



West Lothian
Council

WEST LOTHIAN COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

LICENSING CONDITIONS FOR TAXIS, PRIVATE HIRE CARS, TAXI DRIVERS AND PRIVATE HIRE CAR DRIVERS

Approved by the Council on 4 October 2011 to take effect immediately for all new licences and from 1 January 2012 for all existing licences

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Part 1

NOTE: These conditions are in addition to the provisions of the Civic Government (Scotland) Act 1982 and any amendment thereto.

INTERPRETATION

1. Unless there is something in the subject or context inconsistent with, or repugnant to such construction, the following words and expressions in these conditions and their respective schedules have the following meanings respectively given to them
 - (a) For the purposes of interpretation any references to the masculine shall include the feminine and vice versa and any reference to the singular shall include the plural and vice versa.
 - (b) Any words used in these conditions or their respective Appendices should be given the meanings assigned to them in the Act, so far as applicable to Part II and Schedule 1 of the Act. In particular, where, in these conditions, any word is used which is defined in the Act and such definition is applicable in relation to “taxi” or “private hire car” as defined in the Act, the meaning of such word in these conditions shall be interpreted in accordance with the definition of the Act.

Subject to the foregoing the following words or phrases shall have the meanings set out below:-

Act – means the Civic Government (Scotland) Act 1982 as amended or any amending or replacement legislation governing the licensing of hire cars.

Approved - means unless explicitly stated to the contrary, approved by the Cab Inspector or the Chief Solicitor.

Assistance Dog - has the meaning set out in Section 173 of the Equality Act 2010 or any amending or replacement legislation.

Authorisation - includes any Licence, certificate, permit or registration.

Authorised Metered Fare - means any charge (whether described as fare, engagement fee, extras or otherwise) authorised and approved by the Council for publication in the Fare Table issued and amended from time to time, being the Fare Table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a Taximeter) within the West Lothian local government area.

Authorised Officer - means a person, including the Cab Inspector and any Licensing Standards Officers (LSOs), authorised by the Council or the Police either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

Cab Inspector - means any person appointed by the Council to exercise the powers and carry out the duties of Cab Inspector in terms of or by reference to these conditions, or any other person acting under the direct instructions or with the authority of the Cab Inspector to ensure that these conditions and their Schedules and the terms of Part II of the Act are properly observed and implemented. Where

there is a difference of opinion between the Cab Inspector and any of the Cab Inspector's deputies or assistants the decision of the Cab Inspector shall apply, and the term "Cab Inspector" shall be interpreted accordingly.

Certificate of Compliance - means the certificate issued by the Cab Inspector under section 10 (2) of the Act 1982 after examination of the vehicle on behalf of the Council certifying the Licensed Vehicle as satisfactory for use as either a taxi or private hire car.

Chief Solicitor - means the Council officer responsible for the management of Legal Services within the Council.

Commencement of Hire - a hire shall commence at the time the Hirer or passenger steps into the taxi or private hire car, and the hire shall end when the passenger either indicates that the hire has been terminated or offers payment of the fare. Where the passenger requires to exit the taxi or private hire car to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. However, where a taxi or private hire car has been called by telephone or other advance arrangement, the hire shall commence after the Driver has announced the arrival of the taxi or private hire car to the prospective Hirer or passenger at the place to which it has been summoned.

Complaints Notice - means a notice that has been issued by the Cab Inspector or the Council which details how to make a complaint against the Driver or operator of a Licensed Vehicle by the Council.

Constable - means any constable as defined in the Police (Scotland) Act 1967 (or any amending or replacement legislation) being a member of the Police Force applicable to West Lothian

Contravention - in relation to any requirement includes a failure to comply with that requirement, and similar expressions shall be construed accordingly.

Council - means the West Lothian Council, incorporated under the Local Government Etc. (Scotland) Act 1994 and having its headquarters at West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF or its statutory successors.

Driver – means in relation to a taxi the holder of a current West Lothian Taxi Driver's licence and in the case of a Private Hire Car a Driver holding a current West Lothian Taxi Driver's licence or Private Hire Car Driver's Licence which without prejudice to the foregoing generality shall include a Licence Holder.

DVLA standards in relation to Group 2 licence holders – means the medical standards published by DVLA for group 2 licence holders or any equivalent replacement standard. These standards have been adopted by the Council and apply to the medical examination of all hire car drivers.

Enactment - includes any enactment (and any amendments thereof) contained in any Act of Parliament, Order, Regulation or other instrument issued by the UK Parliament or the Scottish Parliament affecting Scotland.

Engagement - means an agreement between any person and the holder of a taxi or private hire car licence or Driver (or their respective representatives) for the hire of a

taxi or private hire car at a specified time and location and is also known as a booking.

Engagement Fee - is that sum so described in the Council's Fare Table which is payable in addition to the fare where, by telephone or other advance arrangement, there is an engagement for the hire of a taxi (or private hire car in which there is fitted a Taximeter).

Fare table - means the table of fares fixed by the Council to regulate the maximum metered charges for hires within West Lothian.

Hire - means the use of a taxi or private hire car for the purpose of uplifting a passenger from a stated location and conveying such passenger and their luggage to a specific destination and where the use of a taximeter is appropriate there is a requirement to pay for its hire (including an engagement fee where applicable) not exceeding the rate of such fares or fees authorised from time to time by the Council insofar as the journey is not illegal in terms of Section 21 of the Civic Government (Scotland) Act 1982.

Hirer - means the person who has instructed the Hire within the vehicle by advising the Driver of the intended destination or alternatively the person who has requested the Hire when the Hire involves the transportation of third parties.

Holder of a Licence - has the same meaning as Licence Holder.

Hours of Darkness - means the time between half an hour after sunset and half an hour before sunrise.

Information Commissioner's Office – means the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals or such replacement body. .

Licence - means a licence granted by the Council to any person for the purpose of operating a vehicle as a taxi or private hire car or for the purpose of driving the same as appropriate during the currency or validity of such licence.

Licence Holder - means a person who has been granted and holds a current and valid licence from the Council in terms of Part II of the Act to operate either a taxi or a private hire car unless otherwise stated.

Licence Plates – means the licence plates issued by the Cab Inspector identifying licensed vehicles as hire cars which are required to be displayed in accordance with these conditions.

Licensed Area - means the West Lothian local government area.

Licensed - in relation to any taxi or private hire car, its owner or Driver, means having been granted an appropriate licence by the Council in terms of the Act and these conditions during the currency of such licence. ,

Licensed Vehicle - means generally the taxi or private hire vehicle licensed under a taxi or private hire car licence or any approved replacement vehicle which has been inspected and issued with a Certificate of Compliance by the Cab Inspector unless otherwise stated.

Luggage - includes all items which the Hirer or passenger wishes to be carried in the hire vehicle, whether this is their own personal baggage for the journey, or being carried for business or otherwise, and shall also include animals or pets which reasonably may safely be accommodated within the vehicle.

Maintenance - includes repair, and “maintain” shall be construed accordingly.

Motor Vehicle - has the meaning assigned to it by the Road Traffic Act 1988 or any amending or replacement legislation

Notice - means a notice in writing.

Passengers – means any person travelling in a hired Licensed Vehicle other than the Hirer or the Licence Holder.

Permanent Address - means the address provided by the Licence Holder in an application for a Licence as amended from time to time by notice given to the Council by the Licence Holder

PHC – means Private Hire Car.

Private Hire Car Door Signs - means a set of two identical door signs issued by the Council identifying the vehicle as a West Lothian licensed private hire car containing the licence number of that vehicle and which are fitted to the front doors of private hire cars in a position approved by the Cab Inspector.

Public Place - has the meaning assigned by Section 133 of the Act i.e. any place (whether a thoroughfare or not) to which the public have unrestricted access and includes — (a) the doorways or entrances of premises abutting on any such place; and (b) any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses

Rectification Notice - means a notice in writing issued by an Authorised Officer following inspection of a Licensed Vehicle, to the Driver of a Licensed Vehicle, giving notice of defects requiring to be repaired or breaches of conditions requiring to be remedied and the Licensed Vehicle submitted for re-testing within a maximum period as specified in that notice.

Representative - when used in relation to the holder of a taxi or private hire car licence or in relation to a driver of a taxi or private hire car, means any person, company, firm or association whose services as principal are engaged or used by such a licence holder (and that by any means whatsoever including internet, telephone and radio communications) for the purpose of obtaining or assisting in obtaining engagements for the hire of a taxi or private hire car.

Suitable for transporting passengers travelling within wheelchairs - means a taxi or private hire car which, when issued with a Certificate of Compliance by the Cab Inspector, was equipped with either ramps or a passenger lift for use by passengers travelling within wheelchairs

Taxi Bus - means a taxi which is being used under a special licence granted under Section 12 of the Transport Act 1985 to provide a local service which is required to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

Taxi Driver - means the holder of a West Lothian Taxi Driver's Licence

Taxi Examination Centre - means the normal place of work of the Cab Inspector.

Taximeter – means a device approved by the Cab Inspector for the calculation of fares.

Taxi Stance - means a stance signed or marked for use by taxis within the West Lothian local government area.

Type 1 PHC - a saloon or saloon derivative vehicle (such as an estate model based on a saloon vehicle) which is licensed as a private hire car

Type 2 PHC - a vehicle fitted with a passenger lift which is based on a different model of vehicle from those vehicle types listed on the approved list of taxi vehicles as detailed in Condition 2 of Schedule B to these conditions which is licensed as a private hire car

Working Day - means a day when either the Council or the Taxi Examination Centre (whichever is referred to) are open for business.

Part 2

TAXI LICENCE CONDITIONS

This Part 2 in conjunction with any relevant Schedules shall be referred to as the "Taxi Licence Conditions". For the purposes of the Taxi Licence Conditions only the term Licence Holder will refer only to those who hold a Licence to operate a taxi and the term Licensed Vehicle will refer only to a taxi.

General

1. The Licence Holder shall ensure that, all times when the Licensed Vehicle is available for hire or being used for hire,
 - (a) the Licensed Vehicle is covered by a valid Licence issued by West Lothian Council and complies with the conditions of fitness contained in Schedule A to these conditions;
 - (b) the Licensed Vehicle is displaying current Licence Plates as issued by the Cab Inspector for the Licensed Vehicle on the approved positions on the front, rear and interior of the Licensed Vehicle;
 - (c) all Drivers of the Licensed Vehicle are holders of a current taxi driver's licence issued by the Council at all times whilst they are in charge of the Licensed Vehicle;
 - (d) the Licensed Vehicle, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;
 - (e) any defects identified in the Licensed Vehicle by an Authorised Officer, or any breaches of these conditions identified by an Authorised Officer are rectified to the satisfaction of the Authorised Officer within the maximum period specified in any Rectification Notice issued by the Cab Inspector to any Licence Holder;
 - (f) he does not ask a Driver of a Licensed Vehicle to do anything which would result in the Driver committing a breach of the conditions attached to the grant of the Driver's Licence;
 - (g) he does not do anything in the course of his operation of the Licensed Vehicle which is unlawful.

Registration and Insurance

2. The Licence Holder shall:-
 - (a) hold in his own name the requisite vehicle registration document and a valid certificate of insurance in relation to the taxi required by Part VI of the Road Traffic Act 1988 or any other amending legislation and the holder of the Licence shall be required to produce these documents to the Cab Inspector or other Authorised Officer at any reasonable time on request. Where the Licence Holder is a partnership or company the vehicle registration document and the certificate of insurance shall be in the name of either the partnership or the company. The vehicle

registration document and certificate of insurance must also state the permanent address of the Licence Holder named in those documents.

- (b) ensure that either (i) a valid certificate of insurance which shows that insurance cover is in place for all Drivers of the Licensed Vehicle or (ii) a valid cover note on the same basis is carried within the Licensed Vehicle to which it relates at all times and is available for immediate inspection by any passenger being carried within the vehicle, Authorised Officer, Cab Inspector or Constable.
- (c) not cause or permit the Licensed Vehicle to stand or ply for hire during any period it does not comply with the provisions of these conditions.

Vehicle Inspections

3. The Licence Holder shall:-

- (a) require his Licensed Vehicle to undergo and pass an annual inspection by the Cab Inspector in order that a Certificate of Compliance is in force for the vehicle at all times. On receiving the requisite notice in writing, the Licence Holder shall produce the Licensed Vehicle for examination at such time and place as may be reasonably required by the Cab Inspector;
- (b) ensure that when the Licensed Vehicle is presented for examination the bodywork and passenger accommodation of the Licensed Vehicle are clean and that the underside of the Licensed Vehicle is free from road dirt, excess oil and grease, otherwise the inspection cannot be undertaken;
- (c) in addition to any annual examination and upon receiving two working days notice from the Cab Inspector, produce the Licensed Vehicle for examination at the time and place specified;
- (d) in the event that he fails to keep any appointment for examination of the Licensed Vehicle, or the inspection cannot be undertaken due to the state of the Licensed Vehicle, pay a cancellation charge to the Council before a further examination of the Licensed Vehicle is arranged;
- (e) in the event that the Licensed Vehicle fails the annual test and requires another full MOT test, a retest fee must be paid to the Council before a further examination of the vehicle is arranged;
- (f) in the event that the Licensed Vehicle does not have a Certificate of Compliance in force the Licence Holder shall, within 24 hours (or the following working day) of the expiry of the Certificate of Compliance return the Licence Plates as for the Licensed Vehicle to the Taxi Examination Centre or the Chief Solicitor.

4. The Licence Holder, when his Licensed Vehicle is damaged in a vehicular accident or by any other means, shall report the damage to the Cab Inspector as soon as practicable and, if the Licensed Vehicle is roadworthy, shall present it for examination within two working days of the occurrence. As soon

as repairs to the Licensed Vehicle have been completed, the Licensed Vehicle shall be presented to the Cab Inspector for re-examination. Unless the Cab Inspector confirms otherwise, the Licensed Vehicle shall not be used as a taxi from the date of the damage until the repairs have been completed, and the Licensed Vehicle is passed by the Cab Inspector as being fit for use again.

