

Taxi and Private Hire Car Licensing - Best Practice for Licensing Authorities and Taxi and Private Hire Car Operators (3rd Edition)

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Ministerial foreword



Whether in our towns and cities, or in our rural communities, taxis and private hire cars are a vital part of transport networks for citizens, businesses, and visitors across Scotland. As Minister for Victims and Community Safety I have portfolio responsibility for the licensing regime for taxis and private hire cars. The aim of the licensing regime, as set out in the Civic Government (Scotland) Act 1982, continues to be to ensure that taxi and private hire car customers have a safe, reliable and accessible service.

The day to day administration of the licensing regime rest with independent local licensing authorities – in effect the 32 Scottish local authorities – who are best placed to take local circumstances into account in the decision making process to ensure that they provide safe and appropriate services for members of the public. Requirements may of course differ across local authorities and vary considerably between our urban and more rural communities.

I am pleased to issue this updated best practice guidance document. Those of you who have read the previous versions of the guidance will note that the Scottish Government has updated the title of the guidance document to highlight that as well as being for Licensing Authorities, this document will also be of use to taxi and private hire car operators.

I would like to place on record my sincere thanks and take the opportunity to recognise the valued contribution from all the members of the working group that was established by the Scottish Government to review the previous guidance document, and inform and shape the updated guidance. I know from discussions with my officials in the Scottish Government Criminal Law, Practice and Licensing Unit that the work undertaken by all of the group members has been greatly appreciated. Looking ahead, my officials have also committed to on-going engagement with working group members to ensure that the best practice guidance remains up to date and fit for purpose.

I hope you find this guidance helpful.

A handwritten signature in black ink, appearing to read 'Siobhian Brown'. The signature is fluid and cursive, with a long horizontal line extending to the right.

Siobhian Brown MSP
Minister for Victims and Community Safety

Introduction

First published in December 2007, with an updated second edition published in April 2012, this guidance has been prepared to offer best practice advice to licensing authorities on a range of issues relating to the licensing of taxis, private hire cars and their drivers.

The guidance will also be of use to the trade. For that reason the title of the guidance has been updated to highlight that as well as being for licensing authorities, the guidance should also be read by taxi and private hire car operators.

In 2022 a working group was established by the Scottish Government Criminal Law, Practice and Licensing Unit to review the guidance document.

Membership of the working group consisted of representatives from the Scottish Government, Transport Scotland, various local licensing authorities, taxi and private hire car trade representatives and UNITE the Union.

The working group was tasked with reviewing the guidance to ensure the material is up to date, fit for purpose, acts as a useful tool for both licensing authorities and taxi and private hire car operators, and can support a consistent approach where appropriate.

This revised best practice guidance has sought to update advice offered to reflect legislative change, as well as having regard to the views of members of the working group.

Chapter 1 – scope of best practice

1.1 The best practice document does not seek to address the whole range of possible licensing requirements but focuses primarily on those issues that have caused difficulty in the past or have been highlighted as being of particular significance.

1.2 It is intended to be an evolving document and will be subject to periodic amendment to reflect changing and developing policy and concerns. The Scottish Government will inform licensing authorities and trade representatives when it is amended.

1.3 This best practice references a number of matters for which legislative responsibility is reserved to the UK Government. We have advised within the document as to where UK Government guidance can be found.

1.4 Whilst seeking to promote best practice in relation to quality and safety the Scottish Government does not set out to offer interpretation of the legislation governing taxi and private hire car licensing. This is a matter for licensing authorities and the Courts. It is for licensing authorities to seek their own legal advice as appropriate in regard to the exercise of their licensing powers.

1.5 As well as referring to this best practice document and the governing legislation, the Civic Government (Scotland) Act 1982 (“the 1982 Act”), local licensing authorities should make use of the information in the [Scottish Development Department Circular 25/1986](#).

1.6 Licensing authorities will also be aware of more general duties they have under the Data Protection Act 2018 and the General Data Protection Regulations when they are handling personal information.

Chapter 2 – the role of licensing

2.1 The 1982 Act allows for local authorities, as the licensing authority, to licence taxis and private hire cars. The preamble of the 1982 Act states that it is:

An Act to make provision as regards Scotland for the licensing and regulation of certain activities; for the preservation of public order and safety and the prevention of crime.

2.2 Within the 1982 Act there are specific roles for both the local licensing authority and the police in administering and enforcing the local licensing regime. The success of the regime depends on a constructive and positive relationship between them as well as effective engagement with the trade and customer groups.

2.3 A successful licensing regime will ensure that a safe, reliable and accessible service is available to the public when and where it is required at a cost that does not exceed the maximum amount that can be charged for journeys in taxis and private hire cars fitted with Taximeters. We recognise a balanced approach is beneficial when setting taxi fares between the expectations of taxi drivers/ operators to earn a living against the backdrop of a cost of living crisis and against the public expectation to be able hire a taxi of reasonable quality at a reasonable price.

2.4 This outcome requires a number a factors to be addressed within the regime including:

- that the profile and size of the local customer market is known and understood to ensure the right number and type of vehicles are available at the right times;
- that vehicles are of a suitable type to meet the requirements of customers and are in good working order;
- that drivers are vetted and tested to ensure they are fit and proper, appropriately qualified to drive, and suitably trained to handle the variety of customer interactions;
- that owners of cars and booking offices are vetted to ensure they are fit and proper;
- that fare scales are reasonable and transparent and are regularly reviewed with relevant consultation.

2.5 This is not an exhaustive list, but is illustrative of the range of issues to consider. Underpinning any successful regime though is the need for robust enforcement.

2.6 It is, of course, good practice for local licensing authorities to consult on any significant proposed changes in licensing rules. Such consultation should include not only the taxi and private hire car trade but also customers, local businesses/organisations (public and private) dependent on or affected by the trade

and organisations with a wider transport interest (e.g. Campaign for Better Transport).

2.7 Again it is particularly useful to be aware of the profile of the local market to best target consultation, ensuring groups with particular requirements, i.e. due to a disability, are represented.

2.8 Licensing authorities will also wish to consider Transport Scotland's Accessible Travel Framework. Created in 2016 it provides a national vision and outcomes for accessible travel and a high level action plan to tackle the key issues facing disabled people. Its vision is that 'All disabled people can travel with the same freedom, choice, dignity and opportunity as other citizens.'

2.9 Information about Transport Scotland's Accessible Travel Framework can be found in Chapter 4 (Accessibility Requirements) of this guidance document.

Chapter 3 – enforcement

3.1 A successful licensing regime is appropriately and adequately enforced. Well-directed enforcement activity by licensing authorities benefits not only the public but also the responsible people in the taxi and private hire car trade. The resources devoted by licensing authorities to enforcement will vary according to local circumstances and frequent liaison between licensing authorities and the police in the shape of information/intelligence sharing will help authorities gauge the level and type of enforcement activity required.

3.2 As enforcement activity is part of the licensing regime, it is recoverable through fees charged for licences. It is therefore within the interests of the trade for them to be involved in any information gathering on enforcement needs in their area. The Scottish Government is aware that some authorities have successfully carried out joint operations with the police for example targeting known problem spots where instances of breaches of licensing have been reported.

3.3 A visible enforcement presence will prove a useful deterrent against breaches of licence, for example illegally plying for trade. It is recommended as best practice that enforcement activity is at least partly directed to the late-night period, when such breaches tend most often to arise.

3.4 The operation of unlicensed taxis and private hire cars and drivers is a police matter.

Civic Licensing Standards Officer

3.5 The Air Weapons and Licensing (Scotland) Act 2015 (“the 2015 Act”) introduced a statutory requirement for a licensing authority to appoint an individual or individuals as a ‘Civic Licensing Standards Officer’.

3.6 Civic Licensing Standards Officers have the same powers and duties as an ‘authorised officer’ within the 1982 Act but also have specific functions in relation to providing information and guidance, checking compliance, providing mediation and taking appropriate action on perceived breaches of conditions to a licence provided under the 1982 Act.

Council taxi and private hire enforcement officers

3.7 Some councils employ taxi and private hire enforcement officers in addition to a Civic Licensing Standards Officer. For example, in Glasgow it is the taxi and private hire enforcement officers, as authorised officers of the Licensing Authority, that investigate matters. The Civic Licensing Standards Officer does not deal with enforcement matters regarding taxi and private hire in Glasgow.

3.8 The following is the process Glasgow’s taxi and private hire enforcement officers follow when investigating a complaint. In summary the process is:

- Officers assess whether there is justification and sufficient information for investigating the complaint.

- Depending on the nature of the complaint, officers will attempt to contact any witnesses, booking offices for additional information.
- Identify the driver if details were not provided by contacting the vehicle operator.
- Once identified, the driver will be contacted by officers with a view to providing driver's recollection of the incident or information that would allow officers to eliminate the driver from the investigation.
- Having gathered the available information and reviewed the driver/licence holder's complaint history, depending on the nature of the complaint, officers will either remind the licence holder of their licence responsibilities or refer the complaint to the licencing and regulatory committee.
- If referred to Committee, report will be prepared by officers for Committee to consider what action, if any to take against the licence holder. Licence holder will be provided with copy of report and cited to Committee hearing.

Cross border hiring

3.9 It is an offence to deliberately ply for trade in another licensing area in Scotland.

3.10 The 1982 Act provides that it is an offence to operate or permit the operation of a taxi in an area where taxi licensing is in force if neither the vehicle nor the driver is licensed. It is an offence for a person to pick up passengers, or permit passengers to be picked up by, a private hire care within an area within which neither the vehicle nor the driver has a licence. However, this does not apply to the operation of a taxi or private hire car within an area in which the vehicle or its driver is not licensed if the request for its hiring is (i) received by the driver whilst in the area in which they are licensed, (ii) the driver is engaged in a legitimate hire outside their area which began or will end in their area, or (iii) the driver is returning to their own area following completion of a journey on hire.

3.11 This makes it possible, for example, for a passenger to phone for a taxi or private hire car from their home area to take them to or pick them up at an airport out with that area provided that the request is received by the driver while they are operating in the area for which they are licensed or while they are on a legitimate hire out with that area.

3.12 The Scottish Government is aware of concerns that have been expressed about ongoing issues with taxi and private hire car vehicles from other areas travelling into cities to ply for trade. As an example of best practice, the Scottish Government would highlight the following 'Information Sheet' issued by Aberdeenshire Council to taxi and private hire car drivers regarding operations outside the local authority area.

3.13 Local licensing authorities may wish to consider adopting a similar style of document.

Civic Government (Scotland) Act 1982
Information Sheet - Taxi and Private Hire Car Operations Outside Aberdeenshire

1. Aberdeenshire Council licences taxi and private hire car drivers and vehicles to operate within the area of Aberdeenshire. Likewise the City of Aberdeen Council licences drivers and vehicles to operate within the area of Aberdeen City.

2. Licences are issued under the Civic Government (Scotland) Act 1982. The practical effect of Section 21 (1) of the Act in relation to an Aberdeenshire licensed operator and driver working in Aberdeen, is as follows-

If any person -

(a) operates or permits the operation of a taxi within Aberdeen, or
(b) picks up passengers in, or permits passengers to be picked up by, a private hire car in Aberdeen, that person shall be guilty of a criminal offence.

3. However, Section 21 (2) goes on to state that the above section will not amount to a criminal offence if the request for the vehicle hiring was received by its driver -

(a) whilst the taxi or private hire car was in Aberdeenshire, or
(b) whilst the taxi or private hire is engaged on hire in Aberdeen on a journey which began in Aberdeenshire or will end there, or
(c) whilst the taxi or private hire was in Aberdeen returning to Aberdeenshire following completion of another journey

The above exception therefore does allow an Aberdeenshire taxi or private hire car to respond to a telephone or radio request from a passenger in Aberdeen to come and pick him / her up and take him / her on a journey which ends in Aberdeen or Aberdeenshire.

4. Section 21 (2) states that the exemption does not permit an Aberdeenshire taxi or private hire car, in any circumstances, to ply for hire in Aberdeen or pick up a passenger who has flagged him down on the street in Aberdeen.

5. Accordingly, whilst a booking can be accepted for a journey in Aberdeen, the restrictions detailed above have to be complied with and a vehicle and driver cannot remain in Aberdeen hoping to obtain another hire. The vehicle should return to Aberdeenshire.

6. Should the Police detect operation within Aberdeen City contrary to these provisions, this would render an individual liable to face criminal prosecution.

Chapter 4 – accessibility requirements

Introduction

4.1 Local licensing authorities as well as taxi and private hire car drivers are required, by law, to meet certain accessibility related duties in order to ensure disabled people can access taxi services with the same freedom, choice, dignity and ease as others.

