TAXI AND PRIVATE HIRE CAR LICENSING UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982

NOTES FOR GUIDANCE

The following notes are a brief outline of the requirements for Taxi and Private Hire Car Licences under the above Act. They should be treated as **guidelines only and not an authoritative statement of law.** They do not purport to be more than a guide to the main provisions of the Act in order that would be applicants may consider if they need to apply for a Licence. Applicants are recommended to study the relevant provisions of the Act and obtain any further advice from their Solicitor.

IMPORTANT NOTE

Please note that the fee which is paid on submission of your application will not be refunded if your application is refused or withdrawn.

1 INTRODUCTION

Taxi and Private Hire Car Licences

In accordance with the Civic Government (Scotland) Act 1982, a Taxi Licence or a Private Hire Car Licence, issued by The Highland Council as licensing authority, is required for the operation of a vehicle as a Taxi or a Private Hire Car.

Exemption from the requirement to hold a Taxi or Private Hire Car Licence

A licence is not required where:

- A vehicle while it is being used in connection with a funeral or wedding.
- A vehicle while it is being used for carrying passengers under a contract for its exclusive hire for a period of not less than 24 hours. For clarification no other hire/tour should take place within 24 hours of the previous tour/hire starting.

Examples

1. A tour takes place between 8.00am and 8.00pm on Monday. Another tour (different customers) starts at 8.00am the following day (Tuesday) – This complies with the exemption as there is a full 24 hours between the start of the 1st tour and the start of the 2nd tour.

2. A tour takes place between 10.00am and 8.00pm on Monday. Another tour (different customers) starts at 8.00am the following day (Tuesday) – This does not comply with the exemption as there is not a full 24 hours between the start of the 1st tour and start of the 2nd tour.

Taxi and Private Hire Car Drivers

Similarly, a Taxi Driver's Licence or a Private Hire Car Driver's Licence shall be required for driving or otherwise having charge of a Taxi or Private Hire Car. However, a person holding a Taxi Driver's Licence does not require a Private Hire Car Driver's Licence.

2 DEFINITIONS

(a) **TAXI** means a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on his behalf) and its driver for a journey beginning there and then.

(b) **PRIVATE HIRE CAR** means a hire car other than a taxi.

(c) **HIRE CAR** means a motor vehicle with a driver (other than a public service vehicle) which is, with a view to profit, available for hire by the public for personal conveyance.

(d) **PUBLIC SERVICE VEHICLE** means a motor vehicle (other than a tram car) which is adapted to carry more than eight passengers and is used for carrying passengers for hire or reward.

If you have a vehicle which carries nine or fewer passengers (including the driver) which is, for a fee, available for hire by the public for personal conveyance you will require either a Taxi or a Private Hire Car Licence.

The main differences between Taxi and Private Hire Car are:

TAXI	PRIVATE HIRE CAR
A Taxi is required to display a Taxi sign on top of the vehicle approved by the Council	A Private Hire Car MUST NOT have a sign or other advertisement that suggests it is available for hire as a taxi
May wait on a Taxi Stance for trade	CANNOT wait on a Taxi Stance
May pick up passengers on the street without prior arrangement	May pick up passengers ONLY by prior arrangement
MUST have a meter affixed to the vehicle	MAY have a meter affixed to the vehicle
MUST be driven by a licensed taxi driver	Must be driven by EITHER a licensed taxi driver OR a licensed private hire car driver

3 OPERATOR'S LICENCE AND DRIVER'S LICENCE

The vehicle and the driver each require to be separately licensed. The licence for the vehicle is referred to in these notes as an "Operator's" Licence and each vehicle operated as a Taxi or a Private Hire Car requires a separate licence. The holder of an "Operator's" Licence must also obtain a Taxi or Private Hire Car Driver's licence in order to drive the vehicle to which his operator's licence relates.

4 OPERATOR'S LICENCE

Any vehicle proposed to be used a Taxi or Private hire car must:-

(i) except with the approval of the Council, be less than five years old, unless it is a purpose built taxi, or equivalent, in which case it must be less than ten years old;

(ii) be equipped to carry a minimum of four adult seated passengers (up to a maximum of eight adult seated passengers) in safety and comfort;

(iii) have a minimum engine capacity of 55kw or 1575cc;

(iv) have a minimum width of 122 centimetres (48 inches) across the rear passenger seat or compartment of the vehicle. Please note that it is the narrowest part of the seat or compartment which requires to be measured.

(v) have a minimum of four doors capable of being opened from the inside;

(vi) be fitted with a seat belt for each passenger;

(vii) pass an initial inspection to an acceptable standard of safety and comfort and thereafter an annual inspection (except where the vehicle is older than five years the inspection period shall be every six months);

5 METERS

All Taxis must have a Taxi Meter which has been tested and approved by the Council. (Taxis **must** have a meter. Private Hire Cars are not required to have a meter but may fit one if desired. If fitted it must be tested and approved by the Council). Before a Taxi Operator's Licence is issued, or PHC licence where a meter is fitted, the meter must be tested by the Council The current fee for this can be found on the Council's website, see link below http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

Please note that the current tariff allows for an extra of 50p to be added to the fare for booking ahead e.g. by telephone. You should advise your meter agent that when calibrating your meter they must ensure that only 50p can be added. The meter should be calibrated in a way that regardless of the number of times the extras button is pressed it will only add 50p to each fare, if a prior booking has been made and you are entitled to charge this.

