



COMHAIRLE NAN EILEAN SIAR

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR A TAXI OR PRIVATE HIRE CAR DRIVER'S LICENCE

(1) **Who needs a licence?**

Anyone who wants to drive a taxi or private hire car must first obtain a licence from the Comhairle. This licence has no connection with the driving licence issued by the Department of Transport.

(2) **Who is eligible?**

Anyone can apply for a taxi driver's licence or a private hire car driver's licence if they have **held a full driving licence for a minimum period of 12 months**, under the Road Traffic Act 1988. If you do not, you must wait until the 12 months have passed before applying.

Additionally the Comhairle is entitled to decide whether any applicant is a fit and proper person to hold a licence.

If an application for a taxi/private hire car driver's licence is refused the applicant has a right of appeal against the refusal to the Sheriff.

(3) **How do I apply?**

An application form can be obtained from the Council Offices, Sandwick Road, Stornoway or the Council offices in Tarbert, Balivanich or Castlebay, or by writing to the Licensing Section, Chief Executive's Department at the Council Offices in Stornoway.

(4) **How much will it cost?**

£80 for a new taxi or private hire car driver's licence
£60 to renew a current taxi or private hire car driver's licence

(5) **Will I have to sit a knowledge test?**

Yes. A date and time will be arranged for you to sit a written test. The test will include questions on general motoring and local knowledge of the area in which you intend to work.

(6) **For how long will the licence be valid?**

The licence, if granted, will usually be valid for a period of three years.

(7) **Will I need a medical certificate?**

The Comhairle, if it thinks fit can require an applicant for, or holder of, a licence to submit to a medical examination by a medical practitioner, usually the applicant's own medical practitioner, or if need be one nominated by the Comhairle.

Where an applicant or licence holder is over the age of 65 or where they have indicated to the Comhairle 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 at their medical practice. **The cost of the medical examination will be met by the applicant or the NHS or medical practice, if applicable.** The current Council policy is that anyone attending an examination must satisfy the Group 2 (PSV) Standard. The Comhairle will not issue the driver's licence until we receive a report from the medical practice, and the following wording **must** be included in the report, **"I certify that (insert name) meets DVLA Group 2 medical standards for driving"**.

The Group 2 (PSV) Standard applied by DVLA is also applied to any applicants for a taxi drivers' licence who require insulin treatment for diabetes, who must provide evidence

supporting C1 medical standards and should get a doctor's letter supplied by their medical practice stating that they are fit to drive.

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

(8) **How long will it take to get the licence?**

When you apply for a new licence, the licence cannot be granted before 28 days have lapsed from the date of the application being received by CNES. However, it usually takes an average of 6-8 weeks for an application to be processed.

(9) **Can the application be refused?**

Yes. The Comhairle can grant the licence with or without conditions or it may refuse to grant it.

The Comhairle **MUST** refuse the licence in certain circumstances including:

- (1) where the applicant has been disqualified by a Court from holding a licence;
- (2) where the applicant is not a fit and proper person to hold a licence;
- (3) where there is other good reason for refusing the application.

(10) **Am I committing an offence if I do not obtain a licence?**

Yes if you are conducting an activity which requires to be licensed in terms of the Comhairle's resolution and you do not obtain a licence then you are committing an offence and you will be liable, on summary conviction to a fine not exceeding £5000. If you obtain a licence and do not comply with a condition attached to the licence you will be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2500. The Act provides that it shall be a defence for a person charged with an offence on non-compliance with a condition to prove that he used all due diligence to prevent the commission of the offence.

(11) **What if I make a false statement on my application form?**

If you make a statement which you know to be false or recklessly make any statement which is false, you will be guilty of an offence and liable, on summary conviction, to a fine not exceeding £5000.

Failure to disclose convictions is a criminal offence and any applicant failing to disclose a conviction will be reported to the Procurator Fiscal with a view to prosecution.

(12) **Are there any other offences arising from the operation of the licensing system?**

Yes.

- (a) if you fail without reasonable excuse to notify the Comhairle of a material change of the circumstance of your licence then you may be liable to a fine of £2500.
- (b) if you fail, without reasonable excuse to return your licence to the Comhairle after it has been revoked or after you cease to conduct the trade or business for which the licence was issued then you will be liable on summary conviction to a fine not exceeding £500.

