

Notice of meeting and agenda

Additional Regulatory Committee

9.30am, Tuesday 6 February 2018

Council Chamber, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

Contact

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Tel: 0131 529 4261 / 0131 529 4107

1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 If any.

4. Minutes

- 4.1 None

5. Work Plan and Rolling Actions Programme

- 5.1 None

6. Executive Decisions

- 6.1 Criminal Records Checks for Taxi and Private Hire Car Driver's Licence Applicants Born Outwith the United Kingdom - report by the Executive Director of Place (circulated)

7. Routine decisions

None.

8. Motions

- 8.1 Motion by Councillor Mary Campbell - Baby and Carer Screenings

Committee:

Notes that cinemas in Scotland are licensed by the Council under the Cinemas Act 1985 and each cinema must adhere to statutory requirements and local conditions of licence;

Notes that currently in Edinburgh local condition 2 is applied, which requires cinemas to restrict access to films by children or young people where they are under the age of the relevant age certificate issued by the British Board of Film Classification (BBFC) and that this means any screening for parents and carers can only show certificate U, PG and 12A films;

Notes however, that the Council can vary conditions of licence within the framework of the Act and can consider varying the requirements controlling admission of children for specific cinema screenings;

Therefore agrees to call for a report on the feasibility of operating a scheme which would allow an infant not older than 12 months to attend specific screenings of age restricted performances provided they are accompanied by a parent or carer over the age of 18.

Laurence Rockey

Head of Strategy and Insight

Committee Members

Councillors Fullerton (Convener), Arthur, Barrie, Burgess, Dixon, Rose, Neil Ross, Smith and Wilson

Information about the Regulatory Committee

The Regulatory Committee consists of 9 Councillors and is appointed by the City of Edinburgh Council. The Regulatory Committee usually meets every eight weeks.

The Regulatory Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Stephen Broughton, Committee Services, City of Edinburgh Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 4261, e-mail committee.services@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk.

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Any information presented by you to the Committee at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services on 0131 529 4105 or committee.services@edinburgh.gov.uk.

Regulatory Committee

9.30am, Tuesday, 6 February 2018

Criminal Records Checks for Taxi and Private Hire Car Driver's Licence Applicants Born Outwith the United Kingdom

Item number	6.1
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	None

Executive Summary

This report is in response to a motion submitted by Councillor Burgess at the Regulatory Committee's meeting on 8 January 2018 requesting a change to the policy on Criminal Records Checks for existing taxi and private hire car (PHC) driver's licence holders born outwith the United Kingdom.

It is proposed that a minor change to the policy should be made for existing taxi and PHC drivers if they are unable to obtain the relevant criminal convictions check, the Council should allow them to still make a licence renewal application. These applications will be considered by the Licensing Sub-Committee for hearing to determine if an applicant should be exempt from the requirement to produce the requested certificate.

Criminal Records Checks for Taxi and Private Hire Car Driver's Licence Applicants Born Outwith the United Kingdom

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 notes the content of this report;
 - 1.1.2 agrees the changes set out in paragraphs 3.7 to 3.9 below in respect of applicants applying to renew their licence; and
 - 1.1.3 approves the proposed new guidelines set out in appendix 2 and revised Policy on Criminal Records Checks at appendix 3.

2. Background

- 2.1 In terms of Section 9 of the Civic Government (Scotland) Act 1982 ('the 1982 Act'), the City of Edinburgh Council, as the licensing authority, has previously resolved to require taxis and PHC cars, and taxi and PHC drivers, to be licensed under the provisions of Sections 10 and 13 of the 1982 Act.
- 2.2 Having determined to license the taxi and PHC trade, the Council has a duty to ensure that a licence is not granted to a person who is not 'fit and proper', and thus to provide members of the public with confidence in the suitability of the applicants.
- 2.3 In terms of Section 3 of the 1982 Act, a licensing authority must consider an application within three months of it having been made and, subject to provisions, reach a final decision on the application within the period of six months beginning with the end of the three month period (i.e. nine months).
- 2.4 As part of this process Police Scotland provides information on an applicant's criminal history, including previous convictions, and the applicant's suitability. The system has a number of limitations, in that Police Scotland has access to criminal records held within the UK, but has limited or no access to criminal records from outwith the UK. Consequently, licence applications from persons

who have recently immigrated to the UK, or those who have previously resided in other countries, may not be subject to adequate checks in respect of applicable convictions.

