



TAXI/PRIVATE HIRE DRIVER'S 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 under the Civic Government (Scotland) Act 1982 and other associated legislation. 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 statutory requirements, the conditions outlined in the schedule attached to a licence and any policy/ guidance notes issued by the Council.

The application form is split into 6 sections:-

- A Personal Details
- B Licence Details
- C Driving Capabilities
- D Criminal Convictions
- E Right to Work in the UK
- F Residence outside the UK

You must answer all of the questions as fully as you can as failure to do so may result in your application being returned to you. Your application will not be processed until you have provided all the necessary information.

A Personal 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.

B Licence Details

Grant of a Licence – If you have never held a taxi driver or private hire driver's licence before or you do not currently have such a licence you need to apply for the grant of a licence. 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 it is very important that you complete these questions fully.

Renewal of Licence – If you currently hold a taxi driver or private hire driver’s licence which has not expired but is due to expire then you need to apply for a renewal of the licence. Term of licence – A full licence is generally granted for a period of 3 years although the Licensing Authority has the discretion to grant it for a shorter period

C Driving Capabilities

Under this section of the form you are asked whether you currently hold a DVLA Driver’s Licence and, if so, the details. Please note that the law requires you to have held a driver’s licence for a continuous period of 12 months prior to making this application. If you have not held a driver’s licence for this period the Licensing Authority will be unable to grant your application.

Fleet Test and DVLA Licence

All new drivers will be asked to sit a driving test with the Council’s Fleet Services Department.

The Fleet test must be sat before a final decision can be made on the licence application

If your DVLA licence only allows you to drive an automatic vehicle then you must take the Fleet test in an automatic and you can only drive an automatic vehicle licensed as a taxi.

If, however, your DVLA licence allows you to drive a manual or an automatic vehicle then you can take your Fleet test as either.

This means the following choices:

DVLA Licence Manual → Fleet Test Manual = Manual

Or

Automatic Taxi or DVLA Licence Manual → Fleet Test Automatic = Automatic Taxi

Or

DVLA Licence Automatic = Fleet Test Automatic = Automatic Taxi

If you are limited to an automatic vehicle then you can choose to upgrade your DVLA licence at any time and/or take a further Fleet Test to be able to drive a manual taxi. There will be a further charge for a further Fleet test.

To book your test you must contact Fleet Services directly either via email at fleetservices@moray.gov.uk or by phone on 01343 557317 – It is the applicants responsibility to book this test

Medical

It is a requirement of Moray Council (MC), as Licensing Authority, that all taxi/PH drivers meet DVLA Group 2 medical standards. This has been the case since November 2005 and it is a requirement designed to protect the public. Previously the Council relied on self-disclosure and, where necessary, GPs reports to decide if a driver met Group 2 standards.

From 1st April 2018 the Council will rely on self-disclosure and, where necessary, GP or other medical professional reports to decide if a driver meets Group 2 standards.

(Note that the Council has previously required all drivers to undergo a medical as part of the licence application process but this is no longer the case.)

It is the applicant's responsibility to certify that he/she does not have a medical condition that affects their ability to meet Group 2 medical standards for driving a taxi/PH vehicle. If the applicant can make that certification then they will not be referred for a medical. However, if he/she does disclose a relevant condition then a follow up will be necessary.

In that case it will be up to the applicant to demonstrate to the Licensing Authority that he/she meets Group 2 medical standards. That can be demonstrated in one of three ways

- 1) Through your own GP
- 2) Through the Council's occupational health provider
- 3) Through a current HGV / PSV / PCV driver's licence summary

Where medical evidence is required it should be lodged with the application for a drivers licence. Your application may be returned unprocessed if required information is not included with the application itself.

If you are in any doubt as to whether you meet Group 2 medical standards please see the DVLA website and consult your GP.

1) Choosing your own GP

Your GP, or whichever doctor you choose, will be required to state that you, the proposed driver, meet Group 2 medical standards.

As the applicant you will need to produce SATISFACTORY** evidence (see below) to the Licensing Authority with your application. Your GP may make a charge for this service. If you wish to use your own GP, or whomever you have chosen, it is up to you to commission and pay for this service.

** SATISFACTORY evidence is a medical report from your own GP or another fully qualified registered medical practitioner that specifically conforms that you meet last updated 18/01/2019 DVLA Group 2 medical standards for driving. The following wording must be included: "I certify that meets DVLA Group 2 medical standards for driving".

