# Text  Description automatically generated

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**LICENSING OF TAXI AND PRIVATE HIRE CAR DRIVERS**

**APPLICATION FOR GRANT OR RENEWAL OF LICENCE**

|  |
| --- |
| All questions must be answered unless otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the applicant. It is a criminal offence to make any statement which you know to be false or recklessly to make any statement which is materially false.A taxi driver’s licence permits an individual to drive a taxi or private hire car licensed by this authority. A private hire driver’s licence permits an individual to drive only a private hire car licensed by this authority. If you wish to operate your own vehicle as a taxi or private hire, you will require to apply separately for an operator’s licence. Further information can be found at [www.dumgal.gov.uk/article/15882/Taxi-and-private-hire-licensing](http://www.dumgal.gov.uk/article/15882/Taxi-and-private-hire-licensing)  |
| **SECTION 1: TYPE OF LICENCE** |
| Specify the type of licence you are applying for |
|  | ***Please tick one box only*** |
| Grant of Taxi Driver’s Licence | o |
| Grant of Private Hire Driver’s Licence | o |
| Renewal of Taxi Driver’s Licence  | o  | Current licence number:  |  |
| Renewal of Private Hire Driver’s Licence  | o | Current licence number:  |  |

|  |
| --- |
| **SECTION 2: APPLICANT/LICENCE HOLDER DETAILS**  |
| Title | Surname | First Name(s)  |
|  |  |  |
| Date of birth |  | Place of birth  |  |
| Home address (including postcode) |  |
| Contact Telephone No: | Email address |
| Home:Mobile: |  |
| **SECTION 3: DRIVING EXPERIENCE**  |
| Date of successful driving test |  |
| No of years driving |  |
| Have you ever been disqualified from driving?  |  |
| If yes, please state date that the disqualification ended  |  |
| Have you held a full driving licence for the 12 month period immediately preceding this application (without any period of disqualification during that 12 month period)? **(See Section A of the attached Guidance Notes)**  |  |

|  |
| --- |
| **SECTION 4: FITNESS TO DRIVE**  |
| To help assess your fitness to drive, please answer the following questions. Answering 'YES' to any of them will not prevent you obtaining a licence but may mean that the Council will wish further information from a doctor before taking a decision.The licensing authority may, at any time, require the applicant to submit to a medical examination by a medical practitioner nominated by, and at the expense of the authority. **(See Section B of the attached Guidance Notes).** |
| Is your driving licence restricted in any way on age or health grounds? | Yes o | No o |
| Has your driving licence ever been suspended on health grounds?  | Yes o | No o |
| Do you suffer from epilepsy, diabetes, narcolepsy or any heart condition?  | Yes o | No o |
| Do you have any disability or medical condition which is likely to affect your fitness to drive?  | Yes o | No o |
| If you have answered ‘Yes’ to any of these questions, please provide full details e.g. medical condition, medication taken, any current medical investigations being undertaken. |  |

|  |
| --- |
| **SECTION 5: RIGHT TO WORK IN THE UK**  |
| As of 1 December 2016 all Licensing Authorities within the UK:□ Must not grant or renew a Taxi Driver’s licence or a Private Hire Driver’s licence to anyone who is disqualified from lawfully working by reason of their immigration status; and□ Must find out whether someone is disqualified from lawfully working by reason of their immigration status by conducting immigration checks on all applicants.The Home Office Guidance to Licensing Authorities is clear: the Licensing Authority must be satisfied by sight of the necessary documentation that the applicant is entitled to work and is therefore not disqualified from holding a Taxi Driver’s licence or a Private Hire Driver’s licence. If the necessary documentation is not produced your application for grant or renewal of a licence must be deemed invalid. An immigration/right to work check will be carried out soon after your application has been received, during an in-person arranged visit by you to either of the Licensing Offices:* Kirkbank House, English Street, Dumfries, DG1 2HS
* Council Offices, Sun Street, Stranraer

