



Midlothian

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

TAXI DRIVERS LICENCES

NOTES FOR GUIDANCE

- 1 A licence to drive a Taxi is required in Midlothian for plying for hire. Applications can be made on the relative application form copies of which are available from the Council Offices, Midlothian House, Buccleuch Street, Dalkeith. Applicants must have held an ordinary driver's licence throughout the period twelve months immediately prior to the date of making application.
- 2 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction. Please note that (a) a copy of your Driver's licence must be submitted with the application form (if new style licence both photocard and counterpart); (b) if you cannot produce a photocard Driving licence, a passport size photograph must be submitted with application for the grant of licence; and (c) a medical certificate (supplied by Midlothian Council) is required in respect of persons aged 65 years and over. Details of the application will be recorded in a Register which will be available for public inspection. A copy of the Register is given to the Inland Revenue.
- 3 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, Buccleuch Street, Dalkeith.

4 Guidance Note:

The Rehabilitation of Offenders Act 1974 refers to a conviction as any finding by a court that a person has committed a criminal offence.

Although you are not required to disclose any ATPs which are "spent" in terms of the 1974 Act, the Police may raise an objection on the basis of spent ATPs and the Council as licensing authority may decide to consider these if they are thought necessary to determine your application.

As an alternative to prosecution through the courts, a person may be given an ATP.

You would have been given an ATP in respect of an offence in the following circumstances:

- (a) you have been given a warning by a constable or a procurator fiscal;
- (b) you have accepted or are deemed to have accepted a conditional offer to pay a fixed penalty issued under section 302 of the Criminal Procedure (Scotland) 1995 Act ("the 1995 Act") or a compensation offer issued under section 302A of the 1995 Act, and this includes, by implication, acceptance or deemed acceptance of a combined fixed penalty and compensation offer which can be made under section 302B of the 1995 Act;
- (c) you have had a work order made against you under section 303ZA of the 1995 Act, offering you the opportunity of undertaking unpaid work;
- (d) you have been given a fixed penalty notice under section 129 of the Antisocial Behaviour etc. (Scotland) Act 2004; or
- (e) you have accepted an offer from a procurator fiscal to undertake an activity or treatment or to receive services.

An ATP given in respect of categories (A) and (D) become spent at the time they are given whilst those in categories (B), (C) and (E) become spent after 3 months from the date on which they are given.

Many road traffic offences are dealt with through the issue of Fixed Penalties under the Road Traffic Offenders Act 1988. These are not ATPs and therefore can be considered by the Committee.

If you are uncertain as to the details/dates of any crimes or offences, you should contact Disclosure (Scotland) Tel.No 0870 609 6006 or www.disclosurescotland.co.uk. The search attracts a fee payable to Disclosure Scotland.

Alternatively, you can also call at any police office and pick up the appropriate Data Protection Form, requesting '*subject access*' to your record.

- 5 The initial fee is £143.00. On receipt of the application, the Council will consult the Chief Constable.
- 6 Applicants will be required to display an adequate knowledge of the locality. Failure to do this after two attempts will result in refusal of the application. The relative examination will relate to the location of hotels, public houses, clubs, churches, recreational facilities, factories and industrial/commercial firms, places of interest, housing estates, principal streets, etc.
- 7 When licensed, licensees are required to carry with them an Identification Card bearing their photograph.

- 8 You may apply for exemption from (a) assisting wheelchair bound passengers; and (b) carrying guide dogs, hearing dogs and assistance dogs if you suffer from a condition which impairs your ability to do so. Forms of application in this respect are available from this office.
- 9 From **1st December 2016 ALL** Applicants for grant or renewal of licence **MUST** prove their right to work in the UK, by supplying a copy of: -
- (a) Birth Certificate; or
 - (b) Passport (you must appear in person at the office and our staff will take a photocopy of your passport).
 - (c) To enable us to check your driving record you will need to provide us with a summary. You can obtain this summary by going online to <https://www.gov.uk/view-driving-licence> and following the instructions. Please ensure you submit the summary with your application. Your DVLA licence must show your current address.
- 10 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](https://www.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

https://www.midlothian.gov.uk/info/200285/access_to_information/338/privacy_and_cookies