5. If the Cab Inspector issues the Licence Holder with a Rectification Notice relating to advertising on the taxi, the Licence Holder must comply with the Rectification Notice and present the Licensed Vehicle to the Cab Inspector for re-examination within either 14 days or the period specified in the Rectification Notice.

Display of Plates

6. On a Licensed Vehicle being licensed as a taxi, a number shall be allotted to it by the Cab Inspector and the approved external and internal Licence Plates bearing such number shall be supplied to the Licence Holder by the Cab Inspector. The Licence Holder shall ensure that the Licence Plates are immediately affixed to the Licensed Vehicle to the satisfaction of the Cab Inspector and the Licensed Vehicle shall not be used for hire until the Licence Plates are properly affixed. The Licence Plates remain the property of the Council at all times and must be returned to the Council as and when required by these conditions.
7. The Licence Holder shall affix to the Licensed Vehicle and display at all times on the Licensed Vehicle, in positions and by method approved by the Cab Inspector: -
 - (a) external Licence Plates on the front and rear of the Licensed Vehicle; and
 - (b) and either one or two Licence Plates on the inside of the Licensed Vehicle as instructed by the Cab Inspector.
8. If the letters or figures on any Licence Plate affixed to a Licensed Vehicle become obliterated or defaced so as not to be distinctly visible or legible, or any of the plates are lost or stolen, the Licence Holder shall immediately obtain from the Cab Inspector a replacement Licence Plate. In the event that any of the Licence Plates are stolen the Licence Holder must immediately report this to the Police and obtain a crime reference number.

Other Signage

9. The Licence Holder shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the Licensed Vehicle that are present when it is supplied by the manufacturer and which are aimed at assisting passengers to identify the type or features of the vehicle.
10. The Licence Holder shall display upon the roof of the Licensed Vehicle an illuminated sign of a type approved by the Council for the purpose of identifying the vehicle as a licensed taxi.
11. Two notices detailing the Council's complaints procedures must be displayed in the Licensed Vehicle. The complaints notices must be attached to both rear quarter-lights, or, in the absence of quarter-lights, in a similar position

approved by the Cab Inspector, so that they may be read by passengers travelling in the Licensed Vehicle. An additional notice capable of being read by a front seat passenger may be required at the discretion of the Cab Inspector.

Transportation of wheelchairs

12. The Licence Holder shall ensure that–
- (a) appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the Licensed Vehicle at all times;
 - (b) all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
 - (c) all Drivers of the Licensed Vehicle are trained in the use of approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer's instructions for using all access and safety equipment on every occasion;
 - (d)
 - (i) where ramps used with the Licensed Vehicle were not provided at the time of manufacture of the Licensed Vehicle these comply with British Standard BS 6109 and BS1756-2:2004) or any replacement standards; and
 - (ii) where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle ensure that all such equipment used within the vehicle complies with ISO 10542 or any replacement standards.
13. Prior to 1 February 2015 condition 12 above shall not apply to the Licence Holders of Licensed Vehicles which are not suitable to carry passengers travelling within wheelchairs.

Fares

14. The Licence Holder shall obtain from the Council a notice detailing the approved Fare Table and will arrange for a copy of the up to date Fare Table to be carried within the Licensed Vehicle at all times to allow it to be produced for immediate inspection by any member of the public on request.
15. Unless the cost of the journey is regulated by the Fare Table and calculated by the meter the Licence Holder shall ensure that, prior to acceptance of the hire, any potential Hirer of the Licensed Vehicle is informed whether by the Driver or otherwise that (a) the fare is not to be calculated using the meter and (b) the cost, or method of calculating the cost, of the proposed journey.
16. The Licence Holder shall participate in the Council's assisted fares scheme, currently entitled "Taxi Card" or such other discounted fares scheme which may be adopted by the Council in the future. The Licence Holder shall ensure that discounted fares are charged in line with the scheme by all Drivers of the Licensed Vehicle on production to them of a current taxi card or other

replacement document. For the avoidance of doubt there is no requirement to mention the taxi card at the commencement of the hire, only at the time of booking, if applicable.

Taximeter

17. The Licence Holder shall have affixed to, and used in the Licensed Vehicle in line with the requirements of these conditions, in a position approved by the Cab Inspector, a Taximeter which has been stamped or sealed by the Cab Inspector, after testing and approval to the satisfaction of the Cab Inspector. The Taximeter shall be used to record distance and time and calculate the exact fare for each required journey 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. This condition insofar as it relates to the use of the Taximeter shall not apply to any Licensed Vehicle while it is in use as a Taxi Bus.
18. The Licence Holder shall not use, or cause or permit to be used on the Licensed Vehicle, a road wheel or tyre of a different circumference from that for which the Taximeter affixed to the taxi was designed and geared for that Licensed Vehicle and has been tested by the Cab Inspector.
19. A supplier or repairer of Taximeters may be authorised by the Cab Inspector to test and seal meters following changes to the Fare Table. Once such a Taximeter is fitted to the Licensed Vehicle 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. The Council may charge a fee for testing and sealing of meters.
20. The Licence Holder shall not knowingly operate the Taximeter or cause or permit it to be operated other than as a Taxi Bus while the seals affixed to any Taximeter or (where so affixed) to the taxi are broken or detached. The Licence Holder shall ensure that the seals on the Taximeter are checked on a daily basis whilst the Licensed Vehicle is in use as a Licensed Vehicle.
21. The Licence Holder shall not knowingly use, or cause or permit to be used on their Licensed Vehicle, a Taximeter which is in any way defective.

Advertising

22. The Licence Holder shall not display in or on the Licensed Vehicle any signs other than those approved by the Council. Approval shall not be required for advertising which is only displayed on the front doors of the taxi, although the Council reserves the right to require the immediate removal of (a) any advertising on the front doors which would not be permitted in terms of condition 23 below or the Advertising Policy contained in Schedule C to these conditions or (b) any advertising which mentions private hire cars or which is in a similar format and layout to the Private Hire Car Door Signs referred to in Condition 38 of Schedule B hereof.

Applications for approval of other advertisements must be made in writing to the Chief Solicitor and should be accompanied by the appropriate fee. The

request must include a colour specification for all proposed advertisements. Applications for full livery advertising must be accompanied by full colour five view art work and the Chief Solicitor shall be entitled to retain all materials submitted with the application. All applications for approval of advertisements will be considered by the Chief Solicitor who, if satisfied (after consultation with the Cab Inspector where appropriate) as to the non-contentious nature or placement of any advertisement, shall grant the application and issue a letter of approval. Magnetic signage will not be approved.

23. All advertisements must comply with The UK Code of Non - broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) published 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.
24. If the Chief Solicitor 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, it being understood that in no case will the Chief Solicitor refuse any application.
25. The Licence Holder whose Licensed Vehicle is displaying any advertisement(s) requiring approval 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 Authorised Officer or any Constable or the Cab Inspector on request.

Fulfilment of Hire

26. The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the Licensed Vehicle 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.

Exceptions to Hire

27. The Licence Holder shall not carry, or cause or permit to be carried in the Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
28. The Licence Holder shall not knowingly carry, or cause or permit to be carried in the Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
29. The Licence Holder shall not permit the Licensed Vehicle to be utilised for any illegal or immoral purpose.
30. If any person suffering from any infectious or contagious disease is carried in a Licensed Vehicle, the Licence Holder shall, as soon as it comes to his

knowledge, give notice to the Cab Inspector who shall notify the appropriate medical authority and shall not cause or permit such Licensed Vehicle to stand or ply for hire or carry passengers for hire until the appropriate medical authority certifies that the Licensed Vehicle has been adequately disinfected.

Receipts

31. The Licence Holder 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
 - (d) the name of the driver.

Electronic Security System

32. The Licence Holder shall not install an electronic security system capable of recording and storing a record of entry or exit of passengers either by way of video or digital images ("CCTV") unless the details of the system meet the Council's approved specification contained in Schedule D to these conditions. An application for approval to install such CCTV shall be made using the appropriate form to the Chief Solicitor and shall be accompanied by the appropriate fee. The application must be granted and a letter of approval issued to the Licence Holder before the CCTV can be installed. Following installation the CCTV must be approved by the Cab Inspector prior to being used.
33. A Licence Holder who has CCTV installed in his Licensed Vehicle shall ensure that the letter of approval from the Council for the installation shall be held at all times within the Licensed Vehicle and shall be available for inspection by an Authorised Officer or any Constable on request.
34. When the Licence Holder has installed CCTV following approval from the Chief Solicitor the additional conditions contained in Schedule D to these conditions will apply.

Record of Drivers

35. The Licence Holder shall keep an up-to-date record of the names, addresses and telephone numbers of all Taxi Drivers used by him to drive the Licensed Vehicle concerned, together with the dates and times that each Driver was in charge of the Licensed Vehicle.
36. The record referred to in condition 35 shall be kept for a minimum of six months and must be produced immediately on request to an Authorised Officer or a Constable for inspection together with any other such information as may be required by an Authorised Officer for the purpose of ascertaining the identity of any taxi Driver used by the said Licence Holder or for any other purpose relating to these conditions.

Change of Address

37. The Licence Holder must advise the Council and the Cab Inspector in writing of a change to his permanent address within five working days of that change. This may be done by notice to the Council's Licensing Team, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF or by e-mail to: LicensingServices@westlothian.gov.uk. In relation to the Cab Inspector this may be done by notice to the Taxi Examination Centre, 33 Murrayburn Road, Edinburgh EH14 2TF or by email to: Taxi.Examination@edinburgh.gov.uk.
38. Licence Holders must make arrangements for the receipt of correspondence when they are absent from their permanent address for periods in excess of fifteen Working Days. All notices sent to the Licence Holder in relation to these conditions will be sent to the Licence Holder's permanent address as intimated to the Council or the Cab Inspector in terms of Condition 37 above.

Suspension of Licence

39. When a Licensed Vehicle is withdrawn from service by an Authorised Officer in accordance with Section 11 of the Act, the Authorised 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 Licensed Vehicle so that it is readily visible to intending passengers. Such a label has the effect of suspending the Licence pertaining to the Licensed Vehicle so labelled and therefore the Licensed Vehicle cannot be used as a Licensed Vehicle until the label is removed by the Authorised Officer.
40. When a Licence has been suspended by the Council the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

Return of Licence and Licence Plates

41. When a Licensed Vehicle ceases permanently to be used as such, the Licence Holder shall give immediate notice to the Cab Inspector or the Chief Solicitor and return to the Cab Inspector or the Chief Solicitor the licence in respect of the taxi, along with the licence plates and the Certificate of Compliance, within ten working days.
42. When the date of expiry of the Licence Plates of a licensed taxi has passed without replacement Licence Plates having been issued the holder of the taxi licence shall return the expired Licence Plates to the Cab Inspector within one working day of the date of expiry.

Miscellaneous

43. The Licence Holder shall:-
 - (a) not obstruct any Authorised Officer, in the performance of any of their duties under these conditions,
 - (b) comply with all instructions or directions of any Authorised Officer in relation to these conditions; and

- (c) provide these officers with accurate information reasonably required in the discharge of their duties.
 - (d) ensure that no advertising material of any kind, other than business cards providing contact details handed out to passengers within the Licensed Vehicle, is distributed by Drivers of the Licensed Vehicle or left within the Licensed Vehicle.
44. If the Licence Holder loses his Licence or any other document issued to him by the Council or the Cab Inspector, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.
45. The fee for the grant or renewal of a Taxi Licence will be payable in terms of the Council's published table of fees, either
- (a) in full on the lodging of the application; or
 - (b) if specified in the Council's published table of fees, by payment of an initial application fee followed by appropriate subsequent payments.
46. In the event that condition 45(b) applies the application fee will be payable on lodging of the application. Subsequent payments are due in terms of the payment schedule as specified in the Council's published table of fees and detailed in the Licence.
47. The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to his Licence within 5 working days of the payment falling due. Where any payment is not made within the above timescale or any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Chief Solicitor within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.

Notification of convictions etc

48. Where a holder of a Licence Holder is: -
- (a) charged with any crime or offence of any nature;
 - (b) convicted of any crime or offence by any court;
 - (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); or
 - (d) has his DVLA driving licence endorsed with any offence or penalty.

He must report that information to the Council within 10 working days of the date of any of the above being intimated to him.

Notification of information in relation to Drivers

49. The Licence Holder is required to report the following information regarding any Driver of his Licensed Vehicle to the Chief Solicitor within 24 hours (or the following working day) of that information coming to his attention in relation to Drivers of the Licensed Vehicle: -
- (a) information that any Driver has been disqualified from driving;
 - (b) information that any Driver is suffering from any medical condition which may affect his fitness to drive a taxi;
 - (c) information that any Driver is using illegal drugs;
 - (d) information that any Driver may have committed any offence involving dishonesty or sexual impropriety.

Training

50. The Licence Holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

Part 3

PRIVATE HIRE CAR LICENCE CONDITIONS

This Part 3 in conjunction with any relevant Schedules shall be referred to as the "Private Hire Car Licence Conditions." For the purposes of the Private Hire Car Licence Conditions the term Licence Holder will refer only to those who hold a Licence to operate a PHC and the term Licensed Vehicle will refer to a PHC only.

General

1. The Licence Holder shall ensure that, all times when the Licensed Vehicle is available for Hire or undertaking hires
 - (a) the Licensed Vehicle is covered by a valid Licence issued by West Lothian Council and complies with the conditions of fitness contained in Schedule B to these conditions
 - (b) the Licensed Vehicle is displaying current Licence Plates as issued by the Cab Inspector for the Licensed Vehicle in the approved positions on the front, rear and interior of the Licensed Vehicle;
 - (c) all Drivers of the Licensed Vehicle are holders of current private hire car Driver's licences issued by the Council at all times whilst they are in charge of the Licensed Vehicle;
 - (d) the private hire car Licensed Vehicle including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions;
 - (e) any defects identified in the Licensed Vehicle by the Cab Inspector, or any breaches of these conditions identified by the Cab Inspector, are rectified to the satisfaction of the Cab Inspector within the maximum period specified in any Rectification Notice issued by the Cab Inspector to any Driver of the Licensed Vehicle;
 - (f) he will not ask a Driver of private hire car to do anything which would result in the Driver committing a breach of the conditions attached to the grant of the Driver's Licence;
 - (g) he does not do anything in the course of his operation of the private hire car which is unlawful.