Following a change to the law relating to surcharges for card payments please note that as from 13 January 2018 taxi/ PHC operators/drivers will no longer be permitted to charge an additional fee to those customers who wish to pay by card e.g. debit, credit etc.

6 OBLIGATORY TEST CERTIFICATES (MOT)

Operators should be aware that, unlike ordinary vehicles which require an MOT after three years, **Taxis require an MOT Certificate after one year** of the date of first registration, in accordance with section 47 of the Road Traffic Act, 1988, and annually thereafter.

7 CONVERTED VEHICLES OR IMPORTED VEHICLES (INCLUDING WHEELCHAIR ACCESSIBLE VEHICLES)

If you wish to licence a vehicle which has been converted or has been imported, the Council needs to be satisfied that the vehicle is built to certain safety standards. This includes vehicles which have been converted for wheelchair accessibility. A vehicle will not be licensed until satisfactory documentation has been received.

Imported vehicles

If the vehicle is not registered in the EU, you will need to apply for an Individual Vehicle Approval:

https://www.gov.uk/importing-vehicles-into-the-uk/getting-vehicle-approval

If the vehicle is registered in the EU, you need to be able to provide the European Certificate of Conformity from the manufacturer to show you have approval for an EU registered vehicle.

Converted vehicles

If the vehicle you propose to licence has been converted, you will need to provide the appropriate certification:

- European Community Whole Vehicle Type Approval (ECWVTA) – a Certificate of Conformity is issued for each vehicle

- Individual Vehicle Approval (IVA) – This involves a physical inspection of the vehicle ensuring it is designed and constructed to modern safety standards.

There is further guidance on this available at the following link:

https://www.gov.uk/vehicle-approval

If you do not have a copy of the Certification you should obtain this from the company who carried out the conversion to the vehicle.

8 DRIVERS' LICENCES

(a) The appropriate licence is required for driving, or otherwise having charge of, a Taxi or Private Hire Car. A person holding a Taxi Driver's Licence does not require a Private Hire Car Driver's Licence.

(b) Any person who wishes to obtain a Licence to drive either a Taxi or a Private Hire Car must:-

(i) have held a full driving licence for the continuous period of at least 12 months **immediately** prior to the date of the application;

(ii) be a fit and proper person to hold a Licence;

(iii) be 18 years of age or more;

(iv) if suffering from any physical or mental condition likely to affect his/her fitness as a driver or which might do so in the future or if over 65 years of age, undertake and pass an annual medical examination as to his/her physical and mental fitness to carry out the duties of a Taxi or Private Hire Car Driver;

(v) **for both Taxi Drivers and Private Hire Car Drivers:** undertake and pass a knowledge test, which will include a general test of knowledge of the Highland and relevant local road network, tourist facilities and the Highway Code.

From 1 September 2026 any applicants for the grant of a PHC driver's licence, or existing drivers that fail to re-apply timeously, will require to sit and pass a knowledge test before a licence can be granted. If a driver currently holds a PHC driver's licence, and applies to renew their licence before their current one expires, they will not require to sit the knowledge test.

(c) Comply with the Council's approved dress code as detailed below, be clean and tidy in their person or clothing, conduct themselves in a proper and civil manner and shall refrain from smoking in the vehicle at any time.

Male Drivers

- Shirt with collar open neck or (preferably) with tie
- Trousers and shoes

Female Drivers

- A blouse, skirt or trousers and shoes.

The following must not be worn:-

- Training shoes
- Baseball caps
- Track suits
- Denims or corduroy jeans
- T-shirts
- Football and other sports related shirts
- Polo shirts (unless they carry a logo specific to a taxi/PHC company)

(d) Immigration Act

Under the provisions of the Immigration Act 2016 which come into force on 1 December 2016, the Council will be unable, from that date, to grant a taxi driver or private hire car (PHC) driver licence unless a face-to-face check has first been made to verify that, as at 1 December 2016, the applicant is not disqualified by reason of his or her immigration status from driving a taxi or private hire car.

This means that all applicants for taxi or PHC driver licences, including UK passport holders, will require to attend their nearest licensing office in person with original documents (passport or other acceptable documents) demonstrating that they have the right to work in the UK.

Licensing staff will require to check the validity of the original documents in the presence of the applicant before the licence can be issued. The Council is required by law to retain copies of these documents.

This checking process is required for all current new applications and renewal applications. A further document check will only be required at subsequent renewal where the applicant's immigration permission to work in the UK is time-limited.

A list of documents which can be accepted for these "right to a licence" checks is attached below.

Please note that this checking process under the Immigration Act 2016 is in addition to the criminal history check which the Council carries out with Police Scotland for each applicant to determine the applicant's fitness to hold a licence.

Lists of acceptable documents for right to a licence checks

The lists of documents are based on those prescribed to show evidence of a right to work.

List A – acceptable documents to establish a continuous statutory excuse

1. A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
5. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
6. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
7. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 1 – documents where a time-limited statutory excuse lasts until

the expiry date of permission to enter or permission to stay

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
3. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 2 – documents where a time-limited statutory excuse lasts for six months

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.

A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

9 TAXI AND PHC DRIVER LICENCE APPLICATIONS – HMRC CHECK CODES FOR LICENCE HOLDERS APPLYING FOR RENEWAL

What is the new HMRC Check Code?

In Scotland from 2 October 2023, certain types of **licence holders seeking to renew** need to complete tax checks with HM Revenue & Customs (HMRC) before applying to the Council to renew their licence. The tax check confirms that you are appropriately registered for tax with HMRC. You will be asked to answer a few questions to tell HMRC how you pay any tax due on income you earn from your licensed trade. HMRC checks affect the following licence categories:

- Taxi and private hire drivers
- Taxi booking offices

Highland Council requires a tax check code from you if you are:

- renewing a licence in the above categories; or
- applying for the same type of licence you previously held, that became invalid less than a year ago; or
- applying for the same type of licence you have already held with another licensing authority.