- 2.5 UK citizens are therefore subject to more stringent checks and held to a higher standard than applicants born outwith the UK.

Declaration of Previous Convictions

- 2.6 Applicants for both taxi drivers' and PHC drivers' licences are required by law to provide details of any previous convictions, subject to the provisions of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2015 ('the 2015 Order') which created a category of "protected convictions". Where an applicant has no convictions they are required to declare that is the case. Applicants are subject to a criminal records check, carried out by Police Scotland, however this check will not reveal details of any convictions outwith the UK.
- 2.7 The Rehabilitation of Offenders Act 1974 makes certain provisions relating to convictions that are considered 'spent'. However, the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 excluded these provisions in respect of proceedings relating to the grant, renewal or cancellation of a taxi driver's licence or PHC driver's licence, and this means that spent convictions which are not protected convictions may be considered alongside unspent convictions in such licence applications.
- 2.8 Previous reports have provided the committee with details about:
- 2.8.1 the findings of the 'Casey Report' - the independent inquiry commissioned in October 2014 by the UK Government into the operation of Rotherham Metropolitan Borough Council;
 - 2.8.2 the review carried out by council officers considering how this Council deals with licence applications from sexual or violent offenders, or where allegations of that type are made against existing licence holders; and
 - 2.8.3 weakness in the 'vetting' system, and an analysis of requests for suspension on the most serious grounds for drivers of hire vehicles
- 2.9 Links to these previous reports are shown in the background reading/external references section.
- 2.10 At the Regulatory Committee on [19 September 2016](#), the committee agreed to introduce a new policy which would take effect from 1 November 2016, to address some previously identified concerns. Applicants for taxi drivers' and

PHC drivers' licences would be required to provide the records and information of any previous non-UK criminal convictions, to enable assessment.

- 2.11 On [24 October 2017](#) the Regulatory Committee agreed to make minor changes to the policy in respect of applicants who were children, thus considered to be below the age of criminal responsibility in Scotland (i.e. 12) when they entered the UK.
- 2.12 At the Regulatory Committee on [8 January 2018](#) the committee was asked to consider a motion by Councillor Burgess to make further changes to the policy in respect of existing taxi and PHC drivers who are unable to obtain a relevant foreign conviction check. Council Officers were instructed to provide a report on proposed changes to the policy at the Regulatory Committee on 6 February 2018.

3. Main report

- 3.1 The existing policy (requiring production of Criminal Records Checks for all Taxi and PHC Driver's Licence applicants born outwith the UK) commenced on 1 December 2016 and was revised on 24 October 2017.
- 3.2 The policy requires that anyone applying for the grant or renewal of a taxi or PHC driver's licence is required to provide evidence of the following:
 - 3.2.1 If they were born in the UK but have lived in any other country for six months or more, they must provide a Criminal Record Check from that country; or
 - 3.2.2 If they were born outwith the UK they must provide a Criminal Record Check from their country of origin. They must also provide a Criminal Record Check from any other country in which they have resided for six months or more; or
 - 3.2.3 If they were born outwith the UK, immigrated to the UK with their parents and have resided in the UK since childhood and are able to demonstrate this, but are unable to provide criminal record documentation relating to the period when they were a child under the age considered to be below the age of criminal responsibility in Scotland (i.e. 12), that this is accepted as the equivalent of offending history of UK nationals and would not normally be considered by the authority.

In all cases, the Criminal Record Checks provided must have been obtained within the six months immediately prior to submitting an application, translated into English and verified by the relevant UK based Embassy or High Commission.

