes in equality legislation, conditions are complicated and in need of a complete review.
- 1.4 The revised conditions separate the conditions into two documents - Conditions of Taxi and Private Car Operators' and Conditions for Taxi and Private Hire Drivers' Licences
- 1.5 These documents remove conditions that are adequately regulated by law to save duplication and misinterpretation and revise others to reflect changes in law and technology.

2. Conditions of Taxi and Private Car Operators' Licence

- 2.1 The specification for taxis and private hire vehicles is amended to remove the restrictive description for vehicles. This amendment widens the scope of vehicle that can be operated to reflect changes in consumer demand and technology. These amendments will allow Ultra Low Emission vehicles to be operated and is in keeping with the Council's aim to reduce carbon emissions.
- 2.2 After consultation with the Centre for Inclusive Living Perth and Kinross, the definition for Wheelchair Accessible Vehicles (WAVS) has been amended. This amendment reflects guidance that wheelchair users must be able to stay seated in their wheelchair at all times and that the wheelchair will be secured while the vehicle is moving. Vehicles that require existing seating to be removed before they become fully wheelchair accessible are not considered to be suitable.
- 2.3 This definition provides clarity to the trade as to what will be licensed as a WAV. However, there are vehicles in service that do not match this definition. In an effort to meet the Council's commitment to accessibility, existing licensed vehicles that do not meet the definition of a WAV will be removed from the fleet by reducing the age of these vehicles from 10 years to 7 years on a progressive basis by a reduction of 1 year each year commencing 1st April 2016.
 - a. No more than 9 years old from 1 April 2016
 - b. No more than 8 years old from 1 April 2017
 - c. No more than 7 years old from 1 April 2018
- 2.6 It is recognised that WAVs and Ultra Low Emission vehicles are more expensive to purchase and to support the trade to introduce these vehicles, a reduced licensing fee is being considered.
- 2.6 In March 2014, the Licensing Committee amended condition 3.1 of the Blue Book (Report 14/127 refers) so that taxi and private hire cars over 7 years of age shall be required to undergo 2 annual inspections.
- 2.7 Practice has developed to link the Council test to the vehicle's MOT. This has been confusing for the trade and difficult to administer. The revised conditions provide clarity that these tests are in addition to an MOT and are taken at required intervals after the date the vehicle was licensed in keeping with the age of the vehicle.
- 2.8 Changes in technology allow external glass of vehicles to be tinted and darkened aftermarket. Whilst there are meters that the Police use to determine whether this 'tinting' is legal, it is not practical for the Council to decide an appropriate level. It is recognized that vehicle manufacturer 'comfort glass' comes as standard in many cars and that by permitting this, it is legal, affords a view inwards and out and delivers public safety.

3. Conditions for Taxi and Private Hire Drivers' Licences

- 3.1 The Civic Government (Scotland) Act 1980 Section 13(5) permits that a licensing authority may require an applicant for a taxi driver's licence to take a test of such other matters relating to the operation of a taxi as the authority consider desirable, and the authority may refuse to grant a licence to a person who does not satisfy them that they have adequate knowledge of any of these matters.
- 3.2 The 'J' report into abuse in England and Wales recognized the role that taxi and private hire drivers play in the role of protecting children and vulnerable adults. The Council seeks to promote the public's protection and believes that taxi and private hire drivers can provide help to prevent abuse.
- 3.3 An online training package is being developed that will provide guidance on public protection and equalities and how to report concerns.
- 3.4 The Centre for Inclusive Living Perth and Kinross raised concerns about a lack of knowledge amongst taxi and private hire drivers on the proper method for securing wheelchairs and wheelchair passengers.
- 3.5 A short course has been developed in conjunction with The Centre for Inclusive Living for all drivers who operate WAVs and would assist the Council in meeting the general duty imposed on it by the Equality Act 2010 to:
 - (i) Eliminate unlawful discrimination, harassment and victimisation;
 - (ii) Advance equality of opportunity; and
 - (iii) Foster good relations
- 3.6 The revised conditions seek to make it a requirement that on application or renewal drivers sit a test as the Council considers desirable.
- 3.7 The revised conditions introduce guidance to reflect legislation on smoking in the workplace and in keeping with other modes of public transport, exclude the smoking of electronic cigarettes.
- 3.8 At present, if a taxi or private hire driver is charged by the police, the Notifiable Occupation Scheme operates to allow a common law disclosure to be made to the Council only if the charge is relevant to the driver's occupation. A person cannot be compelled to provide their occupation and therefore a person can be charged and/or convicted and the Council would not be made aware until a renewal application is submitted. The revised conditions make it a requirement for drivers to self-disclose if they are charged with any crime or offence.

