

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

MOTORISED TRICYCLE PRIVATE HIRE VEHICLE LICENCE

CONDITIONS

1. A private hire vehicle shall be either
 - (a) a saloon or estate car with four doors, an internal luggage capacity of not less than 11.5 cubic feet, shall measure at least 48" across the back seat and shall be large enough to carry no fewer than four and no more than five passengers (the seating capacity to be determined in accordance with Regulation 42 of the Road Vehicles (Registration and Licensing Regulations 1971);
 - (b) a vehicle permanently adapted to carry up to eight passengers, with transverse seats in an approved layout and use for hire or reward; or
 - (c) a motorised tricycle (with an unladen weight exceeding 450 Kg i.e. class 4).
2. The holder of a private hire vehicle licence shall ensure, before carrying passengers, 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.
3. The holder of a private hire vehicle licence shall require the licensed vehicle to undergo and pass an annual inspection by the licensing authority or its agent. On receiving the requisite notice, in writing, from the licensing authority or its agent, he/she shall produce his/her vehicle for examination at such time and place as may be reasonably required by the licensing authority or its agent. In addition to such annual inspection, the holder of a private hire car licence may be required to make the vehicle available for inspection by the licensing authority or its agent at any time subject to prior notification. The licensing authority further reserves the right to inspect the vehicle at random throughout the year.
4. The granting fee payable in respect of a private hire vehicle licence shall include the initial vehicle inspection and one re-inspection if required. The cost of any further inspection thereafter will require to be met by the licence holder.
5. The holder of a private hire vehicle licence, whose vehicle is more than 12 months old from the date of first registration, shall produce a valid MOT certificate any time when the vehicle is being inspected by or behalf of the local authority and at such other times as may reasonably be required by the local authority or an agent on their behalf.
6. The holder of a private hire vehicle licence, when the private hire vehicle is damaged in a vehicular accident or by any other means, shall report the damage to the licensing authority and Police Scotland within two working days and, if the vehicle is roadworthy, he/she shall, within two working days, arrange an appointment for the vehicle to be inspected at a garage, to be agreed with the local authority, as soon as possible. As soon as repairs to the private hire vehicle have been completed, the vehicle shall be re-inspected at the agreed garage.
7. The holder of a private hire vehicle licence shall not ask the driver of a licensed private hire vehicle to do anything which would result in a driver committing a breach of the conditions attached to the grant of the driver's licence.
8. The holder of a private hire vehicle shall keep an up-to-date list of the names and addresses of all drivers permitted by him/her to use the private hire vehicle and shall produce such list on demand to the licensing authority or to any police officer.

9. The holder of a private hire vehicle licence shall be responsible for ensuring that all drivers permitted by him/her to drive the private hire vehicle, while it is be used as such, are licensed as taxi or private hire drivers with the licensing authority and that the driver/s is/are proficient at driving the type of vehicle operated.
10. The private hire vehicle shall not carry more passengers at one time than are recommended by the vehicle's manufacturer.
11. The licence holder shall provide equipment allowing a clear means of communication between the driver and each passenger throughout the duration of the journey. This shall include headsets provision for passengers who are disabled, such as hearing impaired.
12. The holder of a private hire vehicle licence shall be responsible for specifying to prospective passengers at the time of booking what conditions may be experienced on the journey and suitable and safe clothing which must be worn by passengers in order for a journey to take place. The clothing must not be loose fitting or liable to become detached or entangled during a journey and must take account of potential exposure to adverse travel and weather conditions.
13. At the time of booking, the holder of a private hire vehicle licence shall advise any prospective customer of the maximum / minimum height and weight of individual passengers inline with the vehicle manufacturer's guidance and recommendations.
14. The holder of a private hire vehicle licence shall provide for each passengersuitable protective jacket, gloves, eye protection and helmet. The helmet must meet the current British Standards Institute approved standards and the hirer and passengers must be instructed that the helmet must be worn for the duration of the journey. Passengers may choose to wear their own helmet and safety clothing, but these must meet the current British Standards Institute approved standards.
15. The holder of a private hire vehicle licence shall issue a set of safety instructions to prospective passengers prior to the commencement of any journey and shall exhibit same, on demand, to an authorised officer of the Council or a Police Officer.
16. The holder of a private hire vehicle licence shall ensure that the hirer and passengers are instructed, prior to the commencement of the journey, thatthe seatbelts/lap belts fitted to the vehicle must be worn for the duration of the journey.
17. The holder of a private hire vehicle licence shall ensure that prior to the commencement of a journey the passengers receive a full risk assessment and comprehensive safety briefing. The licence holder is responsible for ensuring that the assessmentis continued by the driver throughout the course of the journey.
18. The holder of a private hire vehicle licence is responsible for ensuring that no behaviour by passengers, which may place either themselves or other road users at risk, is tolerated on the hire. In particular passengers who are affected by drink or drugs in such a way that their own or others' safety may consequently be adversely affected, shall not be permitted to travel.
19. All risk assessments must be documented and retained by the holder of aprivate hire vehicle licence for inspection by an authorised officer of the Council or a Police Officer.
20. The holder of a private hire vehicle licence shall ensure that prior to the commencement of a journey the pre-booking requirements specified at section 12 above shall be repeated to the passengers and that checks are completed to ensure the maximum / minimum height and weight of individual passengers is in line with vehicle manufacturer's guidance and that clothing suitable for the journey is being worn.