4.2 [Disabled people make twice as many journeys by taxi and private hire car compared to non-disabled people](#) and rely on these services for essential journeys more than most. With one fifth of Scotland's population identifying themselves as disabled, which represents almost one million people, it is essential that licensing authorities and drivers adhere to their accessibility duties and where possible, go beyond the minimum requirements.

4.3 The aim of this chapter is to provide an overview of the legislation that licensing authorities and drivers need to adhere to, as well as to provide best practice guidance on how taxi providers can and should improve the accessibility of their service.

Local licensing authorities may wish to consider providing operators/drivers with a copy of this guidance document when licences are granted. Or alternatively, they could provide a link to the guidance on the licensing webpage of the council website.

The Accessible Travel Framework: Going Further

4.4 In 2016 Transport Scotland engaged with disabled people, their representatives and transport providers to identify and discuss barriers to accessible travel. The exercise resulted in the creation of the [Accessible Travel Framework](#) which runs until 2026.

4.5 The Framework identifies 48 key issues and suggested solutions, which were impacting disabled peoples access to travel. Nine of these issues relate directly to the taxi industry:

- Seek commitments to improve the effectiveness of equality training to taxi drivers to be able to assist disabled people.
- Accommodate the different needs for an accessible taxi.
- Funders such as the Scottish Government could offer grants to help taxi firms improve their fleet to include accessible taxis.
- Local authorities should collect information on numbers and types of accessible taxis in their area to help them identify where improvements are needed.
- Require taxis to provide evidence (for example a certificate) of their exemption from taking passengers in a wheelchair or with an assistance dog.
- Using taxi licensing to ensure 20% of taxis at any one time are accessible to wheelchair users in each local authority area.
- Make booking of accessible taxis more accessible.

- Taxis should be contactable by SMS, not just a phone number.
- Pilot an accessible taxi share scheme- like car clubs- for local areas where no taxi firms have wheelchair accessible vehicles.

4.6 In 2021 Transport Scotland conducted a survey of all licensing authorities to better understand the offering of accessible vehicles at a local level. Responses were received from 31 authorities. However, despite the number of responses only 20 authorities were able to provide numerical data on what wheelchair accessible vehicles were available in their area. The other 11 did not record this information.

4.7 Of the 31 authorities who responded only 9 advised that they provided, or required drivers of taxis and private hire cars to undertake any form of disability awareness training. The training, in the main, usually involved classroom / online and practical training elements and is required to take place within a set period of time (e.g. 6 months) after the license has been awarded.

4.8 Transport Scotland then wrote to Local Authority chief executives recommending that authorities consider revising their licence commitments to make attendance by taxi and private hire car drivers at disability awareness training a compulsory requirement.

4.9 Transport Scotland have committed to repeat this survey in 2024 and this guidance document should be used by authorities to review and inform their policies and procedures.

The Legislation and Law

4.10 In addition to the 1982 Act, the two key pieces of primary legislation which set out the accessibility related requirements of licensing authorities and drivers are:

4.11 **Equality Act 2010:** The Equality Act 2010 (“the 2010 Act”) contains a number of important provisions for the protection of disabled people from discrimination when using taxis and private hire cars. In June 2022, the Act was amended by the Taxis and Private Hire Cars (Disabled Persons) Act 2022 (“the 2022 Act”) to make a number of important improvements.

4.12 **Taxis and Private Hire Cars (Disabled Persons) Act 2022 (“the 2022 Act”):** The 2022 Act aims to further reduce discrimination against disabled people by extending some of the existing 2010 Act duties to apply to more disabled people and more taxi operators. The amendments include:

- Extending the protections currently afforded to place duties on the driver of a taxi or private hire that has been hired to transport a disabled person who is able and wants to travel in a non-wheelchair accessible vehicle. This will benefit wheelchair users whose wheelchairs can be folded and stowed while travelling in a non-designated taxi or private hire car.
- Wheelchair users whose wheelchairs cannot be folded and stowed while travelling will further benefit from the new requirement on licensing authorities

to publish a list of wheelchair accessible vehicles in their area – making it easier for them to identify services they can use.

- Extending the protections currently afforded to wheelchair users using a designated wheelchair accessible taxi or private hire car and/or assistance dog users to **all** disabled passengers regardless of the vehicle they travel in.

Legal Duties for Drivers and Operators

4.13 The duties outlined below are compulsory by law. Non-compliance with the duties outlined below is an offence under section 164A (9) of the 2010 Act and drivers/operators who fail to comply are liable on a summary conviction to a fine of up to £1,000. They may also be subject to other penalties implemented by their local licensing authority. The duties are-

- a) to carry the passenger;
- b) If the passenger is in or has with them a wheelchair, to carry the wheelchair;
- c) If the passenger has with them any mobility aids, to carry the mobility aids;
- d) To take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
- e) To give the passenger such mobility assistance as is reasonably required;
- f) Not to make, or propose to make, any additional charge for complying with any of the aforementioned duties.

4.14 This means that drivers can't refuse to take a booking from/pick up a passenger with a mobility aid or wheelchair, providing they have a suitably sized vehicle or the wheelchair can be stowed. Drivers should assist the passenger to load their wheelchair or mobility aid and any luggage into or out of the vehicle. However, drivers who hold an exemption certificate issued under section 166 of the 2010 Act are exempt from the duty to give the passenger "mobility assistance" under section 164A(5)(e) and 165(4)(e).

4.15 "Mobility aids" is defined under section 164A(6) of the 2010 Act and means any item the passenger uses to assist with their mobility but does not include a wheelchair or an assistance dog.

4.16 "Mobility assistance" is defined under section 164A(7) of the 2010 Act as:

- to enable the passenger to get into or out of the vehicle
- to load the passengers luggage, wheelchair or mobility aids into or out of the vehicle

4.17 Section 168 places duties on drivers of taxis who have been hired by or for a disabled person accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog. Those duties are to carry the disabled person's dog and allow it to remain with that person and not to make any additional charge for doing so. It is an offence to fail to comply

with these duties and a person guilty of such an offence is liable on summary conviction to a fine of up to £1,000.

4.18 Section 170 similarly makes it an offence for a private hire vehicle driver to fail or refuse to carry out a booking accepted by the operator if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for such failure/refusal is that the disabled person is accompanied by an assistance dog.

4.19 In cases where an operator or driver cannot carry a disabled passenger i.e. because they do not have a wheelchair accessible vehicle, they should try to sign post alternative transport.

- ❖ Taxi and private hire car drivers have a duty to assist disabled passengers in identifying and finding the vehicle they have booked, without additional charge, where certain conditions are met. Firstly, that the private hire vehicle or pre-booked taxi has been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. Secondly, that the driver of the private hire vehicle or pre-booked taxi has been made aware before the start of the passenger's journey that the passenger requires assistance to identify or find that vehicle.

4.20 This particularly relates to those with sight or cognitive impairments who may need additional assistance in identifying the correct vehicle to get into. Assistance might involve the driver getting out the vehicle to speak to the passenger.

Legal Duties for Local Licensing Authorities

4.21 The duties outlined below are compulsory by law. Licensing authorities must ensure local operators and drivers are aware of their duties and are held accountable to licensing regulations.

- ❖ Licensing authorities are required to maintain and publish a list of wheelchair-accessible vehicles in their area.

4.22 This list became a requirement for all licensing authorities in June 2022 following amendments made to the 2010 Act by the 2022 Act. It is designed to better inform disabled people of the transport options available to them and can be used by licensing authorities to identify gaps in local wheelchair accessible vehicle provision.

The City of Edinburgh Council provides information about their legal requirements as well as a PDF document containing a list of all wheelchair accessible taxis and private hire cars licensed in Edinburgh on their website: [Licences and permits applications – The City of Edinburgh Council](#)

- ❖ The 2022 Act amended section 166 of the 2010 Act (Disabled passengers: exemption certificates) to the effect that Licensing authorities must provide drivers with a certificate exempting them **from “mobility assistance” duties only** if satisfied that it is appropriate to do so on medical grounds or on the ground that the person’s physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.

4.23 Ensuring drivers have evidence of medical exemption from providing mobility assistance should reduce potential complaints from passengers. Authorities should keep a record of exemptions. See medical fitness chapter for more information.

- ❖ Licensing authorities should take action against drivers who fail to carry out their duties.

Enforcement and Penalties

4.24 Should a disabled passenger believe that they have been discriminated against and an offence committed, they should contact their licensing authority and follow their procedures for making a complaint.

4.25 Licensing Authorities should ensure they have the necessary procedures in place to fully support the submission and handling of complaints. Subject to local licensing conditions, authorities can consider the application of sanctions including the suspension or revocation of taxi or private hire car driver licenses where deemed appropriate.

4.26 [The Equality and Human Rights Commission](#) (EHRC) is the regulatory body responsible for enforcing the Equality Act 2010. The policies and actions of licensing authorities are equally subject to the enforcement of Equality Act duties.

4.27 If a disabled taxi passenger believes they have been treated unfairly or have experienced discrimination contrary to the provisions of the Equality Act, they may seek advice through the Equality Advisory and Support Service. Licensing authorities should proactively ensure operators and drivers, as well as their own policies, are cognisant of Equality Act duties, in order to minimise cases of unintended discrimination or prosecution action.

Best Practice Guidance

4.28 As things stand, there are others ways in which taxi operators can provide a more accessible service, which aren’t yet defined in law. It is therefore important that authorities, operators and drivers follow best practice where possible. The remainder of this chapter will provide best practice guidance on how the industry can take further steps to improve accessibility.

Provision of wheelchair accessible vehicles

4.29 A key barrier faced by disabled people when accessing taxi services is the unavailability of Wheelchair Accessible Vehicles, particularly in rural locations. In 2021, excluding Edinburgh and Angus councils, there were 18,311 taxis and private hire cars operating in Scotland and only 3,661 (less than 20%) were wheelchair accessible vehicles. See table 1.4 in Chapter 01 of [Transport Scotland Scottish Transport Statistics 2021](#).

4.30 Authorities already have powers to specify standards for vehicles in taxi and private hire car fleets, and we encourage them to ensure that the supply of wheelchair accessible vehicles is sufficient to satisfy demand from disabled passengers in their area. Transport Scotland strongly recommends that no less than 20% of licensed taxis in each local authority area is a wheelchair accessible vehicle.

4.31 Transport Scotland's survey in 2021 found that several authorities were developing plans to increase their number of wheelchair accessible vehicles. This is something that can be monitored when the survey is repeated.

4.32 Some authorities have taken steps to encourage an increase in wheelchair accessible vehicles, including:

Fife Council, in recognition of initial higher costs and to encourage purchase, permit wheelchair accessible vehicles to remain operational for 12 years from the date of first registration, rather than the 10 years applicable to other vehicles.

Aberdeen City Council require all new taxi licence applications to use wheelchair accessible vehicles.

Booking Accessibility

4.33 Operators have existing duties under the Equality Act 2010 to make reasonable adjustments to enable disabled people to access their services, this includes their ability to easily book a taxi/ private hire car.

4.34 Developments in technology now allow taxi and private hire car operators to offer multiple ways for passengers to pre-book a taxi/ private hire car i.e. telephone, app, internet etc. Transport Scotland strongly recommends that operators consider accessibility when developing their booking systems.

4.35 For instance, if only telephone booking is offered, this may be a barrier for those who have a hearing impairment, so SMS/App based booking should be offered as an alternative. Equally, operators should avoid only offering app based booking as this may be a barrier for those who may not have access to/can't operate a smart phone.

4.36 As part of the information operators request when taking a booking, operators should always ask if the passenger(s) will require any assistance. This information should then be passed on to the driver to ensure they are aware of the passenger(s) accessibility needs.

Affordability

4.37 Often disabled people may be unable to access more inexpensive modes of public transport due to their inaccessible design or geographical location. Equally in rural areas, a taxi or private hire car may be the only option available and unavoidable in circumstances like getting to and from health and social care appointments, as discussed in the 2019 Mobility and Access Committee for Scotland (MACS) [Transport to Health and Social Care Report](#).

4.38 This means that taxis and private hire cars may be the only option for disabled passengers, automatically adding additional financial strain is disabled passengers.

4.39 [Section 1 of the Equality Act](#) states:

An authority... when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

4.40 Taxi Card schemes have been funded by some Local Authorities to subsidise often unavoidable taxi journeys for disabled people. Local Authorities should consider if they can introduce a taxi card scheme or promote existing schemes.

East Lothian offer a Taxi Card scheme which means eligible disabled passengers pay the first £1.50 of each trip, with the council contributing to the cost of a taxi journey to a maximum of £3.00 i.e. if a trip costs £7 the passenger will pay £4 and the council will pay £3.

Disability Awareness Training

4.41 Although not a legal requirement, Transport Scotland strongly recommends that authorities require mandatory disability awareness training for drivers, as part of their licensing criteria.

