

## **PART 6 SPECIFICATIONS / SCHEDULE OF SERVICES**

**Tender Ref:** DG/CSR/235/13      **Tender Name:** TESTING OF TAXIS AND PRIVATE HIRE CARS

### **A BACKGROUND**

Tenders are invited from certified MOT testing stations for the testing of taxis and private hire cars licensed by Dumfries and Galloway Council within the Dumfries and Galloway area. The successful tenderer will contract to undertake the test procedures set out in this specification on behalf of the Council. To tender, garages must be certified MOT testing stations and have facilities to test petrol, diesel, hybrid and electrically powered vehicles.

At present there are 43 licensed vehicles in lot 4 (DG10,11,12,13,14 & 16); 137 licensed vehicles in lot 3 (DG 1,2,3 & 4); 25 licensed vehicles in lot 2 (DG 5,6 & 7) and 80 licensed vehicles in lot 1 (DG8 & 9).

The basis of charging is as set out more fully below however In general terms, test charges are based on the following:

1. Initial and six-monthly vehicle tests (2 tests per annum at 6 monthly intervals)
2. Re-tests following failure of initial or six-monthly test or upon instruction by police;
3. Tests when an operator wishes to replace one licensed vehicle with another (substitution).

The Council will meet the cost of the tests in relation to initial and six-monthly tests and tests on substitute vehicles. The cost of re-test following failure of initial or six-monthly test or test on substitution of vehicle will be charged by the garage directly to the operator. Fees may also be charged by the garage directly to the operator for any failure to attend for pre-arranged vehicle inspection.

Should a vehicle fail a test, the garage will issue a statutory notice preventing use of the vehicle as a taxi or private hire car until the vehicle has been successfully re-tested. Due to this, six-monthly and annual tests should not normally be arranged for Fridays if possible, to allow operators an opportunity to arrange repair and re-test of vehicles prior to weekends. Operators are permitted, but not obliged, to use the testing garage for repairs.

From time to time the police may ask the garage to assist with testing. The tests instructed by the police will be treated as re-tests and accordingly will be charged by the garage directly to the operator.

### **B TEST STANDARDS**

While the standard for examination of vehicles is primarily that of the MOT test, safety of the public is of paramount importance and the examiner should test to a standard which will ensure that the vehicle, bearing in mind that it will record a high mileage, will remain in a roadworthy and safe condition until its next test. The test requirement is that the vehicle meets, in addition to MOT test standards, an additional seven items:

1. Bodywork - good general condition and cleanliness. The bodywork should be free of dents, scratches, corrosion and accident damage. If there is extensive and substantial structural welding required, particularly to the underside, i.e. floor pan and chassis, the vehicle should be considered unsuitable for use as a taxi or private hire car. It should be of a uniform colour scheme, except if otherwise specified by the manufacturer.
2. Interior - good general condition and cleanliness. Free of unpleasant odours. The upholstery should be clean, free of marks, tears or holes. All fittings must be properly secured. The back seat (bench type) should be not less than 122cm (48 inches) in length.

3. Tyres should have not less than 3mm of tread round the circumference of the tyre over the central 3 quarters of the breadth of the tread depth.
4. A fire extinguisher of the type described in Clauses 17 and 14 respectively of the enclosed conditions for taxi and private hire car licences must be fitted within easy reach of the driver when seated.
5. An identification plate (supplied by the Council) must be fitted as described in Clause 10 of the conditions for both taxi and private hire licences.
6. The vehicle must be road tested.
7. Compliance with the enclosed taxi and private hire car licence conditions and any amendments thereto, in so far as they relate to the physical condition of the vehicle. These include clauses 1; 2; 3; 8; 9; 10; 12; 14; 19; 20; 21 and 22 of the private hire car licence conditions and 1; 2; 3; 8; 9; 10; 13; 14; 17; 22; 23, 24 and 25 of the taxi licence conditions.

The approximate time for an inspection of a vehicle is estimated to be from three-quarters of an hour to one hour depending on the condition and age of the vehicle presented.

In addition to the above the testing garage will be responsible for examination of the following documents before the vehicle is tested:

1. MOT certificate (taxis require a certificate at 1 year old, private hire cars at 3 years).
2. Vehicle registration document.
3. Certificate of motor insurance.

