



TAXI/PRIVATE HIRE OPERATOR LICENCE GUIDANCE NOTES FOR APPLICANTS

Disclaimer

These notes have been prepared as an outline of the licensing provisions in connection with taxi/private hire drivers introduced by the Civic Government (Scotland) Act 1982. While every effort has been made to ensure accuracy these notes are for general guidance only and do not constitute legal advice. It is the responsibility of applicants and licence holders to ensure that they comply with the provisions of the Act, any statutory instruments made thereunder, the conditions outlined in the schedule attached to your licence and any policy/ guidance notes issued by the Council.

The application is split into 5 different parts

- A Personal Details
- B Business Details
- C Licence Details
- D Vehicle Details
- E Criminal Convictions
- F Residence Outside the UK

You must answer all of the questions and supply details where relevant otherwise your application will be returned to you. Your application cannot be processed until all the information is included on the form.

A or B Personal or Business Details

It is essential that your **full** personal details are supplied on the application form so that necessary Police checks can be undertaken swiftly and so your application can be processed as quickly as possible.

The licence will be issued in the name of the applicant so please choose carefully. Please DO NOT complete both personal and business details.

If you apply in the name of a business then: (a) you must have the appropriate authority to make the application: and (b) there is space to insert personal details of directors against the business.

We will use the first details entered. If the licence is issued in the name of an individual then it cannot be transferred. If you intend to apply on behalf of a business you would need to apply again and pay another fee. The fee is for processing and cannot be refunded.

C. Licence Details

Grant of a Licence – If you have never held a taxi/private hire licence before or you do not currently have such a licence you need to apply for the grant of a licence.

Renewal of a Licence – If you currently hold a taxi/private hire licence which has not expired but is due to expire then you need to apply for a renewal of the licence.

A licence is generally granted for a period of 3 years although the licensing authority has the discretion to grant it for a shorter period.

If you are applying for the Grant of a Licence you are asked questions on the form as to whether you have previously held a licence to drive or operate a taxi or private hire vehicle in the United Kingdom or whether you have been refused such a licence previously. Please note that it is very important that you complete these questions fully.

D. Vehicle Details

Whether it is a Grant or Renewal you should complete all the details requested for the vehicle you wish to be licensed. If it is a renewal, we can renew the licence for the vehicle currently listed.

If you wish to renew but would like a different vehicle to be licensed, or if after renewal you wish to substitute another vehicle, then you need to complete another application form for the substitution of the vehicle.

E. Criminal Convictions

This section asks whether you have ever been convicted of any crime or offence. Please note that this includes driving fixed penalties.

Full details of the need to disclose convictions appear on the website.

Unspent Convictions

Unspent convictions must **always** be disclosed.

Spent Convictions

The decision about whether or not a spent conviction should be disclosed will be determined by the Legal Adviser prior to the Committee Hearing. A spent conviction will be disclosed or it will not. The disclosure of spent convictions will be determined by reference to one of three categories:

- **Category 1 – Offences which must always be disclosed** (more serious offences – list in the website)
- **Category 2 – Offences which are to be disclosed subject to rules** ('the rules list') (list on the website). If an offence is on this list then consideration will be given to the age of the conviction and the age of the person at the time of the conviction.

The following table relates to convictions on the 'rules list' Age at Conviction

Age at Conviction	Period of disclosure	Treatment
18 years or older years	15 years	No disclosure after 15
Younger than 18 years years	7.5 years	No disclosure after 7.5

Where a spent conviction for an offence on the 'rules list' is less than 15 years old (or 7.5 years as appropriate for those convicted under the age of 18 years) then the disposal will also be taken into account.

Convictions that result in no punishment or intervention being imposed will not be disclosed; that is any conviction for which the court imposes a sentence of admonishment or absolute discharge or a discharge from a children's hearing.

Spent cautions issued by the Police in England, Wales and Northern Ireland will not be disclosed.

Category 3 – Offences which will not be disclosed. A spent conviction which is not on either lists in Categories 1 or 2 (after application of the rules list) will not usually be disclosed. Failure to disclose convictions is a criminal offence and any applicant failing to disclose a conviction may be reported to the Procurator Fiscal with a view to prosecution.

F. Residence outside the UK

If you are making an application you, or anyone named in the application must provide evidence of your criminal history:

- If you were born in the UK but have lived in any other country within ten years prior to your application for a continuous period of twelve months or more you must provide a Criminal Record Check for all those countries for the relevant period(s)

- If you were born out with the UK you must provide a Criminal Record Check from your country of origin for the time of residence there IF it was in the last ten years, unless you left that country without reaching the criminal age of responsibility. You must also provide a Criminal Record Check from any other country in which you have resided for a continuous period of twelve months or more in the ten years prior to application.

In all cases, the Criminal Record Checks provided must

- have been obtained within the six months immediately prior to submitting your Application; and
- be translated into English; and
- be verified by the relevant UK-based Embassy or High Commission

Process for obtaining Criminal Record Checks -

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseasapplicants>

Note: The certificate must be produced before the licence can be granted. Whilst it is desirable for the applicant to produce the certificate with the application, it is not a strict requirement. This is so any applicant having difficulties will not be disadvantaged by delays to processing the application. At the applicants choosing, the application can be accepted as valid without the convictions evidence but the evidence should be provided as soon as possible. In this way the convictions evidence will be a check rather than a validation. Applicants should still note, however, that the licence cannot be granted without the evidence having being produced. Therefore if the application is approaching the 9 month time limit without the evidence been produced, the application may be refused for failure to comply with administrative provisions. If you are experiencing difficulties in obtaining a certificate then please contact the licensing team to discuss your options. It may be possible to accept alternative evidence, for example: evidence of checks having been carried out by another government body; affidavits; or character references.

In cases where it is not possible to provide any satisfactory evidence, the application will be referred to the Licensing Committee for a decision. Therefore the application may be delayed pending the outcome of a hearing.

General Information

Vehicle Testing

If you are applying for the grant of a licence, it is your responsibility to contact Fleet Services at Ashgrove Road, Elgin to arrange to have the vehicle tested. If you are applying for a renewal of an existing licence, Fleet Service will contact you when your vehicle next requires testing

Please send your fully completed application and any supporting documents to
Legal and Democratic Services
Moray Council
High Street
Elgin
IV30 1BX

along with the appropriate fee or a copy of your reference number if you have made your payment by phone.

You are required to **sign** and **date** the declaration at the bottom of the application form. This is a very important part of the form and you should note that it is a criminal offence to make a false declaration for which you can be prosecuted.

Your application will be copied to Police Scotland, the Scottish Fire and Rescue Service and the Chief Planning Officer for their observations. If no objection or observation is made on your application within 21 days, the Council will proceed to issue your licence.

If an observation or objection is received, your application will be referred to the Licensing Committee of the Council where elected Members will consider the matter. You will be given an opportunity to attend this meeting and put your case in support of your application.

Fees

Please refer to the Moray Council website for the list of current fees:

http://www.moray.gov.uk/moray_standard/page_88652.html

Please note: Licence fees are calculated on a cost recovery basis only. This means that, as far as possible, licence fees represent the actual cost to the Council of processing the licence application. Once a licence application has been processed, those costs have been incurred. If your application is refused or granted for a shorter period than you applied, the fee **will not be refunded or reduced**.