

**Licensing Committee****10 March 2015****Revisions to Rules and Guidelines for Taxi and Private Hire Car Vehicle Licences and Taxi and Private Hire Car Driver Licences****Report Number: TP-03-15-F****Report Presented by Executive Manager –  
Transport Planning****Transport Planning  
Development Services Department****1. Summary**

- 1.1. This report presents to the Committee for approval a set of revisions to the current Rules and Guidelines for Taxi and Private Hire Car Vehicle Licences and Taxi and Private Hire Car Driver Licences.

**2. Decision Required**

- 2.1 The Licensing Committee recommends to the Policy and Resources Committee that it **RESOLVES** to approve the revised Procedures, Rules and Guidelines for Grant or Renewal of Taxi and Private Hire Car Vehicle Licences and Taxi and Private Hire Car Driver Licences contained in Appendix 2 to this report.

**3. Detail**

- 3.1. In consultation with the Shetland Taxi Owners Association (STOA) officers have developed proposed revisions to the Rules and Guidelines for Taxi and Private Hire Car Vehicle Driver Licences.
- 3.2. To assist Members in understanding the detail of the proposed changes to the Rules and Guidelines Appendix 1 contains the original guidelines with every change tracked in the document.
- 3.3. The principles of the Rules and Guidance that the STOA wish to see revised are: -

**Number of Penalty Points Required Before Referral to Committee**

- 3.3.1. STOA feel that the limit to the number of penalty points where an officer has delegated authority to grant a licence should be increased from 5 points to 6 points.

- 3.3.2. This is to reflect that penalty points are generally issued in bands of 3 points and two minor offences can lead to an application having to go to Committee to be considered. Operators feel this is unnecessarily time consuming for them and would streamline the application process if dealt with at officer level.
- 3.3.3. To address this it is proposed that where driving offences do not exceed 6 points in total with no individual offence leading to more than 3 penalty points then officers have delegated authority to grant or renew a driver licence. The sections and clauses affected are on pages 4 and 5 of the revised Rules and Guidelines.
- 3.3.4. It is my view that this does not diminish the Committee's duty to ensure that applicants are fit and proper people to hold a taxi/private hire care driver's licence.

#### **Driver Medicals**

- 3.3.5. In the current Rules and Guidelines it is a requirement that applicants for grant or renewal of a driver's licence that are age 65 or over must undertake a medical for the purpose of satisfying the authority that they are fit to drive.
- 3.3.6. Under the legislation, where an authority requires an applicant to undergo a medical the authority must pay for the medical. This is the current practice and the Council meets the cost of all medicals for those 65 and over.
- 3.3.7. Comparing Shetland with other Taxi Licensing Authorities it is unusual to insist that applicants undertake a medical to establish fitness to hold a licence. Bearing in mind that there is an overarching legal requirement on anyone holding a licence to drive to ensure they are fit to drive, this seems a sensible approach.
- 3.3.8. In this connection it is my suggestion that the Rules and Guidelines be amended to place the onus on the applicant to declare any conditions that may affect fitness to drive with supporting medical evidence that they are fit to hold a licence.
- 3.3.9. This amendment is reflected under the section titled "*Fitness to Drive*" on pages 2 and 3 of the proposed Rules and Guidelines.

#### **Spot Check Inspections**

- 3.3.10. The STOA feel that the enforcement of the Rules and Guidelines could be improved to ensure that vehicle and driver standards are maintained at an adequate level.
- 3.3.11. To address this it is proposed that on a quarterly basis 6 randomly generated licensed vehicles are instructed to make an appointment at the Council's Fleet Management Unit to have vehicles inspected.
- 3.3.12. The detail is described in page 9 of the Rules and Guidelines.

#### **Sale/Transfer of Licensed Vehicles**

- 3.3.13. The STOA asks that the Committee consider modifying the Rules and Guidelines to enable operators/owners to sell vehicles as a going concern.

