

**Licensing Committee****26 October 2011****Review of Taxi Tariffs and Taxi Rules – Consultation Phase**

TR-27-11-F

**Report Presented by Service Manager – Air,
Bus and Vehicle Fleet****Transport
Infrastructure Services Department****1.0 Summary**

- 1.1 Shetland Islands Council, as Licensing Authority, is required in terms of Section 17 of the Civic Government (Scotland) Act 1982 to review maximum tariffs, which may be charged by taxis and private hire cars fitted with taximeters, at intervals not less than 18 months.
- 1.2 The report outlines the consultation requirements and the timeframe to ensure it is carried out in as timely a manner as possible.

2.0 Decision Required

- 2.1 It is recommended that, subject to any amendments considered appropriate, the Committee approve:
 - (i) The proposed maximum taxi tariffs for the next 18 months and the proposed rules prior to their use in the consultation exercise and
 - (ii) The methodology and dates laid out in paragraphs 3.6 to 3.12 below for the statutory one-month consultation.

3.0 Detail

- 3.1 The last review took place in March 2010 and was reported on 30 April 2010 (Licensing Sub-Committee Min, Ref, 3/10). On 9 December, 2010, following concerns from the Shetland Taxi Operators Association (STOA) that some charges were too high, changes were made to the Tariffs and to standards and inspections. (Licensing Sub-Committee Min. Ref. 11/10). A review is now due. This report outlines the process for formal consultation and the proposed maximum tariffs, based on informal discussions with operators. Appendix 1 details the proposed rates.

- 3.2 The current rules have been in force for a number of years. A number of the rules are no longer fit for purpose. The current rules would benefit from being reviewed.
- 3.3 Informal discussions with operators and colleagues have formed the basis of the proposed rules, which now need to be consulted on. Appendix 2 details the proposed rules.
- 3.4 These comprise a set of Procedures, Standard Terms and Conditions for Licences, and a Code of Practice/Dress Code for Drivers at Sumburgh Airport.
- 3.5 To comply with legislation, the taxi tariff review must follow a set procedure.
- 3.6 As a starting point for the statutory one-month consultation, the new maximum fare levels contained within this report are those proposed by the Shetland Taxi Operators Association (STOA), unless stated otherwise.
- 3.7 It is anticipated that responses will be made by taxi owners, users and contracting bodies. Such responses will allow Officers to gauge opinion and potential impacts and make recommendations.
- 3.8 There is a statutory one-month consultation period. I suggest the one-month period formally commences on Friday 31 October 2011.
- 3.9 The closing date of the consultation shall be Wednesday 30 November 2011.
- 3.10 All submissions should be made to the Service Manager – Air, Bus and Vehicle Fleet.
- 3.11 Submissions will be reported to the Licensing Committee, with final maximum tariff recommendations on 6 December 2011.
- 3.12 New maximum tariffs will be implemented on Monday 9 January 2012.

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Priorities – The recommendations in this report would contribute to the Corporate Improvement Plan priority 1.5, of ensuring Community Safety.
- 4.2 Community /Stakeholder Issues – No data is available as to whether Shetland has a higher proportion of longer distance hires than other Councils. If the proportion is higher, a judgment needs to be taken as to whether the increases proposed will have the effect of disadvantaging sections of the public and decreasing the taxi operator's income.

It is important to note in the table, appendix 1, that the figures included do not take account of when each Council reviewed their rates, nor does it take account of the rural/urban locality of each Council.

Shetland currently ranks 245th of 377 Licensing authorities in terms of taxi tariffs. (Source: *Private Hire Car and Taxi Monthly*, where 377 is the lowest and 1 is the highest fare). The proposed amendments will raise it up the league table to be above the average, at circa 125th to 135th of 377.

It is worth noting that *Private Hire Car and Taxi Monthly* benchmark their League table based on Rate 1 at the “2-mile” tariff. This may not be the best benchmark for Shetland.

4.3 Policy And/Or Delegated Authority – The Licensing Committee has delegated authority to discharge the functions of the Shetlands Islands Council. The Committee’s authority is in accordance with the Licensing Scheme of Delegations attached as Appendix 2 to the Council’s Scheme of Administration and Delegations.

4.4 Risk Management – The main risk in this area of Taxi Licensing is that tariffs are set so high as to dissuade usage, particularly in terms of knock on effects for drink driving, or social inclusion.

Alternatively, tariffs are set so low, in relation to fuel costs, as to make operating taxis un-economical.

4.5 Equalities, Health And Human Rights – As Risk Management

4.6 Environmental – None

Resources

4.7 Financial – None

4.8 Legal – None

4.9 Human Resources – None

4.10 Assets And Property – None

5.0 Conclusions

5.1 The Committee is required to review maximum tariffs which may be charged by taxis and private hire cars fitted with taximeters. The Committee is asked to consider each appendix and determine whether to approve the use of the proposed maximum tariffs and rules for consultation purposes.

