

**DEVELOPMENT, SAFETY and REGULATIONS  
(FLEET MANAGEMENT)**

**POLICY, GUIDELINES AND CODE  
OF CONDUCT APPLICABLE TO THE  
LICENSING**

**OPERATION AND TESTING OF TAXIS AND  
PRIVATE HIRE CARS**

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# Preface

It is a well known fact that the taxi and private hired car plays an increasingly important part in public transport provision.

It is the Council's vision and opinion that Best Practice outlining a common standard should apply both in the vehicles that are licensed and to **all** the drivers who operate them no matter the frequency or level of participation.

The first contact many individuals have while visiting South Ayrshire is a taxi or a private hire car.

It is the Council's opinion therefore that this should become a pleasant experience as it is considered an integral and important part of a holiday or visit to South Ayrshire.

The Council is an advocate that Best Practice should be adopted as a norm and that taxi and private hire cars should be presented in a professional manner with uniform paintwork (livery).

The following contains what in South Ayrshire's opinion would become Best Practice for both taxis and private hire cars and in addition a guideline on the Code of Conduct for all personnel involved in driving them.

# **TAXIS AND PRIVATE HIRE CARS**

## **SECTION 1 –**

### **INTERPRETATION/DEFINITIONS**

## Section 1

**NOTE:** These conditions are ancillary to and do not derogate from the powers granted to the Council in relation to taxis and private hire cars under the Civic Government (Scotland) Act 1982 or any amendments thereto.

### **PART 1 – INTERPRETATION & DEFINITIONS**

1.1 Unless there is something in the subject or context inconsistent with, or repugnant to such construction, the following words and expressions in these conditions and their respective schedules have the following meanings respectively given to them:-

- (a) Any reference in these conditions to “the Act” means the Civic Government (Scotland) Act 1982.
- (b) Any words used in these conditions or their respective Appendices should be given the meanings assigned to them in the Act, so far as applicable to Part II and Schedule 1 of the Act. In particular, where, in these conditions, any word is used which is defined in the Act and such definition is applicable in relation to “taxi” or “private hire car” as defined in the Act. The meaning of such word in these conditions shall be interpreted in accordance with the definition of the Act.

1.2 Subject to the foregoing the following words or phrases shall have the meanings set out below –

**“Approved”** – means unless explicitly stated to the contrary, approved by the Council.

**“Authorisation”** – includes any licence, certificate, permit or registration.

**“Authorised Fare”** – means any charge (whether described as fare, engagement fee, extras or otherwise) authorised and approved by the Council for publication in the table of fares issued and amended from time to time. Being the fare table or tariff that indicates and authorises the maximum charge payable for the use of a taxi (or private hire car) within the local government area of South Ayrshire Council.

**“Authorised Officer”** – means a person, authorised by the Council either generally or specifically to act in matters of any specified kind or in any specified matter relative to these conditions and the Act relative to taxis and private hire cars.

**“Constable”** – means any constable as defined in the Police (Scotland) Act 1967 being a member of the Police Scotland.

**“Contravention”** – in relation to any requirement includes a failure to comply with that requirement and cognate expressions shall be construed accordingly.

**“Commencement of hire”** – a hire shall commence at the time the hirer or passenger opens the door of a taxi. However, where a taxi or private hire car has been called by telephone or other advance arrangement the hire shall commence after the driver of the taxi or private hire car has announced the arrival of the taxi or private hire car to the prospective hirer or passenger at the place to which it has been summoned. The hire shall end when the hirer or passenger steps out of the taxi or private hire car having indicated to the driver that the hire has been terminated.

**“Council”** – means South Ayrshire Council.

**“Enactment”** – includes any enactment (and any amendments thereof) contained in any Order, Regulation or other instrument having effect by virtue of Parliament.

**“Engagement”** – means an agreement between any person and the holder of a taxi or private hire car licence or driver (or their respective representatives) for the hire of a taxi or private hire car at some time and location specified.

**“Engagement fee”** – is the sum so described in the Council’s table of fares which is payable in addition to the fare where, by telephone or other advanced arrangement, there is an engagement for the hire of a taxi (or private hire car in which a taximeter is fitted).

**“Exclusive”** – as applied to the hire of a taxi or private hire car 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.

**“Hire”** – means the use of a taxi, or private hire car for the purpose of uplifting a passenger from a stated location and conveying such a passenger and their luggage to any destination within South Ayrshire, and (where a taximeter is fitted), there is a requirement to pay for its hire (including an engagement fee where appropriate) not exceeding the rate for such fares or fees authorised from time to time by the Council.

**“Holder of a licence”** – has the same meaning as licensee.

**“Hours of darkness”** – means the time between half an hour after sunset and half an hour before sunrise.

**“Licence”** – means a licence granted by the Council to any person for the purpose of using a vehicle as a taxi or private hire car or for the purpose of driving the same as appropriate during the currency of validity of such licence.

**“Licensed area”** – means the local government area of South Ayrshire Council.

**“Licensed”** – in relation to any taxi or private hire car, its owner or driver, means having been granted an appropriate licence with the Council in terms of the Act and these conditions during the currency of such licence, but excluding any period when such a licence is suspended.

**“Licensee”** – means a person who has been granted and holds a current and valid licence from the Council in terms of Part II of the Act to ply for hire with a taxi or to operate a private hire car or drive such vehicles.

**“Luggage”** – includes all items which the hirer or passenger wishes to be carried in the hire vehicle, whether his own personal baggage for the journey, or being carried for the business or otherwise, and shall also include animals or pets which reasonably may be accommodated within the vehicles.

**“Maintenance”** – includes repair, and “maintain” shall be construed accordingly.

**“Motor Vehicle”** – has the meaning assigned to it by the Road Traffic Act 1988 or any amendments thereto.

**“Notice”** – means a Notice in writing.

**“Orthodox type”** – means a motor vehicle of a type or model which has been approved by the Council for use as a taxi.

**“Public place”** – has the meaning assigned by Section 133 of the Act.

**“Reasonably practical”** – means capable of being performed and implemented having regard to all the circumstances, including in any case where works, repairs or maintenance are involved, the expense of their execution.

**“Representative”** – when used in relation to the holder of a taxi or private hire car licence or in relation to a driver of a taxi or private hire car, means any person, company, firm or association whose services as principal are engaged or used by such a licence holder (and that by any means whatsoever including telephone and radio communications) for the purpose of obtaining engagements for the hire of a taxi or private hire car.

**“Shared”** – as applied to the hire of a taxi or private hire car 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 One of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

**“Taxi stance”** – means a stance appointed by the Council in terms of section 19 of the Act within any part of South Ayrshire.

**“Grandfather Rights”** - A clause in a Condition, which permits the operator to be exempt from restrictions on vehicle use if the vehicle continues to be used as it was when the Condition was adopted/amended. Example: when a local licensing authority passes a change in the specification or operation of a vehicle type to the Conditions of Licensing for a taxi or private hire vehicle then current vehicles operating **prior** to the Condition becoming effective may operate that vehicle type/specification until replacement. However, when changing or replacing the vehicle that is subjected to ‘grandfather’ rights the operator loses those rights with immediate effect.

