VO6 – Version 2.2 (13.03.2023)

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| **Guidance Notes****Taxi / Private Hire Cars** |  |

**Introduction**

This guidance is provided for your information only and is not prepared as a substitute for any independent legal advice. If this is required you should contact your solicitor.

You need to have a licence from Fife Council if you wish to use a vehicle as a licensed Taxi or as a licensed Private Hire Car.

A Private Hire Car can only accept pre-booked hires (usually by telephone). A Taxi, in addition to pre-booked hires can also be hired from a Taxi rank or “hailed” in the street. For more information on the differences between Taxis and Private Hire Cars please refer to the attached conditions.

A Taxi or Private Hire Car licence is not required for a vehicle while it is being used

* in connection with a funeral or wedding
* for carrying passengers under a contract for its exclusive hire for a period of not less than 24 hours

**Application**

Pages 1 & 2 of the vehicle registration document, M.O.T. (if vehicle over 1 year old), and insurance certificate (endorsed for Public or Private Hire) require to be submitted when making an application. The insurance certificate can be produced at a later date for new applications for the grant of a licence.

Application fees are non-refundable and are currently set at: £220 (1 year application) and £505 (3 year application).

Your application will not be processed until payment has been made by credit card or debit card online. You can apply for the licence at this link: [Taxi and Private Hire page](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/taxi-and-private-hire-car-driver-licences)

**Register of Applications**

Fife Council will keep a register of applications in which it will enter the date of receipt, the name and address of the applicant, the decision, the issue date and duration of the licence, and a note of any suspension, variation or surrender of the licence. This information is available for inspection by any member of the public.

**Application Process**

The Civic Government (Scotland) Act, 1982, prohibits the Council from making a decision on your application until a minimum of 28 days has passed from the date of application. During this time any person can object to your application.

Applications will be copied to Police Scotland (Fife Division). On receipt of a reply from Police Scotland (Fife Division) the licence will either be granted by the Licensing Team, or where there are any representations or objections to an application, the application will be considered at a meeting of the Regulation & Licensing Committee, to which the applicant will be invited to attend.

The majority of applications with no representations or objections will take 4-6 weeks to process, however applications that are to be considered by the Regulation & Licensing Committee will take longer to determine. The Council has a maximum of 9 months from the date of application within which to make its decision.

**Previous Convictions**

A full police record check is undertaken for all applicants and Police Scotland (Fife Division) may report on any incidents applicants have been involved in which required Police assistance. This may include incidents that have not reached the Court, incidents resulting in “no proceedings” by the Court and any outstanding Court cases. The provisions of the Rehabilitation of Offenders Act 1974 apply to convictions.

**Refusal**

You will be informed of the Regulation & Licensing Committee’s decision, in writing, within 7 days of the date of the hearing. If your application has been refused you may appeal against the decision, to Kirkcaldy Sheriff Court, within 28 days of the date of the decision.

If you have been refused Fife Council will not entertain a subsequent application, within one year of the refusal, for the same type of licence unless in its opinion there has been, since the refusal, a material change of circumstances.

**Conditions of Licence**

A copy of the standard conditions applicable to this licence is attached. Fife Council requires all licenceholders to have a thorough understanding of these conditions. The Committee can, if it wishes, impose additional conditions and can grant the licence for a shorter period than that applied for.

**Signage**

In addition to the roof sign, Taxis will be permitted one sign with the name and telephone number of the business, with the option to include a website address, on each of the two front doors of the vehicle. The word “Taxi” will also be permitted on the sides and the rear only, on Black Cabs i.e. Fairway Cabs, Metrocabs, LTI Cabs and Euro 7 Peugeots, only if it is an approved vehicle conversion from the manufacturer which is delivered with this signage as standard. **This signage is not permitted on Private Hire Cars.**

No other signage (with the exception of the universally recognised “no smoking” signs) will be permitted.

**Testing**

Each vehicle will be subjected to testing as per the conditions of the licence. The following fees will apply

* Random Test (following failure of annual test or Council M.O.T. only) - £30
* Retest (following on from Annual, Random, Spot checks or substitution) - £100
* Substitution (test and plate) - £40 : Substitution (plate only) - £25
* Replacement plate - £15
* Failure to attend a pre arranged test - £10

The Council may carry out spot checks on licensed vehicles at any time.

**Renewal Applications**

If an application for the renewal of a licence is made before its expiry, the existing licence shall continue to have effect until, the renewal licence has been granted or where the Council has refused that application, the time within which an appeal against the decision can be lodged has elapsed or, where such an appeal has been lodged, the time when it has been abandoned or determined.

