

TAXI AND PRIVATE HIRE VEHICLES LICENSING CONDITIONS

PART 1 – INTERPRETATION

In these conditions the following words and expressions have the following meanings:

- (a) “the Act” means the Civic Government (Scotland) Act 1982.
- (b) any words used in these conditions which are defined in the Act shall be interpreted in accordance with the definition of the Act.

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

Approved – means unless explicitly stated to the contrary approved by the relevant Chief Officer or an Authorised Officer.

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

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

Authorised Officer – means an officer authorised by the Council, any Police Scotland Officer or authorised vehicle examiner, either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

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

Call Out Charge – is that sum so described in the Council’s fare table which is payable in addition to the fare where, by telephone or other advance

arrangement, there is an engagement for the hire of a taxi or private hire car in which there has been fitted a taximeter. **Certificate of Compliance** - means the certificate issued by the Taxi Examination Centre under section 10 (2) of the Act after examination of the vehicle on behalf of the Council certifying the licensed vehicle as satisfactory for use as either a taxi or private hire car.

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

Complaints Notice - means a notice that has been approved by the Council which details how to make a complaint against the driver or operator of a taxi or private hire car licensed by the Council.

Constable - means any constable as defined in the Police and Fire Reform (Scotland) Act 2012 being an individual serving as a constable of the Police Service.

Council - means the local authority known as Midlothian Council.

Dress Code - means the code of practice on dress for taxi and private hire car drivers attached as Schedule D to these conditions.

Driver – means in relation to a taxi the holder of a current Midlothian Council taxi driver's licence and in the case of a private hire car a driver holding a current Midlothian Council taxi driver or private hire car driver's licence.

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

Engagement - means an agreement by whatever means between any person and the holder of a taxi driver's licence or private hire car driver's licence (or their respective representatives) for the hire of a licensed vehicle at some time and location specified.

Exclusive - as applied to the hire of a licensed vehicle means that a single fare is payable by any one passenger for the whole hire of the licensed vehicle whether or not more than one passenger is carried; and "exclusive hire" shall be construed accordingly.

Fare table – means the table of fares fixed by the Council to regulate the maximum metered charges for hires within the Midlothian Council area.

Hire – means the use of a licensed vehicle for the purpose of uplifting a passenger from a stated location and conveying such passenger and their luggage to a specific destination and, where the use of a taximeter is appropriate, there is a requirement to pay for its hire (including a call out charge where applicable) not exceeding the rate of such fares or fees authorised in the current fare table insofar as the journey is not illegal in terms of Section 21 of the Civic Government (Scotland) Act 1982.

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

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

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

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

Licensed Area - means the Midlothian Council area.

Licensed - in relation to any taxi or private hire car, its owner or driver, means

having been granted an appropriate licence by the Council in terms of the Act and these conditions during the currency of such licence, but excluding any period when such licence is suspended.

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

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

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

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

Notice - means a notice in writing.

Passenger – means any person travelling in a hired licensed vehicle other than the taxi or private hire car driver.

Permanent Address – means the address provided by an applicant or a licence holder in an application for licence or to renew a licence as amended from time to time by notice given to the Council by the applicant or the licence holder.

PHC – means Private Hire Car.

Private Hire Car - a motor vehicle for carrying passengers for hire that must be pre-booked through a licensed operator and cannot be hailed on the street. PHCs are distinct from taxis (or hackney carriages), which can be hired by flagging them down or picking them up at a taxi rank.

Public Place - has the meaning assigned by Section 133 of the Civic Government (Scotland) Act 1982.

Reasonably Practicable – means capable of being performed and implemented having regard to all the circumstances, including in any case where works, repairs or maintenance are involved, the expense of their

execution.

Rectification Notice – means a notice in writing issued by an Authorised Officer following inspection of a licensed vehicle to the driver or operator of a licensed vehicle giving notice of defects requiring to be repaired or breaches of a condition or conditions requiring to be remedied and the maximum period specified in which the licensed vehicle should be submitted for re-testing.

Reduced Fare Tariff - means a table of charges (whether described as fare, engagement fee, extras or otherwise) -

- (a) Which is different from the table of fares approved by the Council as authorised and issued and amended from time to time, being the fare table or tariff which indicates and authorises the maximum charge payable for the use of a taxi (or private hire car which is fitted with a taximeter) within the Midlothian Council area;
- (b) Which has been presented to the Council and approved by them that it would always produce a fare lower than the said approved table of fares for a journey within the Midlothian Council area;
- (c) Which has then been programmed into the taximeter in a private hire car by a supplier or repairer of taximeters as authorised by the Council and the taximeter has then been sealed by the said supplier or repairer

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

Shared - as applied to the licensed vehicle means that each passenger is carried at a separate fare payable to the driver; and “Shared Hire” shall be construed accordingly.

Special Event Private Hire Car - means a private hire car which is a converted motor vehicle of the following types holding Individual Vehicle Type (Approval

IVA) from the Driver & Vehicle Standards Agency (DVSA).

Taxi Bus - means a taxi which is being used under a special licence granted under Section 12 of the Transport Act 1985 to provide a local service which is required to be registered under Part 1 of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

Taxi Examination Centre – means the Midlothian Council facility provided for the examination of licensed vehicles.

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

Taxi Stance – means an approved stance signed or marked for use by taxis within the Midlothian Council area.

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