For further information please contact:

David Polson – Service Manager, Air Bus & Vehicle Fleet

01595 744225 david.polson@shetland.gov.uk

12 October 2011

List of Appendices

Appendix 1 – Proposed Rates

Appendix 2 – Proposed Rules

END



Shetland Islands Council

Taxi Tariffs**9th January 2012 to 30th June 2013**

	Current	January 2012 Proposed	Notes
--	---------	--------------------------	-------

**Rate 1:
0600-2159**

For the first three quarters of a mile or part thereof

£3.00**£3.50**

For each additional quarter mile or part thereof

£0.40**£0.40****Rate 2:
2200-0559**

For the first three quarters of a mile or part thereof

£3.50**£4.00**

For each additional quarter mile or part thereof

£0.50**£0.50****Christmas and New Year****Rate 3: 0600-2159
25 and 26 December
(50% Surcharge)**

For the first three quarters of a mile or part thereof

£4.50**£5.25**

For each additional quarter mile or part thereof

£0.60**£0.60****Rate 4: 2200-0559
1 and 2 January
(50% Surcharge)**

For the first three quarters of a mile or part thereof

£5.25**£6.00**

For each additional quarter mile or part thereof

£0.75**£0.75****Waiting Time****£19.00** per hour or **£0.32** per minute**£20.00** per hour or **£0.40** per minute**Cleaning Charge**

If car is soiled by passenger

£37.00**Minimum of £40.00 or cleaning materials + £20.00 per hour****Passenger Surcharge**

For the carriage of five or more passengers for the fifth and subsequent passengers

£1.80**£2.00 per passenger per journey****Tour Guide Rate**

When acting as a tour guide for an individual or as an agent

N/A

£35.00 per hour + Passenger Surcharge of, £2.00 per passenger for the carriage of fifth passenger and subsequent passengers**Note**

(All fares are inclusive of VAT)

DRAFT v3 Report Appendix 1

	Rate 1 (06:00 – 21:59)						Rate 2 (22:00 – 05:59)					
Shetland	1 st ¾ Mile	1 Mile	2 Mile	5 Mile	10 Mile	20 Mile	1 st ¾ Mile	1 Mile	2 Mile	5 Mile	10 Mile	20 Mile
Current	£3.00	£3.40	£5.00	£9.80	£17.80	£33.80	£3.50	£4.00	£6.00	£12.00	£22.00	£42.00
Proposed	£3.50	£3.90	£5.50	£10.30	£18.30	£34.30	£4.00	£4.50	£6.50	£12.50	£22.50	£42.50
Increase	16.7%	14.7%	10.0%	5.0%	2.8%	1.5%	14.3%	12.5%	8.3%	4.2%	2.3%	1.2%

Please note the increases below from Spring 2010

	7%	11%	10%	12%	13%	N/A	17%	18%	20%	22%	24%	N/A
--	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

	Rate 1 (06:00 – 21:59)						Rate 2 (22:00 – 05:59)					
	1 st ¾ Mile	1 Mile	2 Mile	5 Mile	10 Mile	20 Mile	1 st ¾ Mile	1 Mile	2 Mile	5 Mile	10 Mile	20 Mile
National Lowest	£1.40 St Helens March 2011	£1.80 Bolsover Oct 2002	£2.80 Bolsover Oct 2002	£5.80 Bolsover Oct 2002	£10.30 Hartlepool Aug 2008	N/A	£1.50 St Helens March 2011	£2.25 S Kesteven Nov 2008	£4.20 Bolsover Oct 2002	£8.50 Inverclyde Nov 2010	£15.40 Hamilton March 2007	N/A
National Average	£2.59	£3.51	£5.24	£10.42	£19.22	N/A	£3.44	£4.66	£6.92	£13.73	£25.28	N/A
Shetland Proposed	£3.50	£3.90	£5.50	£10.30	£18.30	£34.30	£4.00	£4.50	£6.50	£12.50	£22.50	£42.50
National Highest	£4.00 Luton Airport April 2009	£5.00 Slough July 2008	£6.80 Colchester Aug 2008	£15.49 Kerrier Jan 2011	£30.99 Kerrier Jan 2011	N/A	£6.10 Luton Airport April 2009	£6.75 Harrogate April 2011	£12.38 Kerrier Jan 2011	£30.98 Kerrier Jan 2011	£62.86 High Peak June 2011	N/A

Please read the consultation questions below and send your replies to:

Service Manager – Air, Bus and Vehicle Fleet
Shetland Islands Council
20 Commercial Road
Lerwick
Shetland
ZE1 0LX

Or, email david.polson@shetland.gov.uk

Consultation Questions:

1. Do you agree with the start and finish times of Rates 1 and 2? What would you suggest and why
2. Do you agree with the percentage surcharge for Rate 3? What would you suggest and why
3. Would you prefer another system, other than a surcharge for Rate 3? What would you suggest and why
4. Is $\frac{3}{4}$ of a mile 'Flag' the best distance to base the tariff on? What would you suggest and why
5. Is the proposed $\frac{3}{4}$ of a mile 'Flag' for Rate 1 too high or low? What would you suggest and why
6. Is the proposed $\frac{3}{4}$ of a mile 'Flag' for Rate 2 too high or low? What would you suggest and why
7. Is the proposed $\frac{1}{4}$ of a mile rate for Rate 1 too high or low? What would you suggest and why
8. Is the proposed $\frac{1}{4}$ of a mile rate for Rate 1 too high or low? What would you suggest and why
9. Do you feel that the cleaning charge is set at the right level? What would you suggest and why
10. Is the passenger surcharge set at the right level? What would you suggest and why

11. Do you feel there should be a tour guide rate?

12. If not, what should there be?

13. Do you feel the Tour Guide rate is at the right level? What would you suggest and why

14. What impact do you think these rate changes will have on business travel?

15. What impact do you think these rate changes will have on evening and social travel?

16. What effect shall these changes have on your business?

17. Do the changes take into account fuel price changes?

18. Should there be a fixed rate from Sumburgh Airport to Lerwick Town Centre, if so, what should the rate be?

19. Please let us know any other thoughts you may have.



Shetland Islands Council

As Licensing Authority has issued the following set of Procedures, Taxi/Private Hire Car Licensing Terms and Conditions and Code of Conduct for Taxi/Private Hire Car Drivers

Grant or Renewal of a Taxi Drivers / Private Hire Car Drivers Licence

Under the Civic Government (Scotland) Act 1982, Licensing Authorities may be required to make judgements as to whether individuals are 'fit and proper persons' to be the holders of taxi/private hire car drivers licences. To ensure that this can be done the following process is undertaken for all first time licence holders (Grants) and licence renewals (Renewals)

Applications

Notes to applicants:

Under 21s

While there is no lower age restriction on gaining a taxi/private hire car driver licence, prospective applicants under 21 should be aware that the cost of obtaining insurance is likely to be prohibitively expensive, if it is even available. It is strongly advised that applicants obtain quotes from insurance companies, or have an employer who is willing to accept the additional cost of insurance.