# **TAXI AND PRIVATE HIRE CARS**

## **SECTION 2 - HOLDER OF TAXI LICENCE**

### **RESPONSIBILITIES**

## Section 2

- 21 The holder of the taxi licence shall ensure that their taxi is in a proper state of repair for the use of a taxi and is of the orthodox type. A taxi entering service within South Ayrshire must be under the age of 5 years from the original date of registration. Any vehicle operating as a taxi within South Ayrshire must be under 11 years from the original date of registration.
- 22 The holder of a taxi licence shall ensure that their taxi, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to prevailing road conditions. The holder of a taxi licence will be required to submit the address of the premises where the maintenance of the vehicle is carried out, and the frequency of the vehicle inspections.
- 23 The holder of a taxi licence shall require their taxi to undergo a yearly inspection or a six monthly inspection by the Council if the vehicle is over seven years of age. On receiving the requisite notice in writing from the Council, they shall produce their taxi for examination at such time and place as may be reasonably required by the Council.
- 24 If a taxi is damaged in a vehicular accident or by any other means, the holder of the taxi licence shall report the damage to the Council as soon as practicable. The taxi should be presented for examination along with the appropriate fee to the Council within two working days (being days on which the testing facilities operate) after the occurrence. The examination will determine if the vehicle is roadworthy or in need of repair. As soon as the repairs to the taxi have been completed, the taxi should be presented to the Council for re-examination. Unless the Council confirms otherwise the vehicle shall not be used as a taxi from the date of presentation for said examination until it has been re-examined by the Council and passed as being fit for use again as a taxi.
- 25 The holder of a taxi licence shall ensure that, when the vehicle is presented for examination with a view to the renewal of the licence, the bodywork and the passenger accommodation of the vehicle are clean. The underside of the vehicle is free from road dirt, excess oil and grease.
- 26 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 attaching to the grant of the driver's licence.
- 27 The holder of a taxi licence shall hold in their own name the vehicle's registration document and the certificate of insurance in relation to their taxi required by Part VI of the Road Traffic Act 1988 or any other amending legislation. The holder of the licence shall be required to produce these documents along with a current MOT test certificate (if applicable) to the Council at any reasonable time on request. 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 these names.
- 28 On a vehicle being licensed as a taxi, a number shall be allotted to it by the Council and the approved external and internal plates (hereinafter referred to as the "taxi plates") bearing such number shall be supplied to the licence holder by the Council, the holder

of the taxi licence shall ensure that the plates shall be affixed to the taxi immediately, and the taxi shall not be used for the hire until the plates are properly fixed.

- 29 If the letters or figures on any taxi plate affixed to a taxi become obliterated, or defaced so as not to be distinctly visible or legible on the taxi plate on the taxi or the notice referred to in condition 2.12 is lost. The licence holder shall forthwith obtain from the Council a replacement plate or notice.
- 210 The holder of a taxi licence shall affix the following, each in a conspicuous position inside their taxi namely the internal plate along with a notice indicating:-
  - (a) the table in accordance with condition 2.13
  - (b) that a copy of these conditions may be inspected at the taxi office.
- 211 The holder of a taxi licence shall affix the external plates to the front and rear of the taxi in positions approved by the Council.
- 212 Except as otherwise provided for these conditions the holder of a taxi licence shall not, without the consent of the Council, fix or permit to be fixed on their taxi any plate other than the taxi plates or other plate or notice required by law.
- 213 The holder of a taxi licence shall obtain from the Council a notice detailing the table of approved taxi fares and charges and will display the notice in the passenger compartment of the taxi. It must be in an approved position so that it will be readily visible to the passengers being carried and no other table or fares and charges shall be displayed in or on the vehicle.
- 214 Unless the cost of the journey is regulated by the Council fare structure, the holder of a taxi licence shall ensure that, prior to the acceptance of the hire, any potential hirer of the taxi is informed (I) that the fare is not so regulated: and (II) of the cost, or method of calculating the cost, of the proposed journey.
- 215 The holder of a taxi licence shall not display in or on the taxi any signs for the purpose of advertising but the Council will consider varying this prohibition. Application is required from the holder of a taxi licence in accordance with the remaining provisions of this condition.
- 216 Applications for the provisional approval of advertisements must be made in writing on the approved form to the Council enclosing two copies of all proposed advertisements in full colour along with a sample of the material to be used.
- 217 All advertisements must comply with The British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Authority. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.

- 218 The holder of a taxi licence shall have affixed to, and used on, the vehicle, a taximeter which has been tested and approved by the Council. No other taximeter shall be affixed or used. Such a taximeter must be electrical operation. A list of taximeters approved by the council will be available.
- 219 The holder of a taxi licence shall not use, or cause to permit to be used, on the taxi a road wheel or tyre of a different circumference from that for which the taximeter affixed to the taxi was designed, geared and has been tested by the Council.
- 220 The holder of a taxi licence shall use only a taximeter which has been stamped or sealed by the Council after testing and approval as to distance and time in accordance with the approved taxi fares and charges. Once such a taximeter is fitted to the taxi the seal can only be broken if the taximeter is removed for repair. If this has happened the taximeter must be re-sealed and tested by the Council before it can be used.
- 221 The holder of a taxi licence shall not knowingly operate the taxi or cause or permit to operate if the seals on the taximeter are broken or detached, or if the taximeter is defective in any way.
- 222 The holder of a taxi licence on changing his permanent place of residence shall notify forthwith such change and their new address to the Council.
- 223 The holder of a taxi licence shall keep an up-to-date list of the names and addresses of all the taxi drivers employed by them and shall produce such list, to the Council or any constable. The holder of a taxi licence must have a suitable system for regularly checking driver's licences.
- 224 When the licensed taxi ceases to be used as such the holder of the licence shall give immediate notice thereof to the Council and return to the Council the licence regarding that taxi, along with the taxi plates.
- 225 The holder of a taxi licence shall be bound to fulfil, or cause to be fulfilled, an engagement to hire their taxi which they have accepted, or which has been accepted on their behalf by any representative, unless prevented by reasonable and sufficient cause. Where any person indicates to such licence holder or their representative that they wish to engage a taxi for hire, no such proposed agreement shall be refused by such parties without reasonable and sufficient cause.
- 226 The holder of a taxi licence shall give such information as may be required by the Council for the purpose of ascertaining the identity of any taxi driver employed by the said licence holder or for any other purpose relating to these conditions.
- 227 On receiving two days notice, in writing, from the Council the holder of a taxi licence shall produce their taxi for examination at the time and place specified by the Council.
- 228 If any person suffering from any infectious or contagious disease is carried in a taxi, the holder of the licence thereof shall, as soon as it comes to their knowledge, give notice to the Chief Administrative Officer of the Ayrshire and Arran Health Board. They shall not cause or permit the taxi to stand or ply for hire or carry passengers for hire until the Chief Administrative Officer of the Ayrshire and Arran Health Board certifies that the taxi has been adequately disinfected.

- 229 The holder of a taxi licence shall not carry, or cause or permit to be carried, in their taxi any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- 230 The holder of a taxi licence shall not knowingly carry, or cause or permit to be carried in their taxi any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- 231 The holder of a taxi licence shall not permit their taxi to be used for any illegal or immoral purpose nor shall they act in any manner whatsoever as an agent for any prostitute or brothel keeper for the purpose of securing business.
- 232 When the taxi is withdrawn from service by the Council in accordance with Section 11 of the Act, an officer of the Council will affix a label bearing (a) the words “this taxi is meantime certified unfit for public use” and (b) the date of withdrawal in a position within the passenger compartment of the taxi so that is readily visible to the intending passengers. Such a label has the effect of suspending the taxi licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.
- 233 The holder of a taxi licence shall ensure that a copy of the Certificate of Insurance relating to the taxi is carried by the taxi at all times when operating as a taxi. The certificate must be readily available for examination by an authorised officer of the Council.
- 234 The holder of a taxi licence shall not obstruct any officer authorised by the Council in the performance of any of her/his duties under these conditions.
- 235 The holder of a taxi licence shall not install an electronic security system capable of recording and storing a record of entry or exit of passengers by way of video images without the prior written approval of the Council. Prior to giving approval the Council will require to be satisfied that the holder of the taxi licence intends to operate and maintain such a system with due regard to the interest of passengers in the proper use and ultimate destruction of any stored images. A notice shall be displayed by the holder of the licence in the following terms once approval has been obtained:- “For your safety and to protect the driver a security system takes a series of electronic photos when you enter the taxi or if the door is opened during the journey.”

