



# Midlothian

## **CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

### **PRIVATE HIRE CAR LICENSING**

#### **NOTES FOR GUIDANCE**

- 1 A Private Hire Car Licence is required for the operation of a vehicle as a Private Hire Car. Applications can be made on the relative application form, copies of which are available from the Council Offices, Midlothian House, 40-46 Buccleuch Street, Dalkeith. A Private Hire Car is a motor vehicle constructed or adapted to seat fewer than nine passengers i.e. other than a taxi or public service vehicle.

- 2 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.

- 3 Guidance Note:

The Rehabilitation of Offenders Act 1974 refers to a conviction as any finding by a court that a person has committed a criminal offence.

Although you are not required to disclose any ATPs which are “spent” in terms of the 1974 Act, the Police may raise an objection on the basis of spent ATPs and the Council as licensing authority may decide to consider these if they are thought necessary to determine your application.

As an alternative to prosecution through the courts, a person may be given an ATP.

You would have been given an ATP in respect of an offence in the following circumstances:

- (a) you have been given a warning by a constable or a procurator fiscal;
- (b) you have accepted or are deemed to have accepted a conditional offer to pay a fixed penalty issued under section 302 of the Criminal Procedure (Scotland) 1995 Act (“the 1995 Act”) or a compensation offer issued under section 302A of the 1995 Act, and this includes, by implication, acceptance or deemed acceptance of a combined fixed penalty and compensation offer which can be made under section 302B of the 1995 Act;
- (c) you have had a work order made against you under section 303ZA of the 1995 Act, offering you the opportunity of undertaking unpaid work;
- (d) you have been given a fixed penalty notice under section 129 of the Antisocial Behaviour etc. (Scotland) Act 2004; or

- (e) you have accepted an offer from a procurator fiscal to undertake an activity or treatment or to receive services.

An ATP given in respect of categories (A) and (D) become spent at the time they are given whilst those in categories (B), (C) and (E) become spent after 3 months from the date on which they are given.

Many road traffic offences are dealt with through the issue of Fixed Penalties under the Road Traffic Offenders Act 1988. These are not ATPs and therefore can be considered by the Committee.

If you are uncertain as to the details/dates of any crimes or offences you should contact Disclosure (Scotland) Tel.No 0870 609 6006 or [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk). The search attracts a fee payable to Disclosure Scotland. £59.00.

Alternatively you can also call at any police office and pick up the appropriate Data Protection Form, requesting '*subject access*' to your record.

- 4 Completed application forms must be accompanied by cheques/postal orders made payable to Midlothian Council. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 5 The application fee is £102.00. On receipt of the application, the Council will consult the Chief Constable and he will report on the background of the individual. If authority is given for the grant of the Licence a further fee of £445.00 (including the cost of plates) is payable.
- 6 Following payment of the licence fee an appointment for the examination of the vehicle will be given by the Taxi Examination Centre, 33 Murrayburn Road, Edinburgh (Telephone 0131-529-4049). The vehicle must be presented for examination within a period of eight weeks. A charge of £137 will be made for cancellation of appointments at the Taxi Examination Centre (if less than 7 days' notice given). (No inspections will be conducted on Friday afternoons).
- 7 Additional charges of £77 will be made for re-inspections i.e. except that there will be no additional charge for an initial re-inspection: the fee of £77 will apply to the third and subsequent re-inspections. Where it is found that the vehicle has not been prepared for the initial inspection or when the test is abandoned owing to the poor state of the vehicle, a re-inspection fee will be charged.
- 8 If you wish to replace your vehicle, you should make application on the proper form which is available from this office. The fee is £105.00 i.e. where this requires re-issue of a licence in respect of the unexpired portion of the existing licence. (Where a replacement vehicle is presented at the time of renewal of the licence (and it is not necessary to issue a licence to cover any unexpired portion thereof), there will be no additional fee).
- 9 On payment of the fee, an appointment for examination can be made with the Taxi Examination Centre, 33 Murrayburn Road, Edinburgh EH14 2TF (Tel No 0131 529 4049). A fee of £77 will be charged for a second and subsequent re-inspection.

- 10 When the vehicle has been examined and found satisfactory, the Identification Plates should be collected from Midlothian House and fitted before any licensed activity commences.
- 11 When a vehicle is withdrawn from service by the Cab Inspector and certified unfit for public use, a fee of £77 will be charged for the inspection of the vehicle before it can be re-introduced to service. A fee of £77 will be charged for the second and subsequent re-inspections.
- 12 Where the vehicle is being fitted with a taxi-meter, an appointment should be made with the Taxi Examination Centre, 33 Murrayburn Road, Edinburgh EH14 2TF (Tel No 0131 529 5800).
- 13 The fees must be paid before the vehicle is examined
- 14 The holder of a Private hire car licence shall operate the vehicle only from suitable premises in Midlothian.
- 15 Vehicles must have an engine capacity of no less than 1600 cc., or a "Power to weight ratio equal to or greater than 0.0690hp per kg", have four side doors and have a minimum rear seat cushion width of 1.07 metres. The conditions of fitness are as shown in Booklet.
- 16 The maximum permitted level of tint in the glass contained in the front windscreen and the doors for the front passenger and driver, when measured against the light meter at the Taxi Examination Centre, is 25% in terms of the Construction and Use Regulations; and the level in respect of all other window glass is 35% + or – 2%.
- 17 If a taxi meter is fitted, the fare tariff shown in **Appendix I** hereto is applicable.
- 18 Any changes in material circumstance must be intimated by means of the appropriate application form and the relative fee of £77.00.