Under 25s

Drivers between 21 and 25 are also advised to obtain insurance quotes, or have an employer who is willing to accept the additional cost of insurance. Insurance for taxi/private hire car drivers is more readily available, but may still be prohibitively expensive.

It is recommended that prospective applicants make an appointment with the Officer administering the Licensing Scheme prior to making an application. This will ensure that all aspects of the scheme, the responsibilities of the driver/operator, the application process and the requirement to make full disclosure are understood.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

The applicant should comply with the following:

- Minimum time of holding a full driving licence: throughout 12 months immediately preceding the date of the application.
 - UK and all EU driving licences are acceptable. EU driver licence holders should apply to DVLA, Swansea, for a new UK Licence within 12-months of commencing driving a taxi/private hire car.
- Applicants must complete the appropriate forms in full, including making full disclosure of all previous motoring and non-motoring convictions.
 - Foreign Nationals (i.e. Non-UK, including EU residents) are required to produce a 'Certificate of Good Conduct', which is available from their embassy.
- Applicants must provide the non-refundable application fee.
- Applicants must provide four passport photos.
- Pass an initial medical examination. Organised through Shetland Islands Council.

A copy of the application form plus one of the photos is passed to Northern Constabulary, usually on a Friday for background checks to be made.

- It can take up to 28 days for the Police to return their observations.

Hearing or Approval Process

If the information provided on the application, or Police observations requires a decision to be made by the Licensing Committee, then the applicant will be informed by letter. This will include:

- Details of the Police observations,
- Time and date for the Licensing Committee hearing, and
- Information on his/her rights to attend and be represented.

The applicant will have at least 14-calendar days notification before the date of the meeting

The Committee may decide to grant or renew a licence for a period of three years, or for such shorter period as they may decide, or may decide to refuse to grant or renew a licence on one of the relevant grounds of refusal, such as that the applicant is not a fit and proper person to be the holder of the licence.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

For first time applicants (Grants):

- All previous convictions can be taken in to account, regardless of the date or nature of the offence.
- A duly delegated officer of the Council has the authority to grant new licences, but should ensure that there is consistency in what convictions/applications are laid before the Licensing Committee.
- As a general guide, the Officer should consider passing an application to the Licensing Committee for decision, where there are motoring offences of 7 penalty points or more within the last 6 years, any drugs related, dishonesty or violent convictions within the past 10 years, or where there are a number of lesser offences which aggregate to such an extent as to cause concern.
- In all cases where the duly delegated officer has doubt, the application should be referred to the Licensing Committee for decision.

For renewal applications:

- All convictions since the commencement of the current (licence to be renewed) licence shall be taken into account.
- A duly delegated officer of the Council has the authority to grant new licences, but should ensure that there is consistency in what convictions/applications are laid before the Licensing Committee.
- As a general guide, the Officer should consider passing an application to the Licensing Committee for decision, where the current Licence's duration is three years AND there are motoring offences of 5 penalty points or more for a single offence, or 7 points or more for two offences, any drugs related, dishonesty or violent convictions within the three year period, or where there are a number of lesser offence which aggregate to such an extent as to cause concern.
- Where a Licence has been granted for a period of less than three years by the Licensing Committee (typically one-year), the Officer should consider passing an application to the Licensing Committee for decision, where there are motoring offences of 4 penalty points or more for a single offence, any drugs related, dishonesty or violent convictions within the three year period, or where there are a number of lesser offences which aggregate to such an extent as to cause concern.
- In all cases where the duly delegated officer has doubt, the application should be referred to the Licensing Committee for decision.

If the Committee refuse the application the fee is not refunded.

Where the application appears suitable and there is no objection or adverse representation in any Police observations, the grant or renewal application will be authorised by an Officer of the

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

Council. The licence will be produced and shall be valid for three years. The taxi badge is laminated (there is a charge for replacement badge); this is then posted out to the applicant.

Suspensions

The Licensing Committee has the power/discretion to suspend a Licence on the grounds of serious concern to public safety, or that a licence holder is no longer a 'fit and proper person' to be the holder of the licence, where it receives credible information regarding the conduct of a driver or operator. A suspension on public safety grounds can last up to six-weeks and the licence holder does not need to be present.

Appeals

Applicants whose applications are refused, following appearance at a Committee hearing, have a right of appeal to the Sheriff.

Licence holders who are suspended or have their Licence revoked may also appeal to the Sheriff.

Aggrieved applicants or licence holders who wish to appeal should seek independent advice from the Citizens Advice Bureau or a solicitor.

Complaints about the conduct of Shetland Islands Council acting as Licensing Authority

Should there be dissatisfaction at the level or speed of service, or that the rules have been misapplied by Officers or the Licensing Committee, an individual may wish to lodge a complaint.

Copies of the Complaints Procedure, Complaints Leaflet and complaints Form are available from all Council offices and the Citizens Advice Bureau.

Complaints about the conduct of taxi/private hire car drivers or operators

All complaints must be made in writing. Council Officers may pass complaints made to the Licensing Committee.

Where an investigation takes place, the findings shall be reported to the Licensing Committee. Where the Committee decides there is a case to answer, the driver/operator shall be required to attend a hearing.

If the investigation reveals information of a serious nature, the Licensing Committee may decide to suspend the licence at a hearing.