Registration and Insurance

2. The Licence Holder shall:-
 - (a) hold in his own name the requisite vehicle registration document and a valid certificate of insurance in relation to the private hire car required by Part VI of the Road Traffic Act 1988 or any other amending legislation and the holder of the Licence shall be required to produce these documents to the Cab Inspector or other Authorised Officer at any reasonable time on request. Where the Licence Holder is a partnership or company the vehicle registration document and the certificate of insurance shall be in the name of either the partnership or the company. The vehicle registration document and certificate of

insurance must also state the permanent address of the Licence Holder named in those documents.

- (b) ensure that either (i) a valid certificate of insurance which shows that insurance cover is in place for all Drivers of the Licensed Vehicle or (ii) a valid cover note on the same basis is carried within the Licensed Vehicle to which it relates at all times and is available for immediate inspection by any passenger being carried within the Licensed Vehicle, Authorised Officer or Constable.
- (c) not cause or permit the Licensed Vehicle to be available for hire or undertake hires during any period it does not comply with the provisions of these conditions.

Vehicle Inspections

3. The Licence Holder shall:-

- (a) require his Licensed Vehicle to undergo and pass an annual inspection by the Cab Inspector in order that a Certificate of Compliance is in force for the Licensed Vehicle at all times. On receiving the requisite notice in writing, the licence holder shall produce the Licensed Vehicle for examination at such time and place as may be reasonably required by the Cab Inspector;
- (b) ensure that when the Licensed Vehicle is presented for examination the bodywork and passenger accommodation of the vehicle are clean and that the underside of the Licensed Vehicle is free from road dirt, excess oil and grease, otherwise the inspection cannot be undertaken;
- (c) if the Licensed Vehicle is fitted with a passenger lift, ensure that the lift is serviced and maintained on an annual basis by a qualified lift repairer approved of in advance by the Cab Inspector, and at the time of the Licensed Vehicle's annual test, shall submit a report to the Cab Inspector from such repairer to the effect that the lift is in good working order and condition;
- (d) in addition to any annual examination and upon receiving two working days notice from the Cab Inspector, produce the Licensed Vehicle for examination at the time and place specified;
- (e) in the event that he fails to keep any appointment for examination of the Licensed Vehicle, or the inspection cannot be undertaken due to the state of the Licensed Vehicle, pay a cancellation charge to the Council before a further examination of the Licensed Vehicle is arranged;
- (f) in the event that the Licensed Vehicle fails the annual test and requires another full MOT test a retest fee must be paid to the Council before a further examination of the Licensed Vehicle is arranged;
- (g) in the event that the Licensed Vehicle does not have a Certificate of Compliance in force the Licence Holder shall, within 24 hours (or the following working day) of the expiry of the Certificate of Compliance

return the Licence Plates for the Licensed Vehicle to the Taxi Examination Centre or the Chief Solicitor.

4. The Licence Holder when his Licensed Vehicle is damaged in a vehicular accident or by any other means, shall report the damage to the Cab Inspector as soon as practicable and, if the Licensed Vehicle is roadworthy, shall present it for examination within the following two working days or other date as may be agreed with Cab Inspector, after the occurrence. As soon as repairs to the Licensed Vehicle have been completed, the Licensed Vehicle shall be presented to the Cab Inspector for re-examination. Unless the Cab Inspector confirms otherwise, the Licensed Vehicle shall not be used as a private hire car from the date of the damage until the repairs have been completed, and the Licensed Vehicle is passed by the Cab Inspector as being fit for use again.
5. If the Cab Inspector issues the Licence Holder with a Rectification Notice relating to signage on the Licensed Vehicle, the Licence Holder must comply with the Rectification Notice and present the Licensed Vehicle to the Cab Inspector for re-examination within 14 days or within the period specified in the Rectification Notice.

Display of Plates and Signage

6. On a Licensed Vehicle being licensed as a PHC, a number shall be allotted to it by the Cab Inspector and the approved external and internal Licence Plates bearing such number shall be supplied to the Licence Holder by the Cab Inspector. The Licence Holder of a Licensed Vehicle shall ensure that the Licence Plates are immediately affixed to the Licensed Vehicle to the satisfaction of the Cab Inspector and the Licensed Vehicle shall not be used for hire until the Licence Plates are properly affixed. These Licence Plates remain the property of the Council at all times and must be returned to the Council as and when required by these conditions.
7. The Licence Holder shall affix to and display on the Licensed Vehicle at all times, in positions and by method approved by the Cab Inspector:
 - (a) external Licence Plates on the front and rear of the Licensed Vehicle; and
 - (b) either one or two internal Licence Plates on the inside of the Licensed Vehicle as instructed by the Cab Inspector, and
 - (c) unless the exception in condition 8 below applies, the Private Hire Car Door Signs bearing the vehicle's licence number to both front doors of the vehicle in a position approved by the Cab Inspector.
8. The Licence Holder of a Type 2 PHC shall be permitted to apply to the Chief Solicitor –
 - (a) for an exemption from condition 7 (c) above; and
 - (b) for permission to advertise his own business on the exterior of the Licensed Vehicle

in line with the policy on hire car advertising/signage contained in Schedule C to these conditions.

Only advertising which has been approved in advance by the Chief Solicitor in terms of this condition is permitted to be displayed on any such Licensed Vehicle. Advertising will only be approved on the exterior bodywork of the Licensed Vehicle. A copy of the letter of approval from the Chief Solicitor must be kept within the Licensed Vehicle at all times and be available for inspection by an Authorised Officer or any Constable or the Cab Inspector on request.

In the absence of any exemption and approved advertising in terms of (b) above the Licence Holder must display the Private Hire Car Door Signs referred to in condition 7(c) above.

9. Unless a Licence Holder is in possession of an exemption in terms of condition 8(a) above he shall not display in or on his Licensed Vehicle any signs for the purpose of advertising. A sign indicating the name of the business and the telephone number in the format contained in condition 39 of Schedule B to these conditions can be displayed under the door signs required by condition 7(c) above in a position approved by the Cab Inspector once the content and design has been approved in advance by the Chief Solicitor on behalf of the Council. For the avoidance of doubt and without prejudice to the foregoing generality the words "cars" and "cabs" are not permitted to be included within the business name being displayed on such signage.
10. If the letters or figures on any Licence Plate or Private Hire Car Door Sign affixed to a Licensed Vehicle become obliterated or defaced so as not to be distinctly visible or legible, or any of the Licence Plates are lost or stolen, the Licence Holder shall immediately obtain from the Cab Inspector on payment of the appropriate fee, a replacement plate or Private Hire Car Door Sign. In the event that any of the Licence Plates are stolen the Licence Holder must immediately report this to the Police and obtain a crime reference number.

Other Signage

11. The Licence Holder shall not remove or obscure any warning signs, safety messages or any other information or signage displayed on the Licensed Vehicle which are present when it is supplied by the manufacturer and which are aimed at assisting passengers to identify the type or features of the Licensed Vehicle.
12. The Licence Holder shall ensure that at least two notices detailing the Council's complaints procedures are displayed in the Licensed Vehicle. The complaints notices must be attached to both rear quarter-lights or, in the absence of quarter-lights, in a similar position approved by the Cab Inspector, so that they may be read by passengers travelling in the Licensed Vehicle. An additional notice capable of being read by a front seat passenger may be required at the discretion of the Cab Inspector.
13. The Licence Holder shall not: -
 - (a) display a sign of any kind on the roof of the Licensed Vehicle,

- (b) display or cause or permit to be displayed on or in his Licensed Vehicle (other than any Taximeter fare dial) or on his person (including his clothing) 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.

Transportation of Wheelchairs

- 14. The Licence Holder of a Licensed Vehicle which is suitable for the transportation of passengers travelling within wheelchairs shall ensure: –
 - (a) that appropriate access and restraint equipment for the carrying of wheelchairs is serviceable, in a safe condition and is carried on the Licensed Vehicle at all times;
 - (b) that all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
 - (c) that any passenger lift and ramp used with the Licensed Vehicle -
 - (i) has a plate attached to it, readily visible to users, showing the safe working limit of the lift or ramp; and
 - (ii) where the lift and ramps were not provided at the time of manufacture of the vehicle ensure that all such equipment these complies with British Standard (BS 6109 and BS1756-2:2004) or any replacement standards.
 - (iii) where wheelchair tie down and occupant restraint systems were not provided at the time of manufacture of the vehicle ensure that all such equipment complies with ISO 10542 or any replacement standards.
 - (d) that all Drivers of the Licensed Vehicle are trained in the use of the passenger lift, where applicable, and all approved restraint systems for the carrying of wheelchairs and are aware of the manufacturer’s instructions for using all access and safety equipment on every occasion.
- 15. From 1 February 2015 condition 14 will only apply to Type 2 PHCs only.

Fares

- 16. The Licence Holder of a Licensed Vehicle equipped with a Taximeter shall obtain from the Council a notice detailing the Fare Table and will arrange for a copy of that Fare Table to be carried within the vehicle at all times to allow it to be produced for immediate inspection by any member of the public on request.
- 17. Unless the cost of the journey is regulated by the Fare Table and calculated by taximeter the Licence Holder shall ensure that, prior to acceptance of the hire, any potential Hirer of the Licensed Vehicle is informed whether by the Driver or otherwise that (a) the fare is not to be calculated by the meter and (b) the cost, or method of calculating the cost, of the proposed journey.

18. The Licence Holder shall participate in West Lothian Council's assisted fares scheme, currently entitled "Taxi Card" or such other discounted fares scheme which may be adopted by the Council in the future. The Licence Holder shall ensure that discounted fares are charged in line with the scheme by all Drivers of the Licensed Vehicle on production to them of a current taxi card or other replacement document. For the avoidance of doubt there is no requirement to mention the taxi card at the commencement of the hire, only at the time of booking.

Taximeter

19. Any Licence Holder, who wishes his Licensed Vehicle to use a taximeter, shall have affixed to and used on his Licensed Vehicle, a taximeter which has been stamped or sealed by the Council, after testing and approval to the satisfaction of the Cab Inspector 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.
20. Any Licence Holder, whose Licensed Vehicle is fitted with a taximeter, shall not use, or cause or permit to be used on his Licensed Vehicle, a road wheel or tyre of a different circumference from that for which the taximeter affixed to the Licensed Vehicle was designed and geared for that Licensed Vehicle and has been tested by the Council.
21. The Licence Holder, whose Licensed Vehicle is fitted with a taximeter, shall ensure that the taximeter fitted to his Licensed Vehicle is in a position approved by the Council.
22. A supplier or repairer of Taximeters may be authorised by the Council to test and seal Taximeters after tariff changes. Once such a Taximeter is fitted to his Licensed Vehicle 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 Licensed Vehicle is used again as a private hire car.
23. The Licence Holder shall not knowingly use, or cause or permit to be used, his Licensed Vehicle during any period that the seals affixed to the Taximeter (where fitted), or (where so affixed) to the vehicle, are broken or detached.
24. The Licence Holder shall not knowingly use, or cause or permit to be used, on his Licensed Vehicle, a Taximeter which is in any way defective.

Fulfilment of Hire

25. The Licence Holder shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire his Licensed Vehicle 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.

Exceptions to Hire

26. The Licence Holder shall not carry, or cause or permit to be carried in his Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
27. The Licence Holder shall not knowingly carry, or cause or permit to be carried in his Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
28. The Licence Holder shall not permit his Licensed Vehicle to be utilised for any illegal or immoral purpose.
29. If any person suffering from any infectious or contagious disease is carried in a Licensed Vehicle, the Licence Holder shall, as soon as it comes to his knowledge, give notice to the Cab Inspector who shall notify the appropriate medical authority and shall not cause or permit such private hire car to carry passengers for hire until the appropriate medical authority certifies that the Licensed Vehicle has been adequately disinfected.

Receipts

30. The Licence Holder 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 Licensed Vehicle
 - (c) the amount of the fare charged
 - (d) the name of the driver.

Electronic Security System

31. The Licence Holder shall not install an electronic security system capable of recording and storing a record of entry or exit of passengers either by way of video or digital images ("CCTV") unless the details of the system meet the Council's approved specification contained in Schedule D to these conditions. An application for approval to install CCTV shall be made using the appropriate form to the Chief Solicitor and shall be accompanied by the appropriate fee. The application must be granted and a letter of approval issued to the Licence Holder before the CCTV can be installed. Following installation the CCTV must be approved by the Cab Inspector prior to being used.
32. A Licence Holder who has CCTV installed in his Licensed Vehicle shall ensure that the letter of approval from the Council for the installation shall be held at all times within the particular vehicle and shall be available for inspection by an Authorised Officer or any Constable on request.
33. When the Licence Holder has installed CCTV following approval from the Chief Solicitor the additional conditions contained in Schedule D to these conditions will apply.

Record of Drivers

34. The Licence Holder shall keep an up-to-date record of the names, addresses and telephone numbers of all private hire car Drivers used by that Licence Holder to drive the Licensed Vehicle concerned together with the dates and times that each Driver was in charge of the Licensed Vehicle.
35. The record referred to in condition 34 shall be kept for a minimum of six months and must be produced on request to an Authorised Officer or Constable for inspection together with any other such information as may be required by an Authorised Officer for the purpose of ascertaining the identity of any Driver used by the Licence Holder or for any other purpose relating to these conditions.