4. CONCLUSION AND RECOMMENDATION(S)

- 4.1 The Handbook of Conditions has been the subject of minor review and debate over recent years and it is recommended that the Committee considers the options and decides upon a way forward.
- 4.2 Having considered responses and other evidence, it is recommended that option 1 be considered. This option would allow a wider range of vehicles to be introduced to the fleet with diversification opportunities from traditional taxi and private hire. Further, this option ensures that the Council fully meets its obligations under the Equalities Act 2010.

5. PROPOSALS

It is proposed that the Committee considers the options which include:

Option 1

Approve the revised Conditions of Taxi and Private Car Operators' and Conditions for Taxi and Private Hire Drivers' Licences.

Option 2

Amend conditions as considered appropriate

Option 3

No change to the current conditions

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Approved

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ANNEX

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed. Where the answer is 'no', the relevant section(s) should be marked 'not available (n/a)'.

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	Yes
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The proposals relate to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the priority:-

- Supporting people to lead independent, healthy and active lives
- Promoting a prosperous, inclusive and sustainable economy

Corporate Plan

1.2 The proposals relate to the achievement of the Council's Corporate Plan Priorities in terms of the priority:-

- Supporting people to lead independent, healthy and active lives
- Promoting a prosperous, inclusive and sustainable economy

2. Resource Implications

Financial

2.1 Not applicable

Workforce

2.2 The proposals reduce bureaucracy in the Licensing Department by streamlining process in relation to testing of vehicles.

Asset Management (land, property, IT)

2.3 Not applicable

3. Assessments

Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and following implementation it is anticipated that there will be an improvement in accessibility and help for wheelchair users and assistance dogs.

Strategic Environmental Assessment

Not applicable

3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals and it is considered that no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

Not applicable

Legal and Governance

3.3 The Licensing Committee has delegated powers under the Council's Scheme of Administration to exercise discretion in terms of any condition attached to licences where approval of the Council as licensing authority is required under the Civic Government (Scotland) Act 1982.

Risk

Not applicable

4. Consultation

External

- 5.1 Taxi and Private Hire Car Drivers and Operators have been consulted.
- 5.2 The Centre for Inclusive Living, Perth and Kinross have been consulted

Internal

- 4.3 Public Transport Unit

5. Communication

- 5.1 Not applicable

2. BACKGROUND PAPERS

The following documents have been relied upon in preparing the Report:-

- The Handbook of Conditions of Taxi and Hire Car Operators and Taxi and Private Hire Car Drivers Licensing.

3. APPENDICES

Appendix 1 – The Integrated Appraisal Toolkit



CIVIC GOVERNMENT (SCOTLAND) ACT 1982

**CONDITIONS
FOR
TAXI AND PRIVATE HIRE CAR DRIVER'S
LICENCE HOLDERS**

October 2015

PART I HOLDER OF TAXI OR PRIVATE HIRE and PRIVATE HIRE DRIVER'S LICENCE

Test

1. The holder of a taxi or private hire or private hire driver's license will be required to undertake a test on matters relating to the operation of a taxi or private hire or private hire as the Council considers desirable, on application and renewal.
2. The holder of a taxi or private hire or private hire driver's license who drives a wheelchair accessible vehicle will be required to undertake training as directed by the Council.

Identity Card

3. A taxi or private hire driver shall at all times when in charge of a taxi or private hire, wear shall display the identity card provided by the Council in a position clearly visible to passengers. The driver will, on demand, allow the examination of the card by any passenger, Licensing officer or Constable.

Condition of Vehicle

4. The driver of a taxi or private hire shall ensure that the taxi or private hire, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable and is in a clean condition subject to prevailing road and weather conditions.

Fulfilment of Hire

5. The driver of a taxi or private hire shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the taxi or private hire which the driver of a taxi or private hire has accepted, or which has been accepted on the driver's behalf by any representative, unless prevented by reasonable and sufficient cause.
6. The driver of a taxi or private hire shall not refuse to convey a hirer or passenger to any place within the licensed area unless any hirer or passenger cannot be conveyed for any reasonable cause.

Shared Hire

7. The driver of a taxi shall operate on shared hire only with the consent of the first hirer even if there is displayed on the taxi or private hire a sign approved by the Council indicating that the taxi is available for shared hire but the driver of a taxi shall not be required to operate on shared hire if no such sign is displayed on the taxi at the time of the initial hiring.
8. The driver of a taxi on shared hire may decline to accept a further passenger on the grounds that the intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers or that the further passenger's luggage cannot be accommodated safely within the luggage compartment of the taxi.