- 3.3.14. As matters currently stand, if an operator/ owner wishes to cease trading and their vehicle is more than 2 years old it cannot be bought and used as a taxi by a new owner because it would be subject to the regulation that a vehicle must be less than 2 years old if the applicant is applying for a licence for the vehicle for the first time, i.e. it is treated as a new application.
- 3.3.15. However, if a new operator was able to buy a licensed vehicle that is older than 2 years and continue to operate it until the vehicle reached the maximum allowable age then the operator that owns the vehicle would have a more viable business asset.
- 3.3.16. This practice is common in other Taxi Licensing Authorities and creates higher value businesses for those that operate/ own taxis. This can be particularly beneficial when small operators come to a point where retirement is being considered.
- 3.3.17. To enable this, a section has been added to the Rules and Guidelines under "Age of Vehicles" on page 12 of the Rules and Guidelines where it is stipulated that *"Vehicles must be no more than 10 years old if the application is for the GRANT of a taxi/ private hire vehicle licence to a vehicle which has held such a licence within 12 months prior to the application"*.
- 3.3.18. This is considered to be beneficial to the industry in term of maintaining standards and ensuring a viable business environment for operators.

#### **Age of Vehicles and Power of Vehicles**

- 3.3.19. The STOA feels that The Rules and Guidelines should be brought up to date to reflect that modern vehicles are of higher quality, have longer manufacturer warranties and are more efficient and reliable compared to when the current Rules and Guidelines were developed.
- 3.3.20. To address this it is proposed that the maximum age for vehicles is increased from 8 to 10 years and the minimum power requirement is dropped from 100bhp to 75bhp. These changes are detailed on page 12 of The Rules and Guidelines.

## **4. Implications**

### Strategic

- 4.1. Delivery on Corporate Priorities – The Licensing Function helps to make Shetland Safer and Stronger, an objective in the Single Outcome Agreement, by maintaining Community Safety.
- 4.2. Community/Stakeholder Issues – The Shetland Taxi Owners Association has been involved in the revision of the Rules and Guidelines over the course of several meetings.
- 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. A change in policy however requires a decision of the Policy and Resources Committee.

- 4.4. Risk Management – Maintaining a good quality and viable taxi/ private hire car industry in Shetland is important to supporting community safety through contributing to safe and efficient travel and reducing the likelihood of drink driving.
- 4.5. Equalities, Health and Human Rights – None.
- 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. Conclusion**

- 5.1. The Council's Taxi Rules and Guidelines have been reviewed with the Shetland Taxi Owners Association.
- 5.2. The proposed changes in this report should contribute to ensuring a more viable taxi and private hire car industry in Shetland whilst maintaining good standards of provision

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04 March 2015  
END

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#### List of Appendices

Appendix 1 – Rules and Guidelines for the Licensing of Taxi and Private Hire Car Vehicles and Drivers with Changes Tracked



**Shetland Islands Council**

# **Shetland Taxi Operators Handbook**

## **Procedures, Rules and Guidelines for the Grant or Renewal of Taxi and Private Hire Car Vehicle Licences and Driver Licences**

**March 2015**

## **Section 1 – Application for 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 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 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.

#### **The applicant should comply with the following:**

##### ***Minimum time of holding a full driving licence***

Applicants must have held 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.

##### **Fitness to Drive**

**Anyone applying for the grant of a taxi or private hire car licence must be physically fit to drive.**

**If suffering from any physical or mental condition likely to affect fitness as a driver, or which might do so in the future, the applicant must, at their own expense, provide evidence from appropriate medical authorities as to their physical and mental fitness to undertake the functions of a taxi or private hire vehicle driver.**

In the event that the council is not satisfied with the evidence provided, it has the power to require the applicant to undergo a medical examination by a nominated medical practitioner at the council's expense.

#### **Disclosure of Convictions:**

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.

If a driver is convicted of an offence during the time they hold a licence they must advise the Licensing Authority (Shetland Islands Council Transport Planning Service) of the nature of the offence as soon as practicable after the conviction. This includes fixed penalties for driving offences.

- Applicants must provide the non-refundable application fee applicable at the time of application.
- Applicants must provide four passport photos.
- ~~• Applicants must pass an initial medical examination. The examination must be arranged by the applicant and all costs of the examination met by the applicant.~~

A copy of the application form plus one of the photos are passed to Northern Constabulary, for background checks to be made.

- Applicants should note that it can take up to 28 days (or longer in more complex cases) for the Police to return their observations.

#### **Hearing or Approval Process**

If the information provided on the application, or Police observations provided 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 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.