The following checks should be made:

1. The registration document must be in the name of the licence holder or a partner in the firm.
2. A valid MOT certificate must be produced for vehicles which require one. The serial numbers and vehicle station numbers must be noted on the rear of the garage copy inspection sheet.
3. A valid certificate of motor insurance must be produced in the name of at least one of the persons whose name appears on the taxi/private hire car licence stating that the vehicle is insured for use as a taxi (public hire) or private hire car (hire or reward). Policy/cover note numbers and commencement and expiry dates must be recorded on the reverse of the garage copy of the vehicle inspection sheet.
4. The road fund licence must be checked for validity. It must be current and relate to the vehicle.
5. All documents produced should bear identical names and if the licence holder is a partner in a firm all documents shall be in the name of the firm.

## **C ADMINISTRATIVE PROCEDURES**

The garage appointed by the Council to test taxis and private hire cars will be required to set up appropriate administrative procedures to undertake the following matters:

1. Notifying operators in writing at least three weeks in advance when a six-monthly or annual test is due.

2. Maintaining records of vehicles tested, i.e., test dates, road tax, insurance and MOT details, current mileage, substitute vehicle details, changes in company, partnerships, etc; The garage should check the current mileage against the mileage recorded at the previous test and if there appears to be any discrepancy between the two figures, the Council should be informed immediately. These records to be made available to the Council on demand.
3. Retaining, on behalf of the Council, its taxi and private hire car display holders and fitting and removing the display holders and display plates as required. The vehicle display plates will be supplied by the Council.
4. Providing to operators and to the Council, on forms supplied by the Council, certificates of fitness for taxi and private hire cars or notification of test failure. Test sheets must indicate whether each inspection was a six-monthly test, grant, renewal, substitution or failure.
5. Submitting to the Council each month all accounts due by it for testing of vehicles.
6. Liasing with Council officials on testing or other relevant matters.
7. Charging the operator of a taxi or private hire car direct for a re-test following test failure or upon test upon the instruction by the police, and at the discretion of the garage to charge the operator for failure to attend for inspection.
8. Notifying an authorised officer of the Council of failure to attend for inspection, so that this can be taken into account when a licence is about to expire.
9. Receiving from Council officers copies of applications for grant, renewal or substitution of licence.
10. Tender prices should be should include for all administrative procedures noted above within the test costs.
11. All prices tendered should be exclusive of VAT. VAT should be shown separately.

In so far as it can, and where appropriate, the Council will transfer all records and information held by the current testing garages.

## CONDITIONS

### TAXI LICENCES

The holder of a taxi operator's licence issued by Dumfries and Galloway Council shall be required to observe the undernoted conditions, as stated and as amended from time to time, in relation to that licence and all vehicles operated by him or her:

In these conditions:

“the operator” means the holder of a taxi licence issued by Dumfries and Galloway Council;

“inspecting garage” means the garage nominated by Dumfries and Galloway Council to carry out inspections of taxis and private hire cars in accordance with the requirements of the Civic Government (Scotland) Act 1982;

“the licensing authority” means Dumfries and Galloway Council and its successors as local authority within Dumfries and Galloway;

“exclusive” as applied to the hire of a taxi means that a single fare is payable by any one passenger for the whole hire of the taxi, whether or not more than one passenger is carried; and “exclusive hire” shall be construed accordingly; and

“shared” as applied to the hire of a taxi means that each passenger is carried at a separate fare payable to the driver, and “shared hire” shall be construed accordingly; and

“taxi-bus” means a taxi which is being used, under a special licence granted under Section 12 of the Transport Act 1985, to provide a local service which is or requires to be registered under Part 1 of the Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers.

Undernote referred to:-

1. The taxi, including all bodywork, upholstery and fittings, must be in a safe and serviceable condition and, subject to prevailing road conditions, in a clean condition. In addition, the vehicle must be free from all accident damage or rust and all repairs must be carried out to professional standards. The operator will inspect or arrange for the vehicle to be inspected on his or her behalf at least once a week and keep a record of any defects found and action taken to remedy them.
2. The taxi must undergo and pass an inspection every 6 months by the licensing authority. A notice in writing will be issued by the licensing authority and the taxi must be produced for examination at such time and place as that authority may reasonably require. All documents relating to the vehicle must be produced at the time of the test. A sales invoice will be accepted as proof of ownership initially, provided the registration documentation is obtained from DVLA as soon as reasonably practicable and produced immediately once it has been received.
3. If the taxi is damaged in a road traffic accident or by any other means, such damage must be reported to the licensing authority as soon as practicable. If the taxi is roadworthy it shall be presented for inspection within the following two working days (being days on which the testing facilities operate) after the occurrence. As soon as repairs to the taxi have been completed it must be presented for re-inspection.
4. The driver of a taxi must not be asked to do anything which would result in a breach of the conditions attached to the grant of a driver's licence.