Exclusive Hire

9. The driver of a taxi or private hire which is on exclusive hire may not in any circumstances pick up or convey another passenger without the consent of the original hirer.
10. The driver of a taxi or private hire which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a taxi or private hire which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom the taxi or private hire is carrying at any one time.

Number of Passengers

11. The driver of a taxi or private hire shall not at any time convey more passengers than can be properly seated in that part of the taxi or private hire set aside for passengers but, without prejudice to this generality, up to eight passengers may be conveyed where the taxi or private hire has been approved by the Council for the conveyance of up to eight passengers.

Fares

12. The driver of a taxi or private hire not being used as a taxi or private hire bus shall if the cost of the journey is not regulated by an authorised fare inform the hirer before the journey commences (a) that the fare is not so regulated and (b) of the cost or the method of calculating the cost of the proposed journey.

Taxi or Private Hire Meter

13. The driver of a taxi or private hire shall ensure that the taxi or private hire meter fitted in the taxi or private hire in their charge shall be operated at all times, within the licensed area, in accordance with any instructions given by the Licensing Officer.
14. Immediately on the termination of a hire the driver of a taxi or private hire shall stop the time mechanism within the taxi or private hire meter but shall not remove the fare record from the taxi or private hire meter until the hirer has examined it or has had a reasonable opportunity of examining it.

Driver Behaviour

15. The driver of a taxi or private hire, while in charge of the taxi or private hire, shall behave in a civil and orderly manner.
16. When a taxi or private hire is hired or standing for hire, the driver of the taxi or private hire, shall either sit in the driving seat of the taxi or private hire or stand in the immediate proximity thereto except during any period the driver of the taxi or private hire may be absent to announce the arrival of the taxi or private hire or for any other necessary purpose.
17. A Taxi or private hire or Private Hire vehicle is a no smoking premise as defined by the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006

18. The driver of a taxi or private hire shall not smoke or use electronic cigarettes at any time within the vehicle.

Dress Code

19. The driver of a taxi or private hire, while in charge of the taxi or private hire, shall be clean and tidy in person and wearing clothing of a type or standard reasonably fit for the purpose and as laid down in the Dress Code attached as Schedule A to these conditions.

Log Book

20. The driver of a private hire car shall before the start of each journey complete a suitable log book containing the following particulars for each contract of hire:-

- the time of the hire
- the pick-up point
- the place of destination
- the name of the hirer
- the licence number and registration number of the vehicle
- the details of the driver
- the driver shall deliver the log book to the holder of the private hire car licence at the termination of each shift of driving for collation.

Passenger Assistance

21. The driver of a taxi or private hire shall give such assistance to their passengers as they are able to give with loading and unloading their luggage when required to do so but the driver of the taxi or private hire will not be required to leave the immediate proximity of the taxi or private hire in doing so.

22. Where a taxi or private hire has been hired by or for a person who is accompanied by an assistance dog of that person; or by a person who wishes such a disabled person to accompany that person in a taxi or private hire, the driver of the taxi or private hire shall carry the assistance dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

23. Where a taxi or private hire has been hired by or for a disabled person, welcome that person into the taxi or private hire, ask what help they need and how they can help; help disabled passengers when they ask for it to get in and out of the taxi or private hire, help and carry wheelchairs, luggage or other bags if the customer cannot do it; carry wheelchairs, mobility aids and assistance dogs without extra charge.

24. Where the taxi or private hire has an electronically operated retractable step, the driver shall operate it as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this.

25. The driver of a taxi or private hire shall assist wheelchair users into the taxi or private hire using the ramps if necessary and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey.

26. The driver of a taxi or private hire holding a Certificate of Exemption from compliance with condition 23 shall display copies of the Certificate on the passenger doors of the taxi or private hire and make this available to any person for inspection.

Passenger Luggage

27. The driver of a taxi or private hire shall not refuse to carry luggage in that taxi or private hire providing that the said luggage can be accommodated safely within the luggage compartment of the taxi or private hire.

Lost Property

28. Immediately after the completion of their shift, the driver of a taxi or private hire shall search the taxi or private hire of which they are in charge for any property which may have been left therein.
29. Any property found in such taxi or private hire by the driver shall forthwith be returned by the driver of the taxi or private hire to the owner of the property, if known, and if not known, such property shall be handed in by the taxi or private hire driver to any police station within 24 hours along with:
- a) a note of the taxi or private hire driver's name and address;
 - b) the name of the holder of the licence for such taxi or private hire;
 - c) the number of the taxi or private hire; and
 - d) the names and addresses of all hirers of the taxi or private hire during that day so far as known to the driver which may assist in determining ownership of the property.