#### **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 within certain conditions.
- As a general guide, the Officer will pass an application to the Licensing Committee for decision: -
  - where there are the applicant has ~~6~~7 or more penalty points at the time of application;
  - for any drugs/ alcohol related offences at any time;
  - for convictions relating to dishonesty, violence, abuse or acts of such nature at any time in the applicants history; and/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 will 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 will consider passing an application to the Licensing Committee for decision: -
  - where the current Licence's duration is three years AND there are motoring offences ~~totalling 6~~totalling 7 penalty points or more;
  - any drugs/ alcohol related offences;
  - convictions relating to dishonesty, violence, abuse or acts of such nature within the three year period;
  - or where there are a number of lesser offences 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 will consider passing an application to the Licensing Committee for decision: -
  - where there are motoring offences of ~~6~~7 penalty points or more;



- any drugs/ alcohol related offences;
- convictions relating to dishonesty, violence, abuse or acts of such nature within the licence 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 has been completed properly, there are no driving convictions totalling 67 or more penalty points 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 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) and this is then posted to the applicant.

### **Suspensions**

The Licensing Committee has the power to suspend a Licence on the grounds of concern regarding 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 or a change in the driver's circumstances regarding, for example, driving offences. A suspension on public safety grounds can last up to six-weeks and the licence holder does not need to be present. A hearing in light of any allegations and/or other information regarding the licence holder will be held within the six week period of suspension.

At the end of the hearing the Committee can;

- reinstate the licence fully
- reinstate the licence with conditions
- revoke the licence

### **Appeals**

Where an application for grant or renewal of a licence is refused by the Licensing Committee hearing, applicants have a right of appeal to the Sheriff.

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

Applicants or licence holders who wish to appeal should seek independent advice from an appropriate source, e.g. a solicitor. .

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

Should applicants or operators wish to raise a complaint against Shetland Islands Council 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.

Complaints will be acknowledged in 10 working days and responded to in 20 working days.

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

### **Medicals**

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

~~At age 65 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 70 and then it is required that a medical be passed each year and the licence will only be issued for that current year.~~

***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.***

## **Section 2 - Application for a Taxi or Private Hire Vehicle Licence**

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

The vehicle should comply with the following requirements: -

- The vehicle should possess a current MOT; In the case of Taxis and Private Hire vehicles, this applies to any car over one year old.
- The vehicle must pass a Taxi/Private Hire Car inspection at the Council's Fleet Management Unit – This is a different inspection and is additional to the MOT inspection. The owner should make an appointment with Shetland Islands Council's Fleet Management Unit on 01595 744133. The inspection incurs a standard hourly rate charge.
- A copy of the MOT certificate and insurance details must be provided with the application. The garage inspection report should also be presented with the application and be kept by the operator as part of his/ her records.
- Copy of Registration Document V5

### **“TAXI” sign**

- The car requires a Council standard 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.

### **Taxi Meter**

- If a meter is also required for using the car as a taxi (not a private hire car) then this will be fitted at the Council's Fleet Management Unit by arrangement.
- To ensure quality and compatibility, a meter must 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's Fleet Management Unit 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, and will include a handling/administration charge.

- Meters will be fitted by the Council's Fleet Management Unit at a standard hourly rate charge. Details of the charge can be found by calling 01595 744133.
- 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's Fleet Management Unit as soon as possible on 01595 744133
- NOTE: Radio/CD Player Key Codes must be made available to the Council's Fleet Management Unit. This is due to radios/CD Players having to be disconnected in the process of fitting a new meter.

#### **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 the property of the Council.
- Where a vehicle is subject to a SORN (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 within 28 days to the Council.
  - The exception to the above is where the car is subject to a SORN or is sold and an operator is awaiting the delivery of a substitute vehicle. In such cases the operator must inform the Council. The plates may be retained for the substitute vehicle, for a period not exceeding 63 months from the date of notifying the Council.
  - If the period of time exceeds 63 months, the plate and vehicle licence will be deemed to have expired and the plate and vehicle licence shall be returned to the Council within 28 days. Applicants should note that it is an offence not to return them within that time.

## 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.
- 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's Fleet Management Unit (or any garage permitted by the Licensing Authority) at periods not exceeding 12-months. The inspection incurs a standard hourly rate charge.
- The 12-month inspection is not a MOT Test, but it is a legal requirement.

## Spot Check Inspections

- The Council as Licensing Authority has the right to undertake spot checks of vehicles. This will as far as possible be done with sensitivity to the commercial requirements of operating a taxi.