- 3.3 In order to improve the application process where an applicant has been unable to produce the relevant Criminal Record Check, the application is currently treated as incomplete, and therefore will not be processed. In addition, following the statutory amendments introduced by the Immigration Act 2016, applications are not accepted from an applicant who cannot demonstrate the right to work in the UK.
- 3.4 Since 1 December 2016, fewer than 15 of the existing 5,500 drivers and 35 new applicants have had their applications refused or not considered, because they were unable to produce the Criminal Record Checks.
- 3.5 The current policy in relation to criminal record checks is designed to assist the Council to discharge its duties in relation to public safety. It provides applicants, passengers and council officers with a clearly defined framework against which a decision whether or not to process an application can be made.
- 3.6 A number of enquiries/complaints have been received regarding the perception that the current policy is unfair and discriminates against applicants who are unable to obtain relevant documentation, and that this prevents them from earning a living. Whilst noting this concern raised by a small number of individuals, it is considered that this has to be set against the needs of the users, and in particular the fundamental duty of the licensing authority to protect public safety. Taxi and PHC drivers operate in a unique environment where they are unaccompanied in a car while providing transport for passengers, many of whom are vulnerable. Passengers have an expectation that drivers will have been suitably checked by the local authority, and it is essential that public confidence in the licensing authority is maintained.
- 3.7 A small number of taxi and PHC drivers who have previously held a licence issued by the City of Edinburgh Council have had their applications refused or not considered. Drivers that have found themselves in these circumstances will be allowed to make a fresh application. Following the committee meeting of 8 January 2018 it is proposed it shall remain the policy that certificates shall be provided but where any existing licence holder is unable to do so then his or her application will be accepted, processed and referred to the committee to determine whether the application should be considered an exception to the policy.
- 3.8 In light of the above minor amendments have been made to the guidance notes. Proposed new guidance notes are set out in appendix 2. Original guidance notes are shown in appendix 1.
- 3.9 It is not recommended that any further changes are made to the application process outlined in appendix 2, whereby applicants will be required to obtain evidence of their right to work in the UK, and provide the records and information

required to enable assessment in respect of any previous non-UK criminal convictions. Appendix 3 sets out the revised policy for approval.

4. Measures of success

- 4.1 That taxi and PHC drivers licensed by the Council comply with relevant legislation.
- 4.2 Members of the public are confident that appropriate checks are carried out as part of the application process for taxi and PHC driver licences in respect of criminal convictions and that public confidence in the licensing regime is maintained.

5. Financial impact

- 5.1 There is no direct financial impact on the Council. All costs are contained within existing budgets.

6. Risk, policy, compliance and governance impact

- 6.1 A Licensing Authority has a duty to ensure that a licence is not granted to a person who is not 'fit and proper', and that they have a right to work and remain in the UK.
- 6.2 Continued reliance on Police Scotland providing criminal background checks in respect of foreign nationals or persons born outwith the UK increases the risk of granting a licence to an applicant who is not a fit and proper person.
- 6.3 The policy will prevent applicants who are unable to provide criminal convictions checks from their country of origin's local authority from working in the taxi and PHC trade.
- 6.4 There is a risk that an applicant may challenge this policy in the courts. It is believed that the need to protect the overall public safety mitigates against that risk.

7. Equalities impact

- 7.1 An Equalities and Rights Impact Assessment was previously prepared and completed.
- 7.2 There is no adverse impact on the public sector equalities duty. The introduction of the policy provides greater clarity and transparency for future applicants and will assist the council to meet its responsibilities in relation to its statutory duties. The policy is specifically designed to ensure that safety of passengers, including vulnerable users, is prioritised and safeguarded.

8. Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

- 9.1 Council officers and the previous Convenor of the Regulatory Committee briefed representatives of the trade on the measures contained within the previous committee report during two liaison meetings in February and July 2016.