If this is your first time applying for one of the above licences, you **do not** need to provide us with a tax check code. However, we must ask you to read the HMRC guidance on what you need to do to be properly registered for tax in the future. We must confirm you have done so. A declaration has been added to the forms to comply with this requirement.

How to obtain your tax check code

Before submitting your renewal application to Highland Council, complete the tax check online on GOV.UK, via your Government Gateway account. If you do not already have a Gateway account, you should create one. **As the applicant, you must carry out the tax check yourself. You cannot ask Highland Council, a tax agent or adviser to do this on your behalf.** There is guidance on GOV.UK, and anyone who needs extra support can complete the tax check by phone through HMRC's customer helpline.

What HMRC needs from you

To carry out your tax check, you will 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

When the tax check is completed, you will get a 9-character code. You must give this code to us, and the code must have been obtained no more than 120 days before the date of your Highland Council application. The relevant Highland Council application forms and guidance notes have been updated for you to enter the code.

How does this change the process for renewals?
Highland Council licensing staff will go online to GOV.UK confirm that you have carried out your tax check*. The other information we require for this step is either your company registration number or your date of birth, so please ensure you have fully completed the application form.

***Note:** We will only receive confirmation from HMRC that you have completed the tax check, we do not have access to information about your tax affairs.

If You Don't Provide a Check Code on Your Licence Renewal Application
Highland Council cannot process your licence renewal until your tax check is completed and we have received the code from you. We will ask you for a tax check code if you have not included it with your application, (and you are not exempt from providing it e.g. first time licence applicants).

If you have been unable to get a code because the HMRC online service was unavailable, we will:

- ask you to re-try again to complete a tax check for 5 days in a row; and
- if after retrying on 5 consecutive days, we will then check that the service was unavailable on these days.

If Highland Council are able to confirm the HMRC service was unavailable, then a tax check no longer applies, and we can continue to deal with your application without it. However, if our checks show that the service was available, we will tell you and ask you to try again for a tax check code.

Still No HMRC Code - When will my current licence expire?

If you do not provide us with a valid tax check code, your existing licence will expire on whichever date is the **latest**:

- 28 days after we asked you for your tax check code; or
- the date your current licence expires.

If you hold a temporary licence and do not give us a valid tax check code, the licence will expire on whichever date is the **latest**:

- 7 days after we asked you for your tax check code; or
- the date your current temporary licence expires.

Applications from Partnerships

If your renewal application is on behalf of a partnership, you must include confirmation that each Partner *in the application* has completed a tax check for themselves on the application form. For example, if:

- you are the partner making the application *on behalf of* the partnership, you must get a tax check code for yourself only;
- more than one partner is submitting the partnership's application, each partner must obtain a tax check code for themselves and each tax check code must be entered on the application form.

Applying for more than one licence?

Same type of licence: You can use <u>one tax check code</u> for more than one licence application if all your applications are for the <u>same type of licence</u> (for example, you are applying for

separate taxi driver licences with different local licensing authorities). Again, the code should be obtained less than 120 days prior.

For queries and assistance with obtaining your tax check code, or any income tax, PAYE or corporation tax queries, contact HMRC.

For licensing queries in the Highland region, contact Highland Council Licensing Department.

10 CONDITIONS

The licence holder will be required to comply with the standard Conditions, attached to these Notes, which will form part of the Licence being granted.

Please note that in relation to Condition 8 of the taxi driver's and private hire car drivers licence conditions the reference to `sufficient cause' would include situations where a passenger, or potential passenger, appears to the driver to give reasonable cause for concern for the driver's personal safety.

Applicants for Taxi or Private Hire Car Drivers Licences should note that the conditions attached to their licence require them to carry guide, hearing or other assistance dogs in their taxi or hire car. Drivers who have a medical condition that would be aggravated by carrying dogs in their vehicle, can apply for exemption from this requirement, on medical grounds. **Please refer to the attached Advice Note for further details.**

11 DETERMINATION OF AND DURATION OF LICENCES

(i) **Full licences:** a licence will normally be issued after the elapse of 28 days from receipt of an application. In certain circumstances, eg. where objections have been received, applications can take considerably longer to be determined. A Licence shall remain in force, unless previously suspended or revoked, for a period of three years from the date when it comes into force, or such shorter period as the Council thinks fit. The Licence is not normally transferable. A full licence will normally be issued for a period of 3 years.

(ii) **Temporary Licences:** application may be made for a temporary licence which on being granted by the Council may have effect for a period not exceeding 6 weeks. A temporary licence is not capable of being renewed, but where application has also been made for a full licence for the same activity, the temporary licence, if granted, shall continue to have effect until the application for the full licence has been determined. Temporary licences may be granted earlier than the 28 day period specified for a full licence and the fee for a temporary licence can be found on the Council's website, see link below http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

(iii) **Determination Period**: The Council have 9 months in which to determine an application for a licence under the Civic Government (Scotland) Act 1982. If an application cannot be determined by officers using delegated powers and the 9 month deadline is approaching then the application may require to be submitted to the Council's Highland Licensing Committee for their consideration. The Committee have the power to grant or refuse applications for a licence.