Stances

30. Where the physical layout of a stance permits, all drivers of taxi or private hires arriving at an appointed taxi or private hire stance shall take their stations on such stance from front to rear in order of their arrival, and hires will be accepted in that order, except, when an intending hirer wishes to engage a specific taxi or private hire or its driver, in which case the engagement may be accepted in the order indicated by the intending hirer, but the onus of proving the hirer's wishes shall be on the driver of the taxi or private hire apparently chosen out of order.
31. When the driver of a taxi drives off a stance (except on any stance where contrary conditions or restrictions are specified), the taxi driver immediately behind shall draw up the vehicle to take the place vacated, and the drivers of taxis on the stance behind shall draw up their vehicles in a like manner.

Change of Address

32. The driver of a taxi or private hire on changing their permanent place of residence shall notify the Council of their new address in writing, within ten working days. This may be done by notice to the Council's Licensing Section, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD or licensing@pkc.gov.uk.

Notification of Conviction

33. If the driver of a taxi or private hire is charged by the police, receives a fixed penalty notice (other than for parking) or is convicted they must notify the Council in writing within 7 days.

Return of Licence and Identity Card

34. If the driver of a taxi or private hire ceases for any reason to be authorised by law to drive in terms of section 13(6) of the Act they shall immediately give notice to the Council of their disqualification or such other reason and return their taxi or private hire driver's licence and identity card to the Council's Licensing Section, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.

Compliance with Licensing officer

35. The driver of a taxi or private hire shall not obstruct the Licensing officer in the performance of any of the Licensing officer's duties under these conditions.
36. The driver of a taxi or private hire shall comply with all the instructions or directions of the Licensing officer in relation to these conditions and shall give all information reasonably required in the discharge of the duties of the Licensing officer.

SCHEDULE A

DRESS CODE

1. All drivers are to dress smartly and maintain a clean and tidy appearance.
2. Where drivers work for an operator who requires a uniform or dress standards, then drivers should comply with this.
3. All drivers must be clean and presentable at all times

SCHEDULE B

LIST OF TAXI OR PRIVATE HIRE RANKS

Ranks	No of Spaces
Mill Street, Perth	13
South Street, Perth <i>(Outside Tesco)</i>	6
Pomarium, Perth <i>(East Side at Bus Station)</i>	5
Perth Railway Station <i>(Private Rank)</i>	8
Wellmeadow, Blairgowrie <i>(South Side)</i>	6

NOTE: These conditions are ancillary to and do not derogate from the powers granted to the Council in relation to taxi or private hires and private hire cars under the Civic Government (Scotland) Act 1982 or any amendment thereto.



CIVIC GOVERNMENT (SCOTLAND) ACT 1982

**CONDITIONS
FOR
TAXI AND PRIVATE HIRE CAR
OPERATORS LICENCE,**

October 2015

PART I – HOLDER OF TAXI AND PRIVATE HIRE CAR OPERATORS LICENCE

General

1. All applications for a new taxi or private hire operator licence must be no more than 10 years old from date of first registration, a motor vehicle of type or model which holds European Whole Vehicle Approval as an M1 vehicle being a motor vehicle with at least four wheels designed and constructed for the carriage of passengers. The vehicle must comply in respects of all Acts and Regulations in force at the time the vehicle is licensed.
2. "Wheelchair accessible" (WAV) means that the wheelchair user must be able to stay seated in their wheelchair at all times and that the wheelchair will be secured while the vehicle is moving. Vehicles that require existing seating to be removed before they become fully wheelchair accessible will not be considered to be suitable.
3. In an effort to meet the Councils commitment to accessibility, existing licensed vehicles that do not meet the definition of a WAV will be removed from the fleet by reducing the age of these vehicle from 10 years to 7 years on a progressive basis by a reduction of 1 year each year commencing 1st April 2016.
 - a. No more than 9 years old from 1 April 2016
 - b. No more than 8 years old from 1 April 2017
 - c. No more than 7 years old from 1 April 2018
4. The holder of a taxi or private hire licence shall hold in his/her own name and address the requisite vehicle registration document and the certificate of insurance in relation to the taxi required by Part VI of the Road Traffic Act 1988. Where more than one name appears on the Taxi Licence, the vehicle registration document and the certificate of insurance shall be in the name of at least one of the persons whose name appears on the Taxi Licence. The vehicle registration document and certificate of insurance must also state the permanent address/principal (Registered Office) of the licence holder named in those documents.
5. The holder of a taxi or private hire licence shall ensure that their vehicle, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions.
6. The holder of a taxi licence shall ensure that their vehicle is only available for hire within a 5 mile radius of the area licensed excluding the area within Perth City boundary if applicable for non-Perth City licensed vehicles.