Change of Address

36. The Licence Holder must advise the Council and the Cab Inspector in writing of a change to his permanent address within five working days of that change. In relation to the Council this may be done by notice to the Council's Licensing Team, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF or by e-mail to: LicensingServices@westlothian.gov.uk. In relation to the Cab Inspector this may be done by notice to the Taxi Examination Centre, 33 Murrayburn Road, Edinburgh EH14 2TF or by email to: Taxi.Examination@edinburgh.gov.uk
37. Licence Holders must make arrangements for the receipt of correspondence when they are absent from their permanent address for periods in excess of fifteen Working Days. All notices sent to the Licence Holder in relation to these conditions will be sent to the Licence Holder's permanent address as intimated to the Council or the Cab Inspector in terms of Condition 36 above.

Suspension of Licence

38. When a Licensed Vehicle is withdrawn from service by an Authorised Officer in accordance with Section 11 of the Act, the Authorised 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 Licensed Vehicle so that it is readily visible to intending passengers. Such a label has the effect of suspending the Licence pertaining to the Licensed Vehicle so labelled and therefore the Driver in charge of the Licensed Vehicle at any time cannot use the Licensed Vehicle until the label is removed by the Authorised Officer.
39. When a Licensed Vehicle has been suspended by the Council the Licence Holder shall return the Licence Plates and the Licence for that Licensed Vehicle to the Council within one working day of having received notice that the Licence has been suspended.

Return of Licence and Licence Plates

40. When a Licensed Vehicle ceases to be used as such the Licence Holder shall give immediate notice to the Cab Inspector and return to the Cab Inspector the licence in respect of his private hire car, along with the Licence Plates and the Certificate of Compliance, within ten working days.

41. When the date of expiry of the plates of a Licensed Vehicle has passed without replacement Licence Plates having been issued the Licence Holder shall return the expired Licence Plates to the Cab Inspector within one working day of the date of expiry.

Miscellaneous

42. The Licence Holder shall:-
- (a) not obstruct any Authorised Officer in the performance of any of their duties under these conditions,
 - (b) comply with all instructions or directions of the Cab Inspector or Authorised Officer in relation to these conditions;
 - (c) provide these officers with accurate information reasonably required in the discharge of their duties; and
 - (d) ensure that no advertising material of any kind, other than business cards providing contact details handed out to passengers within the Licensed Vehicle, is distributed by Drivers of the Licensed Vehicle or kept within the Licensed Vehicle.
43. If the Licence Holder loses his Licence or any other document issued to him by the Council or the Cab Inspector, he shall notify such loss immediately to the Council and shall obtain a duplicate of each lost document from the Council on payment of the appropriate fee.
44. The fee for the grant or renewal of a Private Hire Car Licence will be payable in terms of the Council's published table of fees, either
- (a) in full on the lodging of the application; or
 - (b) if specified in the Council's published table of fees, by payment of an initial application fee followed by appropriate subsequent payments.
45. In the event that condition 44(b) applies the application fee will be payable on lodging of the application. Subsequent payments are due in terms of the payment schedule as specified in the Council's published table of fees and detailed in the Licence.
46. The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to his Licence within 5 working days of the payment falling due. Where any payment is not made within the above timescale or any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Chief Solicitor within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.

Notification of convictions etc

47. Where a Licence Holder is:-

- (a) charged with any crime or offence of any nature;
- (b) convicted of any crime or offence by any court;
- (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); or
- (d) has his DVLA driving licence endorsed with any offence or penalty ;

he must report that to the Council within 10 working days of the date of any of the above being intimated to him.

Notification of information in relation to Drivers

48. The Licence Holder is required to report the following information regarding any Driver of his Licensed Vehicle to the Chief Solicitor within 24 hours (or the following working day) of that information coming to his attention -

- (a) information that a Driver has been disqualified from driving;
- (b) information that a Driver is suffering from any medical condition which may affect his fitness to drive a hire car;
- (c) information that a Driver is using illegal drugs;
- (d) information that a Driver may have committed any offence involving dishonesty or sexual impropriety.

Training

49. The Licence Holder is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

Part 4

TAXI DRIVER'S LICENCE CONDITIONS

This Part 4 in conjunction with any relevant Schedules shall be referred to as the "Taxi Driver's Licence Conditions." For the purposes of the Taxi Driver's Licence Conditions the term Licence holder will refer only to those who hold a licence to drive a taxi and the term Licensed Vehicle will only refer to a taxi.

Identity Card

1. The Driver shall at all times when in charge of a Licensed Vehicle be in possession of a current identity card provided by the Chief Solicitor. This badge must be worn by the Driver and displayed within the Licensed Vehicle and when requested, the Driver must allow the examination of the card by any passenger, Authorised Officer or Constable. The card shall include the Driver's name, photograph, licence number and expiry date.

Driver checks

2. The Driver, on each occasion prior to commencing his shift with a Licensed Vehicle shall ensure that: -
 - (a) a valid certificate of insurance or cover note confirming that he is insured to drive the Licensed Vehicle is contained within the Licensed Vehicle as detailed in condition 2 of the Taxi Licence Conditions,
 - (b) the Licensed Vehicle, including all bodywork, upholstery and fittings (including ramps and accessories) is roadworthy, safe and serviceable, complies with the provisions of Schedule A to these conditions and is in a clean condition subject to prevailing road and weather conditions,
 - (c) the Licensed Vehicle is displaying current Licence Plates in accordance with the provisions of condition 7 of the Taxi Licence conditions.
and
 - (d) a copy of the current Fare Table is being carried within the Licensed Vehicle.

Condition of Vehicle

3. The Driver shall not stand or ply for hire with any Licensed Vehicle during any period in which it does not comply with the provisions of Schedule A to these conditions.

Fulfilment of Hire

4. The Driver shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the Licensed Vehicle which the Driver of a Licensed Vehicle has accepted, or which has been accepted on the Driver's behalf by any representative, unless prevented by reasonable and sufficient cause.
5. Where an engagement of a Licensed Vehicle for hire has been accepted by a Driver, the said Driver shall fulfil such engagement punctually and shall

announce the arrival of such immediately to the person on whose behalf the engagement was made at the place to which it has been summoned. If that person does not commence their journey within five minutes of arrival of the Licensed Vehicle, or such additional period as may be agreed between the Driver and that person, the Driver may refuse to fulfil further the engagement to hire the Licensed Vehicle, but where the Licensed Vehicle has been called by telephone or other advance arrangement the Driver of a Licensed Vehicle shall be entitled to receive payment of any engagement fee and any fare which may be payable in terms of the Council's approved Fare Table.

6. The Driver shall not refuse to convey a Hirer or passenger to any place within the Licensed Area unless any Hirer or passenger:
 - (a) is not prepared to give a precise destination; or
 - (b) is drunk or otherwise not in a fit and proper state to be carried; or
 - (c) is in a condition whereby he or his clothing is offensive or likely to cause damage to the interior of the Licensed Vehicle; or
 - (d) is smoking in the Licensed Vehicle and refuses to cease when requested to do so by the Driver; or
 - (e) is accompanied by any animal which is likely to damage or soil the interior of the Licensed Vehicle with the exception of an assistance dog; or
 - (f) cannot be conveyed for any other reasonable cause.
7. The Driver shall not:-
 - (a) permit any animal to be on or in the Licensed Vehicle except an animal which is in the charge of a passenger.
 - (b) carry, or cause or permit to be carried in any Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
 - (c) knowingly carry, or cause or permit to be carried in such Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
 - (d) knowingly cause or permit such Licensed Vehicle to be utilised for any illegal or immoral purpose
8. Where a Licensed Vehicle has been hired:-
 - (a) by or for a disabled person who is accompanied an assistance dog; or
 - (b) by a person who wishes such a disabled person to accompany that person in a Licensed Vehicle, the holder of a Licensed Vehicle 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.

This condition shall not apply where an Exemption Certificate in terms of Section 169 of the Equality Act 2010 has been issued to the Driver of the Licensed Vehicle and that notice is in force and is exhibited by being displayed in an approved holder on the dashboard of the taxi.

9. The Driver shall –
- (a) prior to driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs undertake training in the use of approved restraint systems for the carrying of wheelchairs within the Licensed Vehicle he is in charge of and follow the manufacturer's instructions for using all access and restraint equipment on every occasion that the systems are used;
 - (b) Ensure all access and restraint equipment is safe and serviceable and carried on the Licensed Vehicle at all times;
 - (c) Ensure that all ramps carried within the Licensed Vehicle are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;
 - (d) Use an approved restraint system for wheelchairs and a seat belt for the passenger on every occasion. It is a legal requirement that passengers wear the seatbelt provided unless they hold a medical exemption certificate;
 - (e) Follow the manufacturer's instructions for using all access and safety equipment on every occasion;
 - (f) Where wheelchair tie-down and occupant restraint systems have not been provided at the time of manufacture by the vehicle manufacturer, ensure that all such equipment used in the vehicle complies with ISO 10542 or any replacement standard.
10. The Driver may not in any circumstances pick up or convey another passenger without the consent of the original Hirer. The Licence Holder shall drive to the destination by the shortest practicable route unless otherwise instructed by the Hirer.

Number of Passengers

11. The Driver shall not at any time convey more than the number of passengers for which the Licensed Vehicle has been licensed and shall ensure that before commencing any hire passengers are properly seated in approved passenger seats and remain so seated all at times during the journey.

Fares

12. Where the passenger requires to exit the Licensed Vehicle to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. However, where a Licensed Vehicle has been called by telephone or other advance arrangement, the hire shall commence after the Driver of the Licensed Vehicle has announced the arrival of Licensed

Vehicle to the prospective Hirer or passenger at the place to which it has been summoned.

13. No fare shall be payable by the Hirer in respect of any journey by the Licensed Vehicle from the place at which it is discharged by the Hirer.
14. The Driver shall not demand any fare from any person who has engaged a Licensed Vehicle (and no fare shall be payable by such person):
 - (a) if the external Licence Plates with the appropriate taxi licence number are not displayed in accordance with condition 7 of the taxi licence conditions; or
 - (b) if the Driver does not on demand exhibit the means of identification issued by the Council; or
 - (c) if the Driver demands more than the metered fare or where appropriate in terms of condition 15 below, the fare agreed upon before the start of the hire; or
 - (d) if the Driver fails or refuses to complete an engagement except for any reasonable cause; or
 - (e) if the Licensed Vehicle breaks down or if the Licensed Vehicle becomes in any way unfit to convey the Hirer to the destination for which the hirer engaged such a Licensed Vehicle;
 - (f) if the Fare Table programmed in the Taximeter is different from any Fare Table displayed in the vehicle;
 - (g) if the Driver of a Licensed Vehicle removes the record of any fare from the Taximeter before the appropriate Hirer has examined it or has had a reasonable opportunity of examining it, or if, during the Hours of Darkness, the Licensed Vehicle Driver fails to keep any fare dial displayed illuminated for the whole of the period that such Licensed Vehicle is occupied by the Hirer and until the Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.
15. The Driver shall, if the cost of the journey is not regulated by an Authorised Metered Fare, inform the Hirer before the journey commences (a) that the Taximeter is not required to be used and (b) of the cost or the method of calculating the cost of the proposed journey.
16. The Driver shall carry a copy of the up to date Fare Table issued by the Council within the Licensed Vehicle at all times and shall produce it for immediate inspection by any member of the public on request.
17. The Driver shall participate in the Council's assisted fares scheme, currently entitled "Taxi Card" or such other discounted fares scheme which may be adopted by the Council in the future. The Driver shall ensure that discounted fares are charged in line with the scheme on production to him of a current taxi card or other replacement document. For the avoidance of doubt there is no requirement to mention the taxi card at the commencement of the hire, only at the time of booking, if applicable.

Taximeter

18. The Driver shall ensure that the Taximeter fitted in the Licensed Vehicle in his charge shall be operated:-
 - (a) at all times for hires starting and finishing within the Licensed Area; and
 - (b) with the agreement of the Hirer in relation to hires either starting or finishing outwith the Licensed Area.
19. The Driver shall, as soon as hired, but no sooner, set the Taximeter in motion and whilst engaged shall have the words "Hire" illuminated on the face of the Taximeter so that it is readily visible at all times.
20. Immediately on the termination of a hire the Driver shall stop the time mechanism within the Taximeter but shall not remove the fare record from the Taximeter until the hirer has examined it or has had a reasonable opportunity of examining it.
21. During the Hours of Darkness the Driver shall keep the fare dial display illuminated, for the whole of the period that the Licensed Vehicle in their charge is occupied by a Hirer and until the Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

Passenger Assistance

22. The Driver shall give such reasonable assistance to passengers or potential passengers to access the Licensed Vehicle as is required. In particular:-
 - (a) in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;
 - (b) in relation to passengers who use wheelchairs the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get into and out of the Licensed Vehicle; if the passenger wants to transfer to a seat, the Driver must assist the passenger to get out of the wheelchair and into a seat and back into the wheelchair, if that assistance is required. The Driver must also load the wheelchair into the Licensed Vehicle; the Driver must also offer to load the passenger's luggage into and out of the Licensed Vehicle;
 - (c) the Driver shall make use of the Licensed Vehicle's step as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this.
23. The Driver shall give such reasonable assistance to his passengers as he is able to give with loading and unloading their luggage when required to do so but the Driver of the Licensed Vehicle will not be required to leave the immediate proximity of the Licensed Vehicle in doing so.

