

Appendix 1

Proposed amendments to conditions attached to Taxi/Private Hire Car and Taxi Driver/Private Hire Car Driver Licences

The following conditions have been identified as requiring immediate alteration to comply with both legislative and operational changes.

Conditions - Holder of a Taxi Licence

Existing condition

1. Clydebank Zone - No more than 5 passengers shall be carried in the taxi vehicle.
Dumbarton Zone - No more than 4 passengers shall be carried in the taxi vehicle.

Proposed change

Vehicles operating in West Dunbartonshire may only carry the number of passengers designated on the vehicle identification plate issued by the Licensing Authority. The number of passengers, which can be carried, will be dependent on the carrying capacity of each vehicle type up to a maximum of 8.

Reason for change

The current conditions were compiled before larger capacity Wheelchair Accessible Vehicles became available. Over the course of time various new makes and models of vehicle have been approved for use by the Licensing Authority with differing carrying capacities.

Existing condition

4. The holder of a Taxi Licence shall produce to the Licensing Authority on request a Vehicle Registration document (or alternative documentary evidence confirming ownership of the taxi and consent by the owner to the vehicle being used as a taxi by the Licence Holder) and valid Certificate of Insurance, in the Licence Holder's name.

Proposed change

The holder of a Taxi Licence who owns the Taxi to which the Licence relates shall hold in their own name the requisite vehicle registration document (or shall otherwise provide documentary evidence confirming ownership of the Taxi and evidence sufficient to the satisfaction of the Licensing Authority of the owner's consent to the vehicle presented for registration being used as a Taxi) and the Certificate of Insurance in relation to the Taxi required by statute. If more than one name appears on the Taxi Licence the Vehicle Registration document then the Certificate of Insurance shall be in the name of at least one of those names.

Reason for change

The current conditions refer to individual operators where in practice many licences are issued as partnerships. The amended condition makes it clear that the documents presented need only be in the name of one of the partners in the licence.

Existing condition

15. The holder of a Taxi Licence shall ensure that while the vehicle is in use as a taxi, any plates which have been issued by the Licensing Authority for the purpose of indicating that the vehicle is a taxi are displayed at all times in positions approved by the Licensing Authority.

Proposed change

The holder of a Taxi Licence shall ensure that while the vehicle is in use as a taxi, any plates which have been issued by the Licensing Authority for the purpose of indicating that the vehicle is a taxi are displayed at all times on the front and rear exterior of the vehicle in positions approved by the Licensing Authority.

Reason for change

Certain makes and models of vehicle have not been able to accommodate the plate fixing kits which are supplied with vehicle identification plates unless the bodywork of the vehicle is drilled. The supplier has recently addressed this issue supplying fixing kits which are secured by adhesive strips. In the event that an authorised officer has cause to recover plates from a vehicle they will now be able to do so. Vehicle identification plates will also be more visible to the public, Police and authorised officers.

Existing condition

31. The holder of a Taxi Licence shall not substitute a vehicle in respect of which the Taxi Licence is held for another vehicle without first obtaining the written consent of the Licensing Authority. Prior to consenting to a substitution in terms of this condition, the Licensing Authority shall require that the vehicle to be substituted for the existing vehicle shall undergo and pass a Certificate of Compliance inspection.

Proposed change

The holder of a Taxi Licence shall not substitute a vehicle in respect of which the Taxi Licence is held for another vehicle without first obtaining the written consent of the Licensing Authority. Prior to consenting to a substitution in terms of this condition, the Licensing Authority shall require that the vehicle to be substituted for the existing vehicle shall undergo and pass a Certificate of Compliance inspection and meter check. This shall also apply if the substitute vehicle is being used for a temporary period while the previously used vehicle is being repaired. In this case a

Certificate of Compliance inspection and meter check will be required for both substitutions.

Reason for change

The current condition does not state that a meter check is required at the time of the Certificate of Compliance inspection for a substitute vehicle. The change also clarifies that a Certificate of Compliance and meter check is required on every occasion that a substitution of vehicle takes place.

Existing condition

37. The holder of a Taxi Licence shall not use or permit to be used a taxi which has not been fitted with a suitable door safety device to prevent accidental opening of passenger doors while the taxi is in motion; such safety device will be of a type approved by the Enforcement Officer.