4.42 Training helps provide drivers with background knowledge on why the accessibility duties are so important and assists them in building confidence and skill in delivering an accessible and inclusive service.

4.43 [REAL training](#) was developed by the Department for Transport through extensive consultation with disabled people and organisations that represent them. It is provided free of charge and has modules relating to specific transport modes. However, authorities are also encouraged to explore in-person training events/courses.

East Ayrshire Council impose a condition on all taxi and private hire car driver licences that the licence holder attend a 2 hour, in person disability awareness training session provided by the Local Authority. Failure to undergo training will result in a referral to the Local Government Licensing Panel for consideration of suspension of the licence.

Hate Crime Charter

4.44 The Hate Crime Charter encourages transport providers, members of the public and other services to adopt a zero-tolerance approach to hate crime on Scotland's transport network, including hate crime against disabled people. Transport providers including taxi and private hire car representatives and operators can pledge their support to the Hate Crime Charter, which demonstrates that they support the belief that everyone has the right to travel safely and any aggressive, bullying or harassing behavior will not be tolerated on their services.

4.45 To learn more about the Charter and how to pledge support, please visit the [Accessible Travel Hub website](#).

Best Practice Checklist

4.46 In the Transport Scotland survey completed in 2021, around half of all licensing authorities stated they had plans to review their policies around local taxi accessibility and the provision of wheelchair accessible vehicles. To assist with this work, the Mobility and Access Committee for Scotland produced a list of simple recommendations and considerations which authorities should use when reviewing their policies:

Mobility and Access Committee for Scotland Recommendations

Understand how taxi & private hire car services can support people in new ways

- Drivers who are disability-aware can provide unique support to customers.
- Understand why your customers are travelling - can you provide additional services that support this journey? (for example collecting prescriptions or shopping)
- Enable people to book easily without repeating their needs
- If you're not sure how to help, just ask. Many service providers learn just as much from their own passengers as from any formal training - and often people are happy to offer advice so you can help them and others too.
- Make it known to your passengers that you're open to their advice and guidance

Understand what 'safety' means to your passengers

- Explore different ways to help customers to feel safe (for example, different ways of cashless payments, requesting particular drivers)
- If you can offer the option of a female driver, make this widely known.

- Technology that allows people to share their location and journey can make people feel safe
- Consider different ways for people to pay

Be Inclusive

- Provide the option of a wheelchair accessible vehicle
- Provide information in as many formats and languages as possible - include voiced narration, BSL interpretation and captions in videos
- Help customers to book a journey in ways that are accessible to them (for example, can people use text? some people find it difficult to speak on the phone)
- Provide opportunities for staff to access disability training
- Advertise your disability awareness

Help people to follow the rules

- Reassure everyone by giving clear guidance about who is responsible in certain situations
- Ensure that staff feel empowered, safe and confident - this will help them to help others follow the rules

Chapter 5 – vehicles

Vehicle Specification

5.1 The legislation gives local licensing authorities a wide range of discretion over the types of vehicle that they can licence as taxis or private hire cars. Some authorities have adopted criteria as to vehicle specification that in practice can only be met by purpose-built vehicles but the majority licence a range of vehicles.

5.2 While purpose-built vehicles are amongst those which a licensing authority could be expected to licence, licensing authorities should be cautious about specifying only purpose-built taxis, with the strict constraint on supply that this implies.

5.3 Some licensing authorities operate a policy of specifying as many different types of vehicle as possible. Indeed such authorities might also consider a policy that allowed the taxi/private hire car trade to propose vehicles of their own choice that met a range of general criteria as to specification set by the licensing authority. Such an approach could provide greater flexibility in allowing new vehicle types to be considered.

5.4 See also the section in this chapter regarding Environmental Considerations.

Imported vehicles: type approval

5.5 It may be that from time to time a licensing authority will be asked to licence a taxi or private hire car that has been imported independently (by somebody other than the manufacturer). Such a vehicle might meet the licensing authority's criteria for licensing, but the licensing authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. The current acceptable options for vehicle registration include EU type approval and two forms of type approval that have been introduced since Brexit: UK(NI) type approval and GB type approval, which were introduced on 1 January 2023.

5.6 For an overview on type approval please see the [Vehicle Approval](#) pages on the UK Government website. For more detailed information please refer to the website of the [Vehicle Certification Agency](#) and the [Type Approval](#) and [What is Type Approval?](#) pages in particular.

Vehicle Testing

5.7 There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be seen as best practice:

- **Frequency of Tests.** The legal requirement for taxis requires that they should be subject to an MOT test or its equivalent one year after first registration and annually thereafter. For private hire cars annual MOT testing should commence after the vehicle is three years old. Notwithstanding MOT

requirements, authorities generally undertake inspection of taxis and private hire cars at first licensing and annually or more frequently thereafter. This approach is considered best practice in the interests of public safety. Annual testing for licensed vehicles regardless of age is considered best practice although more frequent testing may be appropriate for older vehicles (see 'age limits' below). Licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on an ad hoc basis and more frequently than the full vehicle test.

- **Criteria for Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and private hire cars. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and private hire cars provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, requiring for example the internal passenger accommodation, upholstery and fittings to be maintained in a serviceable condition. Further advice and details of publications about MOT testing can be found on the [Driver & Vehicle Standards Agency website](#).
- **Age Limits.** The setting of an age limit beyond which a licensing authority will not licence vehicles is somewhat arbitrary and disproportionate particularly as it is perfectly possible for a well-maintained older vehicle to be in good condition. A greater frequency of testing may, however, be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.
- **Number of Testing Stations.** There is sometimes criticism that local licensing authorities provide only one testing centre for their area (which may be geographically extensive). It is good practice for licensing authorities to consider having more than one testing station. There could be advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. The Driver & Vehicle Standards Agency - may be able to assist where there are local difficulties in provision of testing stations.

Security

5.8 Licensing authorities should actively promote and facilitate good links between the taxi and private hire car trades and the local police force, including active participation in any crime reduction initiatives.

5.9 The owners and drivers of vehicles will often want to install security measures to protect the driver. Licensing authorities may consider that this is a matter best left to the judgement of the owners and drivers themselves. However, it is recommended practice for licensing authorities to consider sympathetically, or indeed actively encourage, their installation.

5.10 Security measures could include a screen between driver and passengers. Partitions or safety screens provide a physical barrier between drivers and passengers in the vehicle. They are commonly installed as a safety feature to protect the driver from physical attacks. Such screens can also be used as a way of providing physical separation between drivers and passengers in order to reduce the transmission of viruses. Decisions on any requirements relating to the installation of safety screens ultimately rest with local licensing authorities.

5.11 It is recommended practice for local licensing authorities to require taxi or private hire car licence holders to advise the licensing authority of their plan to install a safety screen within the licensed vehicle. Before a screen is installed within a licensed vehicle it is recommended practice for local licensing authorities to seek proof from the taxi or private hire car licence holder that the relevant insurer has been contacted about the proposed installation and that the insurer has confirmed in writing that the necessary insurance would be unaffected by this installation. In addition, it is recommended practice for licensing authorities to seek confirmation from the taxi or private hire car licence holder that the proposed screen complies with the specification set out in Guidance on Partition Screens in Taxi and Private Hire Cars, published July 2021. That Guidance can be viewed at **Annex C**

5.12 In respect of partition screens only, the guidance at Annex C supersedes [previous guidance published in August 2020 by the Local Authority Environmental Health and Trading Standards Expert Officers' Group](#). The licensing authority may consider the installation of a screen to be a material change to the licence and require to be notified of the screen installation formally in terms of [Paragraph 9 of Schedule 1 to the Civic Government \(Scotland\) Act 1982](#). It is however, recognised that local licensing authorities may have different requirements for the installation of screens within a licensed taxi or private hire car, some may require the licensed vehicle to undergo an additional inspection, so it is recommended that licensing authorities provide a note of its requirements on its webpage to ensure licence holders are aware of these.

5.13 Security measures could also include CCTV. The [Information Commissioner's Office Guidance on video surveillance \(including CCTV\)](#) will be helpful for licence holders making such a decision.

5.14 Installation of CCTV in taxis and private hire cars may offer a degree of security in terms of safety of both passengers and drivers alike. It could also prove a useful tool in corroboration in cases of fare disputes, vandalism and other anti-social or criminal behaviour committed within the vehicle. Licensing authorities in assessing the suitability of CCTV equipment must be aware of any responsibilities for themselves and/or the drivers and operators of the CCTV systems under UK General Data Protection Regulation ("UK GDPR") and the Data Protection Act 2018.

5.15 For the purposes of the installation and use of CCTV systems in taxis and private hire cars, the "data controller" will be the person who makes the decision to install CCTV, i.e. the holder of the taxi or private hire car licence and not the driver. The Information Commissioner's Office is a helpful source of information and advice. Where CCTV systems are installed in taxis and private hire vehicle, operators should ensure that they comply with the [Information Commissioner's Office Guidance on](#)

[video surveillance \(including CCTV\)](#). Images recorded on such systems are personal data and their processing is subject to the provisions of the Data Protection Act 2018. The Scottish Government has also produced a separate CCTV Strategy for Scotland. [A National Strategy for Public Space CCTV in Scotland](#) provides a common set of principles that operators of public space CCTV systems in Scotland should be guided by. The principles aim to ensure that these systems are operated fairly and lawfully.

5.16 Care should be taken that any security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver.

5.17 Caution is also required if, for any reason, CCTV is operational continuously. It would, for example, mean a camera could be operating when the vehicle is being used privately by the driver. The Information Commissioner's Office view on this matter is that, in most cases, this is unlikely to be fair and lawful processing of personal data.

5.18 The Information Commissioner's Office CCTV Guidance (link above) also highlights the need to ensure that "your business has established a process to recognise and respond to individuals or organisations making requests for copies of the images on your CCTV footage". Further information about a person's 'right of access' to such information is also available on the [Information Commissioner's Office website](#).

5.19 As an example of best practice the Scottish Government would highlight the policy document issued by Glasgow City Council, that sets out the Licensing Authority's policy on the installation and use of CCTV systems in licensed taxis and private hire cars. The policy document can be viewed at **Annex A**.

5.20 Local licensing authorities may wish to consider adopting a similar style of policy document.

Vehicle Identification

5.21 Members of the public can be unaware of the fact that private hire cars and taxis operate differently, that private hire cars are not available for immediate hire and must be pre-booked. It is important, therefore, that it is easy to distinguish between the two types of vehicle.

5.22 Section 14 of the 1982 Act prohibits the display on, or in, a private hire car of any feature which could suggest that the vehicle is available for hire as a taxi. The display of rooftop signage on private hire cars may lead to confusion and we suggest as best practice the inclusion of a condition of licence for private hire cars precluding the display of any type of rooftop signage on such vehicles. Condition 14 of the model conditions set out in Annex B to [Scottish Development Department Circular 25/1986](#) refers.

5.23 In addition to the specified local authority licence plate or disc identifying the vehicle as a private hire car some clearer identification is best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be

hired immediately through the driver; and secondly because it is reasonable, and in the interests of the travelling public, for a private hire car operator to be able to state on the vehicle the contact details for hiring. In this regard authorities might consider introduction of a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach identifies the vehicle as private hire, helps to avoid confusion with a taxi and gives useful information to the public wishing to make a booking.

Environmental considerations

5.24 A broad range of environmental issues apply, including noise, air quality, greenhouse gas emissions, and resource efficiency. Local licensing authorities should consider how far their vehicle licensing policies can and should support both local and national environmental policies that have been adopted. This should involve closer communication between local transport and environmental committees and consideration of Scottish Net Zero targets.

5.25 As environmental impacts can cross local authority boundaries, local licensing authorities may also find it helpful to consult with licensing authorities in surrounding areas with a view to aligning environmental policies and practices where possible.

5.26 Provision of refuelling infrastructure that supports environmental objectives should be considered. In Dundee, electric rapid charge points have been deployed by the local authority in locations that are convenient for the local taxi and private hire trade to use. This has encouraged the uptake of electric vehicles in the city and reduced dependence on diesel fuel. Supporting the uptake of alternative liquid fuels such as Hydrogen, LPG and biofuels could also help to achieve environmental goals where consideration is given for key user groups such as taxi and private hire vehicles.

5.27 Authorities may also wish to consider in any review of their list of approved vehicles for licensing purposes the availability of increasing numbers of alternatively fuelled vehicles on the market. Authorities in considering approval of environmentally friendly vehicles will doubtless have due regard to their obligation to be satisfied as to a vehicle's suitability for licensing as a taxi or private hire car in terms of type, size and design and that it is comfortable and safe for use as a taxi or private hire car (section 10 of the 1982 Act). Such considerations should form part of any wider environmental policy or strategy.

