

## **CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

### **PRIVATE HIRE CAR DRIVER'S LICENCE**

#### **CONDITIONS**

1. The licensed driver will, at all times when in charge of a private hire car, have with him/her the relevant identification badge issued by the licensing authority and shall wear the said badge conspicuously on his/her outer garment so that the photograph and writing thereon shall be distinctly legible. In addition the driver of a private hire car shall exhibit the said badge on demand to any passenger, police officer or authorised officer of the licensing authority.
2. The driver of a private hire car shall NOT :-
  - (a) Permit any other person to use his/her badge of identification.
  - (b) Wilfully damage his/her badge of identification.
  - (c) Give, transfer, sell or otherwise dispose of his/her badge of identification.
3. The driver of a private hire car shall immediately report the loss of his/her badge of identification to the licensing authority.
4. The driver of a private hire car shall surrender his/her badge of identification to the licensing authority within seven days of leaving the trade or of the expiry, suspension, forfeiture, revocation or surrender of his/her private hire car driver's licence.
5. The driver of a private hire car shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire his/her private hire car which he/she has accepted, unless prevented by sufficient cause.
6. The driver of a private hire car which has been hired may not, under any circumstances, pick up or convey another passenger without the consent of the original hirer or passenger(s).
7. The driver of a private hire car shall not at any time convey in the private hire car more than the number of passengers the private hire car is licensed to carry.
8. The driver of a private hire car which has been hired shall drive to the destination by the shortest practicable route, unless otherwise instructed by the hirer.
9. The driver of a private hire car shall, if the cost of the journey is not regulated by a licensing authority fare structure, inform the hirer(s) or passenger(s) before the journey commences:
  - (a) that the fare is not so regulated; and
  - (b) the cost, or method of calculating the cost, of the proposed journey.

In any event the cost of the journey shall, at no time, exceed the maximum fare which would have been applicable had it been regulated by the licensing authority fare structure.

10. The driver of a private hire car shall ensure that any meter in the private hire car in his/her charge shall be operated at all times in accordance with the detailed requirements imposed by the licensing authority.
11. Subject to conditions 12 & 13 below, the driver of a private hire car shall not refuse to drive a passenger to any place within the area of the licensing authority.
12. The driver of a private hire car need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried or whose condition or clothing is offensive or likely to cause damage to the interior of the private hire car, or who refuses to cease smoking in the private hire car when requested to do so by the driver, or is accompanied by any animal, other than a guide dog, a hearing dog or an assistance dog as defined by the Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs)(Scotland) Regulations 2004, which is likely to damage or soil the interior of the private hire car, or for any other reasonable excuse.
13. Where the private hire car has been hired :
  - (a) by or for a disabled person who is accompanied by a guide dog, a hearing dog, or an assistance dog of that person; or
  - (b) by a person who wishes such a disabled person to accompany that person in the private hire car,and the circumstances specified in regulation 4 of The Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs)(Scotland) Regulations 2004 do not apply, the driver of the private hire car shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.
14. The driver of a private hire car, while he/she is in charge of the private hire car, shall not canvas or importune in any public place or street for employment.
15. The driver of a private hire car shall not refuse to carry luggage in his/her private hire car providing that the said luggage can be accommodated safely within the private hire car and/or its luggage compartment.
16. The driver of a private hire car shall give such assistance as he/she is able to give with the loading and unloading of luggage when required to do so but he/she shall not be required to leave the immediate proximity of the private hire car in doing so.
17. The driver of a private hire car shall, at the end of his/her shift, search the private hire car of which he/she has been in charge for any property which may have been left therein. Any property found by the driver shall, within 24 hours, be returned to the owner of the property (if known) or handed in by the driver to any Police station.
18. The driver of a private hire car and/or the operator of the private hire car, shall keep a note of the dates, times, departure points, destination points and fare for each hire undertaken by him/her. Said details shall be retained for a minimum of 14 days and shall be exhibited on demand to any police officer or authorised officer of the licensing authority.
19. The driver of a private hire car, while carrying a passenger, shall be sober, clean and tidy in both his/her person and clothing, shall conduct himself/herself in a courteous, proper and civil manner and shall not, at any time, smoke in the vehicle.