24. The Driver shall either:-
- (a) assist passengers travelling within wheelchairs to access the Licensed Vehicle using the ramp and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey,
 - or
 - (b) if the Driver has an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 from complying with Conditions 23(a) and 20(b) above he shall explain that to the potential passengers, show them his Certificate of Exemption and enquire as to whether they are able to load the wheelchair themselves or alternatively ask them to wait for the next suitable taxi.
25. The Driver holding a Certificate of Exemption from compliance with condition 23(a) shall display a copy of the Certificate in an approved holder on the dashboard of the Licensed Vehicle.
26. Conditions 22 (b) and (c) and 24 (a) above will not apply if the Licence Holder is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

Driver Behaviour

27. The Driver, while in charge of the Licensed Vehicle, shall behave in a professional, considerate and orderly manner and shall not do anything while in charge of the Licensed Vehicle which is a breach of any road traffic or other legislation.
28. In terms of the smoking legislation it is a criminal offence for anyone to smoke in a Licensed Vehicle at any time even when the Licensed Vehicle is not being used for hire. The Licence Holder shall not smoke within the Licensed Vehicle at any time and shall ensure that no one else does.
29. The Driver shall not permit any person to drive the Licensed Vehicle he is in charge of while such Licensed Vehicle is on hire or is available for hire unless that person is the holder of a current Taxi Driver's licence issued by the Council.
30. The Driver shall not permit any person to ride on any loading platform or in any luggage compartment or other part of the taxi not set aside for the accommodation of passengers.
31. When a Licensed Vehicle is hired or standing for hire, the Driver shall either sit in the driving seat of the Licensed Vehicle or stand in the immediate proximity thereto except during any period the Driver may be absent to announce the arrival of the Licensed Vehicle or for any other necessary purpose.
32. The Driver shall not stand or loiter with the Licensed Vehicle in any street in the near vicinity to a taxi stance while such taxi stance is fully occupied nor shall the Licence Holder cause the Licensed Vehicle to stand in such vicinity.

33. The Driver shall not:-
- (a) use a mobile phone (even by means of a “hands free” kit), or
 - (b) any other communication device, or
 - (c) conduct himself in any manner

which prevents him from exercising full control over the speed and direction of the Licensed Vehicle while it is in motion.

34. The Driver shall not knowingly use the Licensed Vehicle as a Licensed Vehicle while the Licence is suspended or while the Licensed Vehicle is not displaying current Licence plates.

Idling

35. The Driver must switch off his engine when the vehicle is stationary to avoid unnecessary vehicle idling, (especially in sensitive areas such as schools, hospitals and built up areas) except in the following circumstances -
- (a) where the Licensed Vehicle is stationary owing to the necessities of traffic – e.g. when vehicles are queuing at traffic lights;
 - (b) where an engine is being run so that a defect can be traced and rectified – e.g. when a defective vehicle is being attended to by a breakdown / recovery agent;
 - (c) for short periods on occasions where the weather conditions are extreme either to operate the vehicle’s heating or air conditioning system.
36. The Driver is required to switch off his Licensed Vehicle’s engine immediately when requested to do so by an Authorised Officer.

Dress Code

37. The Driver, while in charge of the Licensed Vehicle, shall be clean and tidy in his person and shall wear clothing of a type specified as appropriate in the Dress Code contained in Schedule C to these conditions.

Advertising Material

38. The Driver shall not distribute advertising material of any kind to members of the public, other than business cards providing contact details handed out to passengers within the Licensed Vehicle, or allow any such material to be kept within the Licensed Vehicle.

Passenger Luggage

39. All passenger luggage other than light hand luggage must be stored in the luggage compartment of the Licensed Vehicle. Additional charges for the carrying of luggage may not be made other than in accordance with the current Fare Table.

40. The Driver shall not refuse to carry luggage in the Licensed Vehicle providing that the said luggage can be accommodated safely within the luggage compartment of the Licensed Vehicle.

Lost Property

41. Immediately after the completion of his shift, the Driver shall search the Licensed Vehicle of which he is in charge for any property which may have been left therein.
42. Any property found in such Licensed Vehicle by the Driver shall forthwith be returned by the Driver of the Licensed Vehicle to the owner of the property or such property shall be handed in by the Driver to any police station within 24 hours along with:
 - (a) a note of the taxi Driver's name and address;
 - (b) the name of the Licence Holder of the licence for such Licensed Vehicle;
 - (c) the number of the Licensed Vehicle; and
 - (d) the names and addresses of all Hirers of the Licensed Vehicle during that day so far as known to the Driver which may assist in determining ownership of the property.

Stances

43. All Drivers arriving at a Taxi Stance shall take their stations on Taxi 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 Licensed Vehicle 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 Licensed Vehicle apparently chosen out of order.
44. When the Driver of a Licensed Vehicle drives off a Taxi Stance (except on any stance where contrary conditions or restrictions are specified), the Driver immediately behind shall draw up his vehicle to take the place vacated, and the Drivers of other Licensed Vehicles on the stance behind shall draw up their vehicles in a like manner.
45. When a signal for a taxi is made to a Taxi Stance from a distance, only the Driver of the Licensed Vehicle first on such a Taxi Stance to which the signal is made shall drive off in answer to such a signal.
46. The Driver of a Licensed Vehicle on or within 50 metres of any stance to which a signal is made for a taxi shall not be permitted to accept a hire and shall not answer the signal if there is any disengaged Licensed Vehicle on such stance capable of accepting the hire, unless all Drivers of such Licensed Vehicles clearly indicate that they have no objection.
47. The Driver shall not stand or loiter with the Licensed Vehicle in any street in the near vicinity to a stance while such Taxi Stance is fully occupied by the

authorised number of taxis nor shall the Driver of the Licensed Vehicle to stand in such vicinity.

48. Whilst outwith his Licensed Vehicle at a Taxi Stance the Driver shall not loiter in the roadway at or near the Taxi Stance nor cause his Licensed Vehicle to encroach in any way onto the road.

Electronic Security System

49. The holder of a taxi Driver's licence who is driving a taxi with an electronic security system installed in the vehicle shall ensure that the letter of approval from the Council for the installation is held at all times within the taxi and shall be available for inspection by an Authorised Officer or any Constable on request.
50. When the Driver's is driving a Licensed Vehicle with CCTV installed in the vehicle the additional conditions contained in Schedule D to these conditions will apply.

Change of Address / Address for Correspondence

51. When the Driver changes his permanent address he must
 - (a) advise the Council of the change to his address within five working days of that change. This may be done by notice to the Council's Licensing Team, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF or by e-mail to: LicensingServices@westlothian.gov.uk.
 - (b) immediately update his DVLA driving licence with his new address
52. Drivers must make arrangements for the receipt of correspondence when they are absent from their permanent address for periods in excess of fifteen Working Days. All notices sent to Drivers in relation to these conditions will be sent to the Driver's permanent address as intimated to the Council in terms of Condition 51 above.

Suspension of Licence

53. When a Licensed Vehicle is withdrawn from service by an Authorised Officer in accordance with Section 11 of the Act, there shall be affixed 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 Licensed Vehicle so that it is readily visible to intending passengers. Such a label has the effect of suspending the Licence pertaining to the Licensed Vehicle so labelled and only an Authorised Officer is authorised to remove such label.

Return of Licence and Identity Card

54. If the Driver ceases for any reason to be authorised by law to drive a car on a road, the Licence shall also cease to have effect and he shall immediately give notice to the Council of the change in his circumstances and return his Licence and identity card to the Council's Licensing Team, West Lothian Civic

Centre, Howden South Road, Livingston EH54 6FF within two working days of receiving notice of that he is no longer authorised to drive a car.

Medicals

55. The Driver must have a current certificate of medical fitness to drive a taxi, if required by the DVLA standards in relation to Group 2 licence holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate.
56. The Driver who fails to attend for a medical examination after receiving written confirmation of the date of the examination shall be required to pay the appropriate fee for the missed medical before a further medical examination will be arranged.
57. In relation to the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a Driver's fitness to drive these shall be met by the Council. For the avoidance of doubt, all new applicants for Licences must be certified fit to drive a Licensed Vehicle for a minimum period of twelve months by the Council's appointed medical examiners following a single medical examination.
58. If a Driver suffers from, or is diagnosed with any medical condition which may affect his fitness to drive a Licensed Vehicle he shall immediately report that information to the Council's Licensing Team, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF within two working days of that information coming to his attention and shall thereafter attend a medical examination within the next 14 days for the purpose of confirming his fitness to drive a Licensed Vehicle.

Compliance with Authorised Officer

59. The Driver of a Licensed Vehicle shall not obstruct any Authorised Officer in the performance of any of the Authorised Officer's duties under these conditions.
60. The Driver of a Licensed Vehicle shall comply with all the instructions or directions of any Authorised Officer in relation to these conditions and shall give all information reasonably required in the discharge of the duties of the Authorised Officer.

Notification of Convictions etc

61. Where a Driver is
 - (a) charged with any crime or offence of any nature;
 - (b) convicted of any crime or offence by any court;
 - (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); and/or
 - (d) has his DVLA driving licence endorsed with any offence or penalty;

he must report that to the Council within 10 working days of the date of any of the above being intimated to him.

Miscellaneous

62. The fee for the grant or renewal of a Taxi Driver's Licence will be payable in terms of the Council's published table of fees, either
 - (a) in full on the lodging of the application; or
 - (b) if specified in the Council's published table of fees, by payment of an initial application fee followed by appropriate subsequent payments.
63. In the event that condition 62(b) applies the application fee will be payable on lodging of the application. Subsequent payments are due in terms of the payment schedule as specified in the Council's published table of fees and detailed in the Licence.
64. The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to his Licence within 5 working days of the payment falling due. Where any payment is not made within the above timescale or any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Chief Solicitor within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.
65. When the Driver is in charge of a PHC whilst it is undertaking a hire or available for hire the Private Hire Car Driver's Licence conditions in Part 5 shall apply in place of the Taxi Driver's Licence conditions under this part.
66. If the Driver loses his Licence or identity card or any other document issued to him by the Council, he shall notify such loss immediately to the Chief Solicitor and shall obtain a duplicate of each lost document from the Chief Solicitor on payment of the appropriate fee.
67. When the Driver has given up the activity of driving a Licensed Vehicle, he shall surrender his Licence to the Chief Solicitor as required by Paragraph 13(2)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982.

Training

68. The Driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

Part 5

PRIVATE HIRE CAR DRIVER'S LICENCE CONDITIONS

This Part 5 in conjunction with any relevant Schedules shall be referred to as the "Private Hire Car Driver's Licence Conditions." For the purposes of the Private Hire Car Driver's Licence Conditions the term Licence Holder will refer only to those who hold a Licence to drive a Private Hire Car or Taxi only and the term Licensed Vehicle will only refer to a Private Hire Car.

Identity Card

1. The Driver shall at all times when in charge of a Licensed Vehicle be in possession of the identity card provided by the Council. This badge must be worn by the Driver and displayed within the Licensed Vehicle and when requested, the Driver must allow the examination of the card by any passenger, Authorised Officer or Constable. The card shall include the Driver's name, photograph, licence number and expiry date.

Driver checks

2. The Driver, on each occasion prior to commencing his shift with a private hire car shall ensure that:-
 - (a) a valid certificate of insurance or cover note confirming that he is insured to drive the vehicle is contained within the vehicle as detailed in condition 2 of the Private Hire Car Licence Conditions,
 - (b) the Licensed Vehicle, including all bodywork, upholstery and fittings (including ramps and accessories) is roadworthy, safe and serviceable, complies with the provisions of Schedule B to these conditions and is in a clean condition subject to prevailing road and weather conditions,
 - (c) the Licensed Vehicle is displaying current Licence Plates in accordance with the provisions of condition 7 of the Private Hire Car Licence conditions.and
 - (d) a copy of the current Fare Table is being carried within the Licensed Vehicle

Condition of Vehicle

3. The Driver shall not use such a Licensed Vehicle during any period in which it does not comply with the provisions of Schedule B to these conditions.

Signs

4. The Driver shall not drive a Licensed Vehicle which is:-
 - (a) displaying a sign of any kind on the roof of the Licensed Vehicle,
 - (b) displaying 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.

5. The Driver shall not wear any clothing displaying the words in condition 4(b) above whilst operating as a Licence Holder.

Canvassing for Business

6. The Driver, whilst he is in charge of Licensed Vehicle, shall not
 - (a) canvass or importune in any Public Place, car park or street for employment.
 - (b) allow the Licensed Vehicle to wait in any Public Place except when he is fulfilling a pre-arranged hire and the onus of proving such a hire shall be on the Driver of the private hire car.

Picking up Passengers

7. The Driver shall not in any circumstances pick up passengers at or in the near vicinity of a taxi stance, even if he has a hire that is pre-booked.
8. The Driver shall not in any circumstances pick up passengers until he has confirmed their identity and the existence of a booking and the onus of proving that such confirmation has been obtained shall be on the Driver of the private hire car.

Fulfilment of Hire

8. The Driver shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the Licensed Vehicle which he has accepted, or which has been accepted on his behalf by any representative, unless prevented by reasonable and sufficient cause.
9. Where an engagement of a Licensed Vehicle for hire has been accepted by a Driver, the Driver shall fulfil such engagement punctually and shall announce the arrival of such immediately to the person on whose behalf the engagement was made at the place to which it has been summoned. If that person does not commence their journey within five minutes of arrival of the Licensed Vehicle, or such additional period as may be agreed between the Driver and that person, the Driver may refuse to fulfil further the engagement to hire the Licensed Vehicle, but the Driver of a Licensed Vehicle shall be entitled to receive payment of any engagement fee and any fare which may be payable in terms of the Council's approved Fare Table.
10. The Driver shall not refuse to convey a Hirer or passenger to any place within the licensed area unless any Hirer or passenger:
 - (a) is not prepared to give a precise destination; or
 - (b) is drunk or otherwise not in a fit and proper state to be carried; or
 - (c) is in a condition whereby he or his clothing is offensive or likely to cause damage to the interior of the private hire car; or
 - (d) is smoking in the Licensed Vehicle and refuses to cease when requested to do so by the Driver; or

- (e) is accompanied by any animal which is likely to damage or soil the interior of the Licensed Vehicle with the exception of an assistance dog; or
- (f) cannot be conveyed for any other reasonable cause.