5. An up-to-date list of the names and addresses of all taxi and private hire car drivers employed must be retained by the operator. The operator must notify the licensing authority if he or she becomes aware that a driver has been convicted of an offence or has incurred penalty points on a driving licence as a result of the acceptance of a conditional offer of a fixed penalty. The operator must also notify the licensing authority if he or she becomes aware that any driver has a health problem which might affect that driver's fitness to hold a driver's licence.
6. Unless prevented by good cause the operator must fulfil or cause to be fulfilled, at the time and location specified, any engagement to hire the taxi which he or she has accepted.
7. The operator shall hold in his or her own name the requisite vehicle registration document and the certificate of insurance shall be in the name of at least one of the persons whose names appear on the taxi licence. All documents produced must bear identical names and if the licence holder is a partner in a firm all documents shall be in the name of the firm.
8. At all times when the vehicle is in use as a taxi any plates or other things which have been issued by the licensing authority for the purpose of indicating that the vehicle is a taxi must be displayed in positions approved by the licensing authority.
9. No plate or other thing which has been issued by the licensing authority for the purpose of indicating that the vehicle is a taxi, and which is fixed to the taxi, may be obliterated or defaced. If any such plate or other thing becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate or other thing is lost this must be reported to the licensing authority as soon as practicable in order to obtain from the licensing authority a replacement plate or other thing.
10. A numbered display plate (which shall be provided by the licensing authority) must be displayed on the rear of the vehicle. The vehicle should be taken to the inspecting garage who shall affix a display holder, provided by the Licensing Authority, and the plate. The plate may be removed only by the inspecting garage should a vehicle fail its routine test. If the operator applies to substitute a vehicle the display plate will be fitted by the inspecting garage (subject to satisfactory examination by that garage). If a display plate is damaged the licence holder shall make the vehicle available for inspection and a replacement plate shall be fitted by the testing garage. No vehicle may be operated unless the appropriate plate is fitted and tampering with any plate fitted shall constitute a breach of these conditions.
11. The licensing authority will provide a notice or notices detailing the approved maximum taxi fares and charges appropriate to exclusive or to shared hire of the taxi and these must be made available on request to the passengers being carried and (subject to condition 16 below) no other table or tables of fares and charges shall be displayed or exhibited to passengers.
12. If the cost of the journey is not regulated by a licensing authority fare structure, and if the taxi is not being used as a taxi-bus, the operator must take steps to ensure that any potential hirer of his or her taxi is informed prior to acceptance of the hire, (a) that the fare is not so regulated; and (b) the cost or the method of calculating the cost of the proposed journey.
13. No signs for the purpose of advertising its services as a taxi shall be displayed on a vehicle other than those approved by the licensing authority.
14. A sign of a type approved by the licensing authority for the purpose of identifying the vehicle as a taxi shall be displayed on the roof and while the taxi is available for shared hire a sign of, a type approved by the licensing authority, in such a position as approved by the

licensing authority, for the purpose of indicating that the taxi is available for shared hire shall be displayed.