20. The driver of a private hire car shall not knowingly allow the private hire car in his/her charge to be used for illegal or immoral purposes, permit to be carried in the private hire car in his charge any article of a dirty, filthy, noxious, explosive or dangerous nature, or permit to be carried in the private hire car in his/her charge any person who has vermin on his/her person.
21. The driver of a private hire car shall ensure before plying for hire or carrying a passenger that the vehicle, including all bodywork, windows, upholstery and fittings, is in a safe and serviceable condition and, subject to prevailing road conditions, is in a clean condition.
22. The driver of a private hire car, when the private hire car is hired or standing for hire, shall either sit in the driving seat of the private hire car or stand in the immediate proximity thereto except during any period he/she may be absent to announce the arrival of his/her private hire car to the hirer or when assisting the hirer with luggage to or from the private hire car or for any other necessary purpose. Should the driver require to leave the vehicle he/she should ensure that the handbrake is applied, the engine is switched off, the keys are removed and the vehicle is secured.
23. The driver of a private hire vehicle shall at no time sleep or give the impression of being asleep in the vehicle.
24. In the event of the mechanism of the private hire car breaking down or in any way becoming unfit to convey the hirer to the destination for which the private hire car was engaged, the driver shall not be entitled to charge any fare for the distance already travelled provided that, should the hirer elect to wait until repairs are completed, or to use a substitute private hire car provided within a reasonable time, the full fare for the completed journey shall be due, less the amount of fare chargeable for waiting as fixed by the licensing authority.
25. The driver of a private hire car is expressly prohibited from intercepting and acting upon radio communications of any firm whose facilities he/she is not authorised to use. Without prejudice to the foregoing generality, the licence holder shall be bound to ensure that no radio scanner device is operated by anyone within his/her private hire car nor shall the same be operated by himself/herself in the vicinity of his/her private hire car nor shall he/she receive and use information emanating from a taxi or private hire firm, other than his/her own, which has been gained from another individual operating a radio scanner.
26. The driver of a private hire car shall not demand or receive, over and above his/her fare, any sum for or by the way of back fare for the return of his/her private hire car from the place where the passenger terminates the hire.
27. The driver of a private hire car shall not conceal, remove, deface, alter or cause or permit to be concealed, removed, defaced or altered any name, number or lettering on a private hire car or on any plate thereon, or on the meter.

28. The driver of a private hire car shall ensure that a clean and legible copy of these Conditions is kept in the vehicle and is available on request by any police officer or authorised officer of the Council or by any person who has hired or used the vehicle or is about to do so.
29. The driver of a private hire car on the first grant or renewal of his/her licence after attaining the age of 45 will require to submit a medical certificate at the time of making the relevant application. Said medical certificate will be required to be based on DVLA group 2 standards. He/she shall require to submit medical certificates every 6 years thereafter until attaining the age of 65 whereupon he/she shall require to renew his/her private hire car driver's licence and submit medical certificates annually thereafter.
30. The licensing authority, whether upon a complaint made to them or not and notwithstanding the absence of any conviction, may order the suspension of the licence but only after the licence holder has been given an opportunity of being heard. The licence may be suspended:-
  - (a) if the licence holder or the person managing the activity or any partner/director of a firm holding the licence is no longer a fit and proper person to hold the licence
  - (b) if the activity is being managed by or carried on for the benefit of a person, other than the licence holder, who would themselves have been refused a licence
  - (c) if the activity has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety
  - (d) if a condition of the licence has been contravened.
31. The licensing authority may, at any time whether or not upon an application made to them by the holder of the licence, vary the terms of the licence on any grounds they think fit, in accordance with Paragraph 10 of Schedule 1 to the Civic Government (Scotland) Act 1982.
32. The holder of a private hire car driver's licence shall notify the licensing authority immediately of any change of name or address.
33. New drivers must have held a current national (DVLA) driving licence for 12 months prior to the date of application.