12 LICENCE TO BE RETAINED

The Licence must not be altered, erased or defaced in any way, must be kept clean and legible and must not be lent to or used by any other person. Should the Licence be lost or become defaced or illegible the Licence holder shall obtain a replacement from the Council on payment of the appropriate fee (which can be found on the Council's website, see link below
http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

The Licence holder shall produce his/her Licence within five days of being requested to do so by a Police Constable or an authorised Officer of the Council or the Fire Authority.

13 RETURN OF LICENCE

An Operator or Driver shall deliver his/her Licence, licence plate and/or ID Badge to the Council:-

(a) upon ceasing to act as an Operator or Driver;

(b) within seven days of receiving notice of the coming into effect of a decision of the licensing authority to suspend or vary the terms of the Licence, or the decision of a Court to revoke it;

14 NOTIFICATION OF CONVICTIONS OR MATERIAL CHANGE OF CIRCUMSTANCES

An Operator or Driver shall notify the Council as soon as is reasonably practicable with any **convictions or other material change** in circumstances affecting the licence holder or the activity to which the Licence relates, including any particulars referred to in the application for grant or latest application for renewal of the Licence. **If in doubt, notify the Council of any changes**.

15 NOTIFICATION OF MATERIAL ALTERATIONS

An Operator shall not make, or permit to be made, any material change to any vehicles without the prior written consent of the Council, unless in accordance with a requirement imposed by, or in pursuance of, any enactment other than parts I or II of the Civic Government (Scotland) Act, 1982. **If in doubt as to whether consent is required, contact the Council**.

16 APPLICATION FORM AND FEES

Application forms are available from Council Offices, Service Points or on the Council's website at:
http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

Previous Convictions

Please note that if your application is for a taxi driver's licence or a private hire care driver's licence, you are required, by virtue of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, to declare in your application all of your previous convictions, both current and spent (including foreign convictions), except spent convictions which are also "protected convictions" within the meaning of Article 2A of that Order. For further information on spent convictions and protected convictions, please refer to the separate information note which can be found at:

http://www.highland.gov.uk/downloads/file/15446/spent_convictions_and_protected_convictions.

If your application is for a taxi operator's licence or private hire car operator's licence, you are not required to list on your application form any convictions which are spent by virtue of the Rehabilitation of Offenders Act 1974. All current (unspent) convictions must, however, be listed.

For all applications, i.e. taxi/PHC operator and taxi/PHC driver, details of any current fixed penalties and fiscal fines must also be declared on the application form.

If you are in any doubt as to whether or not a conviction, fixed penalty or fiscal fine requires to be listed you should seek independent advice.

If you cannot recall the details of any of your convictions (spent or otherwise) you can request a copy of these from Police Scotland using the following link:

Subject Access Requests - Police Scotland

This link takes you to the page with useful information and a link to the online form embedded in the page. These requests can be made online with the online form, or the form can be printed off and then filled in and sent to the address listed on the page, or downloaded, completed and then emailed to the address detailed in the guidance.

We advise you to obtain this **prior** to submitting your licence application to ensure your application can be processed as quickly as possible.

New Applicants for Taxi or Private Hire Car Drivers Licence who were born or have been resident outside the UK for 12 months or more

For applicants seeking a new licence, and who were born or have been resident outside the UK for 12 months or more in the last 10 years, there must be produced with the application form documentation in relation to criminal record checks.

Applicants need to provide:

- Where any person who is named on the application form was born outwith the United Kingdom, a criminal record check must be provided from their country of origin. They must also provide a criminal record check from any other country in which they have been resident for twelve months or more.

- If they were born in the United Kingdom, but have lived in any other country or countries for twelve months or more, they must provide a criminal record check from these countries.

In all cases, the criminal record checks provided must have been obtained within the six months prior to submitting the application and must be verified by the relevant UK based Embassy/High Commission where obtained from authorities outwith the United Kingdom.

If an applicant was born outwith the United Kingdom, or lived outwith the United Kingdom for a period of 12 months but is unable to obtain a foreign conviction check, they can request that the licensing authority accept alternative evidence regarding their foreign convictions. The applicant should submit this request in writing along with evidence of any attempts that have

been made to obtain a criminal record check from the country of origin, or evidence of why this is not possible.

Please note that if the criminal record check is in the language of the issuing country you will require to have this translated into English. An officially translated document (often called a certified or sworn translation) must include an accompanying statement, the translator's credentials, and a stamp or signature.

The document should be translated by a professional translator or translation agency. The translator must certify the translation is an accurate and true representation of the original document

The translation should include:

- The translator's full name and contact details
- Their qualification and/or professional membership
- The date of translation
- Their signature and/or official stamp
- A statement of accuracy such as "I certify that this is a true and accurate translation of the original document."

The following types of translation will **not** be accepted:

- Self-translated documents
- Translations by friends/family
- Documents without certification
- Machine translations (e.g. Google Translate)
- Translations with no traceable translator identity

In order to apply for an **Operator's Licence** the application form must be returned along with the appropriate fee (The current fee for this can be found on the Council's website, see link below
http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

The following documentation must also be submitted before the licence can be issued:

- Insurance document appropriate to the type of licence applied for (please note that while the vehicle insurance certificate will be checked to ensure that the policy includes cover for hire and reward, private hire etc. it is the responsibility of the licence holder, and any person who is permitted by the licence holder to drive the vehicle, to ensure that they do not engage in any use of the vehicle which is not covered by vehicle insurance).

- Vehicle Registration Document;

- MOT Certificate (if applicable (see note 6)).

