

## **GUIDANCE ON APPLYING FOR A PRIVATE HIRE CAR DRIVER LICENCE: - TEMPORARY ARRANGEMENTS DURING COVID 19**

- A Private Hire Car Driver Licence enables the licenceholder to drive a Falkirk Council Private Hire Car within the Falkirk Council area. This includes any journey which starts or finishes in the Falkirk Council area.

### **What is the difference between a Taxi and a Private Hire Car?**

- A Taxi can be pre-booked, sit in a taxi rank, or be hailed in the street.
- A Private hire car can be pre-booked only.

### **What exemptions apply?**

If you are operating a vehicle used for bringing passengers or goods within and taking them out of an area in respect of which the vehicle is not licensed as a taxi or a private hire car in pursuance of a contract for the hire of the vehicle made outside the area if the vehicle is not made available for hire within the area.

If you are operating a vehicle while it is being used in connection with a funeral or wedding.

If you are operating 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.

### **Covid-19 Fast tracked Applications**

A temporary fast track process has been introduced for a period of 6 months from 13 October 2020. Due to a temporary change in policy, private hire car driver licence applicants are not required to sit and pass the Knowledge test prior to the licence being granted. A condition of the granted licence will be that the Knowledge test is undertaken and passed within 12 months. **APPLICANTS WISHING TO BE A PRIVATE HIRE DRIVER MUST SUBMIT BOTH A TEMPORARY AND FULL APPLICATION AT THE SAME TIME.** Both applications will be processed at the same time and if there is no objection from the Police, no current convictions detailed on the application form, no medical issues, and the applicant has the right to work in the UK, then the temporary licence will be granted and issued. The full licence will be issued after the statutory period of 28 days.

How much will it cost?

The application fees for a private hire car driver licence are:-

- New application £212 - For fast tracked applications the fee for the Temporary licence will not be charged but both the new and temporary applications **MUST** be submitted at the same time.
- Renewal application 1 year £111 or 3 years £268

Once I submit my application what happens next?

If the application is for the grant of a new licence you cannot drive a private hire car until your application is granted.

If the application is for the renewal of an existing licence you can continue to drive as per your licence until we make a decision on your application.

For renewals where the licence has been granted under the fast tracked process and you have failed to pass the Knowledge test, then the renewal application will be referred to the Civic Licensing committee for consideration.

### **Who can apply?**

- Anybody who has held a driving licence allowing them to drive in the UK for a continuous period 12 months prior to making application.
- Your current licence must be a DVLA issued licence showing your current address.
- Anybody who has the right to work in the UK and can demonstrate that to us.

### **What if I am not from the UK can I still get a licence?**

Yes. Any person who has the right to work in the UK can apply but must demonstrate this in person and bring original documents as evidence of the right to work in the UK as part of your Right to Work in the UK Interview. The acceptable documents are listed in **Documents for the Right to Work in the UK**.

### **What if I have time-limited permission to work in the UK?**

We will grant a licence for the period that you have permission to work in the UK on the condition that you meet all the other criteria. If you can show us that permission has been extended you can get your private hire car driver licence extended. Copies of the original documents issued by the Home Office confirming an extension of time can be emailed to us and we will contact you direct to make arrangements to attend the licensing office to check the documents with you in person.

### **What if I have lived outside the UK for six months or more within the last 10 years?**

If you have lived outside the UK for a (continued) period of six months or more within the last 10 years or in the case of renewal since the last grant a Certificate of Good Conduct or Criminal Record Certificate from the country you resided in requires to be provided. The Criminal Record Certificate must have been obtained within the last 6 months prior to submitting the application. This is so we can make sure we have the same information about your criminal record as we have for people who have lived in the UK for 10 years. You should contact your Embassy or Consulate to find out how to do this. If the information is not in English then you will need to arrange for it to be translated. You will have to meet the cost of getting this information, along with the costs of any translation. You are required to show on the application form the dates and countries you lived in.

## **How do I make an application?**

Your application(s) should be made on the form(s) that are available to download from our website or attached. The completed application forms along with the medical self-declaration form can either be emailed to us or posted. The application fee is paid once we have your application(s) and they have been checked. A member of staff from our Business Support team will contact you by telephone for you to make payment over the phone by card. We are not in a position at the moment to accept cash or cheque payments.

If we are minded to grant the temporary licence you will be invited to attend the licensing office for your right to work interview to be carried out along with taking a photo for your id badge. Thereafter a decision will be made on your application it will either be granted by officers or referred to a meeting of the Civic Licensing Committee for determination. If you are able to provide the appropriate right to work documents or you will be advised what you need to do. Please bring the original documents to show you have the right to work in the UK. You will also have your photograph taken during your visit. This will be used to produce your ID badge should your application be successful.

Your temporary licence will stay in force until such times as we make a decision on the full application. If we are minded to grant the full application the licence and identity badge will be posted out to you.

The following documentation must be submitted with the application where required

- Copies of documents as evidence of right to work in the UK which are listed in Documents for the Right to Work in the UK
- Copy of UK driving licence in current address.
- Copy of Criminal Record Check if required.

## **Do I need to attend for a right to work interview at the licensing office every time I make an application?**

It depends on your circumstances of your right to work in the UK.

It is the law that from the 1 December 2016 all applicants for a Taxi/Private Hire Car Driver Licence whether it be new or renewal must submit the application in person to the licensing office along with original documents of the right to work in the UK.

If you can show us that you have no restrictions for the right to work you don't need to come into the licensing office the next time you submit an application.

If you have a time-limited immigration permission to work in the UK you will be given an appointment to come into the licensing office along with original documents of the right to work in the UK each time you extend or renew your licence

## **What happens if I have convictions or fixed penalties?**

You need to tell us on the application form of **all** spent and unspent convictions, conditional offers and/or fixed penalties recorded against you **within or outwith the UK** for a new licence.