Vehicle Inspections

7. A taxi or private hire car operator shall require the vehicle to undergo and pass an inspection carried out by or on behalf of the Council on being licensed and annually thereafter.

8. A vehicle over the age of 7 years from date of first registration shall be required to undergo an inspection 6 months after the annual inspection carried out by or on behalf of the Council.
9. The vehicle inspection will be based on the current MOT standard for that vehicle as directed by VOSA. This will not replace the requirement for the vehicle to have a valid MOT.
10. Where a taximeter is fitted, this will be tested annually. Meter calibration will take place after every fare review where there is a change to fares.
11. On receiving the requisite notice in writing from the Council, the licence holder shall produce that taxi or private hire car for examination at such time and place as may be reasonably required by the Council.
12. A taxi or private hire car operator shall ensure that, when the vehicle is presented for examination with a view to the renewal of the licence, the bodywork and passenger accommodation of the vehicle are clean and that the underside of the vehicle is free from road dirt, excess oil and grease.
 - a. of uniform colour
 - b. free from visible corrosion
 - c. without dents or visible scratches greater than 100mm
 - d. interior cloth must be clean and not torn or foul smelling
13. In addition to any annual examination and upon receiving two days' notice either verbally or in writing from a Council Officer or Constable, the holder of a taxi or private hire licence shall produce the taxi or private hire car for examination at the time and place specified by that Council Officer or Constable.
14. The holder of a taxi licence, when their taxi is damaged in a vehicular accident or by any other means, shall report the damage to the Licensing Officer as soon as practicable and, if the taxi is roadworthy, shall present it for examination within the following two working days (being days on which the testing facilities operate) after the occurrence. As soon as repairs to the taxi have been completed, the taxi shall be presented to the Council Testing Centre for re-examination. Unless the Licensing Officer confirms otherwise, the vehicle shall not be used as a taxi from the date for presentation of said examination until it has been re-examined by the Council, after the repairs have been completed, and passed by the Council Testing Centre as being fit for use again as a taxi.
15. If the Council Testing Centre issues the licence holder with a defect slip relating to advertising on the taxi, the licence holder must complete the replacements or repairs identified in the defect slip and present the taxi or private hire car for re-examination within 14 days.

Display of Plates

16. On a vehicle being licensed as a taxi, a number shall be allotted to it by the Licensing Officer and the approved external plates (hereinafter referred to as the "taxi plates") bearing such number shall be supplied to the licence holder by the

Licensing Officer. The holder of a taxi licence shall ensure that the plates are immediately affixed to the taxi and the taxi shall not be used for hire until the plates are properly affixed.

17. The holder of a taxi licence shall affix to the vehicle, in positions and brackets approved by the Licensing Officer:

- a) external plates on the front and rear of the taxi; and
- b) an internal plate on the inside of the taxi
- c) the name of the taxi operator and the number allotted to the vehicle shall be recorded in a straight line below the drivers and front passenger window so as to be clearly visible
- d) if the letters or figures on any taxi plate affixed to a taxi become obliterated or defaced so as not to be distinctly visible or legible, or
- e) the taxi plate or the notices referred to in condition 15 below are lost, the licence holder shall immediately report this to the police and obtain from the Licensing Officer a replacement taxi plate or notice.

18. The holder of a taxi licence shall affix the following notices in a conspicuous position inside their taxi:

- a) The table of fares in accordance with condition 20

19. Except as otherwise provided for in these conditions the holder of a taxi licence shall not, without the consent of the Council, fix or permit to be fixed on their taxi any plate other than the taxi plates or other plate or notice required by law.

Other Signage

20. The holder of a taxi licence shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the taxi that is present when it is supplied by the manufacturer and that is aimed at assisting passengers to identify the type or features of the vehicle.

21. The holder of a taxi licence shall display upon the roof of their taxi a sign of a type approved by the Council for the purpose of identifying the vehicle as a taxi and an illuminated for hire box fitted to the near side of the vehicle which will state either for hire or hired. While the taxi is available for shared hire the licence holder shall display in such position as approved by the Council a sign of a type approved by the Council for the purpose of indicating that the taxi is available for shared hire.

22. The holder of a taxi licence shall at any time when the taxi is being used as a taxi bus cause to be displayed on the taxi in such a position and in such a form as may be prescribed by the Council a notice which indicates that the taxi is being used as a taxi bus.

Fare Table

23. The holder of a taxi licence shall obtain from the Council a notice detailing the table of approved taxi fares and charges and will display the table in the passenger compartment of their taxi in an approved position so that it will be

readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the vehicle.