Proposed change

The holder of a Taxi Licence shall not use or permit to be used a taxi which has not been fitted with a suitable door safety device to prevent accidental opening of passenger doors while the taxi is in motion unless the vehicle is of an approved type which is not fitted with a door safety device as part of the manufacturers specification; such safety device will be of a type approved by the Enforcement Officer.

Reason for change

Vehicles which have no door safety device fitted have been approved by a previous Licensing Committee therefore the condition has been altered to refer to those vehicles which specifically have one fitted as part of the manufacturers specification.

Existing condition

34. The holder of a Taxi Licence shall not at any time nor at any place sound or permit any driver to sound a horn, alarm or other audible means of announcing to the hirer or proposed hirer the arrival of the taxi.

Proposed change

Removal

Reason for change

A similar condition exists within the Taxi Driver's conditions. This condition is relevant to the driver of the vehicle as opposed to the operator.

Existing condition

None

Proposed change

Subject to the foregoing the holder of a Taxi Licence whose taxi ceases to be used as such or who ceases to act as a Taxi operator for more than 6 weeks of the unexpired period of his Licence or whose Licence has expired, shall within seven days thereafter, give notice thereof to the Licensing Authority and deliver his Licence and his Licence Plate to the Licensing Authority. The Licence shall thereafter be deemed to have been surrendered in terms of paragraph 13(1) of Schedule 1 to the Civic Government (Scotland) Act 1982. It shall be a contravention hereof if he shall fail to deliver his Licence and his Licence Plate within said period of seven days.

Reason for change

A similar condition exists within Private Hire Car Licence conditions but not in the Taxi conditions.

Existing condition

None

Proposed change

In the event that a taxi operator gives permission for a licensed taxi driver to drive their vehicle, they shall produce to the Licensing Authority forthwith a Certificate of Insurance confirming that the driver is entitled to drive the taxi. Similarly, in the event that a taxi operator no longer gives permission for a driver to drive the vehicle, they shall notify the Licensing Authority in writing, giving details as to when the driver was removed from the Certificate of Insurance.

Reason for change

The existing Taxi Drivers conditions place the onus on the driver to produce the Certificate of Insurance held by the operator. This change puts the responsibility for supplying the documentation on the operator.

Existing condition

*Clydebank zone only

Proposed condition

*Wheelchair accessible vehicles only.

Reason for change

The current conditions were compiled when the Dumbarton & Vale of Leven zone of West Dunbartonshire had no wheelchair accessible vehicles operating within their fleet. Conditions relating to wheelchair accessible vehicles which were specific to the Clydebank zone have been applied to wheelchair accessible vehicles operating in the Dumbarton & Vale of Leven zone since these types of vehicles were introduced in that zone. The proposed change will ensure that the conditions relating to wheelchair accessible vehicles refer not only to the Clydebank zone but to any wheelchair accessible vehicle.

Conditions - Holder of a Private Hire Car Licence

Existing condition

1. No more than four passengers shall be carried in the Private Hire Car.

Proposed change

Vehicles operating in West Dunbartonshire may only carry the number of passengers designated on the identification plate issued by the Licensing authority. The number of passengers which can be carried will be dependent on the carrying capacity of each vehicle type up to a maximum of 8.

Reason for change

The current conditions were compiled before larger vehicles became available. Over the course of time various new makes and models of vehicle have been approved for use by the Licensing Authority with differing carrying capacities.

Existing condition

14. The holder of a Private Hire Car Licence shall ensure that, while the vehicle is in use as a Private Hire Car, any plates or other items which have been issued by the Licensing Authority for the purpose of indicating that the vehicle is a Private Hire Car, are displayed at all times and in positions approved by the Licensing Authority.

Proposed change

The holder of a Private Hire Car Licence shall ensure that while the vehicle is in use as a Private Hire Car, any plates which have been issued by the Licensing Authority for the purpose of indicating that the vehicle is a Private Hire Car are displayed at all times on the front and rear exterior of the vehicle in positions approved by the Licensing Authority.

Reason for change

Certain makes and models of vehicle have not been able to accommodate the plate fixing kits which are supplied with vehicle identification plates unless the bodywork of the vehicle is drilled. The supplier has recently addressed this issue supplying fixing kits which are secured by adhesive strips. In the event that an authorised officer has cause to recover plates from a vehicle they will now be able to do so. Vehicle identification plates will also be more visible to the public, Police and authorised officers.