Medicals

A taxi or private hire car driver who is applying for the grant of a licence must satisfy the Licensing authority that he/she is physically fit to drive.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee and have their licence suspended.

At age 60 the applicant is required to have a medical for the purpose of satisfying the authority that he or she is physically fit to drive a taxi or private hire car as the case may be. This will cover the applicant until the age of 65 and then it is required that a medical be passed each year and the licence will only be issued for that current year.

- *The Council, as Licensing Authority may issue reminders, however all licences and medical certificates are the responsibility of the Licence Holder. The Council accepts no responsibility for any Licence or Certificate that has expired.*
- *It is illegal to operate a taxi or private hire car without the correct and valid licences.*

Taxi/Private Hire Car Driver Training

- First time applicants for a taxi/private hire car driver training must undertake training within three months of receiving their licence.
- The training should will cover:
 - Basic knowledge of Shetland, Lerwick and Scalloway geography
 - Knowledge of the taxi/private hire car driver and operator rules, including duties and responsibilities of drivers
 - Knowledge of the taxi meter and tariffs
 - Basic customer care/dealing with difficult passengers
 - Driving style, behaviour and fuel efficient driving
- The training will consist of approximately one hour of theory and one hour practical.
- Existing drivers (those whose licences were granted before 09 January 2012) will have to undergo the training by 09 January 2014

Vehicles

Procedure for Taxi or Private Hire Car Licensing

The applicant should fill in the appropriate form for either a Taxi car (Hackney Cab) or Private Hire Car

The car should be within specified guidelines found below.

- The car should possess a current MOT; In the case of Taxis and Private Hire Cars, this applies to any car over one year old.
- The car requires to pass a Taxi/Private Hire Car inspection at the Council Garage – This is a different inspection from a MOT. The owner should make an appointment with the Garage, Lerwick 744133. The inspection incurs a standard hourly rate charge.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

- A copy of the MOT certificate and insurance details must be provided with the application. The garage inspection report should be kept.
- Copy of Registration Document V5

“TAXI” sign

- The car requires a taxi sign. Signs are provided by the Council and are fitted for a set fee.
- The word “TAXI” has to be on the front of the sign.
- Where space allows, the trading name of the taxi operator may be substituted for the word “TAXI”.
- In any event there shall be no more than two words on the front of the sign.
- Only the phone number of the taxi operator is allowed on the back of the sign.
- Taxi signs become the property of the car owner and are not refundable. Taxi signs can be sold privately to any other operator.
- **Grandfather Rights:** Should any operator have taxi signs that do not comply with the above description at 01 December 2011 the operator may keep and continue to use their taxi signs until their vehicle is replaced. Any new taxi sign must conform to the above description.

Taxi Meter

- If a meter is also required for using the car as a taxi (not a private hire car) then this can be fitted at the Council Garage by arrangement.
- To ensure quality and compatibility, a meter may be bought from the Council, or second hand from an existing or ex-Shetland Islands Council taxi vehicle licence holder. Advice may be sought from the Council Garage on 01595 744133.
 - Due to problems with compatibility and quality, taxi operators may not purchase meters for use in Shetland from other sources.
- Meters bought from the Council will be charged at cost, which shall include a handling/administration charge.
- Meters shall be fitted by the Council at a standard hourly rate charge. Advice should be sought from the Council Garage by prospective operators as to which vehicles can have meters fitted with minimum effort.
- Taximeters become the property of the car owner and are not refundable. Taximeters can be sold privately to any other operator.
- Faults and failures of taximeters should be reported to the Council Garage immediately on 01595 744133, or on the on 24/7 on call number: 07*** *** *** (*NOTE: to be confirmed post consultation*)

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

- NOTE: Radio/CD Player Key Codes must be made available to the Council garage. This is due to radios/CD Players having to be disconnected in the process of fitting a new meter.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

Taxi/Private Hire Car Plates

- Taxi/Private Hire Car Plates will be provided by the Council and must be returned when a vehicle is changed or the operator ceases trading.
- Plates shall remain in Council ownership
- Where a vehicle is SORN'd (Statutory Off Road Notice) or is sold and is no longer being used as a taxi/private hire car, the operator must inform the Council and return the plates.
 - The exception to the above is where the car is SORN'd or is sold and an operator is awaiting the delivery of a substitute vehicle. In such cases the operator must inform the Council. However, the plates may be retained for the substitute vehicle, for a period not exceeding 6 months from the date of notifying the Council.
 - If the period of times exceeds 6 months, the plate and vehicle licence will be deemed to have expired.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

Vehicle Licences and Inspections

- The operator will receive a licence for the vehicle when all checks have been passed and proof of ownership and appropriate insurance has been seen and copied.
- The licence remains in force for 1 year only and is then subject to renewal.
- As Licensing Authority, the Council may send out reminders to operators. However, the responsibility rests with operators to ensure that their vehicles have the appropriate licences, inspections and insurances. It is an offence to operate a taxi with expired or invalid certification.
- All Taxis and Private Hire Cars must be inspected at the Council Garage (or any garage permitted by the Licensing Authority) at periods not exceeding 12-months. The inspection incurs a standard hourly rate charge.
- All Taxis must have a walk-round inspection, carried out by Council Garage (or any garage permitted by the Licensing Authority) at periods not exceeding 6-months. The 6-monthly inspection does not incur any charge.
- Neither the 12-month or 6-month inspections are MOTs, but they are legal requirements.
- The engineer conducting the inspection may make observations, or place a 28-day notice on the vehicle, in which repairs/modifications must be made.
- Where there is disagreement between the engineer conducting the inspection and the operator, the operator may request that a second engineer, workshop supervisor or Transport Manager provides a second opinion. The purpose of this is to ensure the consistency of inspections.
- A 28-day notice may be extended by the inspecting engineer if he/she can satisfy themselves that the vehicle is intrinsically roadworthy, but repairs will take longer than 28-days. E.g. where body shops are fully booked, or panels have a long lead time.