# **Taxi and Private Hire Cars**

## **Section 3 – Holder of Private Hire Car Licence Responsibilities**

### Section 3

- 3.1 The motor vehicle shall not be deemed to be a suitable type and a proper state of repair for the uses a private hire car unless:-
- (a) It is designed for the carriage of passengers and is not a goods vehicle.
  - (b) It is in a proper state of repair for the use as a private hire car, in accordance with the Councils conditions.
  - (c) The holder of a private hire car licence has supplied the address where the maintenance of the vehicle is carried out and the frequency of the vehicle inspections.
  - (d) The private hire car entering service within South Ayrshire is under 4 years from the original date of registration. Any vehicle operating as a private hire car within South Ayrshire must be under 7 years from original registration.
- 3.2 The holder of a private hire car licence shall not cause or permit the private hire car to be let out for hire or reward with a driver during any period that does not conform with condition 3.30 of this section.
- 3.3 The holder of a private hire car licence shall ensure that the private hire car, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable, and is in a clean condition subject to the prevailing road conditions.
- 3.4 The holder of a private hire car licence shall require their private hire car to undergo and pass a yearly inspection by the Council. On receiving the requisite notice in writing from the Council, they shall produce their private hire car for examination at such time and place as may reasonably required by the Council. The holder of a private hire car licence shall ensure that, when the vehicle is presented for examination with a view to the renewal of the licence, the bodywork and passenger accommodation of the vehicle is clean and that the underside of the vehicle is free from road dirt, excess oil and grease.
- 3.5 If a private hire car is damaged in a vehicular accident or by any other means the holder of the private hire car licence shall report the damage to the Council as soon as practicable. The private hire car should be presented for examination along with the appropriate fee to the Council within two working days (being days on which the testing facilities operate) after the occurrence. The examination will determine if the vehicle is roadworthy or in need of repair. As soon as the repairs to the private hire car have been completed, the private hire car should be presented to the Council for re-examination. Unless the Council confirms otherwise the vehicle shall not be used as a private hire car from the date of presentation for said examination until it has been re-examined by the Council and passed as being fit for use again as a private hire car.
- 3.6 The holder of a private hire licence shall not ask any driver of the private hire car to do anything which would result in the driver committing a breach of the conditions attached to the granting of the drivers licence.
- 3.7 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 their private hire car which they have accepted, unless prevented by sufficient cause.

- 38 The holder of a private hire car licence shall hold in their own name the vehicle registration document and the certificate of insurance in relation to their private hire car required by part VI of the Road Traffic Act 1988 or any other amending legislation. The holder of the licence shall be required to produce these documents to the Council at any reasonable time on request. 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.
- 39 The holder of a private hire car licence on changing his permanent place of residence shall notify forthwith such change and their new address to the Council.
- 3.10 The holder of a private hire car licence shall keep up an up-to-date list of the names and addresses of all the drivers employed by them and shall produce such list, to the Council or any constable. The holder of a private hire licence must have a system for regularly checking the driver's licences.
- 3.11 Unless the cost of the journey is regulated by the Council fare structure, the holder of a private hire car licence shall ensure that, prior to acceptance of the hire, any potential hirer of their private hire car is informed (a) that the fare is not regulated, and (b) of the cost, or the method of calculating the cost, of the proposed journey.
- 3.12 The holder of a private hire car licence, whose private hire car is fitted with a taximeter, shall ensure that the taximeter has been tested and approved by the Council and no other taximeter shall be affixed or used. The taximeter must be electronic. A list of approved meters will be made available.
- 3.13 The holder of a private hire car licence, whose private hire car is fitted with a taximeter, shall obtain from the Council a notice detailing the table of approved taxi fares and charges. The notice in the private hire car should be displayed in an approved position that is readily visible to the passengers being carried and no other table of fares and charges shall be displayed in or on the vehicle.
- 3.14 The holder of a private hire car licence shall take steps to ensure that each potential hirer of their private hire car consents at the time of the arrangement of the hire to an exclusive hire or a shared hire as the case may be.
- 3.15 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 their private hire car a road wheel or tyre of a different circumference from that for which the taximeter affixed to the private hire car was designed geared and has been tested by the Council.
- 3.16 The holder of a private hire car licence shall use only a taximeter which has been stamped or sealed by the Council after testing and approval as to distance and time in accordance with the approved fares and charges. Once such a taximeter is fitted to the private hire car the seal can only be broken if the taximeter is removed for repair. If this has happened the taximeter must be re-sealed and tested by the Council before it can be used.
- 3.17 The holder of a private hire car licence shall not knowingly operate the private hire car or cause or permit to operate if the seals on the taximeter are broken or detached. Or if the taximeter is defective in any way.

- 3.18 The holder of a private hire car licence, whose private hire car is fitted with a taximeter, shall ensure that the taximeter fitted to the private hire car is in a position approved by the Council.
- 3.19 The holder of a private hire car licence shall display a sign on each side of the vehicle advising that it is a 'Pre-booked Private Hire'. Roof signs of any kind should not be used on the vehicle.
- 3.20 The holder of a private hire car licence shall not display in or on his private hire car any signs for any purpose of advertising.
- 3.21 Where a licensed private hire car ceases to be used as such the holder of the licence shall forthwith give notice thereof to the Council and return to the Council the licence in respect of such private hire car along with the private hire plates.
- 3.22 If any person suffering from any infectious or contagious disease is carried in a private hire car, the holder of the licence thereof shall, as soon as it comes to their knowledge, give notice to the Chief Administrative Officer of the Ayrshire and Arran Health Board. They shall not cause or permit the private hire car to carry passengers for hire until the Chief Administrative Officer of the Ayrshire and Arran Health board certifies that the private hire car has been adequately disinfected.
- 3.23 On receiving two days notice in writing, from the Council the holder of a private hire car licence shall produce their private hire car for examination at the time and place specified by the Council
- 3.24 The holder of a private hire car licence shall not carry, or cause or permit to be carried, in their private hire car any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- 3.25 The holder of a private hire car licence shall not knowingly carry, or cause or permit to be carried in their private hire car any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- 3.26 The holder of a private hire car licence shall not permit their private hire car to be used for any illegal or immoral purpose nor shall they act in any manner whatsoever as an agent for any prostitute or brothel keeper for the purpose of securing business.
- 3.27 The holder of a private hire car licence shall not display or cause or permit to be displayed on or in their private hire car (other than any taximeter fare dial) or on their person the word "cab", "taxi" or "for hire" or any word or words which might give the impression that the vehicle is plying for hire.
- 3.28 When a private hire car is withdrawn from service by the Council in accordance with Section 11 of the Act. A label shall be affixed bearing (a) the words "this hire car is meantime certified unfit for public use" and (b) the date of withdrawal in a position within the passenger compartment of the private hire car so that it is readily visible to the intending passengers. Such a label has the effect of suspending the private hire car licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.

- 329 The holder of a private hire car licence shall not obstruct any authorised officer of the Council in the performance of their duties under these conditions.
- 330 The holder of a private hire car licence shall comply with all the instructions or directions of the Council in relation to these conditions and shall give them all information that may be reasonably required.
- 331 The holder of a private hire car licence shall ensure that a copy of the Certificate of Insurance relating to the private hire car is carried in the private hire car at all times when the vehicle is being operated as a private hire car. The certificate must be available for examination by an authorised officer of the Council.