10. Background reading/external references

[Independent Inquiry into Child Sexual Exploitation in Rotherham \(1997 - 2013\)](#)

[Licensing of Hire Vehicles: Protecting Vulnerable Passengers Regulatory Committee Report 25 September 2016](#)

[Production of Criminal Records and evidence of Right to Work in the UK by Taxi and PHC Drivers licence applicants Regulatory Committee Report 19 September 2016](#)

[Production of Criminal Records Checks for Taxi and PHC Drivers licence applicants born outwith the UK Regulatory Committee Report 24 October 2017](#)

[Criminal records checks for overseas applicants - Publications - GOV.UK](#)

[Countries A to F: applying for a criminal records check for someone from overseas](#)

[Countries G to P: applying for a criminal records check for someone from overseas](#)

[Countries Q to Z: applying for a criminal records check for someone from overseas](#)

Paul Lawrence

Executive Director of Place

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Appendices

- 11.1 Appendix 1 – Taxi and Private Hire Car Driver Licence Guidance Notes.
- 11.2 Appendix 2 - Revised Taxi and Private Hire Car Driver Licence Guidance Notes.
- 11.3 Appendix 3 – Revised Policy on Criminal Records Checks

Appendix 1



Taxi & Private Hire Car Driver Licence Guidance Notes

These guidance notes have been provided to help you complete the application form. All questions on the application form must be answered. If a question is irrelevant please mark it “not applicable” unless otherwise stated.

Applicants should submit their application in person to allow a photograph to be taken. The photograph will be added to any licence documents for identification purposes. You are required to submit a valid driving licence entitling you to drive in the UK when lodging your application.

Before lodging an application for a Taxi or Private Hire Car driver licence please ensure that you have read the following guidance.

PART 1 – APPLICATION TYPE AND CHECKLIST

You must indicate which application you are applying for:

- **Taxi driver** - a Taxi driver licence allows you to drive a Taxi or a Private Hire Car. If you wish to operate a vehicle as a Taxi you will need to submit a separate licence application for a 'Taxi Vehicle' licence in addition to the drivers licence
- **Private Hire Car driver** – a Private Hire Car driver's licence allows you to drive Private Hire Cars only. If you wish to operate a vehicle as a Private Hire Car, you will need to submit a separate licence application for a 'Private Hire Car' licence in addition to the drivers licence

Checklist

Any application submitted without a fully completed checklist i.e. application form, evidence of entitlement to work, a paper or photo card driving licence, completed criminal convictions list and the relevant fee, will be deemed to be incomplete and will be returned.

- **Paper or Photo card driving licence** - your original photo card driving licence must be produced with your application which will be checked and returned to you at the time of lodging your application. We cannot accept an application unless you have held a licence entitling you to drive in the UK for

a continuous period of 12 months prior to making your application. Your driving licence must also show your current home address before your application can be accepted.

- **Application fee** - Payment is due at the time of submitting an application. No refund of application fees will be made for applications which are subsequently refused or withdrawn.

PART 2 – APPLICANT DETAILS

All questions in part 2 must be fully completed, you must provide your:

- full name
- any maiden or previous name
- current address
- place and date of birth
- contact telephone numbers
- current email address
- any previous addresses during the last 3 years

Any maiden or previous name, place and date of birth must be provided as the Council is required to copy your application to Police Scotland who requires this information to carry out appropriate vetting checks.

Previous convictions checks

Anyone applying for a licence, who was born or has been resident outside the UK for 6 months or more, must produce documentation in relation to criminal record checks

- If you were born outside the United Kingdom, a criminal record check must be provided from your country of origin. You must also provide a criminal record check from any other country in which you have been resident for six months or more.
- If you were born in the United Kingdom, but have lived in any other country or countries for six months or more, you must provide a criminal record check from those countries.

In all cases, the criminal record checks provided must have been obtained within the six months prior to you submitting your application for a licence must be translated into English and must be verified by the relevant UK-based Embassy/High Commission.

Information on how to obtain criminal record checks overseas can be found on the GOV.UK web site:

www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

Please contact the licensing team on 0131 529 4208, if your Country of origin does not have a process for obtaining criminal record certificates.

PART 3 – EVIDENCE OF ENTITLEMENT TO WORK IN THE UK

From **1 December 2016**, the Council is under a legal duty to check that **any** applicant for a **taxi or private hire car driver licence** is not disqualified due to their immigration status from holding such a licence. A licence cannot be granted without these checks being completed.

From this date all applicants for new and renewal taxi or private hire car driver licences are required to produce original documents demonstrating that they have the **right to work in the UK**.

Licensing staff must check the validity of the **original documents** in the **presence of the applicant before the application can be processed** and a licence issued at a later date.

You will be invited to attend an interview with a licensing officer where evidence of your entitlement to work in the United Kingdom must be provided.

The following documents should be provided when you attend for interview:

- If you are a British citizen you should provide your current passport. If you do not have a passport, you should provide original documents from List A on the attached 'Right to Work checklist' of acceptable documents.
- If you are an EU national, you should provide your current passport.
- If you are neither a British citizen nor an EU national, you must provide original documents from List B on the attached 'Right to Work checklist' of acceptable documents.

You must produce original documents which will be checked in your presence by licensing staff, copied and returned to you.

PART 4 – PREVIOUS LICENCES HELD

Please provide details of any previous Taxi driver, Private Hire Car driver and any other licences you have held with this or any other local authority as well as any other licences you may have had.

You should also provide details of any licences that have been refused or suspended.

If you have applied for and been refused a licence for a private hire car driver or taxi driver licence by the City of Edinburgh Council within the past 12 months, you cannot apply for the same kind of licence within one year of the date of refusal, unless there has been a material change in circumstances.

You should also provide details of any medical condition that you feel could affect your ability to drive a taxi or private hire car.

PART 5 – DRIVING LICENCE DETAILS

An application cannot be accepted unless you have held a licence entitling you to drive in the UK for a continuous period of 12 months prior to making your application. Your paper driving licence and/or photo card driving licence must also show your current home address. All the information requested from your driving licence must be entered onto the application form.

All applicants are required to pass a medical examination prior to the grant of a licence. The Council has generally adopted the Group 2 standards for Fitness to Drive and will require you to submit to regular medical examinations as appropriate. A copy of the report from the medical advisor will be retained for the duration of the licence. Details of Group 2 standards for Fitness to Drive can be found on the GOV.UK web site at:

www.gov.uk/guidance/assessing-fitness-to-drive

PART 6 - ACTIVITY

Please indicate whether you are self employed or whether you will be employed by someone else to drive their Taxi or Private Hire Car.

If you are self employed you will have registered with HMRC and received a 10 Digit Unique Tax Reference (UTR). You must provide your 10 digit UTR on the application form.

If you are not self employed please provide the information requested regarding the persons employing you to operate as a taxi or a private hire car driver.

PART 7 – DETAILS OF CONVICTIONS

Subject to the Rehabilitation of Offenders Act 1974, as amended by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015. All convictions must be declared, even if they are otherwise “spent” for the purposes of the Rehabilitation of Offenders Act 1974, unless they are “protected” convictions.

PART 8 – APPLICANTS DECLARATION

Before signing and dating the application form, please ensure that:

- The application form has been completed fully and all information provided is accurate and complete.
- You have read the Council's data protection statement. **By signing and lodging this application form you are deemed to have given consent for your personal data to be held and processed for the stated purpose.**
- You have read the copy of the Council's Standard Licensing Conditions provided with this application form and that that you understand that any Taxi or Private Hire Car drivers licence granted will be subject to these conditions

ADDITIONAL INFORMATION

TOPOGRAPHICAL TEST – TAXI DRIVER LICENCE APPLICATIONS ONLY

Anyone applying for a new taxi driver's licence is required to sit and pass