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| **CIVIC GOVERNMENT (SCOTLAND) ACT 1982****CONDITIONS RELATIVE TO** **TAXI OPERATOR LICENCES** |  |

1. The holder of a taxi licence shall ensure that the taxi, including all bodywork, upholstery and fittings, is in a safe and serviceable condition and, subject to prevailing road conditions, is in a clean condition. Detailed, signed service records must be kept for all vehicles. A style of the records expected is available at [Taxi and Private Hire page](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/taxi-and-private-hire-car-driver-licences) These records must be made available to the Council, on request.

2. The holder of a taxi licence shall require the taxi to undergo and pass an annual inspection by the Council. On receiving the requisite notice, in writing, from the Council, the taxi shall be produced for examination at such time and place as may be reasonably required by the Council. In addition to such annual inspection the holder of the licence may be required to make the Taxi available for inspection by the Council at any time subject to prior notification. The Council further reserve the right to inspect the taxi at random throughout the year. **N.B. Fees are prescribed for substitution tests, for retests, for random tests, for failure to attend an annual or pre-arranged test and for replacement plates.**

3. There is an age limit of 5 years from the date of first registration for all new vehicles being submitted for the issue of taxi licences. A list of currently approved vehicles is available at the link detailed at 1. above.

4. No car over ten years old (minibus, wheelchair accessible vehicle or purpose built taxi over 12 years old) from the date of first registration will be suitable for use as a taxi.

5. The holder of a taxi licence, when the taxi is damaged in a vehicular accident or by any other means, shall report the damage to the Council as soon as practicable and, if the taxi is roadworthy, shall present it for examination within the following two working days (being days on which the testing facilities operate) after the occurrence. As soon as repairs to the taxi have been completed, the taxi shall be re-examined prior to being used for hire.

6. The holder of a Taxi licence shall ensure that any driver employed by them, while in charge of a Taxi, will be clean and tidy in their person and clothing, will conduct themselves in a proper and civil manner.

7. Every holder of a Taxi licence, driver or employee who comes into possession of any property of whatever kind found in the Taxi, if not returned to the owner, shall deliver it, in the state in which it was found, to any Police Office within twenty-four hours of finding same.

8. The holder of a taxi licence shall not ask a driver of a taxi to do anything which would result in the driver committing a breach of the conditions attached to the grant of the driver’s licence.

9. The holder of a taxi licence shall keep an up-to-date list of the names, addresses and phone numbers of all taxi drivers employed by them.

10. The holder of a taxi licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the taxi which has been accepted, unless prevented by sufficient cause.

11. The holder of a taxi licence shall hold in their own name the requisite vehicle registration document and the certificate of insurance in relation to the taxi required by Part VI of the Road Traffic Act 1972; where more than one name appears on the taxi licence the vehicle registration document and the certificate of insurance shall be in the name of at least one of those names. An M.O.T. Certificate is required for all vehicles over 1 year old.

12. The holder of a taxi licence shall ensure that, while the vehicle is in use as a taxi, any plate which has been issued by the Council for the purpose of indicating that the vehicle is a taxi, is displayed at all times in a position approved by the Council.

13. The holder of a taxi licence shall not obliterate or deface any plate which has been issued by the Council for the purposes of indicating that the vehicle is a taxi. If any such plate becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate is lost, the holder of the taxi licence shall report this to the Council as soon as practicable in order to obtain from the Council a replacement plate upon payment of a prescribed fee.

14. The holder of a taxi licence shall not display on the vehicle any signs for the purpose of advertising its services as a taxi other than those approved by the Council.

15. The holder of a taxi licence shall display upon the roof of the taxi a sign of a type approved by the Council for the purpose of identifying the vehicle as a taxi. The name of the operator and the telephone number will be permitted.

16. The holder of a taxi licence shall have affixed to, and used on, the taxi a taximeter which is accurate, showing the current fare scale in force from time-to-time, and has been tested and approved by the Council.

17. The holder of a taxi licence shall not use, or cause to permit to be used, on a taxi a road wheel or tyre of a different circumference from that for which the taximeter affixed to the taxi was designed, geared and tested by the Council.

18. The holder of a taxi licence shall ensure that the taximeter fitted to the taxi is in a position approved by the Council.