5.28 Consideration should be given where local restrictions on vehicle age apply. For some vehicles using a cleaner fuel vehicle could require greater capital investment. Age limits could undermine this business case, and exemptions should be considered. This has been adopted by City of Edinburgh Council where up to an additional 4 years can be applied beyond the usual licensing age limit for alternatively fuelled vehicles such as LPG and electric taxis.

5.29 Aligning policies with the broader range of fuel types could help to enable choice in the market. Historically, minimum engine capacity (in cc) has been used to

set vehicle standards. An alternative method is to use a 'power to weight' ratio which can normalise sufficient power across different fuel types.

5.30 Local authorities may also wish to consider promotion of cleaner fuels and/or training for drivers in environmentally friendly driving as a means to reduce both environmental impacts and driver costs. Hosting local infrastructure, and looking for opportunities to share infrastructure with e.g. local authority fleets or depots is recommended. Local authorities can also support and raise awareness of incentives or grants that are available.

5.31 An increasing number of Scottish local authorities are adopting environmental policies with regard to taxi and private hire car licensing in their areas. Glasgow, Edinburgh, Dundee and Aberdeen have introduced Low Emission Zones which set an emission standard for vehicle entry of Euro 4 or better for petrol/gas vehicles and Euro 6 or better for diesel vehicles to reduce emissions. Authorities should consider giving sufficient notice for any adoption of emission standards and consideration for what is achievable with the rate of turnover within the existing fleet. Good dialogue with the trade is recommended to understand the context of any proposed environmental initiative.

Exemptions from licensing

5.32 Section 22 of the 1982 Act currently provides that the licensing requirements do not apply to vehicles used for bringing passengers or goods within and taking them out of an area in respect of which the vehicle is not licensed as a taxi or a private hire car in pursuance of a contract for the hire of the vehicle made outside the area if the vehicle is not made available for hire within the area, vehicles being used in connection with a funeral or wedding, nor does it apply to any vehicle while it is being used for carrying passengers for its exclusive hire for a period of not less than 24 hours. This is often referred to as the contract exemption.

5.33 This exemption therefore allows drivers and vehicles being used **exclusively** for contract work to fall out with the licensing regime.

5.34 This is on the assumption that the person/ body contracting the work will be responsible for the scrutiny of the person/ company fulfilling the contract. The Scottish Government would recommend to the person/ body contracting the work that the use of unlicensed individuals or firms to provide transport services, particularly to vulnerable groups, should be carefully considered. Any tendering process and final contract must clearly be compliant with relevant legislation (i.e. registration with Protecting Vulnerable Groups scheme where appropriate) but should also build in time and capacity to effectively establish the safety and suitability of the drivers and vehicles. Considering the wide range of factors that this covers (road worthiness, accessibility requirements, criminal records checks, driver training etc), the use of licensed drivers and vehicles may be more efficient.

5.35 In response to concerns that had been raised by stakeholders that the existence of the contract exemption was leading to abuse by people undertaking private hire type activities, but claiming that these came within the contract exemption, the 2015 Act made provisions for the removal of the current exemption

provided for at section 22(1)(c) of the 1982 Act, for a vehicle while it is being used for carrying passengers for its exclusive hire for a period of not less than 24 hours. The Act does not amend the current exemption in relation to funerals or weddings.

5.36 When brought into force, this will bring vehicles being used in such a manner into the licensing regime for taxis and private hire cars. Please note however that **the contract exemption remains in place at present.**

5.37 The policy objective for the removal of the contract exemption is to preserve and improve the safety of the travelling public by widening the scope and tightening the regulation of the licensing regime. In particular, by addressing concerns that legitimate trade is being unfairly challenged by some businesses circumventing or abusing the licensing regime, and also improving compliance within the regime.

5.38 The Scottish Government recognises that there are a wide variety of businesses and activities that might inadvertently be brought into taxis and private hire car licensing by removing the contract exemption, and that preparatory work is required and underway through engagement with licensing stakeholders.

5.39 The Scottish Government will undertake additional work to better understand existing business operations, for example through stakeholder engagement as alluded to above and formal consultation before removing the existing contract exemption.

Licensing of stretch limousines and other special events vehicles

5.40 Special events vehicles (stretch limousines, decommissioned emergency service vehicles etc.) typically booked for party occasions have appeared on our roads in increasing numbers over recent years. Demonstrating a clear public demand for the special service that they provide.

5.41 Concern has been expressed that some such vehicles may be operating out with any specific licensing regime. These vehicles and their drivers may not therefore have been subject to appropriate scrutiny either under the private hire car or public service vehicle licensing arrangements (the latter applies primarily to vehicles that have more than 8 passenger seats. Responsibility for this legislation is reserved to the UK Government).

5.42 Section 23 of the 1982 Act defines 'hire car' in the following terms:

"hire car" means a motor vehicle with a driver (other than a vehicle being a public service vehicle within the meaning of section 1(1)(a) of the Public Passenger Vehicles Act 1981) (the 1981 Act) which is, with a view to profit, available for hire by the public for personal conveyance.

5.43 Section 7 of the 1982 Act provides that any person who, without reasonable excuse does anything for which a licence is required under Part II of the Act (which includes sections 10-23) without having such a licence, shall be guilty of an offence.

5.44 In terms of section 10 of the 1982 Act, licensing authorities have discretion over the types of vehicles that they licence as private hire cars. We understand that some authorities licence limousines, that some do not and that few if any authorities licence other special events vehicles. In some instances, therefore, it is currently not possible for an operator of a special events vehicle to secure a private hire car licence. The view the licensing authority takes in relation to the licensing of special events vehicles is a separate issue from whether a licence is required to operate or drive such a vehicle.

5.45 The Scottish Government takes the view that a blanket policy to refuse to licence these vehicles simply as a matter of principle presents an unacceptable safety risk to the travelling public. Public safety considerations are best served by the adoption of policies that ensure through the licensing process for the vetting of operators and drivers and inspection of vehicles.

5.46 In the light of the above, we would encourage licensing authorities:

- to consider applications on their individual merits having regard to the above advice.
- to adopt, in liaison with the police, a proactive approach, to the question of the operation of vehicles without a licence required under the 1982 Act.

5.47 Licensing authorities in considering any variance in regard to its technical specification of vehicle for licensing as a private hire car, perhaps in recognition of the particular nature of the service provided by special event type vehicles, will wish to ensure that the principles of section 10(3A) are not compromised in any way.

5.48 It should be emphasised that the above advice applies to vehicles with capacity up to 8 passenger seats. Vehicles with greater seating capacity may fall to be considered under public service vehicle legislation.

5.49 In the exercise of their discretion as to the suitability of a particular vehicle for licensing as a private hire car, authorities might wish to consider whether policies for example setting age limits on vehicles and/or excluding left hand drive are not unduly restrictive.

5.50 In the past imported stretched limousines were checked for compliance with British regulations under the Single Vehicle Approval inspection regime, prior to registration. This was replaced by the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority may wish to request sight of the IVA certificate to ensure that the vehicle was tested by the Driver & Vehicle Standards Agency before being registered and licensed (taxed). This can be done, either by checking the Registration Certificate (V5C) of the vehicle, which may refer to IVA under the 'Special Note' section, or by writing to the Driver & Vehicle Standards Agency providing details of the vehicle make/model, registration number and VIN number.

5.51 Some licensing authorities have reported difficulty due to the size of some vehicles precluding them being properly tested in conventional MOT garages. If there is not a suitable MOT testing station in the area we understand that it may be

possible to arrange to test the vehicle at one of the [Driver & Vehicle Standards Agency approved test stations](#).

Quantity restrictions of taxi licences

5.52 The legal provision on quantity restrictions for taxis is set out in section 10(3) of the 1982 Act. This provides that:

...the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting the number of taxis in respect of which licences are granted by them if, but only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.

5.53 Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the licensing authority concerned would be required to establish to the satisfaction of the court that it had first satisfied itself that there was no such significant unmet demand.

5.54 The Scottish Government is of the view that decisions as to the case for limiting taxi licences should remain a matter for licensing authorities in the light of local circumstances. Licensing authorities that presently restrict numbers of taxi licences are, however, encouraged to periodically review this policy and to examine the wider policy direction.

5.55 Licensing authorities in reviewing their policy with regard to quantity restrictions on taxi licences should consider whether any restriction presently in place should continue. The matter should be approached in terms of the interests of taxi users. What benefit is achieved for them by the continuation of controls and how might they benefit if the controls were removed? Is there evidence that removal of the controls would result in a clear and unambiguous deterioration in the amount or quality of taxi service provision? Authorities in assessing the case for quantity restrictions will wish also to have regard to the availability of an appropriate supply of accessible vehicles within the hire car fleet such as to meet the needs of passengers with a disability.

5.56 Authorities may find the information in **Annex B** helpful. That Annex sets out a number of questions which may be helpful to licensing authorities in any review of policy in regard to the quantity control of taxi licences.

5.57 The Scottish Government agrees that the question of the restriction of licences should be left to the discretion of licensing authorities. However, there is a need for review of the frequency and component parts of the surveys used by licensing authorities to measure unmet demand. In regard to frequency, licensing authorities should carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court.

5.58 Some key points which authorities should consider are:

- **The length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand.

- **Waiting times for street hailing's and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand.
- **Latent demand,** for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **Peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant'. The Scottish Government does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, unmet demand at these times should not be ignored. Local authorities should consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **Consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups, the police, local businesses (e.g. hotels, pubs and clubs and visitor attractions) and providers of other transport modes (such as train operators who want taxis available to take passengers to and from stations).
- **Publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be explained.
- **Financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call into question the impartiality and objectivity of the survey process.

Quantity restrictions of private hire car licences

5.59 The legal provisions on quantity restrictions for private hire cars are set out in sections 10(3A), 10(3B) and 10(3C) of the 1982 Act. These provisions provide that:

10(3A) without prejudice to paragraph 5 of schedule 1 [to this Act] the grant of a private hire car licence may be refused by a licensing authority if, but only if, they are satisfied that there is (or, as a result of granting the licence, would be) overprovision of private hire car services in the locality (or localities) in their area in which the private hire car is to operate.

10(3B) It is for the licensing authority to determine the localities within the area for the purposes of subsection (3A) and in doing so the authority may determine that the whole of their area is a locality.

10(3C) In satisfying themselves as to whether there would be overprovision for the purposes of subsection (3A) in any locality, the licensing authority must have regard to –

- (a) The number of private hire cars operating in the locality, and
- (b) The demand for private hire car services in the locality.

5.60 The 2015 Act introduced these provisions into the 1982 Act which gave licensing authorities the discretionary power to refuse to grant private hire car licences on the grounds of overprovision. This power came in to force on 1 May 2017 and only applies to grant applications. It does not apply to the renewal of existing private hire car licences.

5.61 Licensing authorities, in considering whether to use this ground of refusal, should take into account the Scottish Government [Private Hire Car Licensing: Guidance on Power to Refuse on Grounds on Overprovision](#), dated 24 September 2019.

5.62 As noted in the above guidance, it is for individual licensing authorities to decide whether they wish to undertake an overprovision assessment of private hire cars. In considering this matter licensing authorities may wish to take into account factors such as:

- whether they already restrict taxi vehicle numbers
- views from the trade, both taxis and private hire car businesses
- overall trends in vehicle numbers, are private hire car vehicle numbers increasing?
- churn, with licence holders failing to renew vehicle licences.

5.63 The Scottish Government recommends that licensing authorities who decide that they wish to use the overprovision power should develop and consult on a formal overprovision policy.

5.64 As an example, the Scottish Government would highlight the overprovision policy for the grant of private hire car licences introduced by [Glasgow City Council](#) in April 2019.

Return of Plates - Section 10(6)

5.65 The Scottish Government is aware that some licensing authorities have experienced difficulties over compliance with the return of taxi and private hire car licence plates required under terms of Section 10(6) of the 1982 Act.

5.66 In order to address concerns over non-compliance licensing authorities can use their powers under Schedule 1 to insert an expiry date on licence plates at time of issue.

5.67 The Scottish Government would encourage licensing authorities to consider the inclusion of an expiry date or car registration number on licence plates at time of issue to discourage non-compliance and assist enforcement personnel in identifying any cases of inappropriate use.

Chapter 6 – taxi fares

6.1 Local licensing authorities have a duty under section 17 of the 1982 Act to fix the scales for fares and all other charges in connection with the hire of taxis in their area and have a duty to review the resultant fare scales within 18 months of the scales coming into effect.