## **Advertising on Private Hire Cars**

Advertising on Private Hire Cars is not permitted without the prior written consent of the Council. To seek permission, an application for a variation of the prohibition to display signs for the purpose of advertising should be submitted.

Application for a variation of the prohibition to display signs for the purpose of advertising can be made on the relative application form, copies of which are available from the Council Office, Midlothian House, 40-46 Buccleuch Street, Dalkeith. Completed application forms must be accompanied by (a) two copies of the proposed advertisement in full colour and samples of materials used and (b) cheques/postal orders made payable to Midlothian Council. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.

The application fee is £77.00

On receipt of the application, the Council will consult the Chief Constable.

If the proposal complies with the criteria contained in **Appendix II** hereto, the licensee will be asked to make the necessary arrangements to have the advertising material applied; and thereafter make arrangements with the Taxi Examination Centre to have the advertisement examined. The permission will take effect from the date of issue of approval by the Taxi Examination Centre; and will subsist for the duration of advertisement.

Depending on the extent of the advertising applicants may wish to consider advising (a) DVLC and (b) their insurance company of the changes which are being considered.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website [www.midlothian.gov.uk](http://www.midlothian.gov.uk) to access our online Privacy notice

## APPENDIX I

### MIDLOTHIAN COUNCIL

#### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### FARE TARIFF WITH EFFECT FROM 02 NOVEMBER 2022

#### Taxi Fares

| For 1 or 2 passengers   | Tariff 1 | Tariff 2 | Tariff 3 |
|---|----------|----------|----------|
| For the initial hire not exceeding 339m<br>For the initial period of waiting time of 60 seconds<br>For a combination of time and distance | £3.00    | £3.80    | £4.50    |
| For each additional 168.3m<br>For each additional 30 seconds of waiting time<br>For a combination of additional time and distance         | £0.25    | £0.25    | £0.40    |

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| Tariff 1 – Monday – Friday 6am – 6pm  |
| Tariff 2 – 6pm to 6am Monday to Friday and from 6pm on Friday to 6am Monday |

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| Tariff 3 - Christmas and New Year – Between 6pm on 24 December and 6am on 27 December and 6pm on 31 December and 6am on 3 January |
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| Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years. Each passenger must be properly seated. |
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| Extra Payments  |  |
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| When more than 2 passengers - £0.20 each<br>Cleaning Fee – Travel Sickness - £50.00 | Pre-bookings – Call Out Charge - £0.60<br>Cancellation Fee - £2.00 |

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| Airport Charges<br>It will be the responsibility of the passenger(s) to meet and charges imposed by an airport for waiting, setting down and picking up |
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#### NOTES:

- 1 Fares applicable only in Midlothian.
- 2 Any hire which terminates outwith Midlothian – fare by agreement before journey.

## APPENDIX II

### ADVERTISING ON PRIVATE HIRE CARS

- 1 Advertisements may not be displayed in the interior of private hire cars except that licensees are permitted to display a Notice not exceeding 15cm x 10cm in size bearing his name or that of his company or partnership and their telephone number on the dashboard of the vehicle which Notice shall at all times be displayed in such a manner so that it is invisible from the outside of the vehicle.
- 2 Advertisements may only be fitted to the lower panels of the front doors.
- 3 No secondary advertising of any kind will be permitted on the outside of private hire car.
- 4 The permitted sizes of advertisements are 600mm x 460mm
- 5 Materials used for advertisements must be of a quality not easily defaced or detached. No paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the taxi or initially attached to an approved magnetic panel which is then attached to the private hire car.
- 6 The information displayed on the advertisement must include the words 'PRIVATE HIRE CAR' and may include the following information:-
  - 1 Business name of licensee
  - 2 Logo of licensee
  - 3 Telephone No and internet address
- 7 Until final approval is given an advertisement cannot be displayed.

#### Business Gateway Midlothian

If you are starting a business, or if you already run your own business and could use some extra support and advice please email [BG@midlothian.gov.uk](mailto:BG@midlothian.gov.uk) to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website [www.midlothian.gov.uk](http://www.midlothian.gov.uk) to access our online Privacy notice