

# Vehicle 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.

<b>Standard of Vehicle</b>	
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.
<b>Annual Inspections</b>	
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"><li>• in each year on the anniversary of the date of the test carried out in connection with the original application for the taxi or 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</li><li>• when the taxi or private hire car licence is due for renewal.</li></ul>
<b>Random Inspections</b>	
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.
<b>Removal of Licence Plates</b>	
5.	Failure of a vehicle inspection will result in the removal of the taxi or private hire car licence plates by the Council's approved testing garage. The plates 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 plates can then be obtained by contacting the Council.

<b>General</b>	
6.	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 (as appropriate) to operate the vehicle as a taxi or private hire car, as the case may be, and shall ensure that any person operating such a vehicle displays, at all times, a taxi or private hire car driver's identity badge, as appropriate.
7.	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.
8.	Under Regulations published by the Scottish Government, the holder of a vehicle operator's licence must permit the carriage, at no cost, in taxis and private hire cars, guide, hearing and other categories of dog trained to assist disabled persons, unless the driver has a proven medical condition. This will be evidenced by the driver having been issued by the Council with a notice of exemption from the duty to carry guide, hearing and other categories of assistance dogs. The exemption must be affixed in a prominent position on the dashboard facing upwards or the windscreen of the vehicle, facing outwards. The notice of exemption shall include an embossed "E" and the driver of the vehicle shall, on request, detach the notice and permit the disabled person to handle the notice. In such circumstances, the holder of the vehicle operator's licence shall provide alternative carriage as a matter of priority.
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.
10.	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.
11.1.	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 taxi or 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.
11.2.	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 taxi or private hire car.

11.3.	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 taxi or 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.
11.4.	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).
11.5.	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.
12.	The holder of a vehicle operator's licence shall ensure that, while the vehicle is in use, any external or internal plate and any other thing which has been issued by the Council for the purpose of indicating that the vehicle is a taxi or private hire car, are displayed at all times.
13.	The holder of a vehicle operator's licence shall not obliterate or deface any plate, or other thing which has been issued by the Council for the purpose of indicating that the vehicle is a taxi or a private hire car and which is fixed to the taxi or private hire car. If any such plate or other thing becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate, or other thing 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 or other thing upon payment of the appropriate fee.
14.	The holder of a vehicle operator's licence shall obtain from the Council a notice (or notices) detailing the approved taxi fares and charges, appropriate to exclusive or to shared hire of the taxi or private hire car, and shall have the notice(s) available in the vehicle for examination by any passengers on demand.
15.	The holder of a vehicle operator's licence shall, at any time when the vehicle is being used as a taxi-bus, have available in the vehicle for examination by any passengers on demand a fare table containing sufficient information to enable a passenger to ascertain the fare for the journey or the manner in which that fare is calculated.
16.	The holder of a vehicle operator's licence shall comply with the Council's fare structure at all times.
17.	If the vehicle (fitted with a meter) is being used other than as a taxi, taxi bus or private hire car, the hirer will be informed, prior to acceptance of the hire, (a) that the fare is not determined in accordance with the Council's fare structure; and (b) the cost of the journey, together with the method of calculating the cost.

<b>Signs</b>	
18.	The holder of a taxi vehicle operator's licence shall display on the vehicle a roof sign for the purpose of advertising the operator's services as a taxi, the operator's business name and the operator's business telephone number.
19.	The holder of a vehicle operator's licence shall be permitted to display commercial advertising on or in the vehicle only with the written permission and approval of the Council. Advertising of tobacco and alcohol products is prohibited.
20.1.	The holder of a taxi operator's licence shall, at any time when the taxi is being used as a taxi-bus, cause to be displayed on the taxi, in such position and in such form as may be prescribed by the Council, a sign which indicates the taxi is being used as a taxi-bus.
20.2.	The holder of a private hire car operator's licence shall not display on the vehicle a roof sign of any kind.
<b>Taximeter</b>	
21.	The holder of a vehicle operator's licence shall:
21.1.	Not use, or cause or permit to be used, on the vehicle a road wheel, or tyre of a different circumference from that for which the taximeter affixed to the vehicle was designed, geared and has been tested by, or on behalf of, the Council.
21.2.	Have affixed to and used on the vehicle a meter which has been tested and approved by, or on behalf of, the Council.
21.3.	Only use a taximeter which has been stamped or sealed by, or on behalf of, the Council after testing and approval as to distance and time in accordance with the approved taxi fares and charges.
21.4.	Once a taximeter is fitted to the vehicle, not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment affixed thereto by the manufacturer or Council except to remove the taximeter for repair or replacement.
21.5.	Should the seal be broken, arrange immediately for the taximeter to be submitted to the Council's approved testing garage to be re-tested and passed by, or on behalf of, the Council and the vehicle shall not operate until that has been undertaken.
21.6.	Ensure that the taximeter fitted to the vehicle is in a position approved (namely the central front console clearly visible to all front and rear seat passengers at all times) by the Council and illuminated to display the amount of fare recorded to the passenger(s).
21.7.	Not knowingly use, or cause or permit to be used, other than as a taxi-bus, the vehicle during any period that the seals affixed to the taximeter, where so affixed to the vehicle, are broken or detached.

21.8.	Not knowingly use, or cause or permit to be used, a taximeter which is in any way defective.
<b>Fire Extinguisher, First Aid and Internal Lighting</b>	
22.	The holder of a vehicle operator's licence must carry securely and accessible in a suitable fastener in the interior of the vehicle, 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 Taxi and Private Hire Car Testing Standards. The extinguisher shall be maintained in a satisfactory working condition at all times.
23.	The vehicle must be equipped with a first aid kit in compliance with current Health and Safety standards.
24.	The holder of a vehicle operator's licence shall ensure that the interior lights provide adequate illumination of the interior of the vehicle.
<b>Special Obligations</b>	
25.	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 taxi or private hire car.
26.	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.
27.	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.
<b>Accident or Damage by Other Means</b>	
28.1.	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).
28.2.	To ascertain if the vehicle still meets the Council's standards, the vehicle shall, further to the notification referred to at 28.1 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.

28.3.	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 taxi, taxi bus or private hire car and the plates shall be returned to the Council.
28.4.	Upon the garage confirming that the vehicle meets the Council's standards, the plates can be returned by the Council to the licence holder.
28.5.	The licence holder shall be liable to meet the testing fees payable directly to the garage for such inspections.
<b>In these conditions:</b>	
"the Council" means Orkney Islands Council.	
"exclusive", as applied to the hire of a vehicle means that a single fare is payable by any one passenger for the whole hire of the vehicle, whether or not more than one passenger is carried; and "exclusive hire" shall be construed accordingly.	
"shared" as applied to the hire of a vehicle, 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 the passengers.	

Version: 2018-05-03.