(13) **Immigration Act**

Under the provisions of the Immigration Act 2016 which came 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 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** (e.g. **passport** or **other acceptable documents**) demonstrating that they have the right to work in the UK.

This checking process is required for all current new applications and renewal applications. If you produce a document from list A below, you will not need to produce the document again when you apply to renew your licence, as long as your immigration status does not change.

Licensing staff will be required 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.**

(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.)

If necessary, the Council may pass your details to the Home Office in order to make further enquiries regarding your immigration status and right to work in the UK. In addition, the Home Office may request that we supply them with copies of your documentation in relation to immigration and right to work enquiries.

Applicants who cannot produce the necessary evidence should be aware that their details may be passed to the Home Office and that the Home Office may also pass your details to other Government bodies such as the DVLA in relation to immigration matters.

A list of documents which can be accepted for “right to a licence” checks is below.

RIGHT TO WORK IN THE UK		
Confirm your right to work in the UK:		
		<i>Please Tick One Box Only</i>
Do you have the right to live in the UK and work as a taxi driver or private hire car driver?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Indicate which original document(s) you are providing to evidence your right to work:		
LIST A: No restriction on the right to work in the UK		<i>Please Tick One Box Only</i>
1	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.	<input type="checkbox"/>
2	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.	<input type="checkbox"/>
3	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.	<input type="checkbox"/>
4	A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.	<input type="checkbox"/>
5	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.	<input type="checkbox"/>
6	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the	<input type="checkbox"/>

	right of abode in the UK, or has no time limit on their stay in the UK.	
7	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.	<input type="checkbox"/>
8	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents (including an official extract of an entry in the register of births in Scotland in long form), 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.	<input type="checkbox"/>
9	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.	<input type="checkbox"/>
10	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.	<input type="checkbox"/>
LIST B: Restriction on the right to work in the UK		<i>Please Tick One Box Only</i>
1	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work as a taxi driver or private hire car driver.	<input type="checkbox"/>
2	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work as a taxi driver or private hire car driver.	<input type="checkbox"/>
3	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.	<input type="checkbox"/>
4	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 work as a taxi driver and private hire car driver, 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.	<input type="checkbox"/>
5	A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old. <i>Please note that the Council will take further steps to verify the status of your application through the Home Office Evidence and Enquiry Unit.</i>	<input type="checkbox"/>
6	Evidence that you are entitled to stay in the UK and work as a taxi driver or private hire car driver because you have an outstanding in time application, appeal or administrative review with the Home Office. <i>Please note that the Council will take further steps to verify the status of your application, appeal or review through the Home Office Evidence and Enquiry Unit.</i>	<input type="checkbox"/>
7.3 Confirm the authenticity of your documentation:		<i>Please Tick</i>

I confirm that the documentation I am providing to evidence my right to live and work in the UK is genuine and has not been subject to any unauthorised alteration or amendment.	<input type="checkbox"/>
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RESIDENT OUTWITH THE UK

Please Tick One Box Only

Since your were born have you lived outside the UK for 6 months or more?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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If you have answered 'Yes' please provide details of all the countries where you have lived.

For each country where you have lived **since the age of 16** you will be required to **provide a Criminal Record Check**. If you have lived in any other country or countries for six months or more, you must provide a criminal record check from those countries dated within the last 6 months, **verified by the relevant UK based Embassy** or High Commission and translated into English.

Country of Residence	Date From	Date To
Country of Residence	Date From	Date To

(14) HMRC Tax Check

The rules for completing a tax check changed on 2 October 2023 in Scotland. You may need to complete a tax check yourself on the webpage [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence) to confirm that you are registered for tax if you're applying for a renewal of a taxi or private hire car driver licence.

Renewal application - The new rules mean you **must complete a tax check** if you're:

- renewing a taxi or private hire car driver licence or applying for the same type of licence you previously held, that stopped being valid less than a year ago.

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 CNES with your licence application** — **we will not be able to process your application without it.**

HMRC 9-character tax check code	
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New application - If you apply for a taxi driver or private hire car licence for the first time, you need to confirm that you are aware of HMRC's guidance about your tax responsibilities. If you're applying as a partner in a partnership, you can confirm on behalf of all the partners.