The application form for a **Driver's Licence** must be returned along with the along with the appropriate fee and the following:-

- Driver's Licence;

- two passport photographs for identity badge (three if applying for a temporary and a full licence).

All applications will be referred to the Police and the Council's Trading Standards Service for comment.

17 VEHICLE AND METER TESTING

The Council will contact the Applicant to arrange an inspection of the vehicle and a meter test. The fees for these tests are not included in the initial application fee and require to be paid before the test will be carried out. Similarly subsequent inspections / tests as required are not included in the initial application fee and will also require to be paid before being carried out. The current fee for this can be found on the Council's website, see link below http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

If you are requested by the Council's Trading Standards Service to present your vehicle for inspection, outwith your annual/6 monthly inspection, and your vehicle fails this inspection you will require to pay the relevant inspection fee in respect of this.

Items Tested

The following are items included in the Taxi and Private Hire Car Inspections which fall into two groups: (see attached lists)

Appendix A - Safety Aspects: Any item in this group is expected to reach the MOT standard where applicable and will otherwise be judged by the examiner on the basis of being safe with respect to the carrying of passengers for hire and reward.

Appendix B - Appearance and Utility Standards, both for the interior and exterior of the vehicle.

Driver & Vehicle Standards Agency

MOT Inspection Check List

MOT Test Number	Registration Mark	Vehicle Identification Number	Date of First Use

Items to be tested	Pass	Fail	Defects/Comments
Interior checks			
Seats and seat belts			
Warning lamps			
Switches (position lamp, headlamp, hazards)			
View to front, wipers & washers			
Brake controls, servo operation,			
Steering wheel & column			
Doors, mirrors, horn			
Speedometer, driver controls (Class 5 only)			
Exterior checks			
Registration plates			
Lamps, registration plate lamps			
Indicators, hazards			
Headlamps & aim			
Stop lamps, fog lamps, reflectors			
Wheels, tyres			
Shock absorbers			
Mirrors, wiper blades, fuel tank cap			
Glazing (Class 5 only)			
Doors, boot lid, loading doors, bonnet			
Towbars			
General condition of body			
Under bonnet checks			
Vehicle structure			
Braking systems			
Exhaust systems, fuel system			
Speed limiter (if applicable)			
Steering & power steering components			
Suspension components			
Under vehicle checks			
Steering including power steering			
Drive shafts (if applicable)			
Suspension, shock absorbers			
Wheel bearings			
Wheels & tyres			
Brake systems & mechanical components			
Exhaust system			
Fuel system & fuel tank			
Structure, general vehicle condition			
Emissions			

Brake Test	Service	L		Park	L		Imbalance
Axle 1 N/S			N/S			Axle 1 N/S	
Axle 1 O/S			O/S			Axle 1 O/S	
Axle 2 N/S			Total			Difference	
Axle 2 O/S			Results				
Total			Service		Park		Imbalance

VT29/Handwritten/1.0

Additional Safety Checks

1. The inspection of the following items will also be undertaken

a. The presence and condition any spare wheel/puncture repair/other inflation kit.

b. The adequate security of the battery.

c. Where the vehicle has been adapted to run on LPG, the safe condition of LPG fuel system.

d. Where any vehicle has been adapted for disabled wheelchair access, the compliance of these adaptations with current recognised standards and as to general safety in use.

e. Where any vehicle has been the subject of an official recall, that any remedial works have been carried out.

f. Emissions

Vehicle Appearance and Utility Standards

2. This includes presence, cleanliness, security and functionality of items listed below.

a. That equipment required is present, functional and compliant with specified standards.

b. That other relevant equipment is consistent with the vehicle manufacturers' specifications, e.g. a vehicle that was originally fitted with interior lights still has them and they function effectively.

c. The standards of cleanliness and appearance of the vehicle are consistent with what a reasonable person would expect in relation to this class of public transport.

d. That the bodywork meets the fair wear and tear standard of the British Vehicle Rental and Leasing Association. Note: The BVRLA fair wear and tear guide provides an industry-wide, accepted standard that defines fair wear and tear on passenger cars, this include guidance on dents and scratches.

INTERIOR	
Upholstery	Internal bodywork
Door & Window controls	Heaters
Luggage security	Fire Extinguisher – 1kg Dry Powder, suitably fastened and maintained
First Aid Kit compliant with the Road Vehicles (Construction & use) Regulations 1986 Schedule 7	Interior Lights
Carpets & Mats	
EXTERIOR	
Bodywork, Paint finish and Decorative/ Functional Trims	Glazing
Door, Bonnet and Boot Lid Hinges, Handles and Locks	Any Roof Rack or Roof Box
Roof Sign	Wheels & Trims

MECHANICAL

3. In addition to the above, any oil leaks from the engine, gearbox and axles will be assessed as to their significance with respect to the likely future reliability of the vehicle in use.

Note: Where no relevant published standards are available to assess compliance or otherwise, the test criteria will be agreed between the contractor and the Council.

If the result of your inspection is a `fail and dangerous' the garage will ask you if you wish to voluntarily surrender your taxi/PHC plate to them. Once the vehicle has been repaired and has been retested and passed the garage will then return the plate to you.

Converted vehicles - Applicants for a taxi or private hire car operator licence where a van or vehicle has been converted to a minibus must submit a copy of the valid SVA (single vehicle approval) or certificate of fitness in respect of the vehicle.

VEHICLE RE-INSPECTIONS

If a vehicle fails any part of the inspection and is resubmitted by the end of the following working day, then only the failed item (including any other items affected by the execution of the repair) needs to be examined by the garage. There is no re-inspection charge applied for this.