6.2 In the conduct of a tariff review, authorities are advised as best practice to pay particular regard to advice contained in paragraphs 2.34 - 2.37 of [Scottish Development Department Circular 25/1986](#). The Circular advises on the frequency of reviews, need for consultation, relevant considerations and the right of appeal.

6.3 The Criminal Justice and Licensing (Scotland) Act 2010 made changes that affect sections 17 and 18 of the 1982 Act with regard to taxi fares' appeals and procedures although they do not cover all amendments. The main changes being:

- Section 17 clarifies that 'the licensing authority must fix scales for the fares and other charges... **within** 18 months, beginning with the date on which the scales came into effect'. The period of time a licensing authority has to give notice of a new fare scale is extended to 7 days after the scales are fixed.
- Section 18 allows representative bodies (as well as individual taxi operators) to appeal to the Traffic Commissioner against fare scales.

6.4 Licensing authorities will also wish to be aware of advice contained in paragraphs 2.38 - 2.42 of Circular 25/1986 and the procedural rules set out in 'The Licensing and Regulation of Taxis (Appeals in Respect of Taxi Fares) (Scotland) Order 1985'. The procedural rules were amended by 'The Licensing and Regulation of Taxis (Appeals in Respect of Taxi Fares) (Scotland) Amendment Order 2011' to reflect the legislative amendment within section 174 of the 2010 Act.

6.5 Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice, however, to encourage such negotiations at rank, or for on-street hailings as there would be risks of confusion and security problems.

6.6 However, licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for older people).

6.7 There may be a case for allowing any taxi operators who wish to do so to make it clear - perhaps by advertising on the vehicle - that they charge less than the maximum fare.

Chapter 7 – licensing of booking offices

7.1 [The Civic Government \(Scotland\) Act 1982 \(Licensing of Booking Offices\) Order 2009](#) (“the 2009 Order”) requires licensing authorities to licence the use of premises used for the taking of bookings for taxis and private hire cars in the interests of public safety and crime prevention.

7.2 The 2009 Order provides that booking offices (those which take bookings for 4 or more relevant vehicles i.e. taxis or private hire cars licensed under Section 10 of the 1982 Act) must hold a booking office licence issued by the local authority in which area the premises are located.

7.3 The 2009 Order created a new licensable activity under the 1982 Act namely “the use of premises for the carrying on of a business which consists to any extent of the taking of bookings, by any means of communication, from members of the public for the hire of a relevant vehicle”. (A relevant vehicle is defined as a vehicle in relation to which a taxi or private hire car licence has been granted in terms of the 1982 Act).

7.4 The 2009 Order prescribes several licensing conditions which authorities are required to attach to the grant or renewal of a booking office licence. These conditions require that a record is kept of all bookings taken and that that record should include the registration number of the vehicle and the name of the driver fulfilling the hire. The licence holder is also required to take all reasonable steps to ensure that any vehicle and driver used to fulfil a hire is appropriately licensed under the 1982 Act.

7.5 The legislation does not set out to be overly prescriptive as to conditions that might be applied to licences. Authorities, however, may in terms of paragraph 5 to Schedule 1 of the 1982 Act attach such other reasonable licensing conditions as they consider appropriate having regard to local circumstances and their own legal advice.

7.6 The 2009 Order applies Part 1 of the 1982 Act (including Schedule 1) with certain modifications. This ensures that licensing authorities will send a copy of any application to the Chief Constable. The result is that those responsible for the operation of booking offices (the licence holder) are subject to police criminal record checks. Local licensing authorities are also required to refuse an application where the applicant is not a fit and proper person to be a holder of the licence. In the case where a licence for that activity is in force or has been applied for the 2009 Order also affords enforcement personnel and police with access to inspect premises and records to check whether the terms of a licence are being complied with. The 2009 Order also, subject to the obtaining of a warrant, provides powers to enforcement personnel and police to enter and search unlicensed premises.

HMRC tax check

7.7 HMRC is introducing a simple tax check from October 2023 that will take place when a person renews their booking office licence. This tax check is also being introduced when a person renews their taxi or private hire car driver licence.

7.8 This will be a small addition to the requirements already put in place by licensing authorities, for example checks to ensure that licensees are fit and proper persons. This will be a straightforward online process, taking a few minutes, typically once every 3 years. The tax check will simply confirm that applicants are registered for tax if they need to be.

7.9 The process will be slightly different depending on whether someone is renewing their licence or applying for the first time. If they are renewing their licence, they'll need a tax check reference number which they can get by submitting their details into the HMRC online service. The licensing authority will use this to confirm with HMRC that the applicant has completed a tax check. The licensing authority will then reach a decision on the licence in the usual way. The HMRC Website contains [guidance on the renewal process for applicants](#), and also [guidance on the renewal process for licensing authorities](#).

7.10 First-time applicants will not have to complete the check. Instead, licensing authorities will make sure they have access to HMRC guidance, showing them what they need to do in order to be properly registered for tax in the future. As decisions on applications for these licences are conditional on the tax check (in addition to the licensing authorities requirements) this is known as 'tax conditionality'. The HMRC Website contains [guidance for first-time applicants](#), and also [guidance for licensing authorities on first-time applicants](#).

HMRC's strategy for tackling the hidden economy

7.11 HMRC is clear the majority in these sectors already pay the tax that is legally due. HMRC is committed to levelling the playing field for compliant businesses so those who meet their tax obligations aren't disadvantaged, or undercut, by those who don't. Tax conditionality is just one element of the HMRC strategy to tackle the hidden economy, which is made up of the minority of individuals and businesses who have sources of taxable income that are entirely hidden from HMRC.

7.12 The most recent tax gap estimates the UK lost around £3.2 billion of tax revenues to the hidden economy in 2020 to 2021 – depriving vital public services of funding. Conditionality is a proportionate and cost-effective way of moving people – some of whom simply don't understand their obligations – out of the hidden economy. It complements existing licensing rules, and recognises that third parties play a vital role in helping people pay the right tax.

Scottish Government – Impact of Modern Technology Consultation

7.13 During the passage of the Air Weapons and Licensing (Scotland) Bill in 2015, concerns were raised about the impact of modern technology such as smartphone apps on the licensing regime for taxis and private hire cars. The then Cabinet Secretary for Justice made a commitment to undertake further work to address these issues.

7.14 The Scottish Government subsequently consulted on the impact of modern technology on the licensing of taxis and private hire cars, and published a [Summary of Consultation Responses](#) in late 2019.

7.15 As a consequence of the pandemic work in relation to this consultation was paused. While no commitment or timescale has been made as to what work will be taken forward as a result of the consultation, the responses will inform the development of Scottish Government policy.

7.16 The Scottish Government recognises that legislation in relation to the licensing of booking offices may require to be updated to take account of modern practices, such as the use of app-based bookings.

7.17 Stakeholders can be assured that any future legislative changes that are a made in relation to the licensing of booking offices will be reflected in updated best practice guidance.

Chapter 8 – drivers

Duration of Licences

8.1 The process of renewing licences, as with granting new licences, is an important element of ensuring public safety and preventing criminality in the trade. While a three year licence is the legal maximum, licensing authorities should consider carefully whether this length of time between renewal provides an appropriate level of scrutiny. There is a balance to be struck between a policy which is not an undue burden on drivers and licensing authorities alike and one which provides reassurance to the travelling public.

8.2 While a three year licence can be good practice for licence holders that present no cause for concern, licensing authorities may wish to consider annual licences for new applicants or where they feel a more frequent level of scrutiny is required.

8.3 An annual licence may also be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one.

8.4 It can therefore be good practice for licensing authorities to offer drivers the choice of an annual licence or a three year licence.

Criminal Record Checks

8.5 Applications for grant or renewal of taxi and private hire car and driver licences are required in terms of section 4 and paragraph 2(1) of schedule 1 of the 1982 Act to be copied to the Chief Constable.

8.6 Generally applicants should:

- Be able to live and work legally in the UK;
- Be medically fit to drive;
- Have held, for a continuous period of one year prior to the date their application is lodged, a Driving Licence that entitles them to drive in the UK
- From October 2023, have completed the tax check and provided a unique HMRC reference number (**see Chapter 7 for full details**); and

8.7 A licensing authority shall refuse an application for the grant or renewal of a licence if the applicant is disqualified or is not a fit and proper person to be a holder of the licence.

8.8 The weight to be attached to convictions in the consideration as to the suitability of an applicant is a matter for the determination of the relevant licensing authority. In considering an individual's criminal record, local licensing authorities will want to consider each case on its own merits, but they will doubtless take a particularly cautious view of any offences involving violence, and especially sexual in

nature. In order to achieve consistency, and thus reduce the risk of successful legal challenge, local authorities will ideally want to have a clear policy for the consideration of criminal records.

Protecting Vulnerable Groups (PVG) Scheme.

8.9 The Scottish Government introduced the Protecting Vulnerable Groups (PVG) Scheme in 2011. Disclosure Scotland manages the PVG scheme on behalf of the Scottish Government. This is a membership scheme for people who work with children or protected adults. It helps ensure that people who are unsuitable to work with these groups cannot do this type of work. Disclosure Scotland keeps a [list of people who are barred](#) from working with children and protected adults. The [Disclosure \(Scotland\) Act 2020](#) aims to make the disclosure process in Scotland simpler and easier to understand

8.10 The PVG Scheme can include taxi/private hire car drivers contracted to undertake regulated work in relation to the provision of transport to vulnerable groups. Detailed information and guidance on the PVG scheme can be accessed on the [mygov.scot website](#).

Criminal Record Checks from out with the UK

8.11 Where appropriate, local licensing authorities will want to consider a policy on applicants from other countries. One approach is to require applicants to provide details of any countries outside the UK that they have lived in for a period of 6 months or more since they were born. For each country they have lived in since the age of 16, they must produce a criminal record check for that country. This is required to evidence whether you have been convicted of any offences whilst living in that country.

8.12 Guidance in relation to '[Criminal records checks for overseas applicants](#)' can be found on the GOV.UK website.

Evidence of right to live and work in the UK

8.13 From **1 December 2016** Local Authorities have a statutory duty under the Immigration Act 2016 to check and verify that every applicant has the right to live in the UK and work as a Taxi Driver or Private Hire Car Driver.

8.14 Applicants must provide certain original documents to evidence your right to live and work in the UK. If they cannot provide the required evidence the application cannot be granted. The types of documents that can be accepted as evidence have been prescribed by the Home Office. The Home Office issued Guidance in December 2021 for licensing authorities to prevent illegal working in the taxi and private hire car sector in Scotland. The Guidance on the GOV.UK website '[Licensing authority guide to right to work checks](#)' was further updated in August 2022, and is now presented as one document covering all of the UK.

Immigration Status

8.15 The Guidance referenced in paragraph 8.14 sets out that licensing authorities are under a duty not to issue licences to people who are disqualified from holding them by their immigration status.

8.16 In determining whether someone is disqualified, licensing authorities are under a statutory duty to have regard to the Home Office guidance.

8.17 The requirement to check the immigration status of licence applicants does not amend or replace the existing 'fit and proper' person test that licensing authorities must perform; this includes obtaining a Certificate of Good Conduct for applicants who have resided abroad for a period of time.

8.18 A person is disqualified from holding a private hire car and taxi driver licence, and a booking office licence by reason of their immigration status if:

- the person requires permission to enter or remain in the UK and has not been granted it; or
- the person's permission to enter or remain in the UK
 - is invalid,
 - has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise), or
 - is subject to a condition preventing the person from doing work of that kind.

8.19 A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example, they are subject to an immigration restriction that does not permit them to work or undertake work as private hire car, taxi driver or booking officer.

Age Limits

8.20 It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their individual merits.

Medical Fitness

8.21 The DVLA has two standards Group 1 and Group 2, which relate to the types of vehicle which are being driven. Group 1 generally covers cars and motorbikes and Group 2 generally covers HGV (category C) large lorries and buses.

8.22 The medical standards for both of these groups are set out in the DVLA's Guidance for medical practitioners '[Assessing fitness to drive – a guide for medical professionals](#)'.

8.23 The DVLA states that the medical standards for Group 2 drivers are substantially higher than for Group 1 drivers. They explain that this is not only due to the size and weight of the vehicle but also because of the length of time an occupational driver typically spends at the wheel.

8.24 The DVLA Guidance (as updated) sets out that the responsibility for determining medical standards against which applicants and licence holders will be assessed rests with the licensing authority:

'Responsibility for determining any higher standards and medical requirements for taxi drivers, over and above the driver licensing requirements, rests with Transport for London in the Metropolitan area, or the local council in all other areas.'

8.25 The DVLA Guidance also provides the following information for employers:

'Decisions taken by employers on the use and application of the GB standards on fitness to drive in particular circumstances and as they relate to employees are for the employer to make. Any responsibility for determining higher medical standards, over and above these licensing requirements, rests with the individual force, service or other relevant body.'

