



CIVIC GOVERNMENT (SCOTLAND) ACT 1982

THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF BOOKING OFFICES) ORDER 2009

Guidance on Applying for Taxi/Private Hire Car Booking Office Licence

The Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 (“the 2009 Order”) amends Section 44 of the Civic Government (Scotland) Act 1982 (“the 1982 Act”) to introduce a new mandatory licensing scheme for taxi and private hire booking offices.

From 16th November 2009 it will be a criminal offence to operate a taxi or private hire booking office business for premises in Scotland without a Booking Office Licence.

What is Booking Office Licence?

The 2009 Order provides that, from 16th November 2009, a licence 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.

“Relevant Vehicle” is defined as a vehicle in respect of which a taxi licence or a private hire car licence has been granted in terms of Section 10 of the Civic Government (Scotland) Act 1982 and that licence is in effect.

You should note that this also applies to limousines that are licensed as private hire cars.

Who Needs to Apply for a Licence?

Any person using 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, as outline above, requires to apply for a booking office licence for those premises.

The 2009 Order provides that anyone who has applied for such a licence by 16th November 2009, but the application has not been finally determined, will not commit an offence.

Any person who has not applied for such a licence, but carries on the activity after 16th November 2009, will commit an offence.

Are there any Exceptions to the Requirement for a Licence?

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

This is the only exception to the requirement for a licence.

How do I Apply?

An application pack is attached to these Guidance Notes for your information. The pack is also available on our website, details of which are given at the end of these Guidance Notes.

Please read all the information provided carefully before completing and submitting your application form.

Completed forms should be submitted to –

Legal and Governance
Aberdeenshire Council
Viewmount
Arduathie Road
Stonehaven
AB39 2DQ.

Along with –

- The application fee
- A layout plan of the premises
- Copy Third Party Liability Insurance Documents
- A Copy of Your Policy for Dealing with Complaints from Members of the Public

Applicants should note that the Council is not currently in a position to accept electronic applications.

AT THE SAME TIME as you post your application to, or lodge your application with, the Council, you require to display the attached site notice [Fm TBO02] at the premises, for a period of 21 days. The site notice should be displayed in a location where it can be easily read by members of the public.

Once the site notice has been displayed at the premises for 21 days, please complete and submit the Certificate of Compliance [Fm TBO03] to the address given on the bottom of the form.

Forms TBO02 and TBO03 are included in the application pack.

Immigration Status Checks

From 22 January 2018 Aberdeenshire Council is under a legal duty to check that **any** applicant for a **booking office licence** is not disqualified due to their immigration status from holding such a licence. A licence cannot be granted without these checks being completed.

All applicants for new and renewal booking office licences require to produce original documents demonstrating that they have the **right to work in the UK**. This will only apply to applications that are received on or after 22 January 2018 and will not affect applications that are already being processed.

Staff must check the validity of the **original documents** in the **presence of the applicant before the application can be processed** and the licence issued at a later date. The Council will retain copies.

A list of **acceptable documents** is annexed below.

You will have to bring suitable original document (or documents as may be the case) with you to one of our offices either at the same time as you make the application or shortly thereafter. Unless otherwise stated copies will not be accepted and original documents must be provided.

In the event that the Council refuses an application on immigration grounds then details may be passed on to the Home office who may take enforcement action.

When Can I Make My Application?

You can submit an application from now onwards.

To guarantee that you will be not be committing an offence after 16th November 2009, the last date you can submit an application to the Council is 16th November 2009.

How Long Does a Booking Office Licence Last?

Booking Office Licences will normally be granted for 3 years.

Copies of Licences issued will be forwarded to Grampian Police, The Firemaster, Planning Services, Building Standards, the Environmental Health Service and the local Roads Manager for information purposes.

A register of licences issued will also be kept, which register will be available for inspection to members of the public.

How Much Does a Booking Office Licence cost?

The application fee for both the grant and renewal of a booking office licence is £109.00. Cheques or postal orders should be made payable to 'Aberdeenshire Council'. Please do not send cash through the post.

The Council does not currently have facilities to accept payment by means of a credit or debit card.

Applicants should note that the application fee is not refundable if the application is refused, cannot be processed in time, or if you decide to withdraw your applicant after it has been lodged and processed.

Will I need to submit anything else with my application?

All applicants must submit the following documents with their applications –

- A detailed layout plan of the premises. This must be drawn to scale.
- Evidence of Third Party Public Liability Insurance.
- A copy of your Policy for dealing with Complaints from Members of the Public

What Happens Once I have lodged my application?

The Council must give a copy of your application to the Chief Constable, the Firemaster, Planning Services, Building Standards, the Environmental Health Service and the local Roads Manager.

The Chief Constable, Firemaster, Planning Services, Building Standards, the Environmental Health Service and the local Roads Manager must submit their views to the Council within 21 days. They can also submit comments which include recommendations for additional conditions to be attached to the licence by the Council.

Members of the public may object or make representations within 21 days of display of the site notice [Fm KD02] at the premises.