# **TAXI AND PRIVATE HIRE CAR**

## **SECTION 4 – HOLDER OF TAXI LICENCE DRIVER RESPONSIBILITIES**

## Section 4

- 4.1 The driver of a taxi must hold a current driving licence for the relevant class of vehicle. A taxi driver shall at all times when in charge of a taxi wear the identity card provided by the Council. The driver shall show the identity badge on demand to any passenger, constable or authorised officer of the Council. The card shall include the driver's name, photograph, licence number and expiry date. Unless prevented by sufficient cause the driver of the taxi shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to the hire of their taxi, which they accepted.
- 4.2 Where an engagement of a taxi for hire has been accepted by a driver they shall fulfil such engagement punctually and shall announce the arrival of such taxi immediately to the person on whose behalf the engagement was made at the place to which it has been summoned. If the person does not commence their journey within five minutes of the arrival of the taxi, or such additional period as may be agreed between the driver and that person, the driver may refuse to fulfil further the engagement to hire the taxi (but where the taxi has been called by telephone or other advanced arrangement, they shall be entitled to receive payment of any engagement fee and any fare which may be payable in terms of the Council's approved fare tariff).
- 4.3 No fare shall be payable by the hirer in respect of any journey by the taxi from the place at which it is discharged by the hirer.
- 4.4 The driver of a taxi shall not demand any fare from any person who has engaged a taxi (and no fare shall be payable by such person).
- (a) if the external plates with the appropriate taxi licence number are not displayed in accordance with the Council's conditions.
  - (b) if the taxi driver does not on demand exhibit the means of identification issued by the Council:
  - (c) if the taxi driver demands more than the fee agreed upon before the start of the hire;
  - (d) if the taxi driver fails or refuses to complete an engagement except for any reasonable cause; or
  - (e) if a taxi breaks down or if the taxi becomes in any way unfit to convey the hirer to the destination for which they engaged such taxi.
- 4.5 The driver of a taxi shall operate on a shared hire only with the consent of the first hirer even if there is displayed on the taxi a sign approved by the Council indicating that the taxi is available for shared hire. They shall not be required to operate on a shared hire if no such sign is displayed on the taxi at the moment of the initial hire.
- 4.6 The driver of a taxi which is on exclusive hire may not in any circumstances pick up or convey another passenger without the consent of the original hirer.
- 4.7 The driver of a taxi which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a taxi which has been hired on a shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom they are carrying at any one time.

- 48 The driver of a taxi, while in charge of the taxi, must be clean and tidy in their person and clothing which shall be of a type or standard fit for the purpose as approved by the Council.
- 49 The driver of a taxi shall, while in charge of a taxi, conduct himself in a civil and orderly manner.
- 4.10 The driver will not smoke or allow smoking in the vehicle.
- 4.11 The driver of a taxi shall not refuse to convey a hirer or passenger to any place within the licensed area unless any hirer or passenger
- (a) is not prepared to give the precise destination; or
  - (b) is drunk or otherwise not in a fit state to be carried; or
  - (c) is in a condition or has clothing that is offensive or likely to cause damage to the interior of the taxi; or
  - (d) refuses to cease smoking, cease consuming food or cease drinking in the taxi when requested by the driver; or
  - (e) is accompanied by any animal which is likely to damage or soil the interior of the taxi;
  - (f) Or for any reasonable cause.
- 4.12 The driver of a taxi shall not permit any animal to be on or in their taxi except any animal which is in the charge of a passenger.
- 4.13 The driver of a taxi shall not permit any person to drive the taxi of which they are in charge of while such taxi is on hire or available for hire unless that person is a holder of a current drivers licence and assessed by the council.
- 4.14 The driver of a taxi shall not permit any person to ride on the loading platform or in the luggage compartment or other part of the taxi that is not set aside for the accommodation of passengers.
- 4.15 The driver of a taxi on shared hire may decline to accept a further passenger on the grounds that the intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers. Or that the further passenger's luggage cannot be accommodated safely within the luggage compartment of the taxi.
- 4.16 When the taxi is hired or standing for hire, the driver of the taxi 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 their taxi or for any other necessary purpose.
- 4.17 The driver of a taxi shall not stand or loiter with the vehicle in any street in the near vicinity to a stand while such a stance is fully occupied by the authorised number of taxis nor shall they cause the taxi to stand in such vicinity.
- 4.18 The driver of a taxi cannot refuse to carry luggage of the hirer in their taxi providing that the said luggage can be accommodated safely within the luggage compartment of the taxi.

- 4.19 The driver of a taxi shall give such assistance to their passengers as they are able to give with the loading and unloading their luggage when required to do so but they will not be required to leave the immediate proximity of the taxi.
- 4.20 The driver of a taxi shall not canvass for employment in any public place. Except where the taxi is being operated on shared hire to such extent as is reasonably required to ascertain whether there are any prospective further passengers who wish to participate in the shared hire of the taxi.
- 4.21 The driver of a taxi shall, as soon as they are hired but no sooner, set the taximeter in motion and whilst they are engaged the words “HIRED OR SHARED HIRE” shall be illuminated on the face of the taximeter so that it is readily visible at all times.
- 4.22 Immediately on the termination of a hire the driver of a taxi shall stop the time mechanism within the taximeter but they shall not remove the fare record from the taximeter until the hirer has examined or has had a reasonable opportunity of examining it.
- 4.23 During the hours of darkness the driver of a taxi shall keep the fare dial display illuminated, for the whole period that the taxi in their charge is occupied by a hirer and until the hirer has examined or has had a reasonable opportunity of examining it.
- 4.24 When the taxi licence is suspended by the Council, or a police constable in accordance with Section 11 of the Act, an officer of the Council or a police constable will fix a label bearing (a) the words “this taxi is meantime certified unfit for public use,” and (b) the date of withdrawal in a position within the passenger compartment of the taxi so that is readily visible to the intending passengers. Such a label has the effect of suspending the taxi licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.
- 4.25 The driver of a taxi shall ensure that the taxi, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable and is in a clean condition subject to the prevailing road and weather conditions.
- 4.26 A taxi of the orthodox type approved by the Council will be authorised for the conveyance of not less than four and not more than eight passengers. The licence plate will advise of the number of passengers licensed to be carried. This number must not be exceeded.
- 4.27 The driver of a taxi on changing their permanent place of residence shall notify forthwith such change and their new address to the approved officer of the Council.
- 4.28 The driver of a taxi shall not obstruct the officer of the Council in the performance of any of their duties under these conditions.
- 4.29 The driver of a taxi shall assist wheelchair users into the taxi using the ramps if necessary and shall ensure that they are properly secured by means of the fixed seatbelts before starting the journey.

- 430 The driver shall not use any taxi capable of being hired by wheelchair users for carriage of passengers in wheelchairs without having undergone training in the use of equipment carried by wheel chair accessible taxis to the satisfaction of the Council.
- 431 If the driver of a taxi ceases for any reason to be authorised by law to drive on the road the vehicle to which the driver's licence relates they shall forthwith notify the Council of their disqualification or such other reason. They must return to the Council the taxi driver's licence issued by the Council.
- 432 The driver of a taxi holding a Certificate of Exemption from compliance with Condition 4.30 shall display copies of the Certificate on the passenger doors of the taxi.
- 433 Immediately after the completion of their shift the driver of a taxi shall search the taxi for any property which may have been left therein.
- 434 Any property found in such taxi by the driver shall forthwith be returned by the driver to the owner, if known. Such property shall be handed in by the driver of the taxi to any police station within twenty four hours along with
- (a) a note of their own name and address
  - (b) the name of the holder of the licence for such taxi;
  - (c) the number of the taxi; and
  - (d) the names and addresses of all the hirers of the taxi during that day so far as known to the driver which may assist in determining ownership of the property.