If the application is for the renewal of an existing licence you are only required to tell us of convictions or fixed penalties **within or outwith the UK** since your licence was last granted.

If you have a current conviction the application(s) will automatically be determined by the Civic Licensing Committee. In the case where it is the renewal of a licence it will be convictions recorded against you since the last grant. However, we may at times consider your full record.

## **What do I need to do once my full licence is granted?**

If you are applying for a new Private Hire Car Driver licence you are required to pass the Knowledge Test within 12 months of the licence being granted.

Taxi/Private Hire Car Knowledge Test. - Once your full licence has been granted you will be invited in due course to sit the taxi/private hire knowledge test. Information on the test can be found in the **Taxi/Private Hire Car Knowledge Test Information document**. **You should ensure that you study the conditions relevant to the type of licence you are applying for prior to sitting the test.**

Further Medical self-declarations are required at the ages of 50, 55, 60, 65 and annually thereafter. Should you reach any of the above ages during the duration of your licence you will be given instruction by the licensing office when and how to do this.

## **Do I need to carry dogs in a taxi or private hire car?**

It is the law that licensed drivers of taxis and private hire cars carry passengers with a guide dog, a hearing dog or an assistance dog by or for a disabled person or by a person who wishes such a disabled person to accompany that person in the taxi or private hire car allowing the dog to remain with the disabled person and shall not make any additional charge for doing so.

If you are able to demonstrate that it is appropriate on medical grounds to be exempt to do this then you can be issued with an exemption notice.

If you wish to apply for an exemption you must complete the Application for Medical Exemption form which can be downloaded. Your application should be submitted with any required medical evidence.

Once we have the application it will then be determined at a meeting of the Civic Licensing Committee.

## **Do I need to assist people in wheelchairs getting in and out of a taxi or private hire car?**

It is the law that licensed drivers of a wheelchair accessible taxis or private hire cars have a duty to; carry passengers while in the wheelchair, not to make any additional charge for doing so, if the passenger chooses to sit in a passenger seat to carry the wheelchair, to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort, to give passenger such mobility assistance as is reasonably required.

If you are able to demonstrate that it is appropriate on medical grounds to be exempt to do this then you can be issued with an exemption notice.

If you wish to apply for an exemption you must complete the Application for Medical Exemption form which can be downloaded. Your application should be submitted with any required medical evidence.

Once we have the application it will then be determined at a meeting of the Civic Licensing Committee.

## **Once I submit my application what happens next?**

If the application is for the renewal of an existing licence you can continue to drive as per your licence a taxi or private hire car until we make a decision on your application.

If the application is for the grant of a new licence you cannot drive a taxi or private hire car **until your application is granted.**

Process for consideration of new and renewal applications is as follows:-

- The application is sent to Police Scotland for comments and you will receive an e-mail or letter acknowledging your application. We may also pass your application and document(s) for the right to work in the UK to the Home Office to check your right to work in the UK.
- If it is found that you do not have the right to work in the UK the application will be returned to you.
- If it is found either by the Licensing Authority or Police Scotland that you have not told us all your convictions or fixed penalties the application may be considered at a meeting of the Civic Licensing Committee to determine if it is a competent application
- If no objections are received, you have no current convictions and you have no medical conditions that would impact on your ability to drive we will grant your licence

## **Do officers of the Council always determine applications received?**

No. - Sometimes applicants have to go before a Committee known as the Civic Licensing Committee. This happens if there is a possibility of the application being refused.

The application will be determined at a meeting of the Civic Licensing Committee if:-

- if you have an unspent conviction(s);

- objections or representations are received; or
- you fail the taxi/private hire car knowledge test; or
- you have a medical condition that impacts on your ability to drive

### **How long will it take to process my application?**

We have nine months to make a final decision on your application. No decision can be made on any application until the consultation period of 28 days has passed for a full application. In practice most applications take approximately four to six weeks to process unless it has to be determined at a meeting of the Civic Licensing Committee for any of the above reasons.

The Council can make an application to the Sheriff to extend the nine month determination period if required.

**For temporary private hire car driver applications, these can be processed and granted in a much shorter timescale and usually within a few days if there are no police objection, current convictions or medical issue.**

### **What happens if the application has to be determined by the Civic Licensing Committee?**

- You will be advised accordingly after the consultation period has passed that your application will be determined by the Civic Licensing Committee.
- You will be cited to attend a meeting 14 days before the Committee meets. Before the meeting you will also be sent a copy of the report that will be considered in connection with your application. At present due to the pandemic, meetings are held remotely and attendance is generally by video link. Further details can be provided.
- At the meeting you will be given the opportunity to speak in support of your application. A decision is generally made on the day of the meeting and you will be advised of this unless the matter is continued to a future meeting.

### **What happens if my application is granted?**

You will receive a letter advising of this and will be issued with an identity badge and your licence. If it is a new grant of a licence you are required to pay a fee of £5.15. If it is for the renewal of a licence you are required to return your old identity badge, if you have lost it you are required to pay a fee of £5.15.

Your licence will not be granted for a longer period than your entitlement for the right to work in the UK. If your licence is granted for a shorter period you can extend it if you submit original documents to show your right to work in the UK has been extended.

### **What happens if my application is refused?**

If your application is refused, you are not allowed to make another application for this type of licence for 1 year from the date of the refusal unless you can show that there has been

a material change in circumstances. You are entitled to ask us within 28 days of the application being refused by the Committee to give reasons for the refusal. Within 28 days of the Committee decision you may be entitled to a right of appeal to the Falkirk Sheriff on certain grounds.