MOTs

- MOTs are required every 12-months for taxis and private hire cars, the first MOT is due 12-months after first registration.
- MOTs can be carried out by any garage that is authorised by the Vehicle and Operator Services Agency (VOSA) to do so.
- MOTs can be booked up to 28 days in advance.
- A valid MOT must be presented to the Council in order for the vehicles taxi/private hire car licence to be valid

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

Spot Check Inspections

- The Council retains the right to undertake random spot checks of vehicles. However, this shall be done with sensitivity to the commercial requirements of operating a taxi.
- The Council may undertake spot checks on individual vehicles where there is cause to do so.

Substitute Vehicles

- Where an operator wished to substitute a vehicle on an existing licence, the applicant should fill in the substitute vehicle form.
- There is a fee for doing this.
- The car must pass the Council Garage inspection.
- The car must be less than 4 years old, or must be registered later than the vehicle which is being substituted, whichever is the lesser age of substitute vehicle
- The same rules apply as renewal/grant, i.e. a copy of the current MOT, car registration document, appropriate insurance details and garage inspection report should be kept.

Damage

- In the event of a taxi or private hire car being damaged, howsoever and wheresoever occurring, the operator must report the damage to the Council Garage.
- The vehicle shall be inspected.
- The operator will either have the licence suspended until repairs are made, or will be issued a 28-day notice form.
- A 28-day notice will require that the damage to the car is fixed within 28 days and must be inspected by Council Garage prior to removal of the 28-day notice, failing which the licence will be deemed to be suspended. It is an offence to operate a taxi/private hire car with a suspended licence.
- If the accident is severe then the taxi licence can be suspended until the repair work has been carried out. The vehicle will then be subject to a full inspection at the Council Garage and the inspection fee would have to be paid.
- Where there is disagreement between the engineer conducting the inspection and the operator, the operator may request that a second engineer, workshop supervisor or Transport Manager provides a second opinion. The purpose of this is to ensure the consistency of inspections.
- A 28-day notice may be extended by the inspecting engineer if he/she can satisfy themselves that the vehicle is intrinsically roadworthy, but repairs will take longer than 28-days. E.g. where body shops are fully booked, or panels have a long lead time.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee and have their licence suspended.

Convictions – Of all types, plus Driving Offences

- If during the currency of the licence, the holder is convicted of any offence, they shall, within 28 days, provide full details of such convictions to the Licensing Authority.
- Dependent on the nature of the offence, the licence holder may be subject to a report to the Licensing Committee.

Change of Address

The driver of a taxi who changes his/her address shall within 14 days thereafter give notice thereof to the Licensing Authority and shall produce his/her licence to the Licensing Authority who shall endorse thereon the particulars of such change of address.

Driver and Vehicle Renewals

Renewal of both driver and vehicle licences is the sole responsibility of the licence holder. The Council may, but shall be under no obligation to, send out reminders 4-6 weeks before the expiry of the licence. However, the Council will not accept responsibility for undeliverable or lost mail.

Renewals should be lodged at Shetland Islands Council Transport Services, 20 Commercial Road, Lerwick ZE1 0LX at least 21 days before the date on which the licence is to commence.

Licences that are not renewed by the expiry date will be deleted from the Licensing database and the lapsed licence details shall be reported to the police.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

Guidelines Relating to Standard of Vehicles Licensed as Taxis and Private Hire Cars

Advice should always be sought from the Council Garage with regard to the appropriateness of a vehicle for use as a taxi/private hire car, with regard to the following requirements, or suitability to install a meter.

The Council accepts no responsibility for the purchase of any vehicle bought with, or without, advice of the Council Garage that fails to meet the requirements set out below.

Operators must apply for a vehicle licence grant or substitution with a minimum of 21 days notice prior to the date that they wish to commence using the vehicle.

No licences or plates will be produced after 16:00

Age of Vehicles	<p>Vehicles must be no more than 2 years old if application is for a GRANT of a taxi/private hire car licence.</p> <p>Vehicles must be no more than 8 years old if applicant is RENEWING a taxi/private hire car licence.</p> <p>A substitute vehicle must be of equivalent age or newer than the existing vehicle, unless the existing vehicle is over 4 years old, in which case the substitute vehicle must be no more than 4 years old.</p> <p>A private hire car can only be switched to a taxi, or vice versa, where the vehicle is no more than 2 years old</p>
Engine Size	<p>Taxis – Minimum 100bhp/75kW</p> <p>Private Hire Cars – Minimum 100bhp/75kW</p>
4 Passenger Seat vehicle	<p>Minimum Four door.</p> <p>Minimum Four passengers to be seated comfortably.</p> <p>Minimum measurement across rear seat – 138cm.</p> <p>Minimum headroom from front centre of rear seat to roof – 80cm.</p> <p>Minimum headroom from rear centre of rear seat to roof – 85cm.</p>
Luggage Space/Capacity	<p>Minimum 450 litres for a saloon car, or for a people carrier with the rear seats mover forward</p>
5 to 8 passenger seat vehicles	<p>As above, plus rear seats (seats which would traditionally be said to be in the luggage compartment) must have 3-point seat belts and foot wells.</p>

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

Other vehicles may be permitted, with or without restrictions, on a case-by-case basis.

Vehicles that do not meet the minimum dimensions may have restrictions placed upon them, with regard to maximum permissible passengers.