24. Unless the cost of the journey is regulated by the Council fare structure, the holder of a taxi licence shall ensure that, prior to acceptance of the hire, any potential hirer of their taxi is informed whether by the driver or otherwise that: (a) the fare is not so regulated; and (b) of the cost, or method of calculating the cost, of the proposed journey.
25. The holder of a taxi licence shall at any time when the taxi is being used as a taxi bus have displayed in the taxi in such a position and in such a form as may be prescribed by the Council so that it is clearly legible to passengers a fare table containing sufficient information to enable a passenger to ascertain the fare for the journey or the manner in which that fare is calculated.

Taximeter

26. The holder of a taxi licence shall have affixed to, and used on their taxi, a taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Council Testing officer as to distance and time in accordance with the approved taxi fares and charges, and no other taximeter shall be affixed or used. Such taximeter must be electronic and capable of multi tariff operation and tested annually. This condition shall not apply to any taxi while it is in use as a taxi bus.
27. The holder of a taxi licence shall ensure that the taximeter fitted to their taxi is in an approved position visible to passengers.
28. A supplier or repairer of taximeters may be authorised by the Council to test and seal meters at tariff changes. Once such a taximeter is fitted to their taxi the licence holder shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment or connection affixed thereto except to remove the taximeter for repair or replacement. Should the taximeter be removed or should the seal be broken or faulty, the taximeter shall be re-tested, stamped and sealed by the Council before being used again as a taxi.
29. The holder of a taxi licence shall not knowingly use, or cause or permit to be used on their taxi, a taximeter which is in any way defective.

Windscreen and Glass

30. The windscreen and all windows and glass partitions (where fitted) must be safety glass in accordance with the European Standard in force at the time of approval and be of a clear material or the manufacturer's fitted comfort glass giving unrestricted vision to the vehicle interior. Other types of tinted glass are not permitted.

Advertising and Personalising Marks

General prohibition

31. The holder of a taxi licence shall not display in or on their taxi any signs either for the purpose of advertising or by way of identifying or personalising marks but the Council will consider varying this prohibition on application from the holder of a taxi licence in accordance with the terms of these conditions.

Application for Provisional Approval of External Advertisements (Step 1)

32. Applications for provisional approval of advertisements must be made in writing to the Head of Legal Services. The application form must enclose two copies of all proposed advertisements in full colour together with a sample of the material to be used. An application for full livery advertising must be accompanied by full colour five view art work and the Licensing Manager shall be entitled to retain all materials submitted with the application. All applications for provisional approval of advertisements will be considered by the Licensing Manager who, if satisfied (after consultation with the Licensing Officer where appropriate) as to the non-contentious nature or placement of any advertisement, shall grant the application together with an approval number.
33. All advertisements must comply with The British Code of Advertising Practice issued by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.
34. If the Licensing Manager is not satisfied as to the non-contentious nature or placement of an advertisement then any such application will be submitted to the Council for consideration.

Application for Variation of the Licensing Conditions (Step 2)

35. Once an application for provisional approval of an advertisement has been granted, any licence holder wishing to display the advertisement on a taxi must submit an application for variation of the licensing conditions accompanied by the appropriate fee and the approval number provided in terms of condition 31. The advertisement must not be displayed on the taxi until the application for variation of the licensing conditions has been granted.

Exemption from Fee

36. A holder of a taxi licence seeking exemption from any fee payable on the basis that the advertising campaign is non-commercial shall submit a written request and full details of the campaign with the application and the request shall be referred to the Council for determination.

Display of Letter of Approval

37. The holder of a taxi licence carrying any advertisement(s) shall ensure that the letter of approval from the Council to display an advertisement on the vehicle shall be held at all times within the particular vehicle and shall be available for inspection by an Licensing officer or any Constable on request.

Fulfilment of Hire

38. The holder of a taxi licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire their taxi which the licence holder has accepted, or which has been accepted on the licence holder's behalf by any representative, unless prevented by reasonable and sufficient cause.

Receipts

39. The holder of a taxi licence shall ensure that, at the termination of the hire, a signed receipt for the fare shall be provided by the driver of the taxi to the passenger if requested, stating:

- a) the time and date of the journey
- b) the licence number of the vehicle
- c) the amount of the fare charged

Record of Drivers

40. The holder of a taxi licence shall keep an up-to-date record of the names and addresses of all taxi drivers employed by that licence holder or in a contract or vehicle leasing arrangement with that licence holder, together with the dates and times that each driver was in charge of the taxi.

41. The record referred to in condition 37 shall be kept for a minimum of six months and must be produced on request to an Licensing officer or a Constable for inspection together with any other such information as may be required by an Licensing officer for the purpose of ascertaining the identity of any taxi driver employed by the said licence holder or for any other purpose relating to these conditions.