If the nature of the defect(s) is such that it cannot be rectified on the day of the inspection or by the end of the following working day an inspection re-test fee will require to be paid. This will apply for a maximum of 10 Working Days from the date of the initial inspection. If the vehicle is not presented for re-inspection within the aforementioned 10 days a full vehicle inspection shall be required.

Where a vehicle is presented for a re-inspection and subsequently fails, a further re-test charge will require to be paid in respect of a second re-inspection of the defects which resulted in the failure. Such a rate shall apply for a maximum of 10 Working Days from the date of the first re-inspection. If the vehicle is not presented for its second re-inspection within the aforementioned 10 Working Days, or it fails the second re-inspection, a full Vehicle Inspection shall be required with the full inspection fee being payable.

Please note that if your vehicle has been presented for a combined inspection (Council test + MOT) then the MOT aspect cannot be subject of a second re-inspection as this is not permitted under DVSA rules. In such situations the Council test part of the inspection can be subject to a second re-inspection (for which a re-test fee would be payable) and a new MOT test would require to be arranged separately, or a new combined inspection could be arranged with the full fee being payable.

<u>Cancellations, No-Show's & Late Arrival At The Testing Garage</u>

If for any reason you need to cancel an inspection appointment you require to do this at least 2 working days prior to the date of this appointment. Cancellation after that time may result in the inspection being deemed to have been carried out by the Garage and a charge, which will be the full inspection fee, may be made for the lost appointment. You will also require to pay for the re-scheduled inspection.

Please also note that if you are late for your appointment, or don't attend at the appointed time at the garage, a charge, which will be the full inspection fee, may be applied. You will also require to pay for the re-scheduled inspection.

18 FIRST AID KIT

It is a condition of the taxi operator's licence that a first aid kit be provided in the vehicle at all times. This kit should comply with the Road Vehicles (Construction & use) Regulations 1986 Schedule 7. This requires the first Aid kit to have:

(i) Ten antiseptic wipes, foil packed;
(ii) One conforming disposable bandage (not less than 7.5 cm wide);
(iii) Two triangular bandages;
(iv) One packet of 24 assorted adhesive dressings;
(v) Three large sterile unmedicated ambulance dressings (not less than 15.0 cm x 20.0 cm);
(vi) Two sterile eye pads, with attachments;
(vii) Twelve assorted safety pins; and
(viii) One pair of rustless blunt-ended scissors.

19 KNOWLEDGE TEST

The Council will contact the applicant to arrange for him/her to sit the Knowledge Test. There is no fee for the Knowledge Test but if an Applicant is required to re-sit the Test, a fee is payable. The current fee for this can be found on the Council's website, see link below http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

The pass mark for the Knowledge Test is 75% for the highland section (section 1) and 85% for the local section (section 2). A sample knowledge test is attached to the Taxi Driver application form.

The test consists of two sections and the applicant must pass both sections. If an applicant fails one or both sections they will require to re-sit the sections which they failed, for which a re-test fee will be required.

The first section is multiple choice and includes questions in relation to highway code, landmarks etc. in Highland and shortest routes between 2 locations in Highland. The second section consists of a written test in relation to your local area and will include questions on shortest routes between 2 locations within that area and the locations of local landmarks etc.

Please note that from 16 May 2018 the pass mark for section 1 is 75% and the pass mark for section 2 is 85% and a maximum of 3 attempts (initial test and 2 re-sits) will be permitted. Should an applicant fail on 3 occasions their application will be submitted to the next available Highland Licensing Committee (who have the power to refuse an application) for consideration.

20 TAXI/PHC DRIVER MEDICAL STANDARDS

Where an applicant or licence holder is over the age of 65 or where they have indicated to the Council that they suffer from any physical or mental condition that affects their fitness as a driver or which would do so in the future then they will be required to attend a medical examination. The cost of the medical examination will be met by the Council. The current Council policy is that anyone attending an examination must satisfy the Group 2 (PSV) Standard.

Applicants and licence holders who have Diabetes which is insulin treated would normally be automatically excluded from attaining the Group 2 standard, however the Council has agreed that where an applicant or licence holder can prove that they meet a number of qualifying conditions then they may drive or continue to drive a taxi or private hire car.

Further details on this including the conditions which require to be met can be accessed from the links below.

https://www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals

http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@motor/documents/digitalasset/dg_179198.pdf

21 ISSUE OF LICENCE

The Council will issue the Operator's Licence along with:-

- the standard Conditions;
- Operator's Plate to be fixed to the vehicle;
- Tariff of Taxi Fares (Taxi Operators only unless meter fitted to Private Hire Car).

The Council will issue the Driver's Licence along with:-

- the standard Conditions
- Taxi Driver's/Private Hire Car Driver's Badge.

22 SUBSTITUTION OF VEHICLES

The holder of a Taxi or Private Hire Car Licence may during the currency of his/her Licence substitute a vehicle for the vehicle in respect of which the Licence was originally granted. An application for substitution should be accompanied by the appropriate fee.

The current fees for this can be found on the Council's website, see link below http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

The same requirements with regard to documentation apply as with a licence application.

23 TAXI AND PRIVATE HIRE CAR VEHICLE INSPECTION - REVIEW PROCEDURE

If your vehicle fails the Council's Taxi/PHC inspection and you are not satisfied with the outcome you may ask for the decision to be reviewed.

It is important to note that at the stage your vehicle fails inspection your licence is temporarily suspended. You will be given a statutory notice confirming this temporary suspension, the reason(s) for it and the deadline for rectifying the defect(s) which the Council has identified.