At that time, you will require to produce to Licensing Staff, original documentary proof of entitlement to work. Documentation that can be accepted is detailed within the **(see Section C of the attached** **guidance notes).**  |
| **Confirm your right to work in the UK**  |
|  | *Please tick one box only* |
| Do you have the right to live in the UK and work as a taxi or private hire driver?  | Yes o | No o |

|  |
| --- |
| **SECTION 6: HMRC TAX CHECK**  |
| From 2 October 2023, the UK Government introduced mandatory tax checks for certain licences in Scotland including taxi driver licences and private hire driver licences. (**see Section D of the attached Guidance Notes.**Please select the statement that applies to you. |
| **Statement A** | o | I am submitting a new licence application and have not held the same licence within the last 12 months.  |
| You must read the HMRC Tax Guidance (link below), then sign the following declaration <https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence> |
| I have read and understood the HMRC Tax Responsibilities and am aware of my tax obligations. I acknowledge that I will have to provide an online tax check code on any subsequent renewal applications.  |
| **Signed** | **Dated** |
|  |
| **Statement B** | o | I am submitting a new licence application and have held the same licence within the last 12 months.  |
| Please follow the instructions below to generate a ‘Tax Check Code’a) Use your Government Gateway User ID and Password to access the HMRC Tax Check Service. If you do not have one go to GOV.UK and create a Government Gateway User ID - <https://www.gov.uk/log-in-register-hmrc-online-services> b) Complete an HMRC Tax Check, and create a 9 character Tax Check Code <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>c) Enter your 9 character Tax check code in the boxes below: |
|  |  |  |  |  |  |  |  |  |  |  |
|  |
| **Statement C** | o | I am not a first time applicant (renewal application)  |
| Please follow the instructions below to generate a ‘Tax Check Code’a) Use your Government Gateway User ID and Password to access the HMRC Tax Check Service. If you do not have one go to GOV.UK and create a Government Gateway User ID - <https://www.gov.uk/log-in-register-hmrc-online-services> b) Complete an HMRC Tax Check, and create a 9 character Tax Check Code <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>c) Enter your 9 character Tax check code in the boxes below: |
|  |  |  |  |  |  |  |  |  |  |  |

|  |
| --- |
| **SECTION 7: CRIMINAL CONVICTIONS**  |
| Have you or any other person named in this application ever been convicted of any crime or offence?All relevant convictions must be declared, including any convictions which are spent in terms of the Rehabilitation of Offenders Act 1974 and all road traffic offences, with the exception of “protected” convictions as defined in Article 2A of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015.  | Yes o(please detail any convictions below, continue on a separate sheet if necessary)  | No o |
| Failure to disclose these matters is a criminal offence. If you are unsure of your convictions, a certified copy may be applied for from Police Scotland, Police Station, Loreburn Street, Dumfries (a fee may apply). |
| Date | Court | Offence | Sentence |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

|  |
| --- |
| **SECTION 8: GUIDE, ASSISTANCE AND HEARING DOGS**  |
| Condition 3 attached to Taxi/Private Hire Drivers’ Licences requires drivers to carry guide, assistance and hearing dogs accompanying disabled persons and to do so at no additional charge. The Council may grant an exemption from this condition on medical grounds. **Do you require further information on applying for this exemption?**  | Yes o  | No o |
| **SECTION 9: EQUALITY AND DIVERSITY**  |
| Please select to confirm that you have read and understand the information at **Section D of the attached Guidance Notes.****This information in respect of equality and diversity is also available here**  | Yes o  | No o |

|  |
| --- |
| **SECTION 10: CHECKLIST AND ENCLOSURES**  |
| I confirm that I have enclosed the following: (please tick)  |
| * The relevant application fee of £125 (the lodging fee is not refundable)
 | o |
| * Copy of current DVLA Driving Licence (both sides)
 | o |
| * One recent passport sized photograph
 | o |
| I have read and agree to the privacy notice found at [www.dumgal.gov.uk/privacy](http://www.dumgal.gov.uk/privacy) | o |

|  |
| --- |
| **SECTION 11: DECLARATION AND SIGNATURES**  |
| I declare that * the particulars given by me on this application form are true.
* I authorise Dumfries and Galloway Council to make such enquiries with Police Scotland and other agencies as the Council considers appropriate.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <https://www.dumgal.gov.uk/fairprocessing> |
|  |
| Signature |  |
| Date |  |

|  |
| --- |
| **SECTION 12: NOTES** |
| Completed application forms should be returned to licensing@dumgal.gov.uk Or Kirkbank House, English Street, Dumfries, DG1 2HS |
| Payment can be made by debit or credit card. You will be contacted for payment once your application has been checked and accepted as final. Please provide the most appropriate telephone number for the payment: |
|  |

**Guidance Notes for Applicants**

**SECTION A – DRIVING LICENCE**

You must have held a full Driving Licence, valid for driving in the UK, for a continuous period of one year prior to applying for a licence. Section 13(3) of the Civic Government (Scotland) Act 1982 requires that the Council must refuse your application if you have not held your full driving licence for the 12 months preceding this application.