# **TAXI AND PRIVATE CAR HIRE**

## **SECTION 5 – HOLDER OF PRIVATE HIRE CAR LICENCE**

### **DRIVER RESPONSIBILITIES**

## Section 5

- 5.1 The driver of a private hire car must hold a current driver's licence for the relevant class of vehicle. A private hire car driver shall at all times, when in charge of a private hire car wear the identity card provided by the Council. The driver shall show the identity card on demand to any passenger, constable or authorised officer of the Council. The card shall include the driver's name, photograph, licence number and expiry date. The driver of a private hire car may be assessed by a Council Officer on their driving ability and passenger awareness.
- 5.2 Unless prevented by sufficient cause the driver of the private hire car shall be bound to fulfil, or cause to be fulfilled, at the time and location specified, an engagement to the hire of their private hire car, which they accepted.
- 5.3 A private hire car driver which is hired shall not permit any additional person to be carried in such hire car during such hire without the express consent of the hirer.
- 5.4 A private hire car driver shall ensure that all passengers are properly seated at all times.
- 5.5 The driver of a private hire car which has been hired on exclusive hire shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer. The driver of a private hire car which has been hired on shared hire shall take the shortest practicable route which will serve the destinations of all the passengers whom they are carrying at any one time.
- 5.6 The driver of a private hire car shall, unless the cost of a journey is regulated by an authorised fare, inform the hirer or passenger before the journey commences (a) that the fare is not regulated and (b) the method of calculating the cost of the proposed journey.
- 5.7 The driver of a private hire car in which a taximeter has been fitted shall not charge any fare in respect of any journey by the private hire car from the place at which it is discharged by the hirer.
- 5.8 The driver of a private hire car in which a taximeter has been fitted shall ensure that the taximeter shall operate at all times, within the licensed area, in accordance with any instructions given by the Council.
- 5.9 The driver of a private hire car in which a taximeter has been fitted, as soon as they are hired, but no sooner, set the taximeter in motion. Whilst they are engaged the words "HIRED OR SHARED HIRE" shall be illuminated on the face of the taximeter so that it is readily visible at all times.
- 5.10 Immediately on the termination of a hire the driver of a private hire car shall stop the time mechanism within the taximeter but they shall not remove the fare record from the taximeter until the hirer has examined or has had a reasonable opportunity of examining it.
- 5.11 During the hours of darkness the driver of a private hire car shall keep the fare dial display illuminated, for the whole period that the private hire car in their charge is

occupied by a hirer and until the hirer has examined or has had a reasonable opportunity of examining it.

- 5.12 The driver of a private hire car shall not refuse to convey a hirer or passenger to any place within the licensed area unless any hirer or passenger:
- a) is not prepared to give the precise destination; or
  - b) is drunk or otherwise not in a fit state to be carried; or
  - c) whose condition or clothing is offensive or likely to cause damage to the interior of the private hire car; or
  - d) refuse to cease smoking in the private hire car when requested by the driver; or
  - e) is accompanied by any animal which is likely to damage or soil the interior of the private hire car except a guide dog;
  - f) Or for any reasonable cause.
- 5.13 The driver of a private hire car, shall not canvass or importune in any public place or street for employment, or otherwise ply for hire.
- 5.14 The driver of a private hire car on shared hire may decline to accept a further passenger on the grounds that the intended destination could not be served without an excessive or unreasonable addition to the journey distance of the existing passenger or passengers. Or that the further passenger's luggage cannot be accommodated safely within the luggage compartment of the private hire car.
- 5.15 The driver of a private hire car shall not refuse to carry luggage in their private hire car providing that the said luggage can be accommodated safely within the luggage compartment of the private hire car.
- 5.16 If any person suffering from any infectious or contagious disease is carried in a private hire car, the holder of the licence thereof shall, as soon as it comes to their knowledge, give notice to the Chief Administration Officer of the Ayrshire and Arran Health Board. They shall not cause or permit the private hire car to stand or ply for hire or carry passengers for hire until the Chief Administrative Officer of the Ayrshire and Arran Health Board certifies that the private hire car has been adequately disinfected.
- 5.17 The driver of a private hire car shall not carry, or cause or permit to be carried, in their private hire car any articles of a dirty, filthy or obnoxious nature or of an explosive or dangerous nature.
- 5.18 The driver of a private hire car shall not knowingly carry, or cause or permit to be carried in their private hire car any passenger who has vermin on their person or whose clothing is in a foul or filthy condition.
- 5.19 The driver of a private hire car shall not knowingly cause or permit such private hire car to be used for any illegal or immoral purpose nor shall they act in any manner whatsoever as an agent for prostitute or brothel keeper for the purpose of securing business.
- 5.20 The driver of a private hire car shall not knowingly use the vehicle as a private hire car while the private hire car licence is suspended.

- 521 Immediately after the completion of their shift the driver of a private hire car shall search the private hire car for any property which may have left therein.
- 522 Any property found in such private hire car by the driver shall forthwith be returned by the driver to the owner, if known. Such property shall be handed in by the driver of the private hire car to any police station within twenty-four hours along with
- a) a note of their own name and address
  - b) the name of the holder of the licence for such private hire car;
  - c) the number of the private hire car; and
  - d) the names and addresses of all the hirers of the private hire car during that day so far as known to the driver which may assist in determining ownership of the property.
- 523 The driver of a private hire car, while in charge of the private hire car, must be clean and tidy in their person and clothing which shall be of a type or standard reasonably fit for the purpose as approved by the Council.
- 524 The driver of a private hire car, while in charge of the private hire car shall conduct her/himself in a civil and orderly manner.
- 525 The driver of a private hire car shall not smoke or allow smoking in the vehicle.
- 526 The driver of a private hire car shall ensure that the private hire car, including all bodywork, upholstery and fittings, is roadworthy, safe and serviceable and is in a clean condition subject to the prevailing road and weather conditions.
- 527 When the private hire car licence is suspended by the Council or a police constable in accordance with Section 11 of the Act. An officer of the Council or a police constable will place a label bearing (a) the words “this private hire car is meantime certified unfit for public use“ and (b) the date of withdrawal in a position within the passenger compartment of the private hire car so that it is readily visible to the intending passengers. Such a label has the effect of suspending the private hire car licence pertaining to the vehicle so labelled and only the officer approved by the Council is authorised to remove such label.
- 528 The driver of a private hire car shall not display in or on the private hire car (other than any taximeter fare dial) or on their person the word “cab”, “taxi” or “for hire” or any other word or words which might give the impression that the vehicle is plying for hire.
- 529 The driver of a private hire car shall not permit any person to drive the private hire car of which they are in charge while such private hire is on hire or is available for hire unless that person is the holder of a current car driver’s licence and has been assessed by the council.
- 530 The driver of a private hire car shall not demand any fare from any person who has engaged a private hire car (and on fare shall be payable by such person):-
- (a) if the private hire car driver does not on demand exhibit the means of identification issued by the Council;
  - (b) if the private hire car driver demands more than the fare agreed upon before the start of the hire;

- (c) if the private hire car driver fails or refuses to complete an engagement except for any reasonable cause; or
  - (d) if a private hire car breaks down or if the private hire car becomes in any way unfit to convey the hirer to the destination for which they engaged such private hire car.
- 531 The driver of a private hire car on changing their permanent place of residence shall notify forthwith such change and their new address to the approved officer of the Council
- 532 The driver of a private hire car shall not obstruct the officer of the Council in the performance of any of their duties under these conditions.
- 533 If the driver of a private hire car ceases for any reason to be authorised by law to drive on the road the vehicle to which the driver's licence relates they shall forthwith notify the Council of their disqualification or such other reason. They must return to the Council the driver's licence issued by the Council.
- 534 The driver will not allow smoking in the vehicle.