Existing condition

24. The holder shall not at any time nor at any place sound, nor permit any driver to sound, a horn, alarm or other audible means of announcing to a hirer or proposed hirer the arrival of the Private Hire Car.

Proposed change

Removal

Reason for change

A similar condition exists within the Private Hire Car Driver's conditions. This condition is relevant to the driver of the vehicle as opposed to the operator.

Existing condition

27. The holder of a Private Hire Car Licence shall not substitute a vehicle in respect of which the Private Hire Car Licence is held for another vehicle without first obtaining the written consent of the Licensing Authority. Prior to consenting to a substitution in terms of this condition, the Licensing Authority shall require that the vehicle to be substituted for the existing vehicle shall undergo and pass a Certificate of Compliance inspection.

Proposed change

The holder of a Private hire car Licence shall not substitute a vehicle in respect of which the Private hire car Licence is held for another vehicle without first obtaining the written consent of the Licensing Authority. Prior to consenting to a substitution in terms of this condition, the Licensing Authority shall require that the vehicle to be substituted for the existing vehicle shall undergo and pass a Certificate of Compliance inspection and meter check if required. This shall also apply if the substitute vehicle is being used for a temporary period while the previously used vehicle is being repaired. In this case a Certificate of Compliance inspection and meter check will be required for both substitutions.

Reason for change

The current condition does not state that a meter check is required at the time of the Certificate of Compliance inspection for a substitute vehicle. The change also clarifies that a Certificate of Compliance and meter check is required on every occasion that a substitution of vehicle takes place. It is not obligatory for a private hire car to have a meter fitted however if they do, it must be set at the same tariff which is applicable to taxis operating in that particular zone.

Existing condition

None

Proposed change

In the event that a private hire car operator gives permission for a licensed private hire car driver to drive their vehicle, they shall produce to the Licensing Authority forthwith a Certificate of Insurance confirming that the driver is entitled to drive the private hire car. Similarly, in the event that a private hire car operator no longer gives permission

for a driver to drive the vehicle, they shall notify the Licensing Authority in writing, giving details as to when the driver was removed from the Certificate of Insurance.

Reason for change

The existing Private Hire Car Drivers conditions place the onus on the driver to produce the Certificate of Insurance held by the operator. This change puts the responsibility for supplying the documentation on the operator.

Conditions - Holder of a Taxi Driver's Licence

Existing condition

4. The holder of a Taxi Driver's Licence shall ensure that the vehicle, including all bodywork, upholstery and fittings is in a safe and serviceable condition; that the bodywork is of a uniform colour scheme (subject to the manufacturer's specification, i.e. coach lines etc) and that, subject to prevailing road conditions, the vehicle is in a clean condition.

Proposed change

The holder of a Taxi Driver's Licence shall ensure, so far as he/she is able that the vehicle, including all bodywork, upholstery and fittings is in a safe and serviceable condition and that, subject to prevailing road conditions, is in a clean condition.

Reason for Change

A similar condition exists within the Taxi Operator conditions (No. 2). A taxi driver, who is not also the operator of the vehicle, pays an operator for the use of their vehicle. The responsibility for the maintenance of the vehicle and the colour scheme of the vehicle lies with the operator and not the driver however the cleanliness of the interior and exterior of the vehicle is the responsibility of the driver.

Existing condition

23. The driver of a taxi, while plying for hire or carrying a passenger, shall be clean and tidy in his person and adhere to the Dress Code for Taxi/Private Hire Car Drivers approved by West Dunbartonshire Council. The driver of a taxi shall conduct himself in a proper and civil manner and, whilst carrying a passenger, shall not smoke.

Proposed change

The driver of a taxi, while plying for hire or carrying a passenger, shall be clean and tidy in his person and adhere to the Dress Code for Taxi/Private Hire Car Drivers approved by West Dunbartonshire Council. The driver of a taxi shall conduct himself in a proper and civil manner. In accordance with the Smoking, Health and Social Care (Scotland) Act 2005, smoking within a taxi is prohibited at all times whether the driver is engaged in a hire or not.

Reason for Change

Changes brought about by the above legislation now make it an offence for either the driver or a passenger to smoke in the taxi at any time.