**SECTION B – FITNESS TO DRIVE**

Dumfries and Galloway Council as Licensing Authority has adopted Group 1 entitlement when assessing fitness to drive a taxi or private hire vehicle. Where the Council has a concern regarding an applicant’s fitness to drive, the applicant will be requested to supply consent to the Council approaching their GP/Consultant etc to confirm whether they consider you fit to drive a taxi or private hire vehicle.

**SECTION C – RIGHT TO WORK IN THE UK**

All applicants must have the right to live in the UK and have the right to work as a taxi or private hire driver. You are required to provide evidence of your right to live and work in the UK. The Licensing Authority will not be able to grant your licence without this evidence. You must attend the Licensing office in person with documentation to prove you are not disqualified from holding a taxi or private hire driver’s licence. Further information on this documentation is provided below

**What documents can I use to prove I am not disqualified from holding a Taxi or Private Hire Driver’s licence?**

The Home Office has created two lists of documents (**List A** and **List B**) that can be used to prove that you are not disqualified from holding a licence on the grounds of immigration.

**List A:** If your right to live and work in the UK is dependent on one of the documents in this list then there are no restrictions on your right. Provided your document is genuine, after you have shown it to the licensing authority once then you will not have to show it again in the future when you apply for renewal of your Taxi or Private Hire Driver’s licence.

**List B:** If your right to live and work in the UK is dependent on one of the documents in this list then, although you have a right to work in the UK, there are restrictions on your right. Provided your document is genuine your Taxi or Private Hire Driver’s licence, if granted, may be issued up to the expiry date on the document (in the case of documents specified in **List B (1**)), or for six months (in the case of documents specified in **List B(2)).** Your right to work in the UK will be checked each time you apply for a renewal of Taxi or Private Hire Driver’s licence.

**List A** - **no restrictions on your right**

1. A **British passport**, the passport must either be
	1. **yours** or
	2. **your parent’s**, with you named as their child.
2. A **passport for the** **UK and Colonies** showing the holder as a UK citizen with a right of abode in the UK. The passport must either be:
	1. **yours** or
	2. **your parent’s**, with you named as their child
3. A **passport from a European Economic Area country or Switzerland** showing the holder as a national of that country. The passport must either be
	1. **yours** or
	2. **your parent’s**, with you named as their child.
4. A **national identity card** from a **European Economic Area country or Switzerland** showing **you** as a national of that country.
5. A **Registration Certificate** issued by the Home Office to you as **a national of a European Economic Area country or Switzerland**.
6. A **Document Certifying Permanent Residence** issued to you by the Home Office, **you** being **a national of a European Economic Area country or Switzerland.**
7. A **Permanent Residence Card** issued to you by the Home Office as the **family member** of a **national of a European Economic Area country or Switzerland.**
8. A current **Biometric Immigration Document** (Biometric Residence Permit) issued by the Home Office to **you** indicating that **you** are allowed to stay either:
	1. indefinitely in the UK; or
	2. Have no time limit on your stay in the UK.
9. A **current passport** from any country not included in 1-3 above, endorsed to show that **you** are either:
	1. exempt from immigration control;
	2. allowed to stay indefinitely in the UK;
	3. have the right of abode in the UK; or
	4. have no time limit on your stay in the UK.
10. **(Both documents needed)**

10.1 A current **Immigration Status Document** issued by the Home Office to you with an endorsement showing that you are either:

* 1. allowed to stay indefinitely in the UK; or
	2. have no time limit on your stay in the UK,

10.2 **plus** an official document giving your permanent National Insurance number and name issued by

1. a Government Agency; or
2. a previous employer.
3. **(Both documents needed)**
	1. A **full UK birth or adoption certificate** (or an **official extract** of an entry in the register of births in Scotland in **long form**), which includes the name(s) of at least one of your parents or adoptive parents
	2. **plus** an official document giving your permanent National Insurance number and name issued by
4. a Government agency; or
5. a previous employer
6. **(Both documents needed)**

12.1 A **Channel Islands, Isle of Man or Ireland, birth or adoption certificate**

12.2 **plus** an official document giving your permanent National Insurance number and your name issued by

1. a Government agency; or
2. a previous employer

13 **(Both documents needed)**

13.1 A **certificate of registration or naturalisation** as a **British citizen**,

13.2 plus an **official document** giving your permanent National Insurance number and name issued by

* 1. a Government agency; or
	2. a previous employer.