If you wish to dispute the defect(s) identified by the Council, please immediately contact the Council's Trading Standards Service who will arrange for the main vehicle inspection contractor, Riverford Auto's, to inspect the disputed item(s). If Riverford Auto's carried out

the initial inspection one of the other garages which has been authorised to carry out Taxi/PHC inspections will be asked to carry out the further inspection.

If, following the re-inspection, the garage accepts your representation, the original decision will be reversed and the vehicle will have passed the inspection. The statutory notice will be withdrawn and the temporary suspension will end.

Should the garage uphold the original decision you must rectify the defect(s) listed on the statutory notice and then submit your vehicle to the place appointed in the statutory notice for a further inspection and test. This must all be done within 28 days of the date of the statutory notice (the start of the temporary suspension), otherwise your licence will automatically become permanently suspended for the unexpired portion of the duration of the licence. At this stage you will have no further rights of review by the Council but you will have the right to appeal against the permanent suspension to the Sheriff. Any appeal must be made to the Sheriff Court within 28 days of the date your licence became permanently suspended.

The above applies also to applications for a new licence although in this scenario the licence is not granted rather than being suspended. In that event, you can appeal to the Sheriff against the Council's decision to refuse to grant the licence and any such appeal must be made to the Sheriff Court within 28 days of the decision to refuse to grant the licence.

24 TAXI & PHC PENALTY POINTS SYSTEM

This section explains the penalty points system in operation within Highland Council and provides basic guidance to Taxi and PHC operators and drivers on its use. It is not a complete or an authoritative statement of the law relating to taxi and PHC businesses.

1. What is it?

1.1. The Penalty Points System (the system) is an evaluation tool used by Trading Standards staff to determine whether the licensed vehicle of a Taxi/PHC operator or driver, when examined over a period of time, has reached a point where the matter justifies referral to the Licensing Committee.

2. Why was it introduced?

2.1. The system was introduced in 2006 following concerns expressed by Members of the Civic Government Licensing Working Group about the level of safety related failures recorded during the routine vehicle examinations undertaken by the Council's appointed contractor.

2.2. In addition to the real public safety concerns that existed, the time spent by Trading Standards staff suspending unsafe vehicles from use and chasing up licensees to remedy other defects found, was seen as wasteful and inefficient.

2.3. Trading Standards have used the system since then to maintain the general standard of Taxi's and PHC's operating within Highland.

3. What is the principle of the system?

3.1. The system is a way of demonstrating to licensees any failures to maintain and otherwise operate a licensed vehicle, including unacceptable actions or omissions by

a licensed driver. The system encourages self-regulation and by routine scrutiny provides a fair process for all licensed operators/drivers.

3.2. In addition, it provides a clear decision making process for Trading Standards staff to report a matter to the Licensing Committee. The system can be seen as being fair and transparent. Members can also be confident that a consistent approach is being taken and that the behaviour of one licensee can be easily compared against that of other licensees as well as against the standard set by the Council.

4. **How does it work in practice?**

4.1. The current Penalty Points Tariff is annexed to this document. The tariff was drawn up by reference to existing DVSA guidelines on the categorisation of vehicle safety defects. Other non-safety elements of the tariff were agreed by the Civic Government Licensing Working Group members.

4.1.1. The tariff was last reviewed by the Civic Government Licensing Working Group during 2009.

4.2. Different categories of licence holder will be liable to have Penalty Points allocated for different events or defects found. This is due to the very specific responsibilities that are applicable to licence categories; examples of this are as follows: -

4.2.1. A licensed Operator has overall responsibility for the vehicle and will therefore be liable for safety defects discovered which should have been detected by appropriate routine maintenance.
A licensed driver also has some responsibility for the safety of the vehicle, but whilst it is seen as reasonable that he/she should carry out an examination of the vehicle at the start of a shift and detect tyres that are below the legal tread depth, he/she is not liable for defects which would take a mechanic to identify.

4.2.2. A licensed operator cannot be liable for the failure of a licensed driver to display his identity badge. In such circumstances penalty points will only be allocated to the driver.

4.2.3. In some cases e.g. the “bald tyres” scenario, both driver and operator would be allocated penalty points as both have equal liability.

4.3. Vehicle defects are recorded on the Trading Standards database. These include defects discovered during:

- Routine Council examinations
- inspections carried out on taxi ranks and elsewhere while vehicles are in use
- complaint investigations, and
- any necessary follow-up actions e.g. warnings issued where remedial work has not been carried out as required.

This record entry is automatically translated into the relevant number of Penalty Points according to the agreed tariff.

4.4. A licensee can appeal to Trading Standards operational staff against the allocation of penalty points and, in cases where circumstances justify, an adjustment to the allocated points will be made.
A further route of appeal to the Trading Standards Team Leader is also available, should this be necessary.

5. **What is the Formal Action Trigger Point?**

5.1. The "Formal Action Trigger Point" has been set at a total of 20 Penalty Points during any 2 year period.

5.2. If any licensee accumulates 10 points or more they will be formally notified in writing of this fact and given the opportunity to discuss the matter with a member of Trading Standards staff.

5.3. Where the "Formal Action Trigger Point" is reached or exceeded, the preparation of a report to the Licensing Committee will be triggered.

5.4. Licensees are then notified in full of the faults or problems which have led to the penalty points accumulated and are given the opportunity, before the report is submitted, to make representations to the Trading Standards Manager in relation to the matter.