Existing condition

28. The driver of a taxi shall notify the Licensing Authority at all times of the name and address of his employer and upon a change of employer he shall immediately thereafter give written notice thereof to the Licensing Authority stating the former employer's name and address and the new employer's name and address and the date of termination of the former employment and the date of commencement of the new employment. He shall in addition, produce to the Licensing Authority forthwith a Certificate of Insurance from the new employer confirming that the driver is entitled to drive for that employer and it shall be a contravention hereof if he shall fail to comply with any terms of this condition forthwith.

Proposed change

The driver of a taxi shall notify the Licensing Authority at the time of application of the name and address of the taxi operator for whom they will drive. The taxi driver will immediately thereafter give written notice to the Licensing Authority if they drive for a different operator and supply the name and address of the said operator.

Reason for Change

In normal circumstances, taxi drivers are not employed by taxi operators. They are self-employed and effectively hire the vehicle from the operator. The requirement to supply the Certificate of Insurance has been included in the Taxi Operators conditions.

Conditions - Holder of a Private Hire Car Driver's Licence

Existing condition

2. The driver of a Private Hire Car shall ensure that the Private Hire Car, including all bodywork, upholstery and fittings is in a safe and serviceable condition; that the body work is of a uniform colour scheme (subject to the manufacturer's specification, i.e. coach lines etc) and that, subject to prevailing road conditions, the vehicle is in a clean condition.

Proposed change

The holder of a Private Hire Car Driver's Licence shall ensure, so far as he/she is able that the vehicle, including all bodywork, upholstery and fittings is in a safe and serviceable condition and that, subject to prevailing road conditions, is in a clean condition.

Reason for Change

A similar condition exists within the Private Hire Car Operator conditions (No. 2). A private hire car driver, who is not also the operator of the vehicle, pays an operator for the use of their vehicle. The responsibility for the maintenance of the vehicle and the colour scheme of the vehicle lies with the operator and not the driver however the cleanliness of the interior and exterior of the vehicle is the responsibility of the driver.

Existing condition

23. The driver of a Private Hire Car, while carrying a passenger, shall be clean and tidy in his person and adhere to the Dress Code for Taxi/Private Hire Car Drivers approved by West Dunbartonshire Council. The driver of a Private Hire Car shall conduct himself in a proper and civil manner and, while carrying a passenger, shall not smoke.

Proposed change

The driver of a private hire car, while carrying a passenger, shall be clean and tidy in his person and adhere to the Dress Code for Taxi/Private Hire Car Drivers approved by West Dunbartonshire Council. The driver of a private hire car shall conduct himself in a proper and civil manner. In accordance with the Smoking, Health and Social Care (Scotland) Act 2005, smoking within a private hire car is prohibited at all times whether the driver is engaged in a hire or not.

Reason for Change

Changes brought about by the above legislation now make it an offence for either the driver or a passenger to smoke in the private hire car at any time.

Existing condition

26. The driver of a Private Hire Car shall notify the Licensing Authority at all times of the name and address of his employer and upon a change of employer he shall immediately thereafter give written notice thereof to the Licensing Authority stating the former employer's name and address and the new employer's name and address and the date of termination of the former employment and the date of commencement of the new employment. He shall produce to the Licensing Authority forthwith a Certificate of Insurance from the new employer confirming that the driver is entitled to drive for that employer and it shall be a contravention hereof if he shall fail to comply with any terms of this condition.

Proposed change

The driver of a private hire car shall notify the Licensing Authority at the time of application of the name and address of the private hire car operator for whom they will drive. The private hire car driver will immediately thereafter give written notice to the Licensing Authority if they drive for a different operator and supply the name and address of the said operator.

Reason for Change

In normal circumstances, private hire car drivers are not employed by private hire car operators. They are self-employed and effectively hire the vehicle from the operator. The requirement to supply the Certificate of Insurance has been included in the Private hire car Operators conditions.

Existing condition

DRESS CODE FOR HOLDERS OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCES

What is not permitted:-

Baseball caps

Proposed change

Any cap or hat that when worn may obscure the passengers view of the driver in the event that they later had to identify them.

Reason for Change

At the time of introducing the dress code, baseball hats were considered to be unacceptable forms of headwear for taxi/private hire car drivers. Some drivers have however taken to wearing other types of cap or hat, which may make their identification difficult, especially when worn driving a vehicle with a bulkhead which separates the driver from the passenger.