8.26 As taxi and private hire car drivers are occupational drivers who spend a considerable length of time at the wheel, licensing authorities may consider that the DVLA Group 2 medical standard is appropriate but this is for each licensing authority to determine.

8.27 Although the Group 2 medical standard precludes the licensing of drivers with insulin treated diabetes, exceptional arrangements exist for drivers with insulin treated diabetes, that can meet specified medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 kgs lorries).

8.28 It is therefore recommended that best practice is to apply the C1 standards to taxi and private hire car drivers with insulin treated diabetes.

Driving Experience

8.29 An applicant for a taxi or private hire car driver's licence under Section 13 of the 1982 Act must have held a DVLA issued driving licence for the 12 month period immediately prior to the date of their application.

8.30 This applies to first applications and renewals. This is to ensure that an applicant has recent driving experience prior to applying for a licence.

Driving Proficiency

8.31 Many licensing authorities rely on the standard car driving licence as evidence of driving proficiency in regard to applications for taxi driver licences. Others require some further driving test to be taken.

8.32 Local licensing authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the

trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Training

8.33 It is good practice for licensing authorities to have minimum training requirements for taxi drivers which require to be met at first grant of a licence or at renewal.

8.34 Such training will typically cover matters such as customer care, disability awareness, managing conflict, road safety etc.

8.35 The Scottish Government commends as best practice the importance of such vocational training for drivers and would encourage authorities to adopt a positive approach to vocational training. While the 1982 Act does not provide that private hire car driver applicants must satisfy an authority as to their competence in the above matters prior to obtaining a licence, authorities may wish to require as a condition of licence that these drivers undergo appropriate training. The Scottish Government would commend as best practice any conditions of licence that seek to raise the standards within the taxi and private hire car trades.

8.36 Go Skills is the Sector Skills Council for passenger transport and can offer authorities professional advice and support on best practice in regard to vocational training for the taxi and private hire trades through its regional network of Business Advisers. Training can cover customer care (including how best to meet the needs of people with disabilities and other sections of the community, how to defuse difficult situations and manage conflict.), relevant legislation, road safety, eco-friendly driving, the use of maps and GPS and the handling of emergencies.

Topographical Knowledge

8.37 Taxi and private hire car drivers should have a good working knowledge of the area for which they are licensed. Many licensing authorities require prospective taxi and private hire car drivers to pass a test of local topographical knowledge as a condition of first grant of a licence.

8.38 If a licensing authority does require prospective taxi and private hire car drivers to take such a test, the stringency of the test should reflect the complexity or otherwise of the local geography, on the principle of ensuring that barriers to entry are not unnecessarily high.

Chapter 9 – flexible transport services

9.1 It is possible for taxis and private hire cars to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas - though potentially in many other places as well.

9.2 Local licensing authorities are encouraged, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of the taxi and private hire car trade.

9.3 The main legal provisions under which flexible services can be operated are:

- **Taxibuses** (section 12, Transport Act 1985): Owners of licensed taxis can apply to the Area Traffic Commissioner for a special restricted public service vehicle operator licence. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner. Further information about public service vehicle operator licences is available on the [GOV.UK website](#).
- **Private Hire Cars - local bus services** (Section 53, Local Transport Act 2008): Owners of licensed private hire cars may apply to the Area Traffic Commissioner for a 'special restricted licence' to run a local bus service for up to eight passengers. Further information about public service vehicle operator licences is available on the [GOV.UK website](#).
- **Shared Taxis/private hire cars** (Section 14, Transport Act 1985): Powers under this section relate to the carriage of passengers in taxis and private hire cars at separate fares. Further guidance on such arrangements is contained in paragraph 9 and Annex C of [Scottish Development Department Circular 25/1986](#).

Chapter 10 – complaints procedures

10.1 It is inevitable in the provision of taxi and private hire car services that passengers will on occasion have reason to complain about the standard of service provided. Complaints from passengers are likely in the first instance to be directed at the driver or, particularly in cases where a vehicle has been pre-booked or supplied on contract, to the company/agent who accepted the booking.

10.2 Where having initially made a complaint a passenger remains unsatisfied they may decide to take up their complaint formally with the licensing authority. Complaints regarding criminal activity should be brought to the attention of the police.

10.3 Licensing authorities will have established procedures for dealing with complaints from members of the public aggrieved at the service they have received or the manner in which they were treated.

10.4 A number of licensing authorities publish on their web pages details of their procedures for handling complaints from members of the public. This approach is commended as good practice.

10.5 Such advice should highlight information which a complainant should provide to assist an authority in dealing with their complaint e.g. taxi/private hire car registration and/or plate number, date and time of journey, name of taxi/ private hire car company where known etc. It may also advise as to what steps the authority take to investigate complaints.

10.6 It is also good practice for relevant advice to be published on the council's website in accessible format to assist in informing those with hearing or visual impairment.

Chapter 11 – local transport strategies

11.1 The Transport (Scotland) Act 2001 enables the Scottish Ministers to issue guidance to local transport authorities on the preparation of local transport strategies.

11.2 Taxis and private hire cars are an important link to the public transport chain, filling gaps in overall transport provision not least for those who do not have access to a car. Local licensing authorities are asked to consider the role that taxis and private hire cars play in public transport and ensure that the licensing system in place is appropriate to local needs and circumstances, including those of disabled people. In acknowledgement of the importance of taxis and private hire cars to the transport infrastructure, licensing authorities are encouraged as best practice to engage with operators and representative bodies including disability interests in any review of their transport strategies.

11.3 Taxis and private hire cars sit within the broader transport context: the National Transport Strategy identified that poor integration is a barrier to people choosing sustainable modes (active, public, or shared transport).

11.4 As set out in the second NTS Delivery Plan and Climate Change Plan update Monitoring Report, the Scottish Government is currently updating the guidance for discretionary local transport strategies to align with national and regional strategies. Local transport strategies will allow authorities to detail how they intend to deliver on national objectives at a local level, and provide an action plan for meeting local challenges and objectives.

Annex A

Best practice example – Glasgow City Council – installation and use of CCTV systems in taxis and private hire cars

Introduction

The aim of this Policy is to allow for the safe installation and use of CCTV systems in taxis and private hire cars licensed by Glasgow City Council's Licensing Authority where there is a legitimate purpose for the operation of CCTV.

The Policy seeks to ensure that the installation and use of CCTV systems does not (a) unreasonably interfere with the rights and freedoms of members of the public; and (b) compromise the safety of drivers and passengers.

If you install CCTV in your taxi or private hire car then you will be responsible for the equipment and the images captured by that equipment. In relation to the personal data that will be processed, you will be a "data controller". Data protection law defines a "data controller" as the person or body who, under the UK data protection legislation, determines the purposes and means of the processing of personal data. For the purposes of the installation and use of CCTV systems in taxis and private hire cars installed and operated in accordance with this policy, the "data controller" will be the holder of the taxi or private hire car licence and not the driver.

As data controller you will be responsible for ensuring you comply with:

1. UK data protection legislation;
2. [Information Commissioner's CCTV Code of Practice](#); and
3. This Policy.

As data controller you will be responsible for the use of all images obtained through CCTV, any breaches of UK data protection legislation and any fines imposed for breaches of UK data protection legislation.

Installation of CCTV for legitimate purposes

The Licensing Authority has determined that CCTV systems can be installed and used in taxis and private hire cars for the following legitimate purposes:

- preventing and detecting crime;
- reducing the fear of crime;
- enhancing the safety of taxi and private hire car drivers, as well as their passengers; and
- assisting insurance companies in investigating motor vehicle incidents and/or to evidence fault in relation to accidents or other related incidents.

For the purposes of this Policy, a CCTV system will include any electronic recording device attached to the inside of a taxi or private hire car having the technical capability to capture and retain visual images from inside or external to the vehicle.

This Policy does not place a mandatory requirement on the licensed operators of taxis and private hire cars to install CCTV systems in their vehicles. Any CCTV system to be fitted in a taxi or private hire car must, as a minimum, meet the requirements of this Policy. Only CCTV systems meeting these requirements can be installed into licensed taxis and private hire cars.

Where a taxi or private hire car licence holder wishes to install and use a CCTV system, it will be a condition of the taxi or private hire car licence that the requirements of this Policy are complied with. Failure to comply with the requirements of this Policy could lead to a complaint being made to the Licensing and Regulatory Committee in order to consider the possible suspension of the licence. If the CCTV is being used in a way which the Licensing Authority considers to be in breach of data protection legislation, it may also refer the matter to the Information Commissioner.

General requirements – installation and operation

The licence holder must comply with the following requirements:

- All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations;
- All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear. In particular, the camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users;
- All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician;
- The CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the vehicle manufacturer's original equipment;
- All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
- All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle;
- Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air

bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;

- There must not be viewing screens within the vehicle for the purposes of viewing captured images;
- All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed;
- The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the taxi or private hire car driver and passengers, and not for any other purpose;
- All equipment must be checked regularly and maintained to operational standards, including any repairs after damage;
- All system components requiring calibration in situ should be easily accessible;
- CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, must meet with requirements specified in the United Nations Economic Commission for Europe ("UNECE");
- The signage requirements set out below must be adhered to;
- Where CCTV equipment is capable of audio recording, the audio recording should be disabled by default and only activated in the event of an incident occurring causing a threat to driver or passenger safety. Where the audio recording facility is utilised, a reset function must be installed which automatically disables the audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time for approval of equipment;
- CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required; and CCTV systems will be inspected as part of the annual and intermediate inspections carried out by the Taxi and Private Hire Car Inspection Centre.

Use and retention of information recorded using CCTV

Any images and any audio recording should only be used for the purposes described in this policy. Footage should only be accessed in the event that some sort of incident is drawn to the attention of the licence holder and should not be viewed simply as a matter of course or out of curiosity.

The licence holder must document the length of time they intend to hold CCTV footage for. This documented retention period should be exhibited to the Taxi and Private Hire Car Inspection Centre when the vehicle is being inspected. The licence

holder is responsible for ensuring that CCTV footage is securely deleted once it has exceeded this stated retention period.

Signage

In addition to any signage and privacy statement requirements set out in the Information Commissioner's CCTV Code of Practice, the following requirements apply in relation to signage:

All taxis and private hire cars with CCTV must display signage within the vehicle to indicate that CCTV is in operation and display the privacy statement as required by UK data protection laws. The licence holder shall ensure that any driver of the licensed vehicle must also verbally bring to the attention of the passengers that CCTV equipment is in operation and the purpose for which of the CCTV is being used.

The signage and privacy statement must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out and this must also be verbally brought to the attention of the passengers by the driver at the point where audio recording is activated. The licence holder must ensure that drivers of the vehicle are aware of this requirement.

Contact details

The name and the contact telephone number of the licence holder, as data controller must be included on the sign and privacy statement.

Recording incidents outside the vehicle

When the CCTV is used to record images in response to an incident outside the vehicle the licence holder must ensure that they comply with the requirements of the Information Commissioner's office.

Annex B

Assessing quantity controls of taxi licenses

The following are some useful questions for licensing authorities when assessing quantity controls of taxi licences

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, i.e. potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc.
 - all those working in the market;

- consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, e.g. hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders e.g. rail/bus/coach providers and traffic managers?
-
- Do you receive representations about taxi availability?

 - What is the level of service currently available to consumers (including other public transport modes)?

Annex C

Non-statutory guidance – partition screens in taxis and private hire cars – July 2021 update

Overview

This non-statutory guidance provides advice for drivers, operators and owners of taxis or private hire cars who choose to fit a screen or barrier to their vehicle(s) to reduce the spread of coronavirus (COVID-19). **In respect of partition screens only**, this guidance supersedes [previous guidance published in August 2020 by the Local Authority Environmental Health and Trading Standards Expert Officers' Group](#). Please note therefore **the rest of the guidance published in August 2020 remains in place**.

Fitting a screen can help to reduce the risk of virus transmission and should be one of a number of measures you consider.

The decision on whether to use a screen rests with you and the local licensing authority. This is because licensing of taxis and private hire cars is a local government responsibility. **Before** installing any screen you should check with your licensing authority if you need permission. Licensing authorities are able to, if they so wish, specify requirements that are different and/or go beyond the content of this non-statutory guidance.

However, if a licensing authority decides to specify requirements in respect of screens, they are encouraged to consider this guidance in developing their licensing requirements for the fitment of interior screens in a manner that is safe for the operation of vehicles and helps prevent the spread of coronavirus.

For the avoidance of doubt, the ultimate decision as to whether to specify requirements either different to and/or over and above those in this guidance rests with a licensing authority and this guidance does not in any way supersede the powers of licensing authorities in this area.