19. The holder of a taxi licence shall only use a taximeter which has been stamped or sealed by the Council after testing distance and time in accordance with the approved taxi fares and charges. Once a taximeter and any attachment affixed thereto is fitted to a vehicle it shall not be tampered with except to remove the taximeter for repair or replacement.

20. The holder of a taxi licence shall not knowingly use, or permit to be used, a taximeter which is in any way defective, or on which the seal is broken or detached. Should the seal be broken or detached the taximeter shall be re-tested and passed by or on behalf of the Council before being used again.

21. The holder of a taxi licence shall only use an aerial of a type and in a position as approved by the Council. Magnetic aerials must comply with the manufacturer’s specifications and speed ratings.

22. The holder of a taxi licence must carry, in a suitable fastener in the taxi, a current fire extinguisher (B.S.I. approved) of a type and in a position approved by the Council.

23. The holder of a licence shall within 28 days of their selling or otherwise disposing of the vehicle to which the licence relates deliver to the Licensing Team their licence, and any licence plate which has been issued by the Council for the purposes of indicating that the vehicle is a taxi, and if without reasonable excuse he fails to do so, he shall be guilty of an offence, and liable, on summary conviction, to a fine not exceeding level 2 on the standard scale of fines.

24. If, during the currency of the licence, the licenceholder is:

 (a) charged with any offence; and/or

 (b) issued with a fixed penalty, conditional offer or written warning

 by the Police or Procurator Fiscal, the licenceholder shall provide, in writing, full details of these to the Licensing Team at the address below immediately.

If any of the foregoing conditions are not complied with, the holder of the taxi licence shall be guilty of an offence and liable to a fine of up to £1,000 unless he can show that all possible steps were taken to comply with said conditions. In addition, the Court may make an order that the licence shall be revoked and/or that the holder of the licence shall be disqualified from holding such a licence for a period of up to five years.

Further, if in the opinion of the Council, the licence holder ceases to be a fit and proper person, or the licence is being operated for the benefit of a person who would have been refused a licence, or use of the licence is causing a threat to public order or safety, or any condition of the licence has been contravened, the Council may suspend the licence.VO5b - Version 2.2 (13.03.2023)

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| **CIVIC GOVERNMENT (SCOTLAND) ACT 1982****CONDITIONS RELATIVE TO PRIVATE HIRE CAR OPERATOR LICENCES** |  |

1. The holder of a private hire car licence shall ensure that the 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. Detailed, signed service records must be kept for all vehicles. A style of the records expected is available at [Taxi and Private Hire page](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/taxi-and-private-hire-car-driver-licences) These records must be made available to the Council, on request.

2. The holder of a private hire car licence shall require the private hire car to undergo and pass an annual inspection by the Council. On receiving the requisite notice, in writing, from the Council, they shall produce the private hire car for examination at such time and place as may be reasonably required by the Council. In addition to such annual inspection, the holder of the licence may be required to make the private hire car available for inspection by the Council at any time subject to prior notification. The Council further reserve the right to inspect the private hire car at random throughout the year. **N.B. Fees are prescribed for substitution tests, for retests, for random tests, for failure to attend an annual or pre-arranged test and for replacement plates.**

3. There is an age limit of 5 years from the date of first registration for all new vehicles being submitted for the issue of private hire car licences. A list of currently approved vehicles is available at the link detailed at 1. above.

4. No car over ten years old (minibus or wheelchair accessible vehicle over 12 years old) from the date of first registration will be suitable for use as a private hire car.

5. The holder of a private hire car licence, when the private hire car is damaged in a vehicular accident or by any other means, shall report the damage to the Council as soon as practicable and, if the private hire car is roadworthy, shall present it for examination within the following two working days (being days on which the testing facilities operate) after the occurrence. As soon as repairs to the vehicle have been completed, the private hire car shall be re-examined prior to being used for hire.

6. The holder of a private hire car licence shall ensure that any driver employed by them, while in charge of the Private Hire Car, will be clean and tidy in their person and clothing, and will conduct themselves in a proper and civil manner.

7. Every holder of a private hire car licence, driver or employee who comes into possession of any property of whatever kind found in the private hire car, if not returned to the owner, shall deliver it, in the state in which it was found, to any Police Office within twenty four hours of finding it.

8. The holder of a private hire car licence shall not ask a driver of a private hire car to do anything which would result in the driver committing a breach of the conditions attached to the grant of the driver’s licence.

9. The holder of a private hire car licence shall keep an up-to-date list of the names, addresses and telephone numbers of all private hire car drivers employed by him.

