



operators

**COMHAIRLE NAN EILEAN SIAR**  
**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**  
**APPLYING FOR A TAXI OR PRIVATE HIRE CAR LICENCE**

**When do I need a Licence?**

- (1) Anyone who wants to operate a taxi or private hire car must first obtain a licence from Comhairle nan Eilean Siar. A separate licence is needed for each vehicle to be used.

You do not need a licence if the vehicle is to be used only for weddings or funerals.

**What is a 'hire car'?**

- (2) A 'hire car' is 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.

**Which do I need: a 'taxi' or 'private hire car' licence?**

- (3) If you intend to ply for hire then you must have a taxi licence.

A 'taxi' is 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.

A 'private hire car' is any kind of 'hire car' other than a taxi.

Once a vehicle is licensed for operation as a taxi then it is statutorily treated as a taxi at all times provided that it is operating within the definition of 'hire car' - that is, with a view to profit, made available for hire by the public for personal conveyance. That is to say, a taxi operating in a manner in which a private hire car may operate - for example responding to a radio booking - remains a taxi, and still subject to the controls over taxis - notably, of course, those on fares.

**Who is eligible?**

- (4) Anyone can apply for a taxi or private hire car licence.

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

**How do I apply?**

- (5) An application form can be obtained and thereafter lodged in the Licensing Office, Comhairle nan Eilean Siar, Sandwick Road, Stornoway or the Comhairle Offices in Tarbert, Balivanich or Castlebay.

**How long will it take to get a licence?**

- (6) After the application has been received and the fees paid the application will be sent to the Police. If the Police have no objection and no other objections are received you will be notified of a time and date for a vehicle test. When you have been granted a Certificate of Vehicle Fitness then your licence will be processed and you will be notified that it can be collected, together with the licence plate and other documents needed.

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.

### **Can the application be refused?**

- (7) 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 be the holder of a licence;
- (3) the activity to which the application relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused a licence if he made the application himself;
- (4) the character or condition of the vehicle is not suitable; and
- (5) there is other good reason for refusing the application.

### **For how long is a licence valid?**

- (8) A licence is usually valid for 3 years **BUT** the certificate of vehicle fitness is only valid for a maximum of 1 year.

### **Does the vehicle need a test?**

- (9) Yes. A certificate of vehicle fitness must be obtained after a test which will be carried out by a Comhairle Engineer. The test covers a wide range of items which will be found on the application form for a certificate of vehicle fitness.

The vehicle must have an engine cc of **over** 1300 and must have four or more doors. However, the Comhairle allow operators to put an Electric Vehicle on their application and such a vehicle would be tested by a Comhairle Engineer, minus some checks which the garage would do in respect of diesel or petrol vehicles.

A fire extinguisher must be fixed in the vehicle and must be tested and maintained in accordance with British Standard for the testing and maintenance of fire extinguishers. The size and type of fire extinguisher that we recommend is a 2 kg dry powder extinguisher. However, the **minimum** size that is acceptable to us is a 1 kg dry powder extinguisher. The vehicle must also have a first aid kit.

All vehicles must be submitted for test annually.

### **Must I use a taxi-meter?**

- (10) Yes, if you operate a taxi. A private hire car may have a meter but it is not mandatory.

### **What type of meter may I use?**

- (11) The approved types are Digitax, Halda, Lucas and Sheriff and meters adapted for carrying passengers at separate fares manufactured by the above companies are allowed.

### **Will you need to check my Insurance?**

- (12) Yes. The Comhairle has a statutory duty to see that you are insured, so you should always give an up-to-date copy of your current or new vehicle insurance policy to the Comhairle to keep in the files.

### **What if I intend to put CCTV into my vehicle?**

- (13) If you intend to have CCTV installed in your vehicle, there is a separate application form for that which you must complete and send back to the Comhairle to process before installing the CCTV.

### **Am I committing an offence if I do not obtain a licence?**

- (14) Yes if you are conducting an activity which requires to be licensed in terms of the Comhairle's resolution and you do not obtain the 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 of non-compliance with a condition to prove that he used all due diligence to prevent the commission of the offence.

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

- (15) If you make a statement which you know to be false or recklessly make any statement which is false in 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.**

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

- (16) Yes:
- (a) if you fail without reasonable excuse to notify the Comhairle of a material change of the circumstances of your licence then you may be liable to a fine of £2500.
  - (b) if you, without reasonable excuse, make or cause or permit to be made any material change to any vehicle without the prior permission of the Comhairle you will be liable to a fine not exceeding £2500, on summary conviction; and
  - (c) 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 condition to a fine not exceeding £500.



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

**ANSWER EITHER SECTION 1 OR 2 and ALL Other Sections**

**SECTION 1** To be completed by individual applicants

	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		
(f) Are you, as the applicant, going to carry out the day to day management of the vehicle?	<b>YES/NO</b>	
(g) If no, please give full name, address and date of birth of any employee or agent to be employed as Manager.		

**SECTION 2 –** To be completed by Companies or partnerships

2(a) Name of Business or Partnership	
(b) Address of Principal or Registered Office	
(c) Names, private addresses and dates of birth of all Directors, all partners and of person responsible for the day to day management of the business	



Licensing Authority:	
Date of Issue of Licence:	
Date of Expiry of Licence:	
Number of Licence:	
(m) Is there a current Certificate of Vehicle Fitness for the above vehicle?	<b>YES/NO</b>
(n) If answer to (m) is 'yes' state:	
Date Certificate Expires:	
(o) Are you applying for a taxi licence or a private hire car licence?	

Note: If the vehicle does not have a Certificate of Vehicle Fitness then an application for a Certificate must be made.

**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](mailto:dataprotection@cne-siar.gov.uk)), if you have any queries about the Comhairle's use of your personal data.

**SECTION 5: DECLARATION**

~~(delete (b) or (c), which ever does not apply)~~

- (a) I declare that the particulars given on this form are correct.
- (b) I hereby **apply for a licence** to operate the vehicle detailed in Section 4 as a **Taxi**
- (c) I hereby **apply for a licence** to operate the vehicle detailed in Section 4 as a **Private Hire Car**

Signature ..... Date .....

Print Name.....

Signature ..... Date .....

Print Name.....

(everybody named in the application must sign the declaration)

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



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## **Wheelchair Accessible Taxi and Private Hire Vehicles**

CNES encourage new applicants for taxi and private hire car licences to purchase a wheelchair accessible vehicle for their licence.

CNES aims to increase the number of wheelchair accessible vehicles available to the public as taxi and private hire cars in the Western Isles.

If you do purchase a wheelchair accessible vehicle and any of your drivers are unable to comply with the duties required under the Equality Act 2010, they should fill in and return to CNES our application form for Exemption from drivers' duties.