TD6 – Version 2.3 (01.04.2024)

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| **Guidance Notes**  **Taxi/Private Hire Car Drivers** | Fife Council logo |

**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.

A Taxi/Private Hire Car Drivers licence allows you to drive a Taxi or Private Hire Car. If you wish to operate a vehicle as a Taxi or Private Hire Car a separate licence known as a Taxi/Private Hire Car licence will be required in addition to the drivers licence.

**Application**

A recent passport type photograph and your current D.V.L.A. Driver’s Licence require to be submitted when making this application. From 8 June 2015 the paper counterpart was discontinued by DVLA. To enable us to check your driving record you will need to provide us with a summary. You can obtain this summary by going on line to <https://www.gov.uk/view-driving-licence> and following the instructions. Please ensure you submit the summary with your application. Your DVLA licence must show your current address.

From 1 December 2016 your right to work in the UK will be checked as part of your licence application and this could include the licensing team checking your immigration status with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check.

If you are a British citizen, please scan or take a photograph of the page in your passport with the date of issue/expiry, passport number and your photo on it.

If you do not have a passport and were born in the UK, you can scan or take a photograph of your birth certificate and an official document giving your permanent National Insurance number and your name issued by a Government agency or previous employer.

The above documents should be sent by email to [misc.licensing@fife.gov.uk](mailto:misc.licensing@fife.gov.uk)

If you are an EU citizen please click on this link [View and prove your immigration status - GOV.UK (www.gov.uk)](https://www.gov.uk/view-prove-immigration-status) and follow the process to obtain a code which should be forwarded to [misc.licensing@fife.gov.uk](mailto:misc.licensing@fife.gov.uk)

If you have a biometric residence permit or vignette in your passport please click on this link [Prove your right to work to an employer - GOV.UK (www.gov.uk)](https://www.gov.uk/prove-right-to-work) and follow the process to obtain a code which should be forwarded to [misc.licensing@fife.gov.uk](mailto:misc.licensing@fife.gov.uk)

You may be asked to provide the original document(s), such as a passport or biometric residence permit, at a later date, so that a check can take place. The document will be checked in your presence and will be copied and retained by the licensing team. The original document will be returned to you.

Your application will not be considered valid until all the necessary information and documents have been produced.

If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time you apply to renew or extend your licence. If, during this period, you are disqualified from holding a licence because you have not complied with the UK’s immigration laws, your licence will cease to have effect and you must return it to the licensing authority. Failure to do so is a criminal offence.

Application fees are non-refundable and you can apply for a 1 or 3 year licence.

Your application should be lodged online at this link: [Taxi & Private Hire Licences | Fife Council](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/taxi-and-private-hire-car-driver-licences)

**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**

You should be aware that the Rehabilitation of Offenders Act 1974 does not always apply for the purposes of this type of application. As such the Council may be entitled to consider any previous convictions (whether spent or not) before making a final decision on the application. 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.

**Taxi / Private Hire Car Drivers Training Course**

It is now a requirement for all applicants applying for the grant of a Taxi/Private Hire Car Driver’s licence to attend a Training Course. You will be advised of this further when you have applied for a licence.

**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 below. 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.

**Medical Information**

It is assumed that you have notified the Driver & Vehicle Licensing Agency (DVLA) of any existing or new medical conditions you may have that could restrict your driving of taxis/private hire cars and that you have taken any appropriate action necessary. The medical conditions you **MUST** tell the DVLA about are listed in its booklet D100 (as amended from time-to-time) ‘What you need to know about Driving Licences’ under the sections headed ‘your health’ & ‘your eyesight’.

For further information on this you can telephone the Drivers Medical Unit at the DVLA on 0870 600 0301 or go to their website at [www.direct.gov.uk/motoring](http://www.direct.gov.uk/motoring) and consult the section headed ‘medical rules for drivers’.

Applicants over the age of 70 years old, as well as those who declare on their application that they have a medical condition that may affect their driving, will be asked to attend a DVLA Group 2 medical assessment with the Council’s Occupational Health Practitioners to confirm that they are medically fit to drive taxis/private hire cars. You will be contacted by the Licensing Team in this regard, once the application has been received. Further details of the medical criteria can be found at this link: [Medical criteria](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/taxi-and-private-hire-car-driver-licences)

**Dress Code**

Fife Council and the local Taxi Associations agree that all holders of a taxi/private hire car driver’s licence in Fife should maintain a good and smart standard of dress.

The following articles of clothing will **NOT BE** permitted:-

1. football or sports shorts
2. track, shell, jogging suits or similar
3. vest or sports tops (including football tops)
4. flip flops or any shoes that are in a dirty condition
5. thick soled boots or shoes
6. jeans or denims that are frayed, torn or dirty
7. baseball caps

Drivers are expected to wear clean clothing of a nature, condition and overall appearance which meets with general perceptions of acceptability. Moustaches or beards should be kept neat and trimmed.

Applicants attending the Regulation & Licensing Committee should also adhere to the Dress Code.

**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.

**Driving Assessments -** Young drivers (25 and under) and anyone who has held a driving licence for less than 18

months will be asked to undertake a driving assessment. You will be advised of this further when you have applied for

a licence. The fee for the assessment will require to be paid by the applicant in addition to the licence application fee.