**List B (1) right restricted to expiry date on the document**

1. A **current passport** (not included in List A 1-3 or 9) endorsed to show that you are **allowed to stay** in the UK **and** are currently **allowed to do the type of work** in question, (not the same as List A document type 9)
2. A current **Biometric Immigration Document** (Biometric Residence Permit) issued by the Home Office to you which shows that you can currently stay in the UK **and** are allowed to be a taxi / private hire driver. (not the same as List A document type 8)
3. A current **Residence Card** (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to you as a **non-European Economic Area national** but you are the **family member** of a **national of a** **European Economic Area country or Switzerland** or who has a derivative right of residence. (not the same as List A document type 7)
4. (**Both documents)**
	1. A current **Immigration Status Document** containing a photograph issued by the Home Office to you with a valid endorsement showing that you may stay in the UK, and are allowed to be a taxi/ private hire driver,
	2. **plus** an **official document** giving your permanent National Insurance number and name issued by
5. a Government agency; or
6. or a previous employer.

**List B (2) Licence will be issued for 6 months from specified date**

1. **(Both documents)**
	1. 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 you as **a family member of a national of a European Economic Area country or Switzerland** stating that you are permitted to take employment. The Certificate of Application must be less than 6 months old.
	2. **plus** Verification from the Home Office Evidence and Enquiry Unit.

The licence may be granted for six months from the **date of the Certificate of Application.**

A **Verification** issued by the Home Office Evidence and Enquiry Unit to you, which indicates that you may stay in the UK and work because you have an in-time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

**SECTION D - HMRC Check**

From 2 October 2023, the UK Government introduced mandatory tax checks for certain licences in Scotland as follows:

* Taxi Driver licence;
* Private Hire Car Driver licence
* Booking Office licence
* Metal Dealer
* Itinerant Metal Dealer

The new law applies to anyone in Scotland (an individual, a Company, a Partnership) applying for a licence and the law differs between those who are First Time Applicants and those who are not First Time Applicants.

1. **You are not a First Time Applicant:   you must undertake a Tax Check.  That is, you are:**
* Applying for Renewal of your licence
* Applying for the same type of licence already held by another Licensing Authority
* Applying for the same type of licence you previously held that stopped being valid less than a year ago.

In terms of the law, the Licensing Authority cannot consider an application unless it has:

* requested confirmation from HMRC that the applicant has, within the required period (i.e last 120 days), completed a tax check in relation to the authorised activity in question, and
* obtained that confirmation from HMRC.

Applicants must do the tax check themselves and will receive a 9-character code which must be given to the Licensing team along with a fully completed application. The tax check should only take a few minutes to complete and there is guidance on <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence> to help you complete the check. Anyone who needs extra support will be able to complete the tax check by phone through HMRC’s customer helpline.

HMRC have produced a tax check factsheet <https://www.gov.uk/government/publications/licence-application-tax-check-communications-resources/tax-check-factsheet> which will help you understand what is required for new or renewal applications.

For the avoidance of doubt, Dumfries and Galloway Council will not receive any of your tax information. It will only receive confirmation that you have undertaken the relevant tax check.

**2. You are a First Time Applicant:  you do NOT need to undertake a Tax Check but you must confirm that you are aware of the HMRC Guidance about your Tax Obligations.**

An application is a First Time Application if the applicant:

* Has not previously been granted a licence or
* has previously been granted a licence but no licence has been in effect in relation to the person for a year preceding the date the application is made (i.e you have been out of the ‘trade’ for more than a year).

In terms of the law, the Licensing Authority cannot consider an application until it has:

* drawn to the applicant’s attention the HMRC Guidance
* obtained confirmation from the applicant that the applicant is aware of the contents of that Guidance; and
* drawn to the applicant’s attention to the powers of officers of HMRC to obtain information from the licensing authority about the applicant arising under:

(i)  [Schedule 36](https://uk.westlaw.com/Document/ID9247B30592D11DD8DD58982B0E2B32E/View/FullText.html?originationContext=document&transitionType=DocumentItem&vr=3.0&rs=PLUK1.0&contextData=(sc.DocLink)) to [FA 2008](https://uk.westlaw.com/Document/I409219E0592D11DDA88CAD5C485467FE/View/FullText.html?originationContext=document&transitionType=DocumentItem&vr=3.0&rs=PLUK1.0&contextData=(sc.DocLink)) (information and inspection powers), and

(ii)  [Schedule 23](https://uk.westlaw.com/Document/I631ECA43B35111E080D4A193602F9A9F/View/FullText.html?originationContext=document&transitionType=DocumentItem&vr=3.0&rs=PLUK1.0&contextData=(sc.DocLink)) to [FA 2011](https://uk.westlaw.com/Document/IEB614190B35011E095DC9CC62C22CDD6/View/FullText.html?originationContext=document&transitionType=DocumentItem&vr=3.0&rs=PLUK1.0&contextData=(sc.DocLink)) (data-gathering powers).