11. The Driver shall not:-

- (a) permit any animal to be on or in the Licensed Vehicle except an animal which is in the charge of a passenger.
- (b) carry, or cause or permit to be carried in any Licensed Vehicle, any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- (c) knowingly carry, or cause or permit to be carried in such Licensed Vehicle, any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- (d) knowingly cause or permit such Licensed Vehicle to be utilised for any illegal or immoral purpose

12. Where a Licensed Vehicle has been hired: -

- (a) by or for a disabled person who is accompanied by an assistance dog; or
- (b) by a person who wishes such a disabled person to accompany that person in a Licensed Vehicle, the Driver of a Licensed Vehicle 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.

This condition shall not apply where an Exemption Certificate in terms of Section 169 of the Equality Act 2010 has been issued to the Driver of the Licensed Vehicle and that notice is in force and is exhibited by being displayed in an approved holder on the dashboard of the vehicle.

13. The Driver shall –

- (a) prior to driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs undertake training in the use of approved restraint systems for the carrying of wheelchairs within the Licensed Vehicle he is in charge of and follow the manufacturer's instructions for using all access and restraint equipment on every occasion that the systems are used;
- (b) ensure all access and restraint equipment is safe and serviceable and carried on the Licensed Vehicle at all times;
- (c) ensure that all ramps carried within the Licensed Vehicle and the passenger lift are stamped with the registration number of that Licensed Vehicle and have a certificate of safe working load affixed to them;

- (d) use an approved restraint system for wheelchairs and a seat belt for the passenger on every occasion. It is a legal requirement that passengers wear the seatbelt provided unless they hold a medical exemption certificate;
 - (e) where wheelchair tie-down and occupant restraint systems have not been provided at the time of manufacture by the vehicle manufacturer, ensure that all such equipment used in the vehicle complies with ISO 10542 or any replacement standard.
14. The Driver may not in any circumstances convey another passenger without the consent of the original Hirer. The Driver shall drive to the destination by the shortest practicable route unless otherwise instructed by the Hirer.

Number of Passengers

15. The Driver shall not at any time convey more than the number of passengers for which the Licensed Vehicle has been licensed and shall ensure that before commencing any hire passengers are properly seated in approved passenger seats and that they remain so seated all at times during the journey.

Fares

16. Where the passenger requires to exit the Licensed Vehicle to source the fare from a remote location, the hire shall continue until the passenger is able to offer payment of the fare. However, where a Licensed Vehicle has been called by telephone or other advance arrangement, the hire shall commence after the Driver of the Licensed Vehicle has announced the arrival of the Licensed Vehicle to the prospective hire or passenger at the place to which it has been summoned.
17. No fare shall be payable by the Hirer in respect of any journey by the Licensed Vehicle from the place at which it is discharged by the Hirer.
18. The Driver of a Licensed Vehicle shall not demand any fare from any person who has engaged a Licensed Vehicle (and no fare shall be payable by such person):
- (a) if the external Licence Plates with the appropriate Private Hire Car licence number are not displayed in accordance with condition 7 of the Private Hire Car Licence Conditions; or
 - (b) if the Driver does not on demand exhibit the means of identification issued by the Council; or
 - (c) if the Driver demands more than the metered fare or where appropriate in terms of condition 20 below, the fare agreed upon before the start of the hire; or
 - (d) if the Driver fails or refuses to complete an engagement except for any reasonable cause; or
 - (e) if the Licensed Vehicle breaks down or if the Licensed Vehicle becomes in any way unfit to convey the Hirer to the destination for which the Hirer engaged such a Licensed Vehicle.

- (f) if a Licensed Vehicle has a Taximeter in the Licensed Vehicle and the fare tariff programmed in the Taximeter is different from any Fare Table displayed in the vehicle.
 - (g) if the Driver of a Licensed Vehicle fitted with a Taximeter removes the record of any fare from the Taximeter before the appropriate Hirer has examined it or has had a reasonable opportunity of examining it, or if, during the Hours of Darkness, the Driver fails to keep any fare dial displayed illuminated for the whole of the period that such Licensed Vehicle is occupied by the Hirer and until the appropriate Hirer has examined the Taximeter or has had a reasonable opportunity of examining it.
19. The Driver of a Licensed Vehicle fitted with a Taximeter shall carry a copy of the up to date Fare Table issued by the Council within the Licensed Vehicle at all times and shall produce it for immediate inspection by any member of the public on request.
 20. The Driver of a Licensed Vehicle, shall, if the cost of the journey is not regulated by a metered 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.
 21. The Licence Holder of a Licensed Vehicle shall participate in West Lothian Council's assisted fares scheme, currently entitled "Taxi Card" or such other discounted fares scheme which may be adopted by the Council in the future. The Licence Holder of a Licensed Vehicle shall ensure that discounted fares are charged in line with the scheme on production to him of a current taxi card or other replacement document. For the avoidance of doubt there is no requirement to mention the taxi card at the commencement of the hire, only at the time of booking.

Taximeter

22. The Driver in which a Taximeter has been fitted shall ensure that the Taximeter fitted in the Licensed Vehicle in his charge: -
 - (a) shall be operated at all times for hires starting and finishing within the licensed area; and
 - (b) for hires either starting or finishing outwith the Licensed Area shall only be operated with the agreement of the Hirer.
23. The Driver in which a Taximeter has been fitted, as soon as hired, but no sooner, shall set the Taximeter in motion and whilst engaged shall have the words "Hire" illuminated on the fare dial of the Taximeter so that it is readily visible at all times.
24. Immediately on the termination of such a hire the Driver shall stop the time mechanism within the Taximeter but shall not remove the fare record from the Taximeter until the Hirer has examined it or has had a reasonable opportunity of examining it.
25. During the Hours of Darkness the Driver of a Licensed Vehicle in which a Taximeter has been fitted shall keep the fare dial display illuminated, for the

whole of the period that the Licensed Vehicle in his charge is occupied by the Hirer and until the hirer has examined the Taximeter or has had a reasonable opportunity of examining it.

26. The Driver who is driving a Licensed Vehicle in which no Taximeter has been fitted shall ensure that a fare for the hire is agreed with the hirer prior to the commencement of each journey.

Passenger Assistance

27. The Driver shall give such reasonable assistance to passengers or potential passengers to access the vehicle as is required. In particular
- (a) in relation to persons with obvious mobility difficulties the Driver shall make appropriate enquiries of that person to identify their preferred method of accessing the Licensed Vehicle and seating requirements;
 - (b) in relation to passengers who use wheelchairs, if his vehicle is suitable for transporting persons travelling within wheelchairs, the Driver must ascertain whether the passenger wishes to remain within their wheelchair and if so must help the passenger to get in and out of the Licensed Vehicle; if the passenger wishes to transfer to a seat, the Driver must help the passenger get out of the wheelchair and into a seat and back into the wheelchair, if that assistance is required. The Driver must also load the wheelchair into the Licensed Vehicle and offer to load the passenger's luggage into and out of the Licensed Vehicle;
 - (c) where the Licensed Vehicle has a step, the Driver shall make use of it as and when required and make reasonable enquiries of passengers, where appropriate, to ascertain this.
28. The Driver shall give such reasonable assistance to his passengers as he is able to give with loading and unloading their luggage when required to do so but the Driver of the private hire car will not be required to leave the immediate proximity of the private hire car in doing so.
29. The Driver shall either:-
- (a) assist passengers travelling within wheelchairs to access the Licensed Vehicle using a ramp or the passenger lift and shall ensure that they are properly secured by means of seatbelts and restraints before starting the journey,
- or
- (b) if the Driver has an Exemption Certificate issued in terms of Section 166 of the Equality Act 2010 from complying with Conditions 27 (a) and (b) and 29(a) above he shall explain that to the potential passengers, show them his Certificate of Exemption and enquire as to whether they are able to load the wheelchair themselves or alternatively ask them to make arrangements to travel in another suitable PHC.

30. Any Driver holding a Certificate of Exemption from compliance with condition 27 shall display a copy of the certificate in an approved holder on the dashboard of the Licensed Vehicle.
31. Conditions 27 (b) and (c) and 29 (a) above will not apply if the Driver is not driving a Licensed Vehicle suitable for transporting passengers travelling within wheelchairs.

Driver Behaviour

32. The Driver, while in charge of the Licensed Vehicle, shall behave in a professional, considerate and orderly manner and shall not do anything while in charge of the Licensed Vehicle which is a breach of any road traffic or other legislation.
33. In terms of the smoking legislation it is a criminal offence for anyone to smoke in a Licensed Vehicle at any time even when the Licensed Vehicle is not being used for hire. The holder of a Licensed Vehicle shall not smoke within the Licensed Vehicle at any time and shall ensure that no one else does.
34. The Driver shall not permit any person to drive the Licensed Vehicle which he is in charge of while such Licensed Vehicle is on hire or is available for hire unless that person is the holder of a current Council private hire car Driver's or taxi Driver's licence.
35. The Driver shall not permit any person to ride on any loading platform or in any luggage compartment or other part of the Licensed Vehicle not set aside for the accommodation of passengers.
36. The Driver shall not: -
 - (a) use a mobile phone (even by means of a "hands free" kit), or
 - (b) any other communication device, or
 - (c) conduct himself in any mannerwhich prevents him from exercising full control over the speed and direction of the Licensed Vehicle while it is in motion.
37. The Driver shall not knowingly use the vehicle as a Licensed Vehicle while the Licensed Vehicle is suspended or while the Licensed Vehicle is not displaying current Licence Plates..

Idling

38. The Driver must switch off his engine when the Licensed Vehicle is stationary to avoid unnecessary vehicle idling, especially in sensitive areas such as schools, hospitals and built up areas except in the following circumstances -
 - (a) where the Licensed Vehicle is stationary owing to the necessities of traffic - e.g. when vehicles are queuing at traffic lights;

- (b) where an engine is being run so that a defect can be traced and rectified - e.g. when a defective vehicle is being attended to by a breakdown / recovery agent;
 - (c) for short periods on occasions where the weather conditions are extreme either to operate the vehicle's heating or air conditioning system.
39. The Driver is required to switch off his vehicle's engine immediately when requested to do so by an Authorised Officer.

Dress Code

40. The Driver, while in charge of a Licensed Vehicle, shall be clean and tidy in his person and shall wear clothing of a type specified as appropriate in the Dress Code contained in Schedule C to these conditions

Advertising Material

40. The Driver shall not distribute advertising material of any kind to members of the public, other than business cards providing contact details handed out to passengers within the Licensed Vehicle, or allow any such material to be kept within the Licensed Vehicle.

Passenger Luggage

41. All passenger luggage other than light hand luggage must be stored in the luggage compartment of the Licensed Vehicle. Additional charges for the carrying of luggage may not be made other than in accordance with the current fare table.
42. The Driver shall not refuse to carry luggage in the Licensed Vehicle providing that the said luggage can be accommodated safely within the luggage compartment of the Licensed Vehicle.

Lost Property

43. Immediately after the completion of his shift, the Driver shall search the Licensed Vehicle which he is in charge of for any property which may have been left therein.
44. Any property found in such Licensed Vehicle by the Driver shall forthwith be returned by the Driver to the owner of the property, or such property shall be handed in by the Driver to any police station in the Licesnsed Area within 24 hours along with:
- (a) a note of the Licensed Vehicle Driver's name and address;
 - (b) the name of the holder of the licence for such Licensed Vehicle;
 - (c) the number of the Licensed Vehicle.

- (d) the names and addresses of all Hirers of the Licensed Vehicle during that day so far as known to the Driver which may assist in determining ownership of the property

Electronic Security System

- 45. The Driver who is driving a Licensed Vehicle with an electronic security system (CCTV) installed in the Licensed Vehicle shall ensure that the letter of approval from the Council for the installation of the CCTV is held at all times within the Licensed Vehicle and shall be available for inspection by an Authorised Officer or any Constable on request.
- 46. When the Driver is driving a Licensed Vehicle with CCTV installed in the Licensed Vehicle the additional conditions contained in Schedule D to these conditions will apply.

Change of Address / Address for Correspondence

- 47. When the Driver changes his permanent address he must
 - (a) advise the Council of the change to his address within five working days of that change. This may be done by notice to the Council's Licensing Team, West Lothian Civic Centre, Howden south Road, Livingston EH54 6FF or by email to LicensingServices@westlothian.gov.uk.
 - (b) immediately update his DVLA driving licence with his new address.
- 48. Drivers must make arrangements for the receipt of correspondence when they are absent from their permanent address for periods in excess of fifteen Working Days. All notices sent to Drivers in relation to these conditions will be sent to the Driver's permanent address as intimated to the Council in terms of Condition 51 above.

Suspension of Licence

- 49. When a Licensed Vehicle is withdrawn from service by the Cab Inspector in accordance with Section 11 of the Act, there shall be affixed 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 Licensed Vehicle so that it is readily visible to intending passengers. Such a label has the effect of suspending the Licensed Vehicle Licence pertaining to the Licensed Vehicle so labelled and only the Cab Inspector is authorised to remove such label.

Return of Licence and Identity Card

- 50. If the Driver ceases for any reason to be authorised by law to drive a car on a road, this Licence shall also cease to have effect and he shall immediately give notice to the Council of the change in his circumstances and return his Private Hire Car Driver's licence and identity card to the Council's Licensing Team, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF within two working days of receiving notice of that he is no longer authorised to drive a Licensed Vehicle.

Medicals

51. The Driver must have a current certificate of medical fitness to drive a Licensed Vehicle, if required by the DVLA standards in relation to Group 2 licence holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate.
52. Any Driver who fails to attend for a medical examination after receiving written confirmation of the date of the examination shall be required to pay the appropriate fee for the missed medical before a further medical examination will be arranged.
53. In relation to the cost of all medical examinations, follow up reports and additional tests which may be required in order to assess a Driver's fitness to drive these shall be met by the Council. For the avoidance of doubt, all new applicants for a Driver's Licence must be certified fit to drive a Licensed Vehicle for a minimum period of twelve months by the Council's appointed medical examiners following a single medical examination.
54. If the Driver suffers from, or is diagnosed with any medical condition which may affect his fitness to drive a Licensed Vehicle he shall immediately report that information to the Council's Licensing Team, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF within two working days of that information coming to his attention and shall thereafter attend a medical examination within the next 14 days for the purpose of confirming his fitness to drive a Licensed Vehicle.