This guidance covers screens that are fitted to vehicles not originally designed to have a screen. It does not cover screens that are included in the vehicle as part of their original design.

1. Choosing a screen

There is a broad range of screens available, most of which are suitable for a variety of makes and models of vehicle. Any screen fitted to a vehicle must be made of suitable materials, manufactured to an acceptable standard of finish and installed by a competent person.

The choice of screen should be considered for each vehicle individually, because vehicle designs and specifications vary. Wherever possible, choose a screen offered or approved by the vehicle manufacturer to help ensure its suitability for your vehicle. Contact the vehicle manufacturer through a dealership or their website for advice on screen choice that is specific to your vehicle.

You should consider the following:

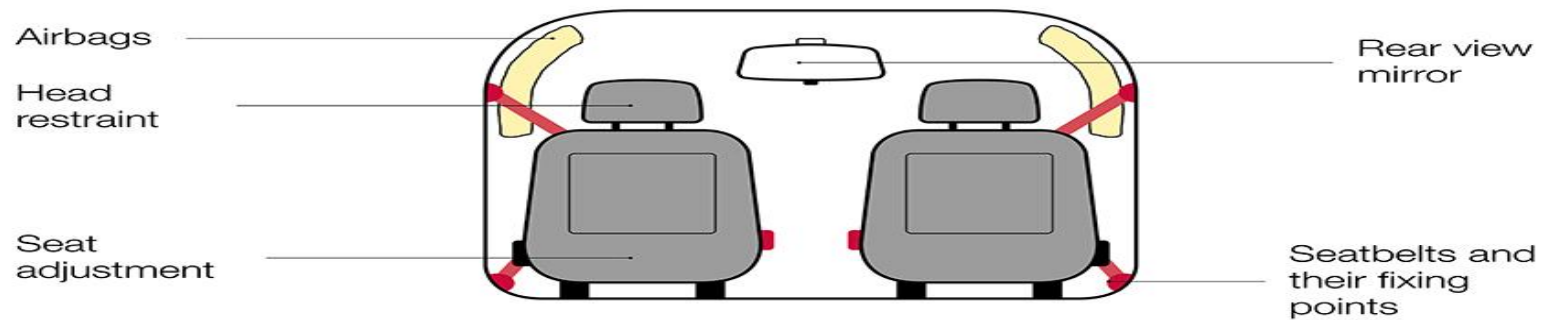
- if you're choosing a screen, you'll need to comply with any requirements set by your licensing authority
- ensure the screen is transparent and will not interfere with your vision while driving by obscuring rearward view in the internal mirror, or causing excessive reflection or distortion in that mirror or onto the windscreen
- the screen must not interfere with vehicle safety systems (for example, the airbags). Consider a screen that is flexible or has flexible borders that won't interfere with the deployment of side or curtain airbags
- the screen must not interfere with other vehicle safety systems, such as the seatbelts and their fixing points, seat back and head restraint operation
- check that screens and their fixings have no sharp edges or protrusions that might cause injury
- screens must be made of materials that do not have sharp edges if they break
- it's important to minimise the gap between the screen and the vehicle sides. Screens that fit the shape of the interior of the vehicle will be best at preventing transmission of coronavirus
- choose a screen that can be cleaned easily between passenger journeys. It should be rigid enough that it does not move much when cleaned
- check with the screen manufacturer to ensure the material used is neither toxic nor flammable

2. Fitting a screen

Screens may be fitted by a variety of automotive providers including vehicle manufacturer dealerships, specialist screen installers or you, if you have the skills and equipment to do so safely.

Whether you are getting a company to fit the screen, or are doing so yourself, the installation should be carried out in accordance with this guidance. As shown in figure 1, you should consider the: airbags; rear view mirror; head restraints; seat adjustments; and seatbelts and their fixing points

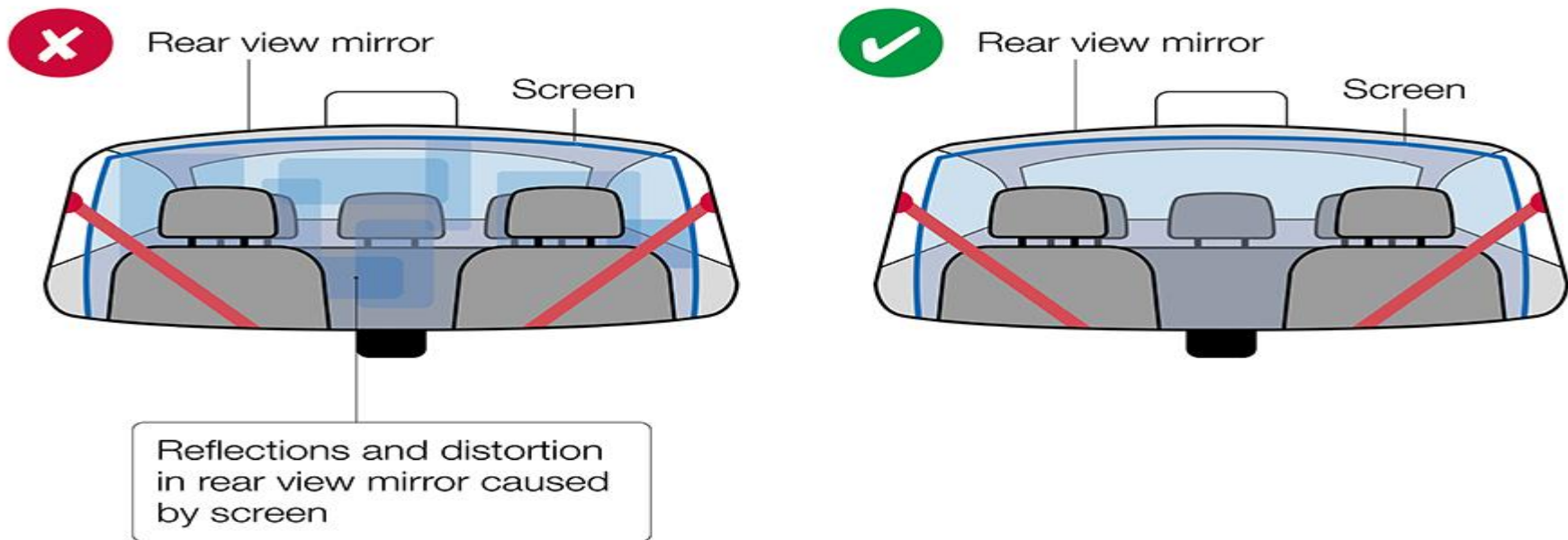
Figure 1: items to consider when fitting a screen



Ensure that the installation complies with the screen manufacturer's instructions.

Check that fixings do not interfere with a driver's rearward vision and, where there is flexibility to do so, ensure the screen is mounted to minimise reflections. A small change in the angle of the screen may help to avoid reflections, as shown in figure 2.

Figure 2: internal reflections caused by a screen



Ensure that any fittings to the vehicle do not compromise the safety and electrical systems on the vehicle. Hybrid and plug-in hybrid vehicles will have high voltage cables that may be hidden. Do not drill holes or make fixings to vehicle trim if you do not know what is behind a panel. Screens must be fitted so that they do not interfere with the operation of seats and head restraints as shown in figures 3a and 3b.

Figure 3a: avoid rigid fixings to head restraints

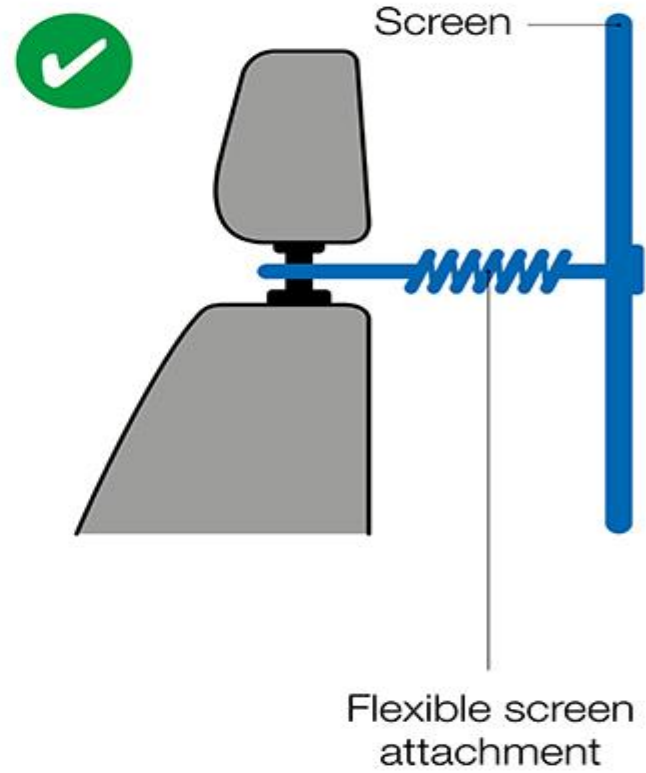
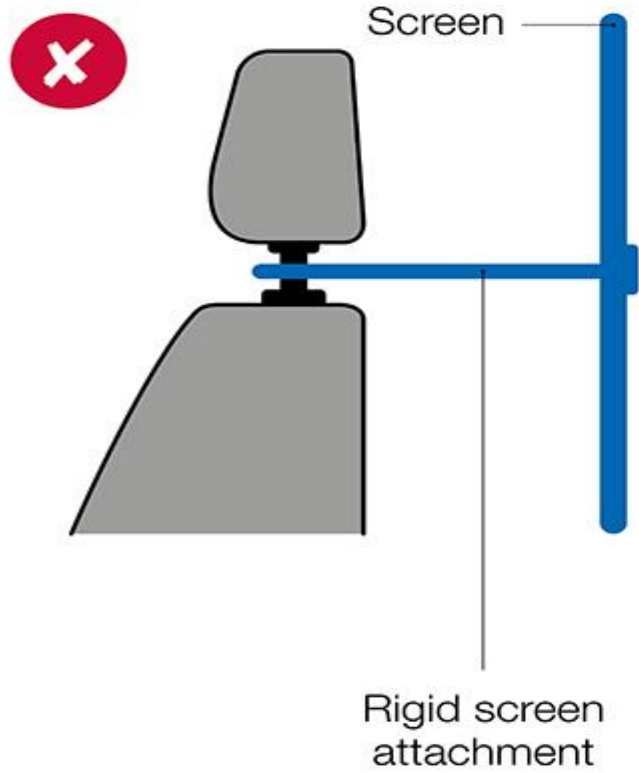
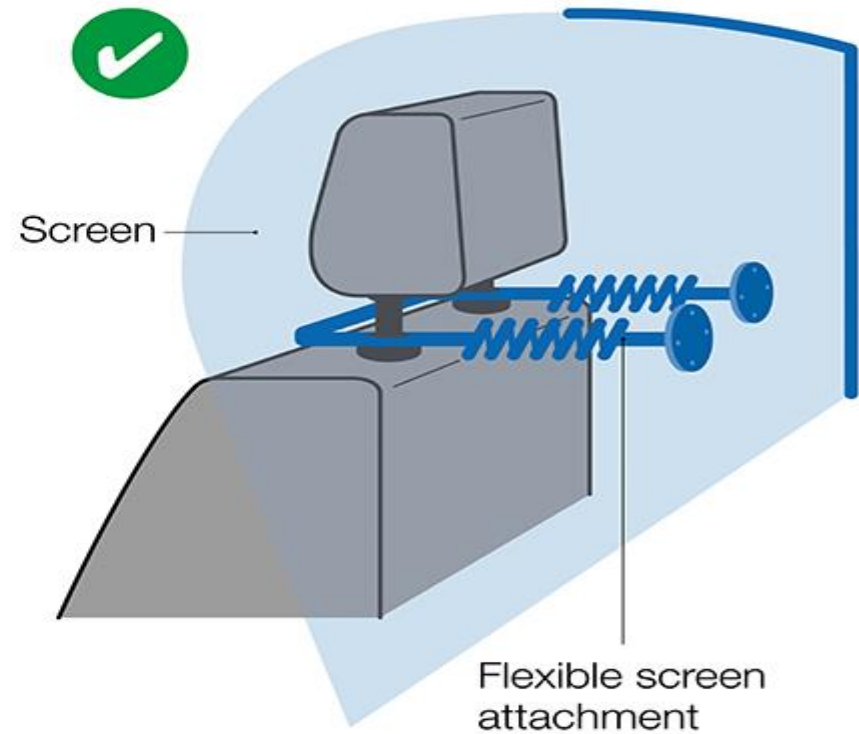
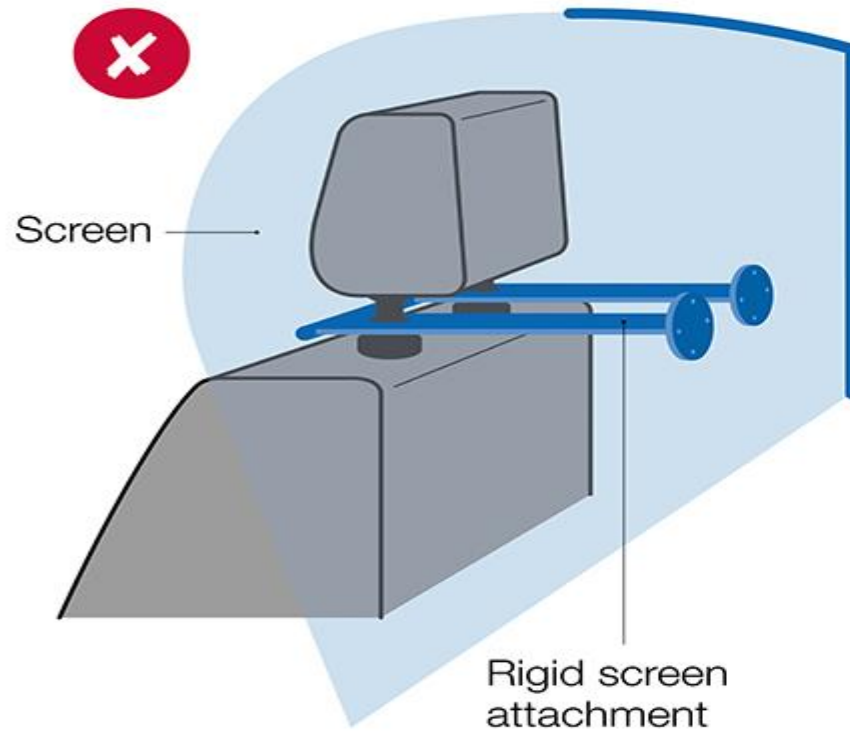