In this regard, Schedule 23 to Finance Act 2011 (Data Gathering Powers) and Schedule 36 to Finance Act 2008 (Information and Inspection Powers), grant HMRC powers to obtain relevant information from third parties. This includes licensing bodies being required to provide information about licence

applicants.

You must confirm as part of your application, that you are registering for tax, have read and understood the HMRC Tax Responsibilities

<https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence> and are aware of your tax obligations. The links below provide more Information about your tax registration obligations:

* [www.gov.uk/register-for-self-assessment](http://www.gov.uk/register-for-self-assessment)
* [www.gov.uk/corporation-tax](https://www.gov.uk/corporation-tax)
* [www.gov.uk/income-tax/how-you-pay-income-tax](https://www.gov.uk/income-tax/how-you-pay-income-tax)

**section e – equality and diversity**

Dumfries and Galloway Council is committed to equality for all people within our communities. Together, diversity, equality and inclusion are important principles that promote fairness, respect and understanding within society. Embracing these principles creates an inclusive environment where everyone feels respected and valued.

***Equality*** - This means that everyone is included in everything including all relevant policies, procedures and practices. It means that everyone is treated equal and fairly and has the same opportunities.

***Diversity*** - This means appreciating the uniqueness of individuals and seeing the benefits of that uniqueness. In the workplace, it is important that we celebrate people's differences and include everyone within the Team.

The Equality Act was introduced as law on 1st October 2010 and offers protection from discrimination, harassment and victimisation for nine specific personal characteristics. These are known are “Protected Characteristics” and are detailed further below. It is against the law to discriminate against someone because of a protected characteristic. Further information can be obtained here [Protected characteristics | EHRC](https://www.equalityhumanrights.com/equality/equality-act-2010/protected-characteristics)

***Age*** - A person belonging to a particular age or range of ages.

***Disability*** – a person has a disability if she or he has a physical or mental impairment which has a substantial and long term adverse effect on that person’s ability to carry out normal day-to-day activities.

***Gender reassignment*** – where a person undergoes, or proposed to undergo, a process for the purpose of reassigning their sex.

***Marriage and civil partnership*** - Marriage is a union between a man and a woman or between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

***Pregnancy and maternity*** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

***Race*** - A race is a group of people defined by their colour, nationality (including citizenship) ethnicity or national origins. A racial group can be made up of more than one distinct racial group, such as Black British.

***Religion or belief*** - Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

***Sex*** - A man or a woman.

***Sexual orientation*** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

On 28 June 2022, the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 came into effect which introduced new (and amended existing) legislation for taxi and private hire car drivers and operators in respect of disabled passengers. The Licensing Authority has created guidance to assist driver and operators generally with regard to their legal obligations. Further information can be found here [Wheelchair accessible taxi and private hire vehicles - Dumfries and Galloway Council](https://www.dumgal.gov.uk/article/25684/Wheelchair-accessible-taxi-and-private-hire-vehicles)

Further, in relation to assistance/guide dogs, condition number 3 attached to all taxi/private hire driver licences states:

*3. Where the taxi has been hired –*

*(1) (a) by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person; or*

*(b)   by a person who wishes such a disabled person to accompany that person in the taxi and the circumstances specified below do not apply, the driver of the taxi shall carry the disabled person’s dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.*

*(2) The circumstances referred to above are that –*

*(a)  a notice of exemption in the form set out in the Schedule to the Taxi Drivers’ Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 has been issued to the driver in accordance with the procedure set out in regulation 6 of said regulations and is in force; and*

*(b)  that notice is exhibited either (i) affixing it in a prominent position on the dashboard facing upwards; or (ii) affixing it to the windscreen of the taxi, facing outwards.*

If you require further information in respect of equality and diversity whilst undertaking your role as a taxi or private hire driver, please do not hesitate to contact the Licensing Service.