The Council does have a discretion to accept a late objection or representation by any party, on good cause shown.

How Will the Application be Determined?

Where no objections, representations, or notices are received from the Police, Firemaster, Planning Services, Building Standards, the Environmental Health Service, the Local Roads Manager or any other party, the application will be granted

by the Senior Solicitor (Licensing) under delegated authority and the licence will be issued.

If recommendations for additional conditions have been made, these will be copied to you and you will be asked if you agree to the proposed conditions. If you agree to the conditions, and there are no other objections or representations in respect of the application, the application will be granted by the Senior Solicitor (Licensing) under delegated authority and the licence will be issued.

If you do not agree to the proposed conditions and/or there are other objections or representations, the application will be referred to the Council's Licensing Sub-Committee for consideration.

You will be provided with copies of the objections or representations, advised of the date, time and place of the Hearing, and you will be given a copy of the report that will be before the Committee for information. You should take the report with you to the Hearing.

The Licensing Sub-Committee meets approximately 6 times a year.

The Licensing Sub-Committee will consider if any of the grounds of refusal apply. If none of the grounds of refusal apply, the application will be granted. If one or more of the grounds of refusal apply, the application will be refused.

The Council is required to give written notice of the Committee's decision to all relevant parties within 7 days of the date of its decision.

What are the Grounds of Refusal?

The grounds of refusal are –

- (a) The applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either –
 - (i) For the time being disqualified under Section 7(6) of the Act; or
 - (ii) Not a fit and proper person to be the holder of a licence;
- (b) The activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
- (c) Where the licence applied for relates to an activity consisting of or including the use of the premises, the premises are not suitable or convenient for the conduct of the activity having regard to:-
 - (i) The location, character or condition of the premises;

- (ii) The nature and extent of the proposed activity;
 - (iii) The kind of person likely to be in the premises;
 - (iv) The possibility of undue public nuisance; or
 - (v) Public order or public safety;
- (d) Where there is other good reason for refusing the application.

What Conditions Will Attach to the Licence?

The 2009 Order provides that the following mandatory conditions attach to all licences issued:-

- (a) That a record be kept of every booking for the hire of a relevant vehicle taken at the premises;
- (b) That a record 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 relevant vehicle results in the hire of a vehicle which is –
 - (i) A relevant vehicle; and
 - (ii) Being driven by a person who holds a licence granted under Section 13 of the Act and that licence is in effect.

The Council has also agreed local conditions that will apply.

A copy of the conditions that will attach to your licence are included in the Application Pack issued with these Guidance Notes.

Where Can I Get Further Information?

Any further queries please email licapps@aberdeenshire.gov.uk

Information can also be obtained from Aberdeenshire Council's website at –

www.aberdeenshire.gov.uk

click on L for Licensing along the top.

click on Licensing – Taxi and Private Hire Licences

click on Taxi and Private Hire Booking Office Licence at the bottom of the page

Immigration Status Checks

List of acceptable documents

List A: No restrictions on right to work in the UK	
1. A passport showing the holder, or a person named in the passport as the child of the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.	<input type="checkbox"/>
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland	<input type="checkbox"/>
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK	<input type="checkbox"/>
4. A Permanent Residence Card issued by the Home Office to the family member of a national or European Economic Area country or Switzerland	<input type="checkbox"/>
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK	<input type="checkbox"/>
6. A current passport endorsed to show that the holder is exempt from immigration control is allowed to stay indefinitely in the UK, has the right to abode in the UK, or has no time limit on their stay in the UK	<input type="checkbox"/>
7. A current Immigration Status Document issued by the Home Office to the holder with and endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer	<input type="checkbox"/> <input type="checkbox"/>
8. A full birth or adoption certificate issued in the UK with includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.	<input type="checkbox"/> <input type="checkbox"/>
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or previous employer.	<input type="checkbox"/> <input type="checkbox"/>
10. A certificate of registration or naturalisation as a British citizen, together with and official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.	<input type="checkbox"/> <input type="checkbox"/>
List B: Restriction on right to work in the UK	
1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.	<input type="checkbox"/>

2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.	<input type="checkbox"/>
3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member or a national of a European Economic Area country or Switzerland or who has a derivative right of residence.	<input type="checkbox"/>
4. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by Government agency or a previous employer	<input type="checkbox"/> <input type="checkbox"/>
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 a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home office Evidence and Enquiry Unit. The licence may be issued for six months from the date of the licence decision.	<input type="checkbox"/> <input type="checkbox"/>
2. A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review which outstanding. The licence may be issued for six months from the date of the licence decision.	<input type="checkbox"/>

Application Checklist

Completed Application Form	
Fee of £109.00	
Detailed Layout Plan	
Evidence of Third Party Public Liability Insurance	
Copy of Policy for Dealing With Complaints from members of the public	

Have I completed all sections of the application form?

Have I completed the site notice form and arranged for it to be displayed in a place where it can be easily read by members of the public from the date I make my application?

Remember to make a note in your diary to submit the certificate of compliance 21 days after the site notice has been displayed.