

Motorised Tricycle Private Hire Operator's Licence: Schedule of Conditions

Orkney Islands Council

Civic Government (Scotland) Act 1982

Note: It is a criminal offence in terms of section 7(2) of the Civic Government (Scotland) Act 1982 to fail to comply with any condition imposed on this licence.

Standard of Vehicle	
1.	The holder of a vehicle operator's licence shall ensure that the vehicle, including all body work, upholstery and fittings, is maintained in a safe and serviceable condition and is in a clean condition and appearance and meets the requirements of the Council's Vehicle Testing Standards for Motorised Tricycles as Private Hire Cars.
Annual Inspections	
2.	The holder of a vehicle operator's licence shall submit the vehicle for examination at the Council's approved testing garage: <ul style="list-style-type: none">• in each year on the anniversary of the date of the test carried out in connection with the original application for the private hire car licence for that vehicle (or, if testing facilities are not available on that date, on the next immediate date when they are available), if the licence has effect for a period in excess of one year; and• when the private hire car licence is due for renewal.
Random Inspections	
3.	The holder of a vehicle operator's licence shall submit the vehicle to undergo and pass any random inspection as required by the Council on an ad hoc basis. On receiving the notification to attend for a vehicle inspection the operator shall produce the vehicle for examination at the Council's approved testing garage as directed.
4.	Failure to produce the vehicle at the garage as directed will lead to a report to the Council's Licensing Committee.
Removal of Licence Plate	
5.	Failure of a vehicle inspection will result in the removal of the external private hire car licence plate by the Council's approved testing garage. The plate will be returned to the Council by the garage. The vehicle will require to cease operation until the faults have been rectified and the vehicle has passed a re-test. The plate can then be obtained by contacting the Council.

Specified Drivers	
6.	The holder of a vehicle operator's licence shall not permit any person who has not been specifically identified and approved by the Council as a motorised tricycle rider to drive the vehicle. When processing a taxi or private hire car driver's licence for any potential motorised tricycle rider, the Council shall check that the person holds the correct entitlement for vehicle category on their Driver and Vehicle Licensing Agency driving licence.
7.	The holder of a vehicle operator's licence shall not permit any person who does not have a current taxi or private hire car driver's licence to operate the vehicle as a private hire car and shall ensure that any person operating such a vehicle displays, at all times, a taxi or private hire car driver's identity badge.
8.	The holder of a vehicle operator's licence shall not ask or require a driver of a vehicle to do anything which would result in the driver committing a breach of the conditions attached to the driver's licence.
9.	The holder of a vehicle operator's licence shall keep an up-to-date list of the names and addresses of all drivers employed by him/her and shall produce such list on demand to any authorised officer of the Council or to any Police Officer. The licensed operator or other person responsible for the management of the operation of the vehicle shall keep, for a period of one year from the date of last entry, an up-to-date schedule of times when each driver is driving the vehicle.
Number of Passengers	
10.	The vehicle shall carry no more than 2 passengers at any one time. This will allow for no more than one driver and 2 passengers being transported on the vehicle for the purpose of a private hire service.
Communication Equipment	
11.	The vehicle shall be equipped with means of clear communication between the driver and passengers throughout the duration of the journey. This may be by way of hard-wired headsets or Radio wave / Bluetooth device.
Passenger Safety / Risk Assessment	
12.	Due to passengers' exposure to the elements when being carried on a motorised tricycle, the holder of a vehicle operator's licence must specify to prospective passengers at the time of booking what suitable and safe clothing must be worn by passengers in order for a journey to take place. The clothing must not be loose fitting or liable to become detached or entangled during a journey and must take account of sudden changes in weather conditions.

13.	The holder of a vehicle operator's licence shall exhibit to an authorised officer of the Council or a Police Officer, when requested to do so, a set of documented safety instructions which will be issued to prospective passengers prior to the commencement of any journey.
14.	<p>At the time of booking, the holder of a vehicle operator's licence must specify and advise any prospective customer of:</p> <ul style="list-style-type: none"> • The maximum / minimum height and weight of individual passengers in line with vehicle manufacturer guidance and recommendations. • Suitable clothing which must be worn for the journey to take place. • Conditions that may be experienced throughout the duration of the journey. • Exposure to varying weather conditions.
15.	The holder of a vehicle operator's licence must provide for each passenger suitable protective jacket, gloves, eye protection and helmet. The helmet must meet the current British Standards Institute approved standards and the hirer and passengers must be instructed that the helmet must be worn for the duration of the journey. Passengers may choose to wear their own helmet and safety clothing, but these must meet the current British Standards Institute approved standards.
16.	The holder of a vehicle operator's licence shall ensure that the hirer and passengers are instructed, prior to the commencement of the journey, that the seatbelts/lap belts fitted to the vehicle must be worn for the duration of the journey.
17.	The holder of a vehicle operator's licence shall ensure that prior to the commencement of a journey the driver conducts a full risk assessment and comprehensive safety briefing with the passengers. This safety assessment must continue throughout the course of the journey and the driver is responsible for ensuring there is no adverse behaviour by the passengers which places either themselves or other road users at risk.
18.	All risk assessments must be documented and retained by the holder of a vehicle operator's licence for inspection by an authorised officer of the Council or a Police Officer.
19.	<p>The holder of a vehicle operator's licence shall ensure that prior to the commencement of a journey the driver shall repeat the pre-booking requirement carried out by the operator as specified at section 14 above and shall:</p> <ul style="list-style-type: none"> • Check the maximum / minimum height and weight of individual passengers in line with vehicle manufacturer guidance and recommendations. • Check that clothing suitable for the journey is being worn. • Advise of the conditions that may be experienced throughout the duration of the journey and the exposure to varying weather conditions.