Compliance with Authorised Officer

55. The Driver shall not obstruct any Authorised Officer in the performance of any of the Authorised Officer's duties under these conditions.
56. The Driver shall comply with all the instructions or directions of any Authorised Officer in relation to these conditions and shall give all information reasonably required in the discharge of the duties of the Authorised Officer

Notification of Convictions etc

57. Where a Driver is:-
 - (a) charged with any crime or offence of any nature;
 - (b) convicted of any crime or offence by any court;
 - (c) given any form of official warning, caution or accepts or is ordered to pay a fixed fine or compensation in relation to any offence (including fines/compensation issued by the Procurator Fiscal or any local authority); and/or
 - (d) has his DVLA driving licence endorsed with any offence or penalty

he must report that to the Council within 10 Working Days of the date of any of the above being intimated to him.

Miscellaneous

62. The fee for the grant or renewal of a Private Hire Car Driver's Licence will be payable in terms of the Council's published table of fees, either
 - (a) in full on the lodging of the application; or
 - (b) if specified in the Council's published table of fees, by payment of an initial application fee followed by appropriate subsequent payments.
63. In the event that condition 62(b) applies the application fee will be payable on lodging of the application. Subsequent payments are due in terms of the payment schedule as specified in the Council's published table of fees and detailed in the Licence.
64. The Licence Holder must make payment of all fees due in terms of the Council's published table of fees in relation to his Licence within 5 working days of the payment falling due. Where any payment is not made within the above timescale or any cheque or other form of payment in relation to any fee is subsequently dishonoured, the Licence shall cease to exist and must be returned to the Chief Solicitor within one working day of any dishonoured or missed payment being brought to the attention of the Licence Holder by the Council. Such licence shall be returned to the Licence Holder once full payment of the outstanding fee and any related charges is made.
65. If the Driver loses his Private Hire Car Driver's Licence or identity card or any other document issued to him by the Council, he shall notify such loss immediately to the Chief Solicitor and shall obtain a duplicate of each lost document from the Chief Solicitor on payment of the appropriate fee.
66. When the Driver has given up the activity of driving a Licensed Vehicle, he shall surrender his Licence to the Chief Solicitor as required by Paragraph 13(2)(b) of Schedule 1 to the Civic Government (Scotland) Act 1982.

Training

67. The Driver is required to comply with the requirements of any scheme of training introduced by the Council which are intimated to him by notice sent to his address as last notified to the Council.

SCHEDULE A

CONDITIONS OF FITNESS FOR TAXIS

General Construction

1. Taxis in West Lothian must be a motor vehicle of one of the following models
 - Citroen Dispatch (short and long wheelbase 3000mm and 3122mm) (body length 4805mm and 5135mm)
 - Citroen Dispatch Panel/Window Van (manufactured before 2007 registration date)
 - Citroen Relay 3000mm and 3450 wheelbase panel van/window van
 - Fiat Scudo (short and long wheelbase)
 - Fiat Scudo Panel/Window Van (wheelbase 3000mm and 3122mm body length 4805mm and 5135mm)
 - Fiat Scudo Panel/Window Van (manufactured before 2007 registration date)
 - Fiat TW200 (short or long wheel base model only)
 - Fiat Ducato 3000mm and 3450mm wheelbase panel van/window van
 - Ford Transit (short wheel base model only)
 - LTI TX2 M5, LTI TX2 A5, LTI TX4 M5 and LTI TX4 A5
 - Mercedes M8 (medium wheel base model only)
 - Mercedes Vito 4748mm wheelbase 2148cc 116hp
 - Peugeot E7 (short wheel base)
 - Peugeot E7 (long body - wheelbase 3122mm body length 5135mm)
 - Peugeot Expert MK 3 (short and long body) (wheelbase 3000mm and 3122 mm body length 4805mm and 5135mm)
 - Peugeot Expert Classic Panel/Window Van MK2 (manufactured before 2007 registration date)
 - Renault Traffic (short wheel base model only)
 - Vauxhall Movano and Vauxhall Vivaro (short wheel base model only)
 - Volkswagen Transporter and Volkswagen Caravelle (short wheel base model only)

The vehicle must hold low volume type approval or such equivalent amended certification as issued by the Vehicle Certification Agency or its successors and must comply in all respects with the requirements of all Acts and Regulations relating to motor vehicles.

Taxis must be capable of being licensed to carry between 5 and 7 passengers. The decision of the Cab Inspector as to the appropriate number of passengers for the vehicle to be licensed to carry shall be final following inspection of the vehicle and consideration of safety and luggage requirements.

2. From 1 February 2015 all taxis in West Lothian must comply with the following accessibility standard to the satisfaction of the Cab Inspector –
 - side loading access (where any taxi has sliding doors, there shall be a clearly visible sign displayed across the top rear of the taxi which will state “Doors Opening” with arrows pointing to the relevant side(s) of the taxi. This sign must illuminate automatically as soon as the doors are unlocked and any sliding door handle is operated)

- wheelchair access by means of suitable ramps
 - hi-visibility interior upholstery and interior grab rails (passenger seating must contain hi visibility panels which should be a permanent feature of the seating rather than seat covers)
 - a retractable step
 - a hearing loop system
 - auto door locks which operate when the vehicle is moving
3. From 23 June 2009 all new licensed taxis and replacement taxi vehicles must comply with the above mentioned accessibility standard unless the vehicle is being replaced under the exemption specified in Condition 4 below
 4. An exemption from the requirement to licence a taxi vehicle which complies with the above accessibility standard is available until 31 January 2015. This exemption is available only to taxi licence holders who are over the age of 60 as at 23 June 2009 and whose licensed taxi vehicle requires to be replaced as a result of being uneconomic to repair as a result of accident damage or mechanical failure. If the Cab Inspector is satisfied that the terms of the exemption apply the Licence Holder will be permitted to replace the vehicle with a similar type of vehicle and to operate that vehicle until 31 January 2015. From 1 February 2015 all taxis must be of a type contained in the list at condition 1 above and comply with the accessibility standard detailed in condition 2 above.
 5. It is not possible to claim the exemption referred to in condition 4 above on more than one occasion.
 6. The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished. If wheel trims are fitted to the Licensed Vehicle a full set of compatible wheel trims must be attached to in a safe manner at all times.
 7. There must be carried on every Licensed Vehicle:
 - (a) a spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres on the vehicle and in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel; and
 - (b) a suitable lifting jack;
 - (c) a suitable wheel brace; and
 - (d) ramps and approved restraints for the transportation of wheelchairs which comply with ISO 10542 or any replacement standard.
 8. Prior to 1 February 2015 condition 7(d) above shall not apply to taxi vehicles which are not licensed to carry wheelchairs.
 9. As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that adequate cover is in place must be carried within the Licensed Vehicle and produced by the Driver of the Licensed Vehicle for examination when requested by the Cab Inspector or other Authorised Officer.

Body

10. In relation to the taxis listed at condition 1 above the body of the Licensed Vehicle must be of the fixed head type with a partially glazed partition separating the passenger from the Driver and comply with the following dimensions -
 - (a) Outside dimensions - the overall length must not exceed 5.5 metres.
 - (b) Inside dimensions of the passenger compartment:
 - (i) The vertical distance between the point of a maximum deflation of the seat cushion when a passenger is seated, to the roof immediately above that point, must not be less than 96.5 centimetres.
 - (ii) The width across the rear cushion must not be less than 1.07 metres.
11. The door and doorway must be constructed so as to permit an unrestricted opening across the doorway of at least 53 centimetres when the door is opened to its normal limit.
12. The clear height of the doorway must not be less than 1.1 metres.

Steps

13. The top of the tread on the lowest step for any entrance, or where there is no step on the floor level itself at the lowest entrance, must not be more than 38 centimetres above the ground when the vehicle is unladen.
14. Where any step in the vehicle is electronically operated, it must be fully retractable, tamper and weather-proof. Any such step must be equipped with sensors and a warning system to alert the Driver when the step is extended. This step should be under the automatic control of the Driver in such a way that it cannot be left extended when the vehicle is moving.
15. All steps, or where there are no steps, the outer edge of the floor at each entrance must be fitted with non-slip treads.

Steering

16. The steering wheel must be on the offside of the vehicle. The steering arms and connections must be of adequate strength and so far as possible protected from possible damage by collision.

Brake and Steering Connections

17. Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pin is uppermost.

Turning Circle

18. The wheel turning circle kerb to kerb on either lock must not be less than 7.62 metres in diameter.

Tyres

19. All tyres at normal pressure under load must be approved as having a suitable circumference for correct operation of the Taximeter.

Fuel Tanks

20. Fuel tanks must be adequately protected from possible damage by collision.
21. All fuel tanks and all apparatus supplying fuel to the engine must be placed or shielded in such a manner that no fuel overflowing or leaking therefrom can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
22. The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.

Exhaust

23. The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any other part of the vehicle that may cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle in such a position as to prevent fumes from entering the vehicle.

Door Fittings

24. Passenger doors must be capable of being readily opened.
25. Where any taxi has sliding doors, there shall be a clearly visible sign displayed across the top rear of the taxi which will state "Doors Opening" with arrows pointing to the relevant side(s) of the taxi. This sign must illuminate automatically as soon as the doors are unlocked and any sliding door handle is operated.

Other Fittings

26. The Licensed Vehicle must not at any time be fitted with a tow bar.
27. No fittings other than those approved by the Council should be attached to or carried upon the inside or outside of the Licensed Vehicle.

Locks

28. All taxis must be fitted with an approved and fully operational door locking system.

Windows

29. Windows must be provided at the sides and rear of the Licensed Vehicle. At least one rear passenger window must be capable of being opened easily by passengers except where the vehicle has air conditioning fitted and in operation.

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.

Mirrors

31. Effective driving mirrors must be fitted (a) internally, in the Driver's compartment and (b) externally, on the offside and nearside of the vehicle.

Visibility

32. The vehicle must be fitted with adequate devices for wiping, de-misting, de-frosting and washing the windscreen and with a sun visor adjustable by the Driver.
33. Where a vehicle is fitted with rear windscreen wipers and washers, these must be maintained in satisfactory working order.

Driver's Compartment

34. The Driver's compartment must be so designed that the Driver has adequate room and can easily reach and quickly operate the controls.
35. The controls must be arranged to allow reasonable access to the Driver's seat and, when centrally placed, must be properly protected from contact with luggage.
36. The Driver's seat must be designed to accommodate the Driver only.

Horn

37. A single toned horn must be fitted.

Electrical Communications Apparatus

38. Any electrical communication system fitted to a taxi must be in an approved position.

Interior Lighting

39. Adequate lighting must be provided for the passenger compartment and must be capable of being controlled by the passengers and Driver. Adequate lighting must be provided in the Driver's compartment.

Heating and Ventilation

40. An adequate heating and ventilation system must be fitted for the Driver and passengers and the means provided for independent control by the Driver and passengers.

Fire Appliances

41. An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must comply with the requirements relating to fire extinguishing appliances for use on public service vehicles.

Electrical Equipment

42. All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
43. All electrical circuits must be protected by suitable fuses.

Passenger Seats

44. The measurement from the upholstery at the back edge of the seat to the front must be not less than 40 centimetres in the case of the back seat and 35.5 centimetres in the case of the tip-up seat.
45. The width of each tip-up seat must not be less than 40 centimetres.
46. The vertical distance between the highest point of the undeflated seat cushion and the top of the floor covering must not be less than 35.5 centimetres.
47. Tip-up seats must be fitted so that they stow automatically when not in use. They must be symmetrically placed and at least 4 centimetres apart. When not in use, tip-up seats must not obstruct doorways.
48. Suitable means must be provided to assist persons to rise from their seat.

Upholstery

49. Upholstery in the vehicle at the time of initial inspection must comply with the accessibility standard referred to in Condition 2 of this schedule and must be of a material and design approved by the Council or Cab Inspector. After approval there must be no subsequent replacement of the upholstery without the further permission of the Council or Cab Inspector.

Luggage

50. Adequate provision must be made for carrying luggage and an effective method of securing it must be provided.

Notices etc

51. All notices displayed within the vehicle must be approved by the Cab Inspector and fitted in a position approved by him.

Advertising

52. Advertisements may only be displayed in the interior of taxis on the underside of the tip-up seats. Advertisements on the exterior of taxis will be categorised as front doors, side advertising or full livery. No approval is required for advertising on front doors only. Prior written approval is required from the Council for side advertising and full livery. Detailed plans/drawings of the advertisements must be submitted to the Chief Solicitor with the appropriate fee. Door advertisements may only be fitted to the lower panels of the front and rear doors. No material may be placed on any glass including the dividing glass partition, other than notices approved by the Council.
53. Only one corporate image, company or brand may be advertised on any tip-up seat. No secondary advertising of any kind will be permitted on either a tip-up seat or the exterior of a taxi except where the Chief Solicitor approves the advertisement of allied products or services where these appear to be ancillary to or an essential part of the principal advertisement. The name of the company preparing the taxi or the advertising agency will not be permitted as secondary advertising. The Chief Solicitor's decision shall be final.
54. The permitted sizes of advertisements, if approved, under the above sections are as follows:

Tip-up Seats	-	33cm x 30.5cm
Single Door	-	76cm x 46cm
Double Door	-	185cm x 46cm

SCHEDULE B

CONDITIONS OF FITNESS FOR PRIVATE HIRE CARS

General Construction

1. Every private hire car must comply in all respects with the requirements of any Acts or Regulations relating to motor vehicles in force at the time of licensing.
2. From 1 February 2015 every private hire car must be either
 - (a) a Type 1 PHC i.e. a saloon or saloon derivative vehicle (such as an estate model based on a saloon vehicle)or
 - (b) a Type 2 PHC i.e. a vehicle fitted with a passenger lift which is based on a different model of vehicle from those vehicle types listed on the approved list of taxi vehicles as detailed in Schedule A to these conditions

and both types of private hire cars must comply with the following specification -

- (1) have a minimum of four doors;
- (2) have **exactly** four passenger seats if it is a type 1 PHC, or eight passenger seats if it is a type 2 PHC;
- (3) have a minimum back seat cushion width of 125cm;
- (4) have a maximum CO2 emission level of 150g/km for diesel vehicles or a maximum CO2 emission level of 165g/km for petrol vehicles (with the exception of type 2 PHCs which must have a maximum CO2 emission level of 225g/km for diesel or petrol vehicles);
- (5) have a minimum engine size of 1400cc unless it is an electric or hybrid vehicle.