If you do not confirm that you are aware of the guidance, you will not be issued with a licence.

Do you confirm that you are aware of the HMRC guidance on your tax responsibilities, as above?	<i>Please Tick One Box Only</i> YES <input type="checkbox"/> NO <input type="checkbox"/>
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APPLICATION FOR A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

When you have completed this form please send it to Licensing Office, Comhairle nan Eilean Siar, Sandwick Road, Stornoway, HS1 2BW

Please complete in block letters in black ink

	Forename(s) in full	Surname
1(a)	Full name	
(b)	Home address including postcode	
(c)	Daytime telephone number or mobile number Email address	
(d)	National Insurance Number	
(e)	Date, place of birth and nationality	
2(a)	Do you suffer from any medical condition or recurring illness? YES/NO	
(b)	Do you suffer from any medical condition that prevents you from carrying guide, hearing and other assistant dogs accompanying disabled people? YES/NO	
(c)	<p>If YES to (a) or (b) please give details of illness and name and address of your Doctor;</p> <p>If YES to (a), you must also provide a medical report from your doctor to assess your fitness to drive, along with this application, and the following words must be included in the medical report; “I certify that (insert name) meets DVLA Group 2 medical standards for driving”.</p> <p>I hereby agree to contact my GP and provide a medical report to CNES (Tick here) <input type="checkbox"/></p>	
3	Are you applying for a taxi driver's licence or a private hire car driver's licence?	
4(a)	Do you hold a driver's licence issued by DVLA which has been valid as a full driving licence for a minimum period of 12 months ? YES/NO	
(b)	If YES please give number and date of issue	

(c)	If YES copy of driver's photo licence and/or paper licence must be submitted with this application.			
5	If known, please provide the name and address of operator whose vehicle you will drive.			
6(a)	Do you or have you previously held a taxi or private hire car driver's licence?	YES/NO		
(b)	If yes please state which council issued last licence			
(c)	Number of last licence			
(d)	Date of issue of last licence			
7	<p>State below all (a) convictions (including traffic offences) against you within any Court in the United Kingdom and (b) Fixed Penalties, Conditional Offers, Procurator Fiscal Fines and Cautions you have received. Under the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2013, applicants for a Taxi or Private Hire Car Driver's license must declare all current convictions and all previous convictions whether they are spent or unspent.</p> <p>Please answer NONE if you have had no convictions.</p>			
	DATE OF CONVICTION OR PENALTY	COURT	OFFENCE	SENTENCE OR DRIVING ENDORSEMENT/PENALTY

Data Protection Privacy Notice

Comhairle nan Eilean Siar, Council Offices, Sandwick Road, Stornoway, Isle of Lewis HS1 2BW will use your personal data to the extent that it is necessary in order to process your application and to carry out its public functions in the public interest as a licensing authority. The Comhairle will hold your data securely and will share it only with organisations where it is required by law or it is in the public interest to do so, including auditors, law enforcement agencies and other public bodies concerned with the administration of public funds in order to prevent and detect fraud. Your data will be kept for the duration of the service and for any further period for which the Comhairle is required by law to keep it, or considers appropriate in accordance with its file retention policy. You have the right to request access to the data which the Comhairle holds; to request rectification, erasure or restriction of it; and to object to the Comhairle's processing of it. You also have the right to lodge a complaint with the Information Commissioner's Office if you feel that the Comhairle has not handled your data properly. More information on your rights, and how the Comhairle uses personal data, is available at <https://www.cne-siar.gov.uk/your-council/data-protection/>. Please contact the Comhairle's Data Protection Officer, Tim Langley (dataprotection@cne-siar.gov.uk), if you have any queries about the Comhairle's use of your personal data.

DECLARATION:

I declare that the particulars given on this form are correct and I hereby make application for a licence to drive a taxi/private hire car.

Signature: Date:

Print Name:

THIS APPLICATION CAN NOT BE CONSIDERED UNTIL THE APPROPRIATE FEE HAS BEEN PAID. NO REFUND WILL BE GIVEN FOR APPLICATIONS THAT ARE REFUSED OR WITHDRAWN.