Change of Address

42. The holder of a taxi licence on changing their permanent address shall notify the Council of their new address in writing, within ten working days. This may be done by notice to the Council's Licensing Section, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD: civlicensing@pkc.gov.uk.

Suspension of Licence

43. When a taxi is withdrawn from service by the Licensing Officer in accordance with Section 11 of the Act, the Licensing Officer shall affix a label bearing (a) the words "this hire car is meantime certified unfit for public use" and (b) the date of withdrawal in a position within the passenger compartment of the taxi so that it is

readily visible to intending passengers. Such a label has the effect of suspending the taxi licence pertaining to the vehicle so labelled and only the Licensing Officer is authorised to remove such label.

Return of Licence and Plates

44. When a licensed taxi ceases to be used as such the holder of the licence shall give immediate notice to the Licensing Officer and return to the Licensing Officer the licence in respect of their taxi, along with the taxi plates, within ten working days.

Compliance with Licensing officer

45. The holder of a taxi licence shall not obstruct the Licensing officer in the performance of any of the Licensing officer's duties under these conditions.
46. The holder of a taxi licence shall comply with all instructions or directions of an Licensing officer in relation to these conditions and shall give all information reasonably required in the discharge of the duties of the Licensing officer.

PART III – HOLDER OF PRIVATE HIRE CAR LICENCE

General

Display of Plates

47. On a vehicle being licensed as a private hire car,
- a) a number shall be allotted to it by the Licensing Officer and the approved external and internal plates (hereinafter referred to as the “private hire car plates”) bearing such number shall be supplied to the licence holder by the Licensing Officer and
 - b) the Licensing Officer will provide the licence holder with two signs of an approved design stating “Pre-Booked Hires Only”.
48. The holder of the private hire car licence shall ensure
- a) that the plates are immediately affixed to the private hire car to the front and rear panels and brackets approved by the Licensing Officer and
 - b) that the “Pre-Booked Hires Only” signs are fitted to both front doors in a position approved by the Licensing Officer, and the private hire car shall not be used for hire until the plates and “Pre-Booked Hires Only” signs are properly affixed.
49. The holder of a private hire car licence shall affix to the vehicle, in positions and brackets approved by the Licensing Officer:
- a) external plates on the front and rear of the private hire car;
 - b) an internal plate on the inside of the private hire car; and
 - c) the “Pre-Booked Hires Only” signs to both front doors in a position approved by the Licensing Officer.
 - d) the name of the private hire operator and the number allotted to the vehicle shall be recorded in a straight line below the drivers and front passenger window so as to be clearly visible.

Other Signage

50. The holder of a private hire car licence shall not display a roof sign of any kind on their private hire car.
51. The holder of a private hire car licence shall not display or cause or permit to be displayed on or in their private hire car (other than any taximeter fare dial) or on their person the word “cab”, “taxi” or “for hire” or any other word or words which might give the impression that the vehicle is plying for hire.
52. The holder of a private hire car licence shall not display in or on their private hire car any signs for any purpose of advertising other than those approved by the Council.

Fares

53. Unless the cost of the journey is regulated by the Council fare structure, the holder of a private hire car licence shall ensure that, prior to acceptance of the hire, any potential hirer of their private hire car is informed (a) that the fare is not so regulated, and (b) of the cost, or the method of calculating the cost, of the proposed journey.
54. The holder of a private hire car licence with a taximeter fitted to the private hire car and which is programmed with a Reduced Fare Tariff will display a table showing the Reduced Fare Tariff in the passenger compartment of their vehicle in an approved position, so that it will be readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the vehicle.

Taximeter

55. The holder of a private hire car licence, whose private hire car is fitted with a taximeter, shall have affixed to and used on their private hire car, a taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Licensing Officer as to distance and time and no other taximeter shall be affixed or used. Such taximeter must be electronic and capable of multi tariff operation.
56. The holder of a private hire car licence, whose private hire car is fitted with a taximeter, shall not use, or cause or permit to be used on their private hire car, a road wheel or tyre of a different circumference from that for which the taximeter affixed to the private hire car was designed and geared for that vehicle and has been tested by the Council.
57. The holder of a private hire car licence, whose private hire car is fitted with a taximeter, shall ensure that the taximeter fitted to their private car is in a position approved by the Council.
58. A supplier or repairer of taximeters may be authorised by the Council to test and seal meters at tariff changes or when an approved Reduced Fare Tariff is programmed into a taximeter. Once such a taximeter is fitted to their private hire car the licence holder shall not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment or connection affixed thereto except to remove the taximeter for repair or replacement. Should the taximeter be removed or should the seal be broken or faulty, the taximeter shall be re-tested, stamped and sealed by the Council before the vehicle is used again as a private hire car.
59. The user of a private hire car licence shall not knowingly use, or cause or permit to be used, their private hire car during any period that the seals affixed to the taximeter (where fitted), or (where so affixed) to the vehicle, are broken or detached.
60. The holder of a private hire car licence shall not knowingly use, or cause or permit to be used, on their private hire car, a taximeter which is in any way defective.