## Randomly Generated Inspections

- On a quarterly basis the Council will issue randomly generated requests to 6 operators to attend the Council's Fleet Management Unit for a vehicle inspection.
- Operators will be given 1 month's notice of the request to attend an inspection and will be given the opportunity to arrange for the inspection to be carried out at any time during a working week that will be specified in the request to attend the inspection.
- The engineer conducting the inspection may make observations, place a 28-day notice on the vehicle or issue a temporary suspension notice if required, within which time 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 vehicles, 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 certificate must be presented to the Council in order for the vehicles taxi/private hire car licence to be valid

#### **Substitute Vehicles**

- Where an operator wishes to substitute a vehicle on an existing licence, the applicant ~~should~~ must fill in the complete the substitute vehicle form.
- There is a fee for this service ~~doing this~~.
- The car must pass the Council's Fleet Management Unit inspection.
- The car must be no older than the vehicle which is being substituted.
- 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's Fleet Management Unit within a period of 3 working days.
- The vehicle will 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's Fleet Management Unit 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's Fleet Management Unit and the inspection fee could 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.

#### **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**

Holders of Driver's and/ or Vehicle Licences will notify the Licensing Authority of any change of address within 20 working days of the change of address.

#### **Driver and Vehicle Renewals**

Renewal of both driver and vehicle licences is the sole responsibility of the licence holder.

Renewals should be lodged at Shetland Islands Council Transport Planning Service, 6 North Ness, Lerwick ZE1 0LZ 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.**

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

**Advice should always be sought from the Council's Fleet Management Unit 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's Fleet Management Unit 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 Vehicles must be no more than 2 years old if application is for a **GRANT** of a taxi/private hire car licence to a vehicle which has not previously held such a licence.

Vehicles must be no more than 10 years old if the application is for the **GRANT** of a taxi/private hire vehicle licence to a vehicle which has held such a licence within 12 months prior to the application.

Vehicles must be no more than ~~8~~**10** years old if applicant is **RENEWING** a taxi/private hire car licence.

~~A substitute vehicle must be of equivalent age or newer than the existing vehicle,--~~

Engine Size Taxis – Minimum ~~100bhp/75kW~~**75 bhp/56kW**

Private Hire Cars – ~~Minimum 100bhp/75kW~~**75 bhp/56kW**

4 Passenger  
Seat vehicle

Minimum Four passengers to be seated comfortably in a forward facing direction.

Minimum measurement across rear seat – 138cm.

Minimum headroom from front centre of rear seat to roof – 80cm.

Minimum headroom from rear centre of rear seat to roof – 85cm.

**Luggage** ~~Minimum 450 litres for a saloon car, or for a people carrier with the rear seats~~  
**Space/Capacity** ~~moved forward~~

**5 to 8** ~~As above, plus rear seats (seats which would traditionally be said to be in the~~  
**passenger seat** ~~passenger seat)~~



~~vehicles (luggage compartment) must have 3 point seat belts and foot wells.~~

**Comment [MC1]:** Do we really need to have this? It is a problem for the taxi operator.

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 and Council standard "No Smoking" sign(s) clearly placed within the vehicle (available from the Council's Fleet Management Unit).

Fire extinguisher      Minimum requirement

- 1 kilo dry powder or foam
- BS EN 3
- 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)

Engine/chassis      Must be cleaned to acceptable standard before inspection

Radio/CD      Radio/CD Player Key Codes must be made available to the Council's Fleet Management Unit. This is due to radios/CD Players having to be disconnected in the process of fitting a new meter.

Body work      Bodywork must be clean and polished at all times when on duty  
No structural rust and no damage to doors, panels, bumpers or trims

Scratches of less than 100mm in length, or an area of 75mm by 25mm, to paint work that does not break the undercoat must be competently touched-up/resprayed by the 12-monthly inspection. In all cases, the decision of the Council's Fleet Management Unit Engineer is final.

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's Fleet Management Unit Engineer is final.

Taxi sign fitted

SIC licence plate to be displayed on rear of the vehicle. Adhesive plates are permitted as long as they are of the same format and dimensions as the plates issued by the Council.

Tyres

Minimum 1.6mm; Advisory made at 2.0mm

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 and including November and March on all wheels. 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.

**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, 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 show the 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.

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.
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 exempt 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 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 person's 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.

"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.

### **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.

### **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 the Council's Fleet Management Unit. Telephone Lerwick 744133 immediately (or as soon as practicable if outwith Council business hours) to arrange repair/replacement.
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 (30/09/13):  
Mon-Fri 0630-2030; Sat 0715-1630; Sun 1015-2030
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 driver not complying with the above dress code shall be requested to leave the Airport and may be reported to the Licensing Committee