



Midlothian

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

HIRE CAR BOOKING OFFICES - LICENSING

NOTES FOR GUIDANCE

- 1 A Hire Car Booking Office is required for the use of premises for the carrying on of a business which consists to any extent of the taking of bookings, by any means of communication, from members of the public for the hire of a relevant vehicle.

No licence is required where the number of relevant vehicles in respect of which bookings are taken does not at any time exceed 3.

- 2 Applications can be made on the relative application form, copies of which are available from the Council Offices, Midlothian House, 40-46 Buccleuch Street, Dalkeith. All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.

- 3 **Subject to the provisions of the Rehabilitation of Offenders Act 1974, ALL CONVICTIONS MUST BE DECLARED including those not resulting in imprisonment or fines e.g. Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.**

If you are unable to provide this information you will be able to obtain it from Police Scotland You can submit a subject access request to Police Scotland by emailing:

dataprotectionsubjectaccess@scotland.pnn.police.uk

or by writing to Data Protection Central Processing Unit, Information Management Unit, Police Scotland, Queen Street, Aberdeen, AB10 1ZA.

Your request must be accompanied by scans/ photos/ photocopies of two official documents which between them should confirm your date of birth and your current address.

Once the Chief Constable is satisfied as to your identity, Police Scotland have one month to reply to your request.

Further information and application forms can be found on the Police Scotland website on the following link:

<http://www.scotland.police.uk/access-to-information/dataprotection/subject-access-requests>

Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Licence has been granted, suspension.

- 4 Completed application forms must be accompanied by cheques/postal orders made payable to Midlothian Council or cash. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 5 The application fee is £379.00.
- 6 The applicant shall, for a period of 21 days beginning with the date on which the application was submitted, display a Notice confirming that application has been made and after the expiry of the 21 day period, duly certify that this Notice has been posted.
- 7 The Council will consult the Chief Constable, Scottish Fire and Rescue Service and Planning Officer.

It is the applicant's responsibility to ensure that they have the correct planning permission in place prior to using a site for any purpose. Ideally this should be established before applying for a licence. If they have any queries about the suitability of a site for a certain use then they should approach the planning authority directly for advice. Pre-Application Advice can be sought here:-

http://www.midlothian.gov.uk/info/180/development_management_planning_applications/279/planning_information_and_guidance

- 8 It should be understood that any Licence does not carry with it the necessary consent or approval to any proposed development which may be required under Planning or Building Control legislation or under any other Statutes and Enactments.
- 9 If the property to which the application relates is owned by the Council, landlords' consent for the proposed use should be obtained.
- 10 The holder of a Private hire car licence shall operate the vehicle only from suitable premises in Midlothian.
- 11 Any changes in material circumstance must be intimated by means of the appropriate application form and the relative fee of £73.00.
- 12 There is attached as an **Appendix**, a statement that has been provided by Scottish Fire and Rescue Service about the responsibility of the person who has responsibility for the premises to ensure that a fire risk assessment is carried out by a competent person and to record outcomes.
- 13 The following Mandatory Conditions shall be applied:-
 - (a) a record has to be kept of every booking for the hire of a licensed taxi or private hire car taken at the relevant premises;
 - (b) a record has to be kept of –
 - (i) the registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
 - (ii) the name of its driver at the time of that hire; and

- (c) that the holder of the licence shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a licensed taxi or private hire car results in the hire of a vehicle which is –
- (i) a licensed taxi or private hire car; and
 - (ii) driven by a person who holds a licence granted under section 13 of the Act and that licence is in effect
- 14 Such other discretionary conditions as may be decided by the Council shall be applied to any licence.
- 15 From **2nd October 2023**, the government has introduced tax requirements for applications for certain licences in Scotland. This is supported by a new digital service, being developed by HMRC. It helps people in the taxi and private hire industries to complete a tax check.

In Scotland this means that anyone (individuals, companies and any type of partnership) applying for renewal of:

- Taxi driver licence
- Private hire car driver licence
- Booking office licence

On or after 2nd October 2023, you must complete a tax check with HM Revenue and Customs (HMRC) before applying for the licence.

Applicants must also complete a tax check if applying for:

- The same type of licence already held with another licensing authority.
- The same type of licence previously held, that stopped being valid less than a year ago.

Applicants who are new to licensing or have been out of the 'trade' for more than 12 months, do not need to carry out a tax check. However, they must confirm as part of their application, that they are registering for tax, have read and understood the [HMRC Tax Responsibilities](#) and are aware of their tax obligations.

Applicants must do the check themselves and will receive a 9-character code which must be given to the licensing team along with a fully completed application form.

The tax check should only take a few minutes to complete and there is guidance on [GOV.UK](#) 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](#) which will help you understand what is required for renewal applications.

For the avoidance of doubt, Midlothian Council do not receive any of your tax information, only confirmation that you have completed the relevant check.

Business Gateway Midlothian

If you are starting a business, or if you already run your own business and could use some extra support and advice please email BG@midlothian.gov.uk to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website www.midlothian.gov.uk to access our online Privacy notice.