Figure 3b: avoid rigid fixings to head restraints



Ensure that seats can be adjusted to give a comfortable driving position, as shown in figures 4 and 5. Head restraints should not be removed.

Figure 4: seat forwards and backwards adjustment

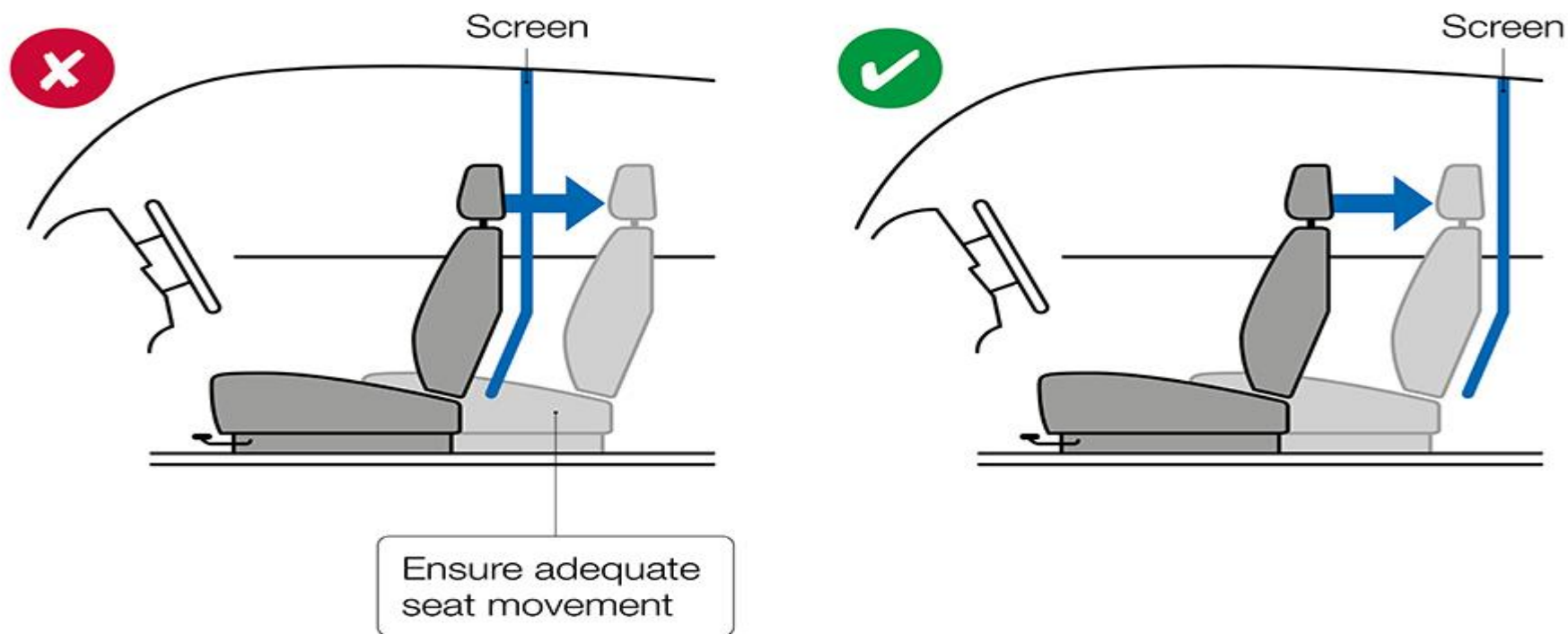
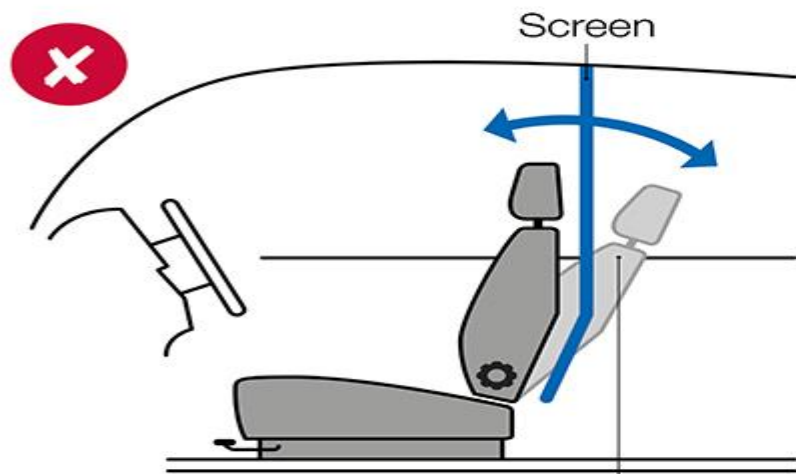
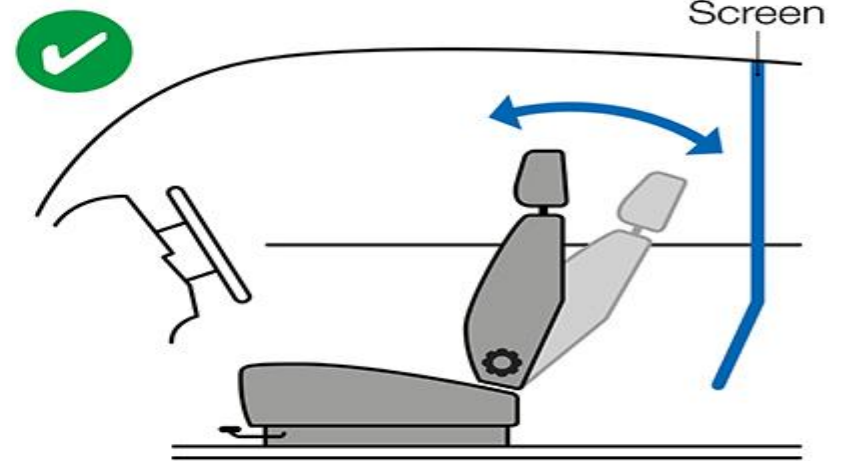


Figure 5: seat recline position



Ensure adequate seat movement



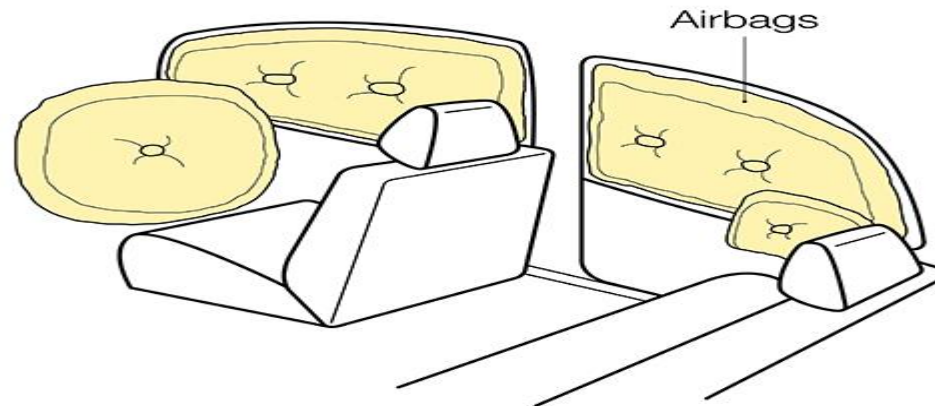
The fitting of the screen must not prevent the correct operation of seatbelts. The seatbelt webbing should not chafe against the screen or the fixing points, or adversely affect the operation of seatbelt pretensioners.

The screen must not prevent the correct operation of active safety systems, such as airbags. This may be easier to achieve with a more flexible screen design.

Avoid the use of rigid fixings around airbags. Airbags may be identified through markings or labels on any of the following, as shown in figure 6: the steering wheel; front dashboard; seats; head restraints; trim panels; roof

You can also check the vehicle user manual or ask the vehicle manufacturer.

Figure 6: possible airbag locations



The screen must be fixed securely in the vehicle so that it will remain in place when the vehicle is driven with the windows open.

Entry and exit from the vehicle should not be made significantly more difficult due to the fitting of a screen. When fitting a screen, ensure that grab handles remain available for use by passengers and that doors are not obstructed.

The mobile app [Euro Rescue](#) contains centralised vehicle manufacturers' rescue sheets that provide information on the position of high voltage cables, airbags, seat belt pre-tensioners, for example, which may be helpful in carrying out a safe installation. It can be downloaded free of charge.

3. Communicating with passengers

Ensure you can talk with your passengers when a screen is fitted and consider the following:

- communication might be affected by the use of a screen
- think about how you communicate with disabled passengers
- passengers will be wearing a face covering, which will affect communication
- fitting an intercom system might be helpful if the screen would otherwise prevent adequate communication
- if stickers or notices are used to give information to passengers, these should not reduce the driver's view through front windows and windscreen, or their view of mirrors

4. Inform your insurance provider

Before you fit a screen to your vehicle, consider the following:

- inform your insurance provider. Failure to do so risks invalidating your policy
- the Association of British Insurers (ABI) encourages drivers and operators to seek guidance from their insurer to ensure compliance with the terms of their insurance policy
- check with your insurer whether, following a collision, screen repairs or a replacement screen would be included in your insurance cover

5. When a screen has been fitted

If a screen is fitted to your vehicle, consider the following:

- follow the manufacturer's instructions on maintenance of the screen
- check the screen regularly for cracks, deterioration and security of installation
- follow relevant [guidance on cleaning the screen](#)

- if the screen has an opening for payment, it should be closed or sealed during normal driving and only opened during the payment process

6. Definitions

In this guidance, 'you' or 'your' includes anyone who may be involved in choosing or fitting a screen in taxis and private hire cars. 'Screen' refers to a division or partition behind the front row seats to separate the driver from the passengers in the rear of the vehicle.

7. Legislation

The body of legislation governing road traffic law including the approval and use of vehicles is set out in the Road Traffic Act 1988, the Road Vehicle Approval Regulations 2020 and the Road Vehicles (Construction and Use) Regulations 1986.

All vehicles before being registered for use on roads in Great Britain need to be approved and any screen or partition fitted at the point of registration should be covered by the original vehicle approval.

Once the vehicle has been registered, the relevant legal requirements are Construction & Use (C&U). These regulations contain provisions that apply to all vehicles and components including requirements for the driver's view, materials for partitions and the general safety of drivers and passengers, all of which are relevant to the choice and installation of screens in taxis and private hire cars.

The guidance provides advice on the considerations you need to make to comply with these aspects of C&U. It remains the responsibility of those operating a vehicle or those providing vehicles or components to the market to ensure compliance with legislation.

The [Equality Act 2010](#) places duties on drivers and operators of taxis and private hire cars with respect to disabled passengers and continues to apply where vehicles are fitted with screens or partitions.

This document is for guidance only. It's your responsibility to ensure your vehicle continues to comply with all appropriate road traffic legislation. In cases of doubt, you should seek your own legal advice.



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