2) Choosing the Council's OH provider

Alternatively you can contact the Council's licensing section to arrange a medical with a representative of the PAM Group. You will be required to pay the medical fee (£95) to the Council and the Council will pay PAM. PAM will provide you with the details of what you must bring to the appointment. PAM will carry out the medical to confirm whether you meet Group 2 standards. A medical appointment is typically approximately 40 – 45 minutes. PAM will then provide the report to the Council and the Council will confirm the outcome to you.

3) DVLA driver's licence summary

If your DVLA driver licence summary confirms that you have entitlement to drive HGVs / PCVs or PSVs or any other DVLA category which already requires you to meet DVLA Group 2 medical standards then the driver's licence summary is sufficient evidence and further checks are not required.

Data Protection Act 1998("DPA") data processing notice: The Council's normal data processing notice applies. Please search the website for data protection. In addition, please note that the Council is instructing PAM as part of the consultation on each licence

application. This will include the exchange of personal information and sensitive personal information. PAM will be instructed and provide reports by a secure method of electronic exchange and will retain electronic and paper records in accordance with their records management procedures. The Council will also retain paper and electronic records. Data subjects will have the right of access to personal data under the DPA and to medical records under the Access to Health Records Act 1990. By applying for the licence you agree to all consultations as described.

Please note that a medical is now a mandatory part of the licensing process. It has been for some time, in line with many other Councils. What we are doing now is enforcing that requirement by requiring medical evidence rather than self-certification. Any applicant who does not comply with these medical provisions will be refused a licence.

General Medical information

NOTE Group 2 medical standards are of a higher standard than those required for a normal DVLA driving licence. To be satisfactory the medical report must specifically confirm that you meet Group 2 standards. A medical report which simply says:

“(name).... is fit to drive” does not refer to or confirm Group 2 standards and is not acceptable. If evidence is not acceptable then you may be required to undergo a Council appointed medical anyway, for which an extra charge will be made (£95). You will still be responsible for any charge made by the GP.

The Council will only meet the medical charges where you have been asked to attend a medical by a professional nominated by the Council and this has been specifically agreed in advance with licensing staff.

We will do our best to process the application as quickly as possible. However, the requirement for a medical may increase the average licence processing time.

Where the medical flags up a more serious issue e.g. a heart problem then it may be necessary to refer you to a specialist at Dr Grays. It may also be necessary to refer to the Licensing Committee for a final decision. There are processes in place to deal with these matters and please contact licensing staff.

Please note that medical self-certification and/or medical evidence is a mandatory part of the licensing process. Any applicant who does not comply with these medical provisions will be refused a licence.

ALL Medical Fees

All medical fees are the responsibility of the applicant.

IMPORTANT

Remember it is always the **applicant/driver's** responsibility to ensure that he/she meets Group 2 medical standards for the purpose of the taxi/PH driver's licence. It is also the licence holder's responsibility to notify the Licensing Authority of any change to his/her medical status (or any other circumstances) at any time during the currency of the licence.

FURTHER INFORMATION

- For those who prefer to commission their own medical report, a link is provided here to the DVLA guide for medical professionals.

<https://www.gov.uk/guidance/assessing-fitness-to-drive-a-guide-for-medical-professionals>

As already stated, the doctor MUST include the words “I certify that (name) meets DVLA Group 2 medical standards for driving”.

- And the D4 questionnaire for the doctor to complete is here

<http://www.gov.scot/publications/2011/03/22134908/5>

- For your own interest and further information, there is a link to the Scottish Government Guidance that recommends we apply Group 2 standards to Taxi/PH drivers.

<http://www.gov.scot/Publications/2011/03/22134908/5>

Driver Record / Driver Licence Summary

You are required to provide us with a copy of your Driver Licence Summary, also referred to as Driver Record. To do so, you need to go online to the DVLA website.

Here is the link:

<https://www.viewdrivingrecord.service.gov.uk/driving-record/licence-number>

You will need to input your driving licence number, National Insurance number and postcode.

Tick the box saying “I agree” then click on the “View Now” button. Click on the “Share your licence information” button at the top right hand side then click on the “Get a code” button. This will take you to a page which offers the choice “View, print or save your licence”, click on this button.

You need to print off the Licence Summary or save it and email it to us if you are making your application online, or include it with your paper application when you post it to us or hand it in at the Access Point.