Electrical, hybrid or other non-standard low emission vehicles, plus pick-ups with canopies, 4x4s, SUVs, vehicles for contracts or tourism etc will be considered on a case-by-case basis

Upholstery and Carpets Clean, no tears, no stains, no odours

Seat belts Must be fitted for each passenger as shown on licence plate.
Mountings/condition/operation to be checked

Interior Signage/
Licensing Interior licence plate to be displayed.
Location of First Aid Box to be clearly indicated

List of fare scales to be displayed.

Fire extinguisher Minimum requirement

- 1 kilo dry powder or foam
- BS 5423
- To be securely fitted
- To be in date
- To be complete
- To have a pressure gauge

First Aid Box Minimum requirement

- Must comply with Road Traffic Act (1986)
- All contents must be in date
- 1 x guidance card,
- 10 x antiseptic wipes,
- 24 x washproof plasters,
- 5 x dressings,
- 1 x scissors,
- 2 x triangular bandages,

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

- 1 x conforming bandages,
- 2 x safety pins,
- 2 x No16 Eye Pad Dressing,
- 2 x Non Woven Triangular Bandage 96 x 96,
- Safety Pins Assorted x 12,
- 3 x Medium Dressing 120 x 120 mm,
- 3 x Large Dressing 180 x 180 mm,
- Green First Aid Box
- Note: Any first aid box, which has been sold to comply with Road Traffic Act (1986) regulations and is clearly marked as a compliant first aid kit is an acceptable alternative to the above. However, the contents of the box must be noted and all items must be present and in date.

Engine/chassis	Must be cleaned to acceptable standard before inspection
Radio/CD	Radio/CD Player Key Codes must be made available to the Council garage. This is due to radios/CD Players having to be disconnected in the process of fitting a new meter.
Body work	<p>Bodywork must be clean and polished at all times when on duty</p> <p>No structural rust and no damage to doors, panels, bumpers or trims</p> <p>Scratches of less than 100mm in length, or an area of 75mm by 25mm, to paint work that does not break the undercoat may be passed during the 6-monthly inspection, but must be competently touched-up/resprayed by the 12-monthly inspection. In all cases, the decision of the Council Garage Engineer is final.</p> <p>Bumpers and bonnets may have minor stone chips and scratches, but these must be competently touched up. Given the areas involved, there may be a cumulative effect, which may require the bumper or bonnet to be resprayed. In all cases, the decision of the Council Garage Engineer is final.</p> <p>Taxi sign fitted</p> <p>SIC licence plate to be displayed on rear of vehicle</p>
Tyres	Minimum 1.6mm; observations made at 2.0mm

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

To meet all other legal requirements (Given the high mileages of many taxis, the 2.0mm observation provides the taxi operator with time to obtain tyres while legally continuing the activity)

All Taxis and Private Hire Cars must fit winter/all-weather tyres between November and March. The Licensing Authority recognises that availability of winter/all-weather tyres is an issue. Therefore, providing operators can provide evidence that they have tyres ordered and submit their tyres for inspection once delivered and fitted, the issuance of 28-day notices shall not take place.

Grandfather Rights: Should any operator have a Taxi/Private Hire Car that does not comply with the engine or luggage compartment capacities, or with the rear headroom/legroom or width requirements at 01 December 2011, the operator may keep and continue to use their taxi/private hire car until their vehicle is replaced. Any new taxi/private hire car must conform to the above minimum capacities and minimum dimensions.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

CONDITIONS RELATING TO TAXIS AND PRIVATE HIRE CARS LICENSED UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982

1. The driver of a taxi/private hire car shall at all times, while he/she is in charge of a taxi/private hire car being used as such, have with him/her the taxi/private hire car driver's licence or such other means of identification issued by the licensing authority and he/she shall exhibit such licence or identification, on demand, to any passenger, constable or authorised officer of the licensing authority. The identification issued by the licensing authority shall include the driver's name, a recent photograph showing his/her true likeness and the date on which the licence expires.
2. The driver of a taxi/private hire car shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire his/her taxi, which he/she has accepted, unless prevented by sufficient cause.
3. The driver of the taxi shall operate on shared hire only with the consent of the first hirer or passenger, even if there is displayed on the taxi sign or other thing approved by the licensing authority indicating that the taxi is available for shared hire; but he/she shall not be required to operate on shared hire if no such sign or other thing is displayed on the taxi at the time of the initial hiring.
4. The driver of a taxi/private hire car, which is on exclusive hire, may not, in any circumstances, pick up or convey another passenger without the consent of the original hirer(s) or passenger(s).
5. The driver of a taxi/private hire car shall not at any time convey in the taxi/private hire car more than the number of passengers the taxi/private hire car is licensed to carry. For the purpose of this condition no account shall be taken of any children under two years, provided that each child under two years is accompanied by an adult.
6. The driver of a taxi /private hire car, which has been hired on exclusive hire, shall drive to the destination by the shortest practical route unless otherwise instructed by the hirer. The driver of a taxi/private hire car, which has been hired on share hire, shall take the shortest practical route that will service the destinations of all the passengers whom he/she is carrying at any one time.
7. The driver of a taxi not being used as a taxi-bus/private hire car shall, if the cost of the journey is not regulated by a licensing authority fare structure, inform the hirer(s) or passenger(s) before the journey commences (a) that the fare is not so regulated; and (b) the cost, or the method of calculating the cost, of the proposed journey.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