# **TAXI AND PRIVATE HIRE CAR**

## **SECTION 6 – TAXI (HACKNEY) BODY SPECIFICATION**

## **6. TAXI (HACKNEY) BODY SPECIFICATION**

- 6.1 Safety is of paramount importance to South Ayrshire Council. Therefore, the taxi must conform to the latest EEC standards i.e. M1 type full vehicle approval (Category M1: vehicles used for the carriage of passengers and comprising no less than four seats and no more than eight seats in addition to the driver's seat.). The taxi must comply in all respects with the requirements of any Act and Regulations relating to motor vehicles.
- 6.2 The taxi must be in a proper state of repair for the use as a taxi. A taxi first licensed within South Ayrshire must be under the age of 5 years from the original date of registration. Any vehicle operating as a taxi within South Ayrshire must be under the age of 11 years from the original date of registration.
- 6.3 The taxi shall have a taximeter, which has been stamped or sealed by the Council after testing, and approval as to distance and time in accordance with the approved taxi fares and charges. Once such a taximeter is fitted to the taxi the seal can only be broken if the taximeter is removed for repair. If this has happened the taximeter must be re-sealed and tested by the Council before it can be used.
- 6.4 The steering wheel must be on the offside of the taxi.
- 6.5 The steering mechanism must be so constructed or arranged that no overlock is possible and that the road wheels do not in any circumstances foul any part of the vehicle.
- 6.6 All tyres at normal pressure under load must be approved as having a suitable circumference for correct operation of the taximeter.
- 6.7 The engine size must meet the original manufacturer's specification.
- 6.8 Adequate interior lighting must be provided for the passenger compartment and must be controlled by the passenger and driver. Adequate lighting must also be provided for the driver's compartment.
- 6.9 The taxi must have a minimum of four doors. The passenger doors must be capable of being readily opened.
- 6.10 The top of the tread on the lowest step for any entrance, or where there is no step the floor level itself at the lowest entrance, must not be more than 38 centimetres above the ground when the taxi is unladen.
- 6.11 All the passenger seats in the taxi must have easy access and without obstruction. The seating must afford adequate head and leg room and width to accommodate all passengers in reasonable comfort.
- 6.12 All seats must be fitted with head restraints.
- 6.13 All seats should be either forward or rear facing.
- 6.14 The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver. Every taxi must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted

at the rear of the driver's compartment, the maximum width of the opening must not exceed 11.5 centimetres.

- 6.15 The vehicle must be fully glazed with all the windows, the windscreen and the glass partition made of safety glass in accordance with the British Standard in force at the time of approval.
- 6.16 The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls without obstruction from passengers.
- 6.17 The controls must be arranged so there is reasonable access to the driver's seat; there must be proper protection from contact with any luggage.
- 6.18 There is no overall width or length restriction unless, in the opinion of the council authorised officer, the width or length is deemed to be excessive.
- 6.19 The vehicle must have a separate appropriately sized luggage compartment.
- 6.20 The taxi must either have a spare wheel, the same size and type as the other tyres on the vehicle, along with a jack and wheel key.; or, if the taxi is fitted with, as original equipment, a space saver spare wheel this must only be used to complete a journey. The vehicle cannot be used as a taxi until it has a full size wheel and tyre fitted in place of the space saver wheel. Tyre manufacturers or suppliers do not recommend tyre sealant or other puncture safety features and must not be used
- 6.21 The Licensing Authority plates must be screwed to the exterior of the front and the exterior of the rear of the taxi. This must be a permanent fixture and the approved position indicated by the council.
- 6.22 A wheelchair ramp at least 750mm wide and not more than 1,700mm in length is required and must be part of the taxi's equipment at all times. When the ramp is deployed onto the road, the ramp slope must not exceed 1 in 4 (25%). It must be possible to deploy the ramp onto both a level road and a 125mm kerb. When the ramp is in use, it must be securely located at the point of wheelchair entry. The surface of the ramp must have a slip resistant finish and all outer edges must be clearly marked in a contrasting colour.
- 6.23 A system for the effective anchoring of wheelchairs shall be provided within the taxi in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the taxi shall comply with M1 standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) whether or not those Directives apply to those devices or the vehicle.
- 6.24 Wheelchair access equipment shall be fitted to a side door. This shall be the door situated on the near side of the vehicle, i.e. kerbside when stopped in a normal road.
- 6.25 The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 122cm. The measurement shall be taken from the upper centre of the aperture to a point directly below on either, the upper face of the fully raised lift platform, or the upper face of the ramp fully deployed on level ground.
- 6.26 A locking mechanism shall be fitted that positively holds the access door in the open position whilst in use.

- 6.27 The taxi must have a “Taxi” roof sign fitted centrally to the front section of the roof, which must be illuminated when plying for hire. The roof sign must be automatically extinguished when the Fare Meter is engaged.
- 6.28 A powder or aqueous film forming foam (AFFF) fire extinguisher and first aid kit must be fitted. The extinguisher must be positioned where it is readily available.
- 6.29 The paintwork should be in good condition the same colour and the same shade. Paint runs and the effect known as orange peel is not acceptable.
- 6.30 The bodywork must be in good condition without rust. This includes paint blisters caused by rust, scratches or dents.
- 6.31 The Council will specify the number of passengers that any taxi can carry.
- 6.32 The taxi must have the statutory no smoking sign displayed in on the vehicle.
- 6.33 The Council’s Fleet Manager and Civic Licensing Standards Officer will determine if vehicles meet conditions 6.11 and 6.18. In the event of any dispute as to their decision the matter will be referred to the Regulatory Panel for a final decision.

# **TAXI AND PRIVATE HIRE CAR**

## **SECTION 7 – PRIVATE HIRE CAR BODY SPECIFICATION**

## **7. PRIVATE HIRE CAR BODY SPECIFICATION**

- 7.1 The vehicle must be in a proper state of repair for the use as a private hire car. A private hire car entering service within South Ayrshire must be under the age of 4 years from the original date of registration. Any vehicle operating as a private hire car within South Ayrshire must be under the age of 7 years from the original date of registration in county or origin.
- 7.2 Every private hire car must comply in all aspects with the requirements of any Acts or Regulations relating to motor vehicles in force at the time of licensing. It must conform to the latest EEC standards i.e. M1 type full vehicle approval (Category M1: vehicles used for the carriage of passengers and comprising not less than four seats and no more than eight seats in addition to the driver's seat).
- 7.3 The steering wheel must be on the offside of the vehicle.
- 7.4 The steering mechanism must be so constructed or arranged that no over lock is possible and that the road wheels do not in any circumstances foul any part of the vehicle.
- 7.5 The engine size must meet the original manufacturer's specification.
- 7.6 The vehicle must have a minimum of four doors. The passenger doors must be capable of being readily opened.
- 7.7 The vehicle must have a separate appropriately sized luggage compartment.
- 7.8 If the vehicle is an estate type the passengers must be protected from loose luggage by a grill.
- 7.9 The vehicle must either have a spare wheel, the same size and type as the other tyres on the vehicle, along with a jack and wheel key.; or, if the vehicle is fitted with, as original equipment, a space saver spare wheel this must only be used to complete a journey. The vehicle cannot be used as a private hire until it has a full size wheel and tyre fitted in place of the space saver wheel. Tyre manufacturers or suppliers do not recommend tyre sealant or other puncture safety features and must not be used.
- 7.10 The Licensing Authority plates must be screwed to the front and rear of the private hire car and this must be a permanent fixture (it should not be fixed to the rear window). The plates must be fitted in the place as prescribed by the council.
- 7.11 A powder or an aqueous film forming foam (AFFF) fire extinguisher and first aid kit must be fitted.
- 7.12 The paintwork should be in good condition the same colour and the same shade. Paint runs and the effect known as orange peel is not acceptable.
- 7.13 The bodywork must be in good condition without rust. This includes paint blisters caused by rust, scratches or dents.
- 7.14 All the passenger seats in the vehicle must have easy access. The seating must afford adequate head and leg room and width to accommodate all passengers in reasonable comfort. The width in the rear of the vehicle must be a minimum of 130 centimetres measuring from window to window