5.5. A report would only go ahead if the Trading Standards Manager is content that such a report is justified.

6. **What information will the report to the Licensing Committee contain?**

6.1. The report will identify the licensee to which the case relates. This could be a licensed operator, licensed driver or both.

6.2. Where a report is made against a licensed operator who is also a driver, the report may only be in relation to one of the licences he/she currently possesses.

6.3. The Penalty Points accumulated by the licence will be identified, as will the full facts including vehicle inspection reports, complaint outcomes, warnings issued and any other evidence relevant to the case. It is on the basis of the total evidence and not simply on the Penalty Points total that the case will be submitted.

25 PRIOR REFUSAL

Please note that if you have applied for and been refused an application for an Operator's or Driver's Licence in one Area of The Highland Council then, unless your circumstances have altered, you will be unlikely to be granted an application made in another Highland Council Area.

If refused, you cannot apply for the same kind of licence in respect of the same activity in the same area (or, where the activity includes the use of a vehicle, for the same vehicle) within one year of that refusal unless there has been a material change in circumstances.

26 HEARINGS

Occasionally, and always if there is an objection to the granting of a Licence, a Hearing of the Area Committee of the Council will be held to decide whether or not a Licence should be granted. If the application is to be referred to a Hearing you will be invited to attend and notified in writing of the date, time and venue. A further appeal lies to the Sheriff Court.

27 OFFENCES

The following are criminal offences liable, on summary conviction, to a fine and/or imprisonment:-

(a) Carrying on an activity for which a Licence under the Civic Government (Scotland) Act 1982 is required without such a Licence;
(b) Failing to comply with a Condition of a Licence;
(c) Failing to notify the Council of a material change in the circumstances of a Licensee;
(d) Failing to obtain the consent of the Council before making any material change to any premises, vehicle or vessel to which the Licence relates;
(e) Failing to surrender the Licence (1) after it has been suspended or (2) when the Licensee has given up the activity to which it relates;
(f) Failing to surrender an Operator's Licence and Licence Plate to the Council within TWENTY-EIGHT DAYS of selling or otherwise disposing of the vehicle to which the Licence relates.
(g) Failing to disclose convictions in the Application Form;
(h) Making a false statement when filling in the Application Form.

The above list is not exhaustive and reference should be made to the Civic Government (Scotland) Act 1982 for all offences under the Act.

THE HIGHLAND COUNCIL

CARRIAGE OF GUIDE, HEARING AND OTHER ASSISTANCE DOGS

ADVICE FOR TAXI AND PRIVATE HIRE CAR DRIVERS

The Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2002 and the Private Hire Vehicle (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004, require licensed taxi drivers and private hire car drivers to carry guide, hearing and other assistance dogs accompanying disabled people in their vehicle, and to do so at no extra charge. The dog must also be allowed to remain with the passenger.

A condition to this effect is attached to all taxi and private hire car driver licences which the Council issues. However, applicants for, or holders of, taxi or private hire car driver's licences who have a medical condition that would be aggravated by carrying dogs in their vehicle can apply for exemption from this licence condition. Drivers who are granted exemption from the requirement to carry guide, hearing or assistance dogs in their vehicle will be issued with a notice of exemption to display in the taxi or private hire car that they are driving.

TYPES OF DOGS COVERED

A guide dog trained to guide a blind person. Such dogs normally wear a harness.

A hearing dog trained to assist a deaf person. Such dogs normally wear a jacket with the name of the charity.

Any other assistance dog trained by a charity to assist a disabled person with a physical impairment, such as epilepsy, or which otherwise impairs a person's ability to carry out routine daily tasks – the dog must be wearing a jacket inscribed with the name of the charity.

In the event that a taxi or private hire car driver has any doubt over entitlement, the owners of these dogs should be able to produce an identity card showing the name of the relevant charity that trained the dog. **It is important to remember that all of these dogs are highly trained and will remain on the floor of your vehicle. They are very unlikely to damage or dirty it.**

FAILURE TO COMPLY WITH THE DUTY

By failing to comply with a condition of licence, a taxi or private hire car driver will (unless exempt from the requirement) be guilty of an offence under Section 7(2) of the Civic Government (Scotland) Act 1982 and will be liable on conviction of a fine up to £1,000. It would also be open to the Council to consider suspending the licence.

EXEMPTIONS FROM THE REQUIREMENT TO CARRY DOGS

Exemption from these duties can be sought on medical grounds only. It is anticipated that the number of drivers whose medical condition is so serious that they cannot carry dogs in their vehicle will be extremely small.

If you have a medical condition, such as severe asthma, which is aggravated by contact with dogs, or if you are allergic to, or have a chronic phobia of, dogs it may be possible for you to qualify for an exemption. Application for an exemption should be made to your local Council Office. **An application form for this purpose can be downloaded at https://www.highland.gov.uk/downloads/file/3512/taxi_exemption_from_guide_dogs_application**

When considering your application for an exemption, the Council will require details of your medical condition and may require you to undergo a medical examination and/or give permission to contact your GP. If your application for exemption is successful you will be issued with a notice of exemption which will specify the vehicle or types of vehicle to which the exemption applies. You must display the notice of exemption by fixing it in a prominent position on the dashboard facing upwards or on the windscreen of the vehicle facing outwards. The exemption notice must only be displayed when the person named on the notice is driving the vehicle.

APPEALS AGAINST REFUSAL TO GRANT EXEMPTION

In the event that the Council turns down your application for an exemption, you can obtain reasons for the Council's refusal and appeal to a sheriff against the decision if you consider it appropriate to do so.