10. The holder of a private hire car licence shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the private hire car which they have accepted, unless prevented by sufficient cause.

11. No holder of a Private Hire Car Licence shall, or shall permit a driver of a Private Hire Car to, canvas or solicit for hire in any street or public place. This prohibition includes waiting or being in any street or public place for the purpose of being hired there and then.

12. The holder of a private hire car licence shall hold in their own name the requisite vehicle registration document and the certificate of insurance in relation to the private hire car required by Part VI of the Road Traffic Act 1972. Where more than one name appears on the private hire car licence the vehicle registration document and the certificate of insurance shall be in the name of at least one of those names. An M.O.T. Certificate is required for all vehicles over 1 year old.

13. The holder of a private hire car licence shall ensure that, while the vehicle is in use as a private hire car, any 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 in a position approved by the Council.

14. The holder of a private hire car licence shall not obliterate or deface any plate which has been issued by the Council for the purpose of indicating that the vehicle is a private hire car. If any such plate becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate is lost, the holder of the private hire car licence shall report this to the Council as soon as practicable in order to obtain from the Council a replacement plate upon payment of a prescribed fee.

15. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall obtain from the Council a notice or notices detailing the approved maximum fares and charges and shall display the notice or notices as appropriate in the passenger compartment of the vehicle in such a position that it or they will be readily visible to the passengers being carried and no other table of fares and charges shall be displayed.

16. The holder of a private hire car licence shall, unless the cost of the journey is regulated by a Council fare structure, take steps to ensure that any potential hirer of their private hire car is informed, prior to acceptance of the hire, (a) that the fare is not so regulated; and (b) the cost, or method of calculating the cost, of the proposed journey.

17. The holder of a private hire car licence shall not display on the private hire car any signs for the purpose of advertising its services as a private hire car, other than those approved by the Council.

18. The holder of a private hire car licence shall not display a roof sign of any kind on the private hire car.

19. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall not use or cause to 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 the Council.

20. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall have affixed to and used on the private hire car only a taximeter which has been approved by the Council and fitted in a position approved by the Council.

21. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall only use a taximeter which has been stamped or sealed by the Council after testing distance and time in accordance with the approved fares and charges. Once a taximeter and any attachment affixed thereto is fitted to a vehicle it shall not be tampered with except to remove the taximeter for repair or replacement.

22. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall not knowingly use, or permit to be used, a taximeter which is in any way defective, or on which the seal is broken or detached. Should the seal be broken or detached the taximeter shall be re-tested and passed by or on behalf of the Council before being used again.

23. The holder of a private hire car licence whose private hire car is fitted with a taximeter shall, within two working days, inform the Council of the removal of the taximeter from their vehicle. They shall not re-fit a taximeter on a second or subsequent occasion without prior permission from the Council, except when the vehicle is due to be annually tested by the Council.

24. The holder of a private hire car licence shall only use an aerial of a type and in a position as approved by the Council. Magnetic aerials must comply with the manufacturer’s specifications and speed ratings.

25. The holder of a private hire car licence must carry, in a suitable fastener in their private hire car, a current fire extinguisher (B.S.I. approved) of a type and in a position approved by the Council.

1. The holder of a licence shall within 28 days of selling or otherwise disposing of the vehicle to which the licence relates deliver to the Licensing Team their licence, and any licence plates which have been issued by the Council for the purposes of indicating that the vehicle is a private hire car, and if without reasonable excuse they fail to do so, they shall be guilty of an offence, and liable, on summary conviction by the Court, to a fine not exceeding level 2 on the standard scale of fines.

27. If, during the currency of the licence, the licenceholder is:

 (a) charged with any offence; and/or

 (b) issued with a fixed penalty, conditional offer or written warning

 by the Police or Procurator Fiscal, the licenceholder shall provide, in writing, full details of these to the Licensing Team at the address below immediately.

If any of the foregoing conditions are not complied with, the holder of the private hire car licence shall be guilty of an offence and liable to a fine of up to £1,000 unless they can show that all possible steps were taken to comply with said conditions. In addition, the Court may make an order that the licence shall be revoked and/or that the holder of the licence shall be disqualified from holding such a licence for a period of up to five years.

Further, if in the opinion of the Council, the licence holder ceases to be a fit and proper person, or the licence is being operated for the benefit of a person who would have been refused a licence, or use of the licence is causing a threat to public order or safety, or any condition of the licence has been contravened, the Council may suspend the licence.