21. The holder of a private hire car licence shall ensure that where staff are employed, adequate employer liability insurance is maintained.
22. The holder of a private hire vehicle licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the private hire vehicle which he/she has accepted, unless prevented by sufficient cause.
23. The holder of a private hire vehicle licence shall hold in his/her own name the requisite vehicle registration documents and the certificate of insurance in relation to the private hire vehicle as required by Part VI of the Road Traffic Act 1988; where more than one name appears on the private hire car licence the vehicle registration document and the certificate of insurance shall be in the name of at least one of those names.
24. The holder of a private hire vehicle licence shall ensure that, while the vehicle is in use as a private hire vehicle, any private hire vehicle licence plate or other items which have been issued by the licensing authority for the purpose of indicating that the vehicle is a private hire vehicle, are displayed at all times in positions approved by the licensing authority.
25. The holder of a private hire vehicle licence shall not conceal, remove, deface or alter, or cause or permit to be concealed, removed, defaced or altered any names, letters or numbers on a private hire vehicle, private hire vehicle licence or on any meter fitted. If any such private hire vehicle licence plate or private hire vehicle licence or meter becomes obliterated or defaced so as not to be distinctly visible or legible or if any such private hire vehicle plate or private hire vehicle licence is lost, the holder of a private hire vehicle licence shall report this to the licensing authority as soon as practicable in order to obtain a replacement plate or licence. A fee will be payable for the issue of a private hire vehicle plate to replace a lost private hire vehicle plate.
26. The holder of a private hire vehicle licence if such private hire vehicle operates a meter shall obtain from the licensing authority a notice detailing the current table of approved fares and charges and will display the said notice in the passenger compartment of the private hire car in such a position that it will be readily available to the passengers being carried and no other table of fares and charges will be displayed.
27. The holder of a private hire vehicle licence shall, unless the cost of the journey is regulated by a licensing authority fare structure, take steps to ensure that any potential hirer of the private hire car is informed, prior to acceptance of the hire:
 - (a) that the fare is not so regulated; and
 - (b) the cost or method of calculating the cost of the proposed journey.
28. The private hire vehicle operator and/or the driver, shall keep a note of the dates, times, departure points, destination points and fare for each hire undertaken by him. 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.
29. The holder of a private hire vehicle licence may have affixed to and used on the private hire car a meter which has been tested and approved by the licensing authority or its agent. The holder of a private hire car licence shall ensure that any meter fitted to the private hire vehicle is located in such a position that it will be readily visible to passengers.
30. The holder of a private hire vehicle licence shall not use, cause or permit to be used on a private hire vehicle a road wheel or tyre of a different circumference or pressure from that for which the meter affixed to the private hire vehicle was designed, geared and had been tested by the licensing authority or its agent.

31. The holder of a private hire vehicle licence shall only use a meter which has been stamped or sealed by the licensing authority or its agent after testing and approval as to distance and time in accordance with the approved fares and charges. Once a meter is fitted to the private hire car, the licence holder shall not tamper with the meter or break or tamper with any seal or stamp on such meter or any attachment affixed thereto by the manufacturer or licensing authority or its agent except to remove the meter for repair or replacement. Should the seal be broken the meter shall be re-tested and approved by the licensing authority or its agent before the vehicle is again used as a private hire car.
32. The holder of a private hire vehicle licence shall not knowingly use or cause or permit to be used the private hire vehicle during any period during which the seals affixed to the meter and, where so affixed to the vehicle, are broken or detached.
33. The holder of a private hire car licence shall not knowingly use, or cause or permit to be used a meter which is in any way defective.
34. The holder of a private hire vehicle licence must install, in a suitable fastener in his/her private hire vehicle, a fire extinguisher.
35. The holder of a private hire vehicle licence must carry on the private hire vehicle a suitable first aid kit. The carrying of a first aid kit does not imply that the driver is qualified to administer first aid.
36. The holder of a private hire vehicle licence, on receiving their licence or duplicate thereof, shall not alter or erase or deface or permit to be altered or erased or defaced any such licence or other document issued by the licensing authority. Any such licence or other document so altered or defaced shall be null and void.
37. The holder of a private hire vehicle licence shall produce such licence or other document issued by the licensing authority on demand to the licensing authority or any police officer.
38. When a private hire vehicle is sold or otherwise ceases to be the property of the licence holder, otherwise than where such a private hire vehicle is replaced by another duly approved vehicle, the licence shall lapse and become null and void and the holder of the private hire car licence shall immediately notify the licensing authority and return the licence, together with any licence plate which had been issued, to the licensing authority.
39. The holder of a private hire vehicle licence who changes their name, address or place of business, shall, within seven days, give notice thereof in writing and produce their licence and plate to the licensing authority in order that the particulars thereon may be amended. Should any amendment be required to the licence plate a further fee will be payable in respect of the amended plate.
40. The holder of a private hire vehicle licence shall not display any notice, advertisement or printed bill or names, letters or numbers upon the outside or inside of any private hire vehicle other than the name, lettering and numbers identifying the vehicle as a private hire car as outlined in condition 13.
41. The holder of a private hire vehicle licence shall ensure that a clean and legible copy of these Conditions is kept with the vehicle while operating 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.

42. The licensing authority, whether upon a complaint made to them or not and notwithstanding the absence of any conviction, may order the suspension of a private hire vehicle licence but only after the licence holder has been given the 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 an organisation 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.
43. The licensing authority may, at any time whether or not upon an application made to them by the holder of a private hire vehicle 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.

Date

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These are the conditions referred to in private hire vehicle licence No **PH** issued to of even date herewith.

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Authorised Signatory
for Angus Council