- 7.15 All seats should be either forward or rear facing. All seats must be fitted with head restraints.
- 7.16 The vehicle must be fully glazed. All the windows and glass and partition (where fitted) must be made of safety glass in accordance with the British Standard in force at the time of approval.
- 7.17 No fittings other than those approved may be attached to or carried upon the inside or outside of the private hire vehicle.
- 7.18 The private hire vehicle must have the statutory no smoking sign in the vehicle.
- 7.19 The Council will specify the number of passengers that any Private Hire Car can carry.
- 7.20 The Council's Fleet Manager and Civic Licensing Standards Officer will determine if vehicles meet condition 7.14. In the event of any dispute as to their decision the matter will be referred to the Regulatory Panel for a final decision.

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## TAXI AND PRIVATE HIRE CAR

### 8 - TEST PROCEDURE

#### **1 Refusal to test.**

- 1.1 When the vehicle is presented in such a dirty condition that the examination is difficult.
- 1.2 If the vehicle cannot be driven or has insufficient fuel or oil to enable the test to be completed
- 1.3 If the vehicle emits substantial quantities of avoidable smoke.
- 1.4 If the condition of the vehicle is such that, in the opinion of the tester, a proper examination would involve a danger of injury to any person or damage to the vehicle or other property.

**If it becomes apparent during the test that the test cannot be completed for one of the above reasons, the vehicle must fail the test.**

#### **2 Failure in Lighting**

- 2.1 If an obligatory light is missing.
- 2.2 A missing, insecure or faulty switch.
- 2.3 If a lamp which is the incorrect colour.
- 2.4 If a light which is not working.
- 2.5 If a light that flickers when lightly tapped by hand.
- 2.6 If a light that is incorrectly positioned.
- 2.7 If the headlights do not operate in accordance with the current MOT regulations.

#### **3 Failure in Steering**

- 3.1 A steering wheel which is weakened by cracks or fractures.
- 3.2 A steering wheel, which is in a condition that, hampers proper control or which is likely to injure the driver's hands.
- 3.3 When there is movement between the shaft and the steering wheel and when there is significant play at the top of the steering column.
- 3.4 Where there is insecurity in any part that is fitted to the vehicle structure.
- 3.5 If there is significant play in the track rod ends, pivot points, ball joints drop arm and all steering connections and components.

- 3.6 If there is a component, which is fractured, cracked, damaged significant corrosion or deformed.
- 3.7 If there is any structural repair by welding, or any other method to the steering linkage and components. If there is any signs of excessive heat having been applied.
- 3.8 If there is any retaining or locking device missing or insecure.
- 3.9 If there is significant corrosion or distortion or any fracture of a load bearing member or structure or panelling within 30cm of any steering component.
- 3.10 If any component of the steering mechanism, road wheels or tyres fouling or being fouled by any part of the vehicle.
- 3.11 If there is any oil leaks from the steering box (either power or manual), the steering rack or any pipe, gaiter, seal or any other component. A pipe that is stretched or twisted. An insecure, split or missing gaiter.
- 3.12 If there is any incorrect adjustment to any steering component.
- 3.13 If the power steering pump is insecure or part of its drive system missing.

#### **4 Failure in Suspension and Drive Shafts & Propshafts**

- 4.1 If there is inadequate clearance of the axle or any suspension component, or any component that fouls or is fouled by any part of the vehicle.
- 4.2 If there is significant corrosion, distortion or a fracture of a load bearing member or its supporting structure or panelling which is within 30cm of any suspension component or mounting.
- 4.3 If a spring leaf that is cracked fractured, distorted, damaged or seriously weakened. If a leaf has been repaired by any means.
- 4.4 If there is significant wear in the spring eye pins or bush. Any defective spring leaf, pins or bush.
- 4.5 If any suspension unit not correctly positioned, excessively worn or missing. This includes bolts, bushes, pins and shackles.
- 4.6 If any mounting that is worn, damaged, loose, fractured or corroded.
- 4.7 If a coil spring that is incomplete, cracked, fractured or corroded.
- 4.8 If any oil leaks in any suspension unit, pipes valves and reservoirs.
- 4.9 If there is corrosion in any pipes valves and reservoirs. All pipes must be secure.
- 4.10 If any unit of the suspension unable to carry out its proper function

- 4.11 If there is significant movement in the stub axle, kingpins, swivel joints and housings.
- 4.12 If there is significant play, roughness and tightness of the wheel bearings.
- 4.13 If any bearing or bush with significant play or which shows signs of deterioration.
- 4.14 If a drive shaft or propshaft which has a split or missing gaiter and not secured.
- 4.15 If a drive shaft or propshaft, coupling or constant velocity which is significantly worn or insecure.
- 4.16 If a drive shaft or propshaft flexible coupling, which is, cracked breaking up or contaminated.
- 4.17 If a drive shaft or propshaft that has significant play in the universal joint or coupling.
- 4.18 If a drive shaft or propshaft is bent, damaged or the bolts slack or missing.
- 4.19 If any part of the drive shaft or propshaft, that fouls part of the vehicle.
- 4.20 If any part of the shock absorber that is worn leaking, or corroded.
- 4.21 If the vehicle ride height is uneven or incorrect.

## **5 Failure in Brakes**

- 5.1 If the vehicle does not have a parking brake designed to prevent at least two wheels from turning.
- 5.2 If the brake lever is defective or located so that it cannot be operated satisfactorily. If there is side play on the lever to the extent that the pawl may inadvertently disengage.
- 5.3 If any part of the lever and its mechanism is insecure, worn, broken or missing.
- 5.4 When the lever is fully applied there is no possibility of further travel because it is at the end of its working travel.
- 5.5 If the lever is being impeded in its travel
- 5.6 If there is distortion or corrosion in the main chassis, crossmember or load bearing panels within 30cm of any brake component.
- 5.7 If the brake cable is corroded knotted or with wires broken so that it is weakened.
- 5.8 If any part of the brake pedal and its mechanism is insecure, worn, broken or missing.
- 5.9 If the pedal is fouling or being fouled by any part of the vehicle.
- 5.10 When the pedal is fully depressed, there is not enough reserve pedal movement.

- 5.11 If the pedal tends to creep down when it is held under pressure. If there is Sponginess indicating there is air in the system.
- 5.12 If any warning device is inoperative, missing or does not illuminate.
- 5.13 If there is a fault in the ABS system.
- 5.14 If a brake lining or pad insecure or less than 3.0mm thick.
- 5.15 If a brake disc or drum insecure cracked excessively scored, pitted or worn.
- 5.16 If any part of the back plate, cylinder and calliper, which are insecure, worn, broken, seized, missing or leaking fluid.
- 5.17 If there is a fluid leak in any part of the braking system.
- 5.18 If any rigid brake pipe is inadequately supported.
- 5.19 If any moving fouls any brake pipe or hose part, kinked, chafed, corroded or damaged.
- 5.20 A brake hose bulging under pressure, stretched or twisted.
- 5.21 If the brake hose is exposed to excessive heat.
- 5.22 If the brake master cylinder and servo are corroded damaged or insecurely mounted.
- 5.23 If the reservoir cap is missing.
- 5.24 If the brake fluid is at a low level.
- 5.25 If the vacuum pipe is damaged in any way.
- 5.26 If there is a low braking effort recorded on any wheel in either the main braking system or the parking brake.
- 5.27 If there is significant braking effort recorded on a road wheel, even though the brake is not applied, indicating that a brake is binding.
- 5.28 If there is evidence of severe brake grabbing or judder as the brake is applied.
- 5.29 If the brake efforts at the road wheels do not reduce at about the same rate when the service brake is released gradually.
- 5.30 If the out-of-balance of the brakes on the steering wheels is greater than 30% at any time.
- 5.31 If a low braking effort is recorded on any wheel both parking and the main system indicating clearly that brake is not functioning correctly.
- 5.32 If the parking or transmission brake calculated efficiency is too low.