- **You must include the Licence Summary with your taxi/private hire driver licence application form when you apply to us.**

D 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 – <http://www.moray.gov.uk/downloads/file103787.pdf>)
- **Category 2** – Offences which are to be disclosed subject to rules ('the rules list') (<http://www.moray.gov.uk/downloads/file103787.pdf>)

. 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	15 years	No Disclosure after 15 years
Younger than 18 years	7.5 years	No Disclosure after 7.5 years

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.

E. Right to Work in the UK

From 1 December 2016, the Council has 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. This check must be carried out irrespective of the nationality or ethnicity of the applicant.

As part of the application process you must provide certain original documents to evidence your right to live and work in the UK. If you cannot provide the required evidence your application cannot be granted. The types of document that can be accepted as evidence have been

prescribed by the Home Office; the Council does not have discretion to accept documents other than those specified by the Home Office. Appendix 1 of this guidance provides detailed information on this check. Please ensure you have read and understood this Appendix before submitting your application.

A link to Appendix 1 is here. <http://www.moray.gov.uk/downloads/file109477.pdf>

These checks apply to all applications including applications for renewal of existing licences. If an existing licence holder cannot provide the necessary evidence, their licence cannot be renewed.

F. RESIDENCE OUTSIDE THE UK

If you are making an application you must provide evidence of your criminal history:

- **If you were born in the UK** but have lived in any other country within the 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 six 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-foroverseasapplicants>

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, Updated April 18 2023 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 been produced. Therefore if the application is approaching the 9 month time limit without the evidence being produced, the application may be refused for failure to comply with administrative procedures.

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.

PROVIDING YOUR TAX CHECK (FOR RENEWALS ONLY) – NEW REQUIREMENT

The rules for completing a tax check changed on 2 October 2023 in Scotland

The new rules mean if you're an individual, company or any type of partnership you must complete a tax check if you're:

- renewing a licence
- applying for the same type of licence you previously held, that stopped being valid less than a year ago
- applying for the same type of licence you already hold with another licensing authority

You will not need to complete a tax check and you should follow the [confirm your tax responsibilities guidance](#) if you have:

- never held a licence of the same type before
- had a licence of the same type that stopped being valid a year or more before making this application

What a tax check is

A tax check confirms that you're registered for tax, if necessary. It will ask questions about how you pay any tax that may be due on income you earn from your licensed trade.

You must carry out the tax check yourself. You cannot ask a tax agent or adviser to do this on your behalf.

After you complete the tax check you'll be given a **9-character code**. This is your tax check code. **You must give it to the licensing authority with your licence application — they will not be able to process your application without it.**

Tax check codes expire after 120 days, so if you make a licence application for another licence after that time, you'll need to carry out a new tax check for it.

If you're a partner making a licence application on behalf of a partnership you must complete a tax check for yourself. Your licensing authority will tell you if any other partners also need to complete a tax check.

Applying for more than one licence

You can use one tax check code for more than one licence application if all the applications are for the same type of licence (for example, they are all for taxi driver licences but with different licensing authorities).

If you're applying for different types of licence (for example, a private hire driver licence and a private hire vehicle operator licence) you must complete a tax check for each one.

Licence extension and expiry while waiting for a licence application decision

Your existing licence may be extended until a final decision whether to grant your licence application has been made (including a decision on appeal) if you are renewing licences issued in Scotland

If you do not give the licensing authority a valid tax check code your licence will expire on whichever of the following dates is the latest:

- 28 days after the licensing authority asked for your tax check code
- the date your licence expires

What you'll need

To carry out a tax check, you need:

- a Government Gateway user ID and password
- to know when you first got your licence
- the length of your most recent licence
- how you pay tax on the income you earn from your licensed trade

You can apply for your Tax Check here:

<https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>

Fees

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

http://www.moray.gov.uk/moray_standard/page_111864.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**.

Other Information

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.

Once you have completed the application form, you should submit it along with the appropriate fee to:

Head of Governance, Strategy and Performance

The Moray Council
High Street
Elgin
IV30 1BX

Checklist

- Completed and Signed application form
- Appropriate Fee
- Copy of your Driver Record / Licence Summary
- Documentary Evidence of Right to Work in UK
- Overseas Criminal Record check evidence – where appropriate
- Tax Check Code – RENEWALS ONLY

Please note:

Your application will be copied to Police Scotland for their observations. If no objection or observation is made on your application by the Police within 28 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.

If you have any queries please e-mail licensing@moray.gov.uk or contact us on 01343 563456.