Fire Extinguisher and First Aid	
20.	The holder of a vehicle operator's licence must carry securely and in a position easily accessible by the driver a fire extinguisher of a type which contains at least a 1Kg dry powder charge and otherwise which meets the current standard and in a position approved by the Council in accordance with its Vehicle Testing Standards for Motorised Tricycles as Private Hire Cars. The extinguisher shall be maintained in a satisfactory working condition at all times.
21.	The vehicle must be equipped with a first aid kit in compliance with current Health and Safety standards and in accordance with the Council's Vehicle Testing Standards for Motorised Tricycles as Private Hire Cars.
General	
22.	The holder of a vehicle operator's licence shall be bound to fulfil or cause to be fulfilled, at the time and location specified, an engagement to hire the vehicle which has been accepted, unless prevented by sufficient cause.
23.	The holder of a vehicle operator's licence may hold the vehicle registration document in relation to the vehicle. Where more than one name appears on the private hire car licence the vehicle registration document shall be in the name of at least one of the persons whose names appear on the licence.
24.	Where the holder of a vehicle operator's licence does not hold the vehicle registration document in relation to the vehicle, s/he or they shall provide confirmation in writing (email will be sufficient) from the holder of the vehicle registration document that they are aware that the vehicle will be used as a private hire car.
25.	The holder of a vehicle operator's licence shall hold the certificate of insurance in relation to the vehicle required by the Road Traffic Act 1988. Where more than one name appears on the private hire car licence the certificate of insurance shall be in the name of at least one of the persons whose names appear on the licence.
26.	The holder of the vehicle operator's licence shall ensure that the certificate of insurance (or copy) applicable to the vehicle is carried in the vehicle at all times, together with the vehicle registration document and MOT certificate, where applicable (or copies thereof).
27.	The holder of a vehicle operator's licence shall exhibit such documents and certificates to an authorised officer of the Council or a Police Officer when requested to do so.
Signs and Markings	
28.	The holder of a vehicle operator's licence shall ensure that, while the vehicle is in use, the external plate which has been issued by the Council for the purpose of indicating that the vehicle is a private hire car is displayed at all times.

29.	The holder of a vehicle operator's licence shall not obliterate or deface the external plate which has been issued by the Council for the purpose of indicating that the vehicle is a private hire car and which is fixed to the vehicle. If the plate becomes obliterated or defaced so as not to be distinctly visible or legible or if the plate is lost, the holder of the vehicle operator's licence shall report this to the Council as soon as practicable and in any event within 7 days in order to obtain from the Council a replacement plate upon payment of the appropriate fee.
30.	The holder of a vehicle operator's licence shall be permitted to display commercial advertising on the vehicle only with the written permission and approval of the Council. Advertising of tobacco and alcohol products is prohibited.
Special Obligations	
31.	The holder of a vehicle operator's licence shall, within 28 days of ceasing to trade in relation to that vehicle or the selling or otherwise disposing of the vehicle to which the licence relates, deliver to the Council the licence and any plate or other thing issued by the Council for the purposes of indicating that the vehicle is a private hire car.
32.	The holder of a vehicle operator's licence shall notify the Council within 14 days of any fixed penalty, conditional offer or conviction in any court relating to him/her.
33.	The holder of a vehicle operator's licence, being an individual or a business entity, shall give notice to the Council within 14 days of changing their residential address or place of business. They shall at the same time produce the licence(s) to the Council who shall endorse thereon the particulars of such change of residential address or place of business. An administration fee will be payable.
Accident or Damage by Other Means	
34.	The holder of a vehicle operator's licence, when the vehicle is damaged as a result of a vehicular accident or by any other means, shall report the damage to the Council immediately and in any event no later than 3 days after the date when the damage occurred (excluding weekends and Council holidays).
35.	To ascertain if the vehicle still meets the Council's standards, the vehicle shall, further to the notification referred to at section 34 above, be presented to the approved testing garage for inspection not later than 2 days (being days on which the testing facilities are available) after the occurrence of the accident or damage.
36.	Between the accident or the damage by any other means having occurred and the vehicle being deemed by the garage to meet the Council's standards, the vehicle shall be kept off the road, not operated as a private hire car and the plate shall be returned to the Council.

37.	Upon the garage confirming that the vehicle meets the Council's standards, the plate can be returned by the Council to the licence holder.
38.	The licence holder shall be liable to meet the testing fees payable directly to the garage for such inspections.
In these conditions:	
"the Council" means Orkney Islands Council.	

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