8. For taxi hires made by telephone or other means of electronic communication. A taxi operator may charge an extra tariff, at no more than the maximum metered rate, for a hire that commences at a significant distance from their base, or current location AND is going to a location further away.
 - a. For this extra tariff to be levied, there must be an explicit agreement between the operator and the person requesting the taxi regarding the extra tariff prior to the hire being accepted.
 - b. Attempting to levy an additional hire once the hire has commenced is absolutely forbidden.
 - c. For operators in Lerwick, no extra tariff may be levied for hires that commence anywhere on the Lerwick side of the Brig of Fitch to the north, west end of B9073 (Black Gaet) to the west and Brindister to the South.
9. The driver of a taxi/private hire car shall ensure that any taximeter fitted in the taxi/private hire car shall be operated at all times within the licensed area.
10. The driver of a taxi/private hire car shall from time to time, and at least once in each day, in which he/she uses the taxi/private hire car, inspect the seals on the taximeter to ensure that they are intact. On discovering that the seals have become broken or damaged, or that the taximeter has ceased to function correctly, the driver shall immediately withdraw the vehicle from service.
11. Subject to conditions 12 and 13 the driver of a taxi shall not refuse to drive a passenger to any place within the licensed area.
12. The driver of a taxi on shared hire may decline to accept a further passenger on the grounds that his/her intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers, or that further passenger's luggage cannot be accommodated safely within the luggage compartment of the taxi.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

13. The driver of a taxi/private hire car need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried, or whose condition or clothing is offensive or likely to cause damage to the interior of the taxi/private hire car, or who refuses to cease smoking in the taxi/private hire car when requested to do so by the driver, or is accompanied by any animal (other than a guide dog) which is likely to damage or soil the interior of the taxi/private hire car, or for any other reasonable excuse.

The driver of the taxi/private hire car shall carry guide, hearing and other assistance dogs accompanying disabled people, and do so at no extra charge.

The Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulation 2003, places a duty on taxi drivers, through imposition of licensing conditions, to carry a disabled passenger's guide dog and to allow the dog to remain with the disabled person and not to make any additional charge for carrying the dog.

The regulations allow for a taxi driver to be exempted on medical grounds, e.g. if the driver suffers from severe asthma, which is aggravated by contact with dogs.

Accordingly, unless the medical exemption ground applies, taxi drivers are bound to carry the guide dog with the passenger.

14. The driver of a taxi/private hire car, while he/she is in charge of the taxi/private hire car, shall not canvass or importune in any public place for employment, except where the taxi/private hire car is being operated on shared hire, to such extent as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers) who wish to participate in the shared hire of the taxi/private hire car.
15. The driver of a taxi/private hire car shall not refuse to carry luggage in his/her taxi/private hire car provided that the said luggage can be accommodated safely within the luggage compartment of the taxi/private hire car.
16. The driver of a taxi/private hire car shall give such assistance as he/she is able to give with loading and unloading luggage when required to do so but he/she shall not be required to leave the immediate proximity of the taxi/private hire car in doing so.
17. The driver of a taxi/private hire car, at the end of his/her shift, shall search the taxi/private hire car of which he/she is in charge for any property that may have been left therein. Any property found by the driver shall, within 24 hours, be returned to the owner of the property if known or such property shall be handed in by the driver to any police station.
18. The driver of a taxi/private hire car, while plying for hire or carrying a passenger, shall be clean and tidy in his/her person and clothing, shall conduct himself/herself in a proper and civil manner and, while carrying a passenger, shall not smoke.
19. The driver of a taxi/private hire car shall not knowingly allow the taxi/private hire car in his/her charge to be used for illegal or immoral purposes, permit to be carried in the taxi/private hire car in his/her charge any article of a dirty, filthy or noxious nature, or of

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee and have their licence suspended.

an explosive or dangerous nature, or permit to be carried in the taxi/private hire car in his/her charge any person who has vermin on his/her person.

20. The driver of a taxi/private hire car shall ensure that the taxi/private hire car, including all bodywork, upholstery and fittings, is in a safe and serviceable condition, and subject to prevailing road conditions, is in a clean condition.
21. Unless the licensing authority makes specific arrangements for particular stances, when a taxi is driven off a stance, the driver of the taxi immediately behind shall draw up his/her vehicle to take the place vacated, and the taxi drivers on the stance behind shall draw up their vehicles in a like manner.
22. The driver of a taxi which is being operated on shared hire may wait at a stance only for such time as is reasonably required to ascertain whether there are any prospective further passengers (in addition to an existing passenger or existing passengers) in the immediate vicinity of the stance at the time who wish to participate in the shared hire of the taxi; but if no such further passengers are found there and then, the driver shall immediately drive off his/her taxi from the stance.
23. The driver of a taxi, when the taxi is hired or standing for hire, shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period he/she may be absent to announce the arrival of his/her taxi to the hirer or when assisting the hirer with luggage to or from the taxi for any other necessary purpose.
24. The driver of a taxi/private hire car shall not alter, deface or wilfully damage the identification issued to him/her by the licensing authority or exhibit identification on which the lettering is not distinctive or legible, nor lend or permit any person to use his/her identification nor exhibit any identification other than that issued by the licensing authority.
25. In the event of a taxi/private hire car breaking down or in any way becoming unfit to convey the passengers to the destination for which the vehicle is engaged, the taxi driver shall not be entitled to charge any fare for the distance already travelled, provided that, should the passenger elect to wait until repairs are complete, or to use a substitute vehicle provided within a reasonable time, full fare for the complete journey shall be due, less the amount of fare chargeable for waiting as fixed by the licensing authority.
26. Any licensed driver or applicant for a drivers licence may be required at any time at the discretion of the licensing authority and on being given reasonable notice, to undertake a medical examination by a doctor nominated by the licensing authority, and the result of this examination will be taken into consideration by the licensing authority in determining a persons fitness to be a driver.

In these conditions:

“Exclusive”, as applied to the hire of a taxi, means that a single fare is payable by any one passenger for the whole hire of the taxi, whether or not more than one passenger is carried; and “exclusive hire” shall be constructed accordingly.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

“Shared”, as applied to the hire of a taxi, means that each passenger is carried at a separate fare, payable to the driver; and “shared hire” shall be construed accordingly.

“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 or requires to be registered under Part 1 of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of passengers.