Log Book

61. The holder of a private hire car licence shall make available to any driver using the vehicle a suitable log book capable of recording, before the start of each journey, the following particulars for each contract of hire:
- a) The time of the hire
 - b) The pick-up point
 - c) The place of destination
 - d) The name of the hirer
 - e) The licence number and registration number of the vehicle
 - f) The details of the driver
62. The log book must be capable of recording each hire in permanent ink and in chronological order.
63. The holder of a private hire car licence shall ensure that the driver of the vehicle delivers the information as detailed in condition 79 for collation at the termination of each shift of driving.
64. The log book referred to in condition 79 shall be kept for a minimum of six months in chronological order and must be produced on request to an Licensing officer or a Constable for inspection.
65. A central automated logging system at a private hire car booking office may be used in place of a log book provided that the system can record and store in chronological order the details required in condition 76, and has been approved by the Council or Licensing Officer.
66. Any record of hires contained either within the log book or in a central automated logging system so approved must be secure and not capable of being falsified.

Fulfilment of Hire

67. The holder of a private hire car licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire their taxi which the licence holder has accepted, or which has been accepted on the licence holder's behalf by any representative, unless prevented by reasonable and sufficient cause.
68. The holder of a private hire car licence shall take steps to ensure that each potential hirer of their private hire car consents at the time of the arrangement of the hire to an exclusive hire or a shared hire as the case may be.

Exceptions to Hire

69. The holder of a private hire car licence shall not carry, or cause or permit to be carried in their private hire car, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.

70. The holder of a private hire car licence shall not knowingly carry, or cause or permit to be carried in their private hire car, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.

71. The holder of a private hire car licence shall not permit their private hire car to be utilised for any illegal or immoral purpose.

Receipts

72. The holder of a private hire car licence shall ensure that, at the termination of the hire, a signed receipt for the fare shall be provided by the driver to the passenger upon request, stating:

- a) The time and date of the journey
- b) The licence number of the vehicle
- c) The amount of the fare charged

Record of Drivers

73. The holder of the private hire car licence shall keep an up-to-date record of the names and addresses of all private hire car drivers employed by that licence holder or in a contract or vehicle leasing arrangement with that licence holder, together with the dates and times that each driver was in charge of the private hire car.

74. The record referred to in condition 69 shall be kept for a minimum of six months and must be produced on request to an Licensing officer or Constable for inspection together with any other such information as may be required by an Licensing officer for the purpose of ascertaining the identity of any private hire car driver employed by the said licence holder or for any other purpose relating to these conditions.

Change of Address

75. The holder of a private hire car licence on changing their permanent address shall notify the Council of their new address in writing, within ten working days. This may be done by notice to the Pullar House, 35 Kinnoull Street, Perth, PH1 5GD or by e-mail to: licensing@pkc.gov.uk.

Suspension of Licence

76. When a private hire car is withdrawn from service by the Licensing Officer in accordance with Section 11 of the Act, the Licensing Officer shall affix a label bearing the words

- a) "this hire car is meantime certified unfit for public use" and
- b) the date of withdrawal in a position within the passenger compartment of the private hire car so that it is readily visible to intending passengers. Such a label has the effect of suspending the private hire car licence pertaining to the vehicle so labelled and only the Licensing Officer is authorised to remove such label.

Return of Licence and Plates

77. When a licensed private hire car ceases to be used as such, the licence holder shall give immediate notice to the Licensing Officer and return to the Licensing Officer their private hire car licence and private hire car plates within ten working days.

Compliance with Licensing officer

78. The holder of a private hire car licence shall not obstruct the Licensing officer in the performance of any of the Licensing officer's duties under these conditions.

79. The holder of a private hire car licence shall comply with all instructions or directions of the Licensing officer in relation to these conditions and shall give all information reasonably required in the discharge of the duties of the Licensing officer.

SCHEDULE A
LIST OF TAXI RANKS

Ranks	No of Spaces
Mill Street, Perth	13
South Street, Perth <i>(Outside Tesco)</i>	6
Pomarium, Perth <i>(East Side at Bus Station)</i>	5
Perth Railway Station <i>(Private Rank)</i>	8
Wellmeadow, Blairgowrie <i>(South Side)</i>	6