



## GUIDANCE NOTES for TAXI AND PRIVATE HIRE DRIVER APPLICANTS Civic Government (Scotland) Act 1982

### 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 FORM

The application 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.

### **Medical**

It is a requirement of The Moray Council (TMC), as licensing authority, that all taxi/private hire 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.

From 1<sup>st</sup> 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 driver's 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

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.

## General

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 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 meet 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

<https://www.gov.uk/government/publications/d4-medical-examiner-report-for-a-lorry-or-bus-driving-licence>

- 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 Driving Licence Summary, also referred to as Driver Record. To do so; you need to go online to the DVLA website.

<https://www.gov.uk/view-driving-licence>

You need to print/save the licence summary and email it to us, for online applications 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 of 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 conviction and the age of the person at the time of 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 convictions 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 documents 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 guide 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 below

<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 outwith 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-for-overseas-applicants>

**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. Applicant 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 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.

## FEES

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

[http://www.moray.gov.uk/moray\\_standard/page\\_111864.html](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 you application is refused or granted for a shorter period than you applied for, the fee will not be refunded or reduced.

## GENERAL INFORMATION

You require 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 and fined up to £2,500.

Once you have completed the application form please submit it to:

The Head of Legal and Democratic Services  
The Moray Council  
High Street  
Elgin  
IV30 1BX

### **Please Note**

Your application will be copied to Police Scotland for their observations. If no objection or observation is made on your application by Police Scotland 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 email [licensing@moray.gov.uk](mailto:licensing@moray.gov.uk) or contact us on 01343 563027.

### **Application Check List**

- **Completed and signed application form**
- **Appropriate fee**
- **Coy of your Driver Record/Licence Summary**
- **Documentary evidence of Right to work in UK**



## **Dress Code for Taxi / Private Hire Driver's Licensed by the Moray Council**

### **What can be worn:**

- Generally clean and tidy in appearance
- Footwear to be shoes in any dark colour
- Trousers
- Smart black jeans are allowable
- Chinos
- Dress shorts
- Polo shirts
- Smart plain V-neck t-shirts
- Smart plain round neck t-shirts

### **What is not to worn:**

- No blue jeans
- No ripped jeans
- No jogging pants
- No shell suits
- No football tops
- No trainers
- No ties (this is a safety issue)