The use of the words he/his/him does not only apply to the masculine gender and applies equally to female drivers.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

DRESS CODE – all licensed taxi/private hire car drivers

- Smart trousers or skirts/trousers and shirt/blouse for female drivers are to be worn. Short-sleeved shirts are acceptable and may be worn throughout the year if preferred.
- Smart trousers and shirt (tie is optional, but preferred) for male drivers are to be worn at all times. Short-sleeved shirts are acceptable and may be worn throughout the year if preferred.
- Dress shoes are to be worn
- Any driver who cannot comply with the above dress code, due to religious or cultural beliefs, must, so far as is possible match their dress as closely to the code as possible. In any event they must present a clean, tidy and neat appearance.
- **Not Permitted:**
 - Jeans any colour, corduroy trousers or track suit bottoms
 - White or coloured training shoes
 - T-Shirts, any sport/football tops, track suit tops.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

SUMBURGH AIRPORT TAXI DRIVERS CODE OF PRACTICE (09 January 2012)

Shetland Islands Council, HIAL Sumburgh Airport and Shetland Taxi Owners Association have drawn up the following Code of Practice jointly. It does not in any way detract from the requirement under the Civic Government (Scotland) 1982 Act to comply with the conditions detailed on each Taxi Driver's Licence.

1. With regards to the operation of taxis at Sumburgh Airport, all airport byelaws, and all directions given by authorised airport personnel must be complied with
2. Personal identification badges (issued with licence) to be worn at all times
3. Taximeters must be used during all hires. The taximeter must be switched on when passenger enters car, on in the case of a pre-booked hire, when arrival or taxi has been announced to the intended passenger.
4. Any fault/breakdown of taximeter should be reported to Fleet Management Unit. Telephone Lerwick 744133 immediately to arrange repair/replacement.
 - a. On call number: 07*** *** - T.B.C. (*NOTE: to be confirmed post consultation*)
5. All drivers should be aware of the agreed Code of Practice on all designated taxi stances. The first taxi in line is the only taxi that can be hired at any time on these ranks.
6. Hires cannot be refused on the grounds the passenger only wishes to be taken a short distance. Long distance hires cannot be cherry-picked. Any attempt to refuse a hire on these grounds shall be reported to the Licensing Committee.
7. Taxi drivers must drop off passengers prior to entering the rank
8. Drivers should be clean and smartly dressed when plying for hire or at a stance and, when carrying passengers, shall not smoke. Drivers should ensure taxis are kept clean both inside and out.
9. Taxi drivers, within the limitations of their own physical ability, should make every effort to assist elderly and/or disabled passengers entering or leaving the taxi.
10. Taxi Drivers may not enter Sumburgh Airport Taxi Rank except during the published opening hours of the airport, or any extended opening period as required from time to time by Airport management
 - a. Opening hours of the airport are currently (30/09/2011):
 - i. **Summer:** Mon-Fri 0615-1915; Sat 0745-1615; Sun 0930-1915. UTC
(Mon-Fri 0715-2015; Sat 0845-1715; Sun 1030-2015. BST)
 - ii. **Winter:** Mon-Fri 0715-2015; Sat 0845-1715; Sun 1030-2015. UTC

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

11. Taxis must use the drop off point when delivering a passenger to the airport. Taxis may only be hired from the stance designated as the “No 1 Stance” which is opposite the main Terminal entrance
12. If the designated stances are fully occupied, other taxis must wait in the short-term car park until there is a vacant space.
13. Taxi drivers must be in their vehicles prior to the arrival of any scheduled aircraft, such that they are available for immediate hire. Once it is clear that any prospective passenger is no longer in the terminal, they may leave their vehicle.
14. Taxis arriving at Sumburgh Airport to pick up a pre-booked hire should park the taxi in the public car park area across the road from the terminal entrance. Drivers must wait for pre booked hires at the designated Meeting Point and have an information board showing the name of the taxi operator and the name of the booked passenger together with flight number.
15. The pick up/drop off point is exactly that – no taxis or private hire cars must be parked at this location.
16. There is a legal requirement for taxis to carry guide dogs and hearing dogs. Taxi operators and drivers need to bear this in mind. If taxi operators do not wish for a dog to be in contact with the seat, they should carry a blanket, tarpaulin or similar in the boot for such occasions.

DRESS CODE – Sumburgh Airport

- Smart trousers or skirts/trousers and shirt/blouse for female drivers are to be worn. Short-sleeved shirts are acceptable and may be worn throughout the year if preferred.
- Smart trousers and shirt (tie is optional, but preferred) for male drivers are to be worn at all times. Short-sleeved shirts are acceptable and may be worn throughout the year if preferred.
- Dress shoes are to be worn
- Any driver who cannot comply with the above dress code, due to religious beliefs, cultural beliefs, or due to his/her medical condition, must, so far as is possible match their dress as closely to the code as possible. In any event they must present a clean, tidy and neat appearance.
- **Not Permitted:**
 - Jeans any colour, corduroy trousers or track suit bottoms
 - White or coloured training shoes
 - T-Shirts, any sport/football tops, track suit tops.

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.

Any driver not complying with the above dress code shall be requested to leave the Airport and may be reported to the Licensing Committee

Declaration:

I have read the Taxi/PHC drivers Code of Conduct, and I understand and will comply with the rules as set out by Shetland Islands Council.

Name.....(please print clearly)

Taxi/PHC Driver Number:.....(Renewals only)

Signed:.....

Date:.....

Please return to: Taxi Licensing Section

Transport

20, Commercial Rd

Lerwick ZE1 0LX

Any licensed driver of a taxi/private hire car, or licensed operator of a taxi/private hire car who does not comply with these rules, may be reported to the Licensing Committee may and have their licence suspended.