TD5 – Version 2.0 (01.04.2019)

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| **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 13**  **TAXI/PRIVATE HIRE CAR DRIVERS**  **LICENCE CONDITIONS** | Fife Council logo |

1. The driver of a taxi/private hire car shall at all times, whilst in charge of a licensed vehicle, display the taxi/private hire car driver’s licence or such other means of identification issued by the Council and shall exhibit such licence or identification on demand, to any passenger, constable or authorised officer of the Council. The identification issued by the Council shall include the driver’s name, a recent photograph showing the driver’s true likeness and the date on which the licence expires.

2. The driver of a taxi/private hire car shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to hire the taxi/private hire car which has been accepted, unless prevented by sufficient cause.

3. The driver of a taxi/private hire car shall not at any time convey in the vehicle more than the number of passengers the vehicle is licensed to carry.

4. The driver of a taxi/private hire car which has been hired shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer.

5. The driver of a taxi (whilst not being used as a taxibus) or a private hire car shall, unless the cost of the journey is regulated by a Council fare structure, inform the hirer or passenger before the journey commences (a) that the fare is not so regulated; and (b) the cost, or the method of calculating the cost, of the proposed journey.

6. The driver of a taxi shall ensure that the taximeter fitted in a taxi shall be operated at all times, when the vehicle is being used as a taxi, in accordance with the detailed requirements imposed by the Council.

7. Subject to condition 8 below the driver of the taxi/private hire car shall not refuse to drive a passenger to any place within the licensing area.

8. The driver of a taxi/private hire car need not convey any hirer or passenger who is drunk or otherwise not in a fit and proper state to be carried, or whose condition or clothing is offensive or likely to cause damage to the interior of the vehicle, or who refuses to cease smoking in the vehicle when requested to do so by the driver, or is accompanied by any animal which is likely to damage or soil the interior of the vehicle, or for any other reasonable excuse.

9. The driver of a private hire car, whilst in charge of the vehicle, shall not canvass or importune in any public place or street for employment.

10. The driver of a taxi/private hire car shall not refuse to carry luggage in the vehicle providing that said luggage can be accommodated safely within the luggage compartment of the vehicle.

11. The driver of a taxi/private hire car shall give such assistance as they are able to give with loading and unloading luggage when required to do so but they shall not be required to leave the immediate proximity of the vehicle in doing so.

12. The driver of a taxi/private hire car, while carrying a passenger, shall be clean and tidy in their person and clothing, and shall conduct themselves in a proper and civil manner.

13. The driver of a taxi/private hire car shall, at the end of their shift, search the vehicle of which they are in charge for any property which may have been left therein. Any property found by the driver shall, within twenty four hours, be returned to the owner of the property if known or be handed in by the driver to any police station.

14. Where a taxi/private hire car has been hired -

(a) by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person; or

(b) by a person who wishes such a disabled person to accompany that person in the taxi,

and no notice of exemption from this requirement has been given by the Council, the licenceholder shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so. Exemption may be requested by drivers who have a medical condition that would be aggravated or triggered by carrying dogs.

*(An assistance dog is a dog that is trained by a charity to assist a disabled person with a physical impairment. At the time of the hire, the dog must be wearing a jacket inscribed with the name of the charity).*

15. The driver of a taxi/private hire car shall not knowingly allow the vehicle in their charge to be used for illegal or immoral purposes, permit to be carried in the vehicle in their charge any article of a dirty, filthy, noxious, explosive or dangerous nature, or permit to be carried in the vehicle in their charge any person who has vermin on their person.

16. The driver of a taxi/private hire car shall ensure that the vehicle including all bodywork, upholstery and fittings, is in a safe and serviceable condition and, subject to prevailing road conditions, in a clean condition.

17. Unless the Council makes specific arrangements for particular stances, when a taxi is driven off a stance, the driver of the taxi immediately behind shall draw up their vehicle to take the place vacated, and the taxi drivers on the stance behind shall draw up their vehicles in a like manner.

18. The driver of a taxi, when the taxi is hired or standing for hire, shall either sit in the driving seat of the taxi or stand in the immediate proximity thereto except during any period they may be absent to announce the arrival of the taxi to the hirer or when assisting the hirer with luggage to or from the taxi or for any other necessary purpose.

19. 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.

1. The driver of a taxi shall from time to time, and at least once in each day, inspect the seal on the taximeter to ensure that they are intact. On discovering that the seal has been broken or damaged, or that the taximeter has ceased to function correctly, the driver shall immediately withdraw the vehicle from service.

21. The driver of a taxi/private hire car shall have notified the Driver & Vehicle Licensing Agency (DVLA) of any existing or new medical conditions they may have that could restrict their driving of taxis/private hire cars and shall ensure that they have taken any appropriate action necessary. The medical conditions you MUST tell the DVLA about are listed in its booklet D100 (as amended from time-to-time) ‘What you need to know about Driving Licences’ under the sections headed ‘your health’ & ‘your eyesight’. You must also advise the Licensing Team of any new medical conditions that you have not already mentioned on your application as you may have to attend a DVLA Group 2 medical assessment with the Council’s Occupational Health Practitioners. Further details of the medical criteria can be found at [Medical criteria](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/taxi-and-private-hire-car-driver-licences)

1. 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/private hire car driver’s licence shall be guilty of an offence and liable to a fine of up to £1,000 unless he/she 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.

In these conditions:

“Taxibus” 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.