## **6 Failure in Tyres**

- 6.1 If all the tyres are not of the same structure and size.
- 6.2 If a tyre has a cut deep enough to reach the ply or cords.
- 6.3 If there is lump, bulge or tear caused by separation or partial failure of its structure. This includes any lifting of the tread rubber and any exposed ply or cord.
- 6.4 If a tyre has been re-cut.
- 6.5 If a tyre has been incorrectly fitted to the wheel rim and a damaged or misaligned valve stem.
- 6.6 If a tyre is fouling a part of the vehicle.
- 6.7 Tyres with the tread pattern not visible over the whole tread area.
- 6.8 The depth of which is not at least 2mm throughout a single band, round the entire outer circumference of the tyre and at least three-quarters of the breadth of the tyre.

## **7 Failure in Road Wheels**

- 7.1 If the wheel is cracked, distorted or badly damaged,
- 7.2 If a wheel-stud or nut missing or insecure.
- 7.3 If the wheel and its fixings are not compatible.

## **8 Failure in Seat Belts**

- 8.1 If a seat belt is missing or the wrong type.
- 8.2 If the seat belt and any of its fixings are not securely fitted badly deteriorated or fractured.
- 8.3 If there is a cut which causes the fibres to separate and if the stitching is badly frayed, insecure, incomplete or repaired.
- 8.4 Fluffing or fraying sufficiently to obstruct the correct operation of the belt or which has clearly weakened the webbing.
- 8.5 If there is any corrosion, deterioration or broken strands on the flexible stalk.
- 8.6 If any locking mechanism of a seat belt does not secure or release the belt as intended.

## **9 Failure in General Items**

### **9.1 Windscreen Wipers**

- 9.1.1 If a wiper or screen washer control is missing or inaccessible to the driver.
- 9.1.2 If a wiper does not continue to operate automatically when switched on.
- 9.1.3 If the wiper does not operate over a large enough area to give the driver an adequate view of the road.
- 9.1.4 If a wiper blade is insecure, missing deteriorated or does not clear the windscreen effectively.

### **9.2 Windscreen Washers**

- 9.2.1 If the windscreen washers do not provide enough liquid to clear the windscreen in conjunction with the wipers.

### **9.3 Windscreen Glass**

- 9.3.1 If there is damage more than 10mm, (i.e. a chip or a crack) or another obstruction more than 10mm within the “A” zone of the swept area. The “A” of the swept area of the windscreen is 290mm wide centred on the centre of the steering wheel. The swept zone is the area of the windscreen is the area covered by the windscreen wipers when they are operating.
- 9.3.2 If there is a combination of minor damage and scratches which seriously restricts the driver's vision.
- 9.3.3 If on the remainder of the swept zone if there is damage not contained within a 40mm diameter circle.
- 9.3.4 If there is a restriction on the side windows either by an advert or notice that restricts the ability to view the interior of the vehicle.
- 9.3.5 If a window that is designed to open does not open, is insecure, or operates beyond its design limits.

### **9.4 Horn**

- 9.4.1 If the horn control is missing, insecure or not readily accessible to the driver.
- 9.4.2 If the horn does not function or is not loud enough to be heard by another road user.

### **9.5 Exhaust System**

- 9.5.1 If any part of the exhaust system is missing or significantly deteriorated. An exhaust pipe must be fitted or shielded so that no inflammable material can fall or be thrown upon it from any part of the vehicle and should not be in the proximity of any inflammable material on the vehicle. The outlet pipe must be placed at the rear of the vehicle in such a position as to prevent fumes from entering the vehicle.

- 9.5.2 If there is a significant leak of exhaust gases from any part of the system.
- 9.5.3 If the silencer is in such a condition, or of such a type, that the noise omitted from the vehicle is clearly unreasonably and is above the level expected from a similar vehicle with a silencer in average condition.

### **9.6 Bodywork**

- 9.6.1 If there is in the vehicle structure any deliberate modification, excessive corrosion, damage, fracture or inadequate repair not within a prescribed area which adversely affects braking or steering by severely reducing the strength or continuity of a main load bearing structural member.
- 9.6.2 If there is significant displacement of the body relative to the chassis, which might lead to the loss of control of the vehicle when driven.
- 9.6.3 If any part of the body or its supporting members are insecure so that it is clear that there would be a danger to other road users.
- 9.6.4 If there is any deliberate modification, significant corrosion, damage, cracks or inadequate repair of a load bearing body or chassis member which seriously affects its strength within 30cm of the body mountings.
- 9.6.5 If there is a sharp edge or projection, caused by corrosion or damage, which renders the vehicle dangerous to other road users, this includes pedestrians.
- 9.6.6 If the door opening mechanism is inoperative or incomplete, or unable to lock the door
- 9.6.7 If the door hinge is worn or insecure or a door pillar is insecure or weakened by damage or corrosion.
- 9.6.8 If the door cannot be opened to the designed extent, and it does not automatically stays open in that position or can be overextended to a point where it may contact the vehicles bodywork.
- 9.6.9 If the bonnet release mechanism is incorrectly placed, insecure or defective that the bonnet does not release or cannot be closed securely.
- 9.6.10 If there is corrosion or damage in the boot area that could cause the luggage to become dirty or damaged.
- 9.6.11 If the boot lid is insecure, latch operation defective, or the hinges significantly worn.

### **9.7 Mirrors**

- 9.7.1 If a mirror is missing or insecure, or so damaged or deteriorated that the view to the rear is impaired.

9.7.2 If the mirror is not clearly visible from the driver's seat.

### **9.8 Fuel System**

9.8.1 If there is a leak in the fuel system or a component insecure

9.8.2 If the fuel tank cap does not fasten securely, and if the sealing washer is torn, deteriorated or missing.

9.8.3 If the fuel tank is not adequately protected from possible damage by collision.

### **9.9 Identification Plates**

9.9.1 If the registration plate or identification plate is missing or so insecure that it is likely to fall off (unless first test where plate would not be available). The identification plate must be in the prescribed place as indicated by the Council

9.9.2 If a letter or figure on the registration plate is missing, incomplete, faded, dirty, deteriorated or obscured.

9.9.3 If the letters on the registration plate are incorrectly spaced or not correctly formed so that they are likely to be misread.

### **9.10 Engine Compartment**

9.10.1 If there is significant oil or dirt contamination in the engine compartment.

9.10.2 If the acoustic insulation is missing, badly deteriorated, insecure, soiled or oil contaminated.

9.10.3 If the battery or carrier is not secure.

9.10.4 If the battery is leaking.

9.10.5 If the battery terminals are badly corroded or insecure.

9.10.6 If there is an insecure engine or defective engine mounting, or loose or insecure ancillary items

### **9.11 Seats**

9.11.1 If no head restraints are fitted

9.11.2 If there is inadequate leg room

### **9.12 Fire Extinguisher**

9.12.1 If there is not a powder or AFFF fire extinguisher

**This document incorporates variations approved by the Council on 23<sup>rd</sup> April 2019.**