In addition, all PHCs must hold a valid European Whole Vehicle Type Approval as an M1 vehicle or such equivalent amended certification as issued by the Vehicle Certification Agency or its successors (in relation to Type 2 PHCs they must hold low volume type approval or such equivalent amended certification as issued by the Vehicle Certification Agency or its successors, must comply in all respects with the requirements of all Acts and Regulations relating to motor vehicles and comply with the following accessibility standard to the satisfaction of the Cab Inspector –

- hi-visibility interior upholstery and interior grab rails (passenger seating must contain hi visibility panels which should be a permanent feature of the seating rather than seat covers)
- a retractable step
- a hearing loop system.

3. From 24 November 2009 all new licensed private hire cars and replacement private hire car vehicles must either be a Type 1 PHC or Type 2 PHC as specified in Condition 2 above unless the vehicle is being replaced under the exemption specified in Condition 4 below
4. The bodywork, bonnet and wings must be free from any dents or other irregularities, properly painted or cellulosed and the paintwork properly smoothed down and polished. If wheel trims are fitted to the Licensed Vehicle a full set of compatible wheel trims must be attached to in a safe manner at all times.
5. The Licensed Vehicle must have not less than 4 wheels.
6. There must be carried on every Licensed Vehicle -
 - (a) a spare wheel fitted with a pneumatic tyre of the same type and size as the other tyres on the vehicle in efficient condition and ready instantly to replace any wheel on which the tyre has become damaged, or any damaged wheel; and
 - (b) a suitable lifting jack;
 - (c) a suitable wheel brace:
7. As an alternative to a spare wheel the Council will accept breakdown cover. Evidence that adequate cover is in place must be carried within the vehicle and produced by the Driver of the vehicle for examination when requested by the Cab Inspector or other Authorised Officer.

Accessibility Features

8. Type 2 PHCs must comply with the following additional conditions -
 - (a) Licensed Vehicles must be fitted with approved restraints for the transportation of wheelchairs which comply with ISO 10542 or any replacement standard;
 - (b) the top of the tread on the lowest step for any entrance, or where there is no step on the floor level itself at the lowest entrance, must not be more than 38 centimetres above the ground when the vehicle is unladen;
 - (c) where any step in the vehicle is electronically operated, it must be fully retractable, tamper and weather-proof. Any such step must be equipped with sensors and a warning system to alert the Driver when step is extended. This step should be under the automatic control of the Driver in such a way that it cannot be left extended when the vehicle is moving;
 - (d) all steps, or where there are no steps, the outer edge of the floor at each entrance must be fitted with non-slip treads;
 - (e) the passenger lift must comply with British Standard (BS 6109 and BS1756-2:2004) or any replacement standards;

- (f) The Licensed Vehicle must be fitted with an approved and fully operational door locking system.

Steering

- 9. The steering wheel must be on the offside of the vehicle. The steering arms and connections must be of adequate strength and so far as possible protected from possible damage by collision.

Brake and Steering Connections

- 10. Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt or pin is uppermost.

Tyres

- 11. All tyres at normal pressure under load must be approved as having a suitable circumference for correct operation of the Taximeter where fitted.

Fuel Tanks

- 12. Fuel tanks must be adequately protected from possible damage by collision.
- 13. All fuel tanks and all apparatus supplying fuel to the engine must be placed or shielded in such a manner that no fuel overflowing or leaking from the engine can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
- 14. The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
- 15. Type 1 PHCs vehicles powered by liquefied petroleum gas (LPG) can be licensed if they meet the Council's specification provided that the Cab Inspector is satisfied that the vehicle has been safely converted. Licence Holders / applicants wishing to have such vehicles inspected must produce a certificate of conversion from an approved convertor to the Cab Inspector at the time of inspection. The decision of the Cab Inspector as to what constitutes an approved convertor shall be final.
- 16. Type 2 PHCs shall not be powered by liquefied petroleum gas (LPG).

Exhaust

- 17. The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any other part of the vehicle that may cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle in such a position as to prevent fumes from entering the vehicle.

Door Fittings

18. A Licensed Vehicle must have at least 4 doors excluding any doors at the rear of the vehicle.
19. Passenger doors must be capable of being readily opened.
20. The doors and doorways must be of such construction so as to permit a reasonably unrestricted access for passengers.

Other Fittings

21. The Licensed Vehicle must not at any time be fitted with a tow bar.
22. No fittings other than those approved by the Council should be attached to or carried upon the inside or outside of the vehicle.

Windows

23. Windows must be provided at the sides and rear of the Licensed Vehicle. At least one rear passenger window must be capable of being opened easily by passengers except where the vehicle has air conditioning fitted and in operation.

Glass

24. The windscreen, all windows and any other glass within the vehicle 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

Mirrors

25. Effective driving mirrors must be fitted (a) internally, adjacent to the Driver's seat and (b) externally, on the offside and nearside of the vehicle.

Visibility

26. The vehicle must be fitted with adequate devices for wiping, de-misting, de-frosting and washing the windscreen and with a sun visor adjustable by the Driver. Where a vehicle is fitted with rear windscreen wipers and washers, these must be maintained in satisfactory working order.

Horn

27. A single toned horn must be fitted.

Electrical Communications Apparatus

28. Any electrical communication system fitted to a Licensed Vehicle must be in an approved position.

Interior Lighting

29. Adequate lighting must be provided in the Licensed Vehicle.

Heating and Ventilation

30. An adequate heating and ventilation system must be fitted for the Driver and for the passengers.

Fire Appliances

31. An appliance for extinguishing fire must be carried in such a position as to be readily available for use and such appliances must comply with the requirements relating to fire extinguishing appliances for use on public service vehicles.

Electrical Equipment

32. All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected. All electrical circuits must be protected by suitable fuses.

Upholstery

33. Upholstery in the vehicle at the time of initial inspection must be of a material and design approved by the Council or Cab Inspector. After approval there must be no subsequent replacement of the upholstery without the further permission of the Council or Cab Inspector.

Luggage

34. Adequate provision must be made for carrying luggage and an effective method of securing it must be provided.

Notices etc

35. All notices displayed within the vehicle must be approved by the Cab Inspector and fitted in a position approved by him.

Advertising and Signage

36. With effect from 1 January 2012 no advertising or signage is permitted on any private hire cars apart from the signage referred to in conditions 37 and 38 of this schedule. All previously approved signage must be removed from vehicles by 1 January 2012 unless the vehicle is a Type 2 PHC.
37. From 1 January 2012 all private hire cars (with the exception of Type 2 PHCs) must display Private Hire Car Door Signs on both front doors identifying the vehicle as a PHC. In addition to these signs the Licence Holder may apply to the Chief Solicitor for permission to display another pair of signs giving contact details, hereinafter referred to as "booking office door signs" These booking office door signs are optional but if displayed must comply with Condition 38 below and the specification for each booking office door sign must be approved in writing by the Chief Solicitor before the signs are fixed to the Licensed Vehicle. The sign shall be affixed to the lower section of the front

doors of the Licensed Vehicle in a location approved by the Cab Inspector. For the avoidance of doubt no magnetic signs will be approved.

38. The booking office door signs referred to in condition 37 above shall:-
- (a) be the same dimensions as the door signs as the Private Hire Car Door Signs as approved by the Chief Solicitor;
 - (b) use a font type identical to that used in the Private Hire Car Door Signs;
 - (c) consist of black letters on a white background;
 - (d) have the name of the booking office (for restrictions see Condition 9 of the Private Hire Car conditions) and a telephone phone number only and no other signs or symbols;
 - (e) be adhesive.
39. Type 2 PHCs may display full livery advertising in relation to their own business only. Prior written approval is required from the Chief Solicitor. A detailed specification / drawings of the advertisement must be submitted to the Chief Solicitor with the appropriate fee.

SCHEDULE C

DRESS CODE AND ADVERTISING POLICY

1. DRESS CODE

All Drivers must comply with the following dress code while in charge of a taxi or private hire car -

- (a) appropriate dress -
- shirt or polo shirt with collar, blouse/skirt/dress with either short or long sleeves
 - Full length trousers/dark coloured jeans
 - Shoes or boots.
- (b) inappropriate dress
- tracksuits
 - denim type jeans/shorts/jogging trousers/three-quarter length trousers
 - vests/ t-shirts/sportswear with club colours
 - baseball caps or other sports hats
 - trainers/sandals

2 ADVERTISING POLICY

Taxis

- (a) no approval is required for advertising on the two front doors of a taxi (although the Council reserves the right to require the immediate removal of (a) any advertising on the front doors which would not be permitted in terms of condition 24 of the Taxi Licence Conditions, (b) any advertising which mentions private hire cars or (c) any advertising which does not comply with this policy).
- (b) there is a fee charged (which may be varied from time to time by the Chief Solicitor) for approval of full livery advertising on a taxi which would include adverts on the tip up seats (unless the vehicle is an identical replacement vehicle and identical advertising has already been approved; for the avoidance of doubt approval will still be required but no fee will be charged)
- (c) there is a fee charged (which may be varied from time to time by the Chief Solicitor) for approval of advertising on the sides of a taxi vehicle only (unless the vehicle is an identical replacement vehicle and identical advertising has already been approved; for the avoidance of doubt approval will still be required but no fee will be charged in these circumstances)
- (d) taxi advertising is restricted to the bodywork and tip up seats only and no advertising is permitted on the windows or interior glass
- (e) only one business or product can be advertised on any taxi vehicle

PHCs

- (a) Type 1 PHCs – no advertising is permitted, only approved signage, see conditions 36 - 38 of the Private Hire Car Licence conditions
- (b) Type 2 PHCs – are permitted to have full livery advertising to advertise their own business only. There is a one off charge for the initial approval of art work (which may be varied from time to time by the Chief Solicitor) and there will be no fee charged for any subsequent approval of identical artwork to be displayed on an identical model of vehicle. For the avoidance of doubt approval will still be required for all art work.

SCHEDULE D

COUNCIL POLICY RE SPECIFICATION FOR CCTV SYSTEMS WITHIN HIRE CARS /CCTV CONDITIONS

Minimum Specification for CCTV Systems Installed in Licensed Vehicles

Only systems which meet the following minimum requirements will be considered by the Council and may be approved to be installed in licensed vehicles –

The system shall as a minimum –

1. Meet the Information Commissioner's Office data protection requirements as specified in the current Code of Practice.
2. Be capable of date, time and vehicle identification text information.
3. Be capable of capturing images during daylight and darkness of a sufficient quality to enable identification of any person travelling in the vehicle and be of such a quality that they can be used for prosecution purposes.
4. Be capable of providing voice recording, which can be activity driven.
5. Be capable of recording and storing images for a minimum period of 7 days.
6. Have the integrity to prevent images being removed, downloaded or viewed by any person other than the nominated Council and Police staff.
7. Provide that images are only capable of being downloaded by a system administrator.
8. Be digitally encrypted.
9. Provide that the hard disk or data card is not able to be accessed by the Driver or any other person travelling in the vehicle.
10. Provide that the data unit is stored separately from the camera(s) and out of view of the person(s) travelling in the vehicle.
11. Provide that any equipment does not present any risk to any person travelling in the vehicle and as far as possible cannot be tampered or damaged by any person travelling in the vehicle.
12. Provide that any equipment installed in the vehicle shall be capable of withstanding and functioning if the vehicle stops suddenly or there is any impact.
13. Ensure that the area recorded by the camera does not extend outside of the vehicle.
14. Any system must be marked as complying with European Industry Standards.
15. Be designed for recording and post event investigation with no 'live' monitoring required.

16. Be capable of recording all person(s) travelling within the vehicle, including the Driver.
17. Be capable of providing images and sound in a format that is easily useable by the Police and the Court system (DVD format recommended).

Conditions

Additional conditions of licence which apply to taxi and private hire car licence holders and the Drivers of their vehicles when an approved CCTV system is installed within a hire car –

1. No CCTV system shall be installed in a vehicle if it does not meet the Council's specification detailed above.
2. No CCTV system shall be installed in a vehicle without the prior written consent of the Council.
3. No cameras shall be installed in the vehicle without the prior written consent from the Council as to the number and location of such cameras. The number and location of cameras shall not be varied without the prior written consent of the Council.
4. Any vehicle fitted with an approved CCTV system which has been given written consent by the Council whilst operating as a licensed vehicle, must carry within the vehicle an approval notice issued by the Council and be available for inspection by an Authorised Officer or Constable.
5. The Driver of any vehicle fitted with an approved CCTV system which has been approved by the Council, where it is found that the system is inoperative for any reason, shall not operate the vehicle under the terms of its licence until the system is fully functioning.
6. An advisory notice, provided by the Council, shall be displayed inside the vehicle on each of the rear side passenger windows. Such signs will be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The licence holder and Driver shall ensure that these are maintained in a clean and legible condition.
7. The licence holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to an Authorised Officer or Cab Inspector.
8. Upon request for image retrieval by the Cab Inspector or Authorised Officer the licence holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request.

9. The Driver of a licensed vehicle, not being the vehicle licence holder, shall upon request for image retrieval notify the licence holder without delay of such a request.
10. The vehicle licence holder shall ensure that the appropriate notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.