15. At any time when the taxi is being used as a taxi-bus, a notice must be displayed, in such a position and in such a form as may be prescribed by the licensing authority, which indicates that the taxi is being used as a taxi-bus.
16. At any time when the taxi is being used as a taxi-bus, a fare table containing sufficient information to enable a passenger to ascertain the fare for his or her journey or the manner in which that fare is calculated (and which is clearly legible to passengers) must be displayed in the taxi in such a position and in such a form as may be prescribed by the licensing authority.
17. The taxi must carry a fire extinguisher made to British Standard 5423 or EN3 either Aqueous Foaming or Dry Powder to a minimum 8A Fire Rating. The extinguisher must be maintained to manufacturer specifications by an accredited person or company. The extinguisher must be securely fastened in the front of the vehicle within easy reach of the driver whilst seated and in such a manner that the fastening permits easy removal.
18. If the operator ceases to operate any taxi without applying to substitute it with another vehicle the licence and display plate must be surrendered to the licensing authority within 28 days from the sale or disposal of the vehicle unless the licence holder can show reasonable cause for the delay.
19. The operator shall not be permitted, without the consent of the licensing authority, to engage in any leasing arrangements whatsoever in connection with this grant.
20. The operator shall comply with all relevant legislation for the time being in force.
21. All documents, including records and licences, and all vehicles must be available for inspection, at any reasonable time, by an authorised officer of the licensing authority or the Police.
22. The operator shall not use, or cause or permit to be used, on a taxi a road wheel or tyre of a different circumference from which any taximeter affixed to the taxi was designed, geared and tested by the licensing authority.
23. Any taximeter affixed to a vehicle shall be of a type approved by the licensing authority, must be stamped or sealed by that authority after testing and approval, and must be fitted in a position approved by that authority. Once fitted the taximeter and any seal or stamp fixed to it must not be broken into or tampered with in any way except to be removed for repair or replacement. If the seal or stamp is broken the taximeter must be retested and passed by or on behalf of the licensing authority before being used again.
24. The operator shall not knowingly use, or cause or permit to be used, the taxi during any period when the seals affixed to the taximeter have been broken or detached or when the taximeter is in any way defective.
25. No change, alteration or modification shall be made to a taxi subsequent to any examination or test carried out by the licensing authority or its behalf without the prior written consent of that authority.
26. This licence does not authorise the operator or any driver employed by him or her to ply for trade outwith the Dumfries Trading Zone, a map of which is appended.
27. The Licensing Authority may order suspension of a licence if in its opinion a condition of this licence has been contravened.

## **CONDITIONS**

### **PRIVATE HIRE CAR LICENCES**

The holder of a private hire car operator's licence issued by Dumfries and Galloway Council shall be required to observe the undernoted conditions, as stated and as amended from time to time, in relation to that licence and all vehicles operated by him or her:

In these conditions:

"the operator" means the holder of a private hire car licence issued by Dumfries and Galloway Council;

"inspecting garage" means the garage nominated by Dumfries and Galloway Council to carry out inspections of taxis and private hire cars in accordance with the requirements of the Civic Government (Scotland) Act 1982;

"the licensing authority" means Dumfries and Galloway Council and its successors as local authority within Dumfries and Galloway;

"exclusive" as applied to the hire of a private hire car means that a single fare is payable by any one passenger for the whole hire of the private hire car whether or not more than one passenger is carried; and "exclusive hire" shall be construed accordingly; and

"shared" as applied to the hire of a private hire car means that each passenger is carried at a separate fare payable to the driver, and "shared hire" shall be construed accordingly; and

Undernote referred to:-

1. The private hire car including all bodywork, upholstery and fittings, must be in a safe and serviceable condition and, subject to prevailing road conditions, in a clean condition. In addition, the vehicle must be free from all accident damage or rust and all repairs must be carried out to professional standards. The operator will inspect or arrange for the vehicle to be inspected on his or her behalf at least once a week and keep a record of any defects found and action taken to remedy them.
2. The private hire car must undergo and pass an inspection every 6 months by the licensing authority. A notice in writing will be issued by the licensing authority and the private hire car must be produced for examination at such time and place as that authority may reasonably require. All documents relating to the vehicle must be produced at the time of the test. A sales invoice will be accepted as proof of ownership initially, provided the registration documentation is obtained from DVLA as soon as reasonably practicable and produced immediately once it has been received.
3. If the private hire car is damaged in a road traffic accident or by any other means, such damage must be reported to the licensing authority as soon as practicable. If the private hire car is roadworthy it shall be presented for inspection within the following two working days (being days on which the testing facilities operate) after the occurrence. As soon as repairs to the private hire car have been completed it must be presented for re-inspection.
4. The driver of a private hire car must not be asked to do anything which would result in a breach of the conditions attached to the grant of a driver's licence.
5. An up-to-date list of the names and addresses of all private hire car drivers employed must be retained by the operator. The operator must notify the licensing authority if he or she becomes aware that a driver has been convicted of an offence or has incurred penalty points on a driving licence as a result of the acceptance of a conditional offer of a fixed

penalty. The operator must also notify the licensing authority if he or she becomes aware that any driver has a health problem which might affect that driver's fitness to hold a driver's licence.

6. Unless prevented by good cause the operator must fulfil or cause to be fulfilled, at the time and location specified, any engagement to hire the private hire car which he or she has accepted.
7. The operator shall hold in his or her own name the requisite vehicle registration document and the certificate of insurance shall be in the name of at least one of the persons whose names appear on the private hire car licence. All documents produced must bear identical names and if the licence holder is a partner in a firm all documents shall be in the name of the firm.
8. At all times when the vehicle is in use as a private hire car any plates or other things which have been issued by the licensing authority for the purpose of indicating that the vehicle is a private hire car must be displayed in positions approved by the licensing authority.
9. No plate or other thing which has been issued by the licensing authority for the purpose of indicating that the vehicle is a private hire car, and which is fixed to the private hire car, may be obliterated or defaced. If any such plate or other thing becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate or other thing is lost this must be reported to the licensing authority as soon as practicable in order to obtain from the licensing authority a replacement plate or other thing.
10. A numbered display plate (which shall be provided by the licensing authority) must be displayed on the rear of the vehicle. The vehicle should be taken to the inspecting garage who shall affix a display holder, provided by the Licensing Authority, and the plate. The plate may be removed only by the inspecting garage should a vehicle fail its routine test. If the operator applies to substitute a vehicle the display plate will be fitted by the inspecting garage (subject to satisfactory examination by that garage). If a display plate is damaged the licence holder shall make the vehicle available for inspection and a replacement plate shall be fitted by the testing garage. No vehicle may be operated unless the appropriate plate is fitted and tampering with any plate fitted shall constitute a breach of these conditions
11. The operator must take steps to ensure that any potential hirer of his or her private hire car is informed prior to acceptance of the hire of the cost or the method of calculating the cost of the proposed journey.
12. No signs for the purpose of advertising its services as a private hire car shall be displayed on a vehicle other than those approved by the licensing authority. No roof sign of any kind shall be displayed on the private hire car except with the approval of the licensing authority.
13. The holder of a private hire car licence shall take steps to ensure that each potential hirer of the private hire car consents, at the time of the arrangement of the hire, to an exclusive hire or a shared hire, as the case may be.
14. The private hire car must carry, in a suitable fastener, a fire extinguisher made to British Standard 5423 or EN3 Type Rating Aqueous Foaming or Dry Powder to a minimum 8A Fire Rating. The extinguisher must be maintained to manufacturer specifications by an accredited person or company. The extinguisher must be securely fastened in the front of the vehicle within easy reach of the driver whilst seated and in such a manner that the fastening does not prohibit easy removal.
15. If the operator ceases to operate any private hire car without applying to substitute it with another vehicle the licence and display plate must be surrendered to the licensing authority

within 28 days from the sale or disposal of the vehicle unless the licence holder can show reasonable cause for the delay.

16. The operator shall not be permitted, without the consent of the licensing authority, to engage in any leasing arrangements whatsoever in connection with this grant.
17. The operator shall comply with all relevant legislation for the time being in force.
18. All documents, including records and licences, and all vehicles must be available for inspection, at any reasonable time, by an authorised officer of the licensing authority or the Police.
19. The operator shall not use, or cause or permit to be used, on a private hire car a road wheel or tyre of a different circumference from which any taximeter affixed to the private hire car was designed, geared and tested by the licensing authority.
20. Any taximeter affixed to a vehicle shall be of a type approved by the licensing authority, must be stamped or sealed by that authority after testing and approval, and must be fitted in a position approved by that authority. Once fitted the taximeter and any seal or stamp fixed to it must not be broken into or tampered with in any way except to be removed for repair or replacement. If the seal or stamp is broken the taximeter must be retested and passed by or on behalf of the licensing authority before being used again.
21. The operator shall not knowingly use, or cause or permit to be used, the private hire car during any period when the seals affixed to the taximeter have been broken or detached or when the taximeter is in any way defective.
22. No change, alteration or modification shall be made to a private hire car subsequent to any examination or test carried out by the licensing authority or on its behalf without the prior written consent of that authority.
23. The licensing authority may order suspension of a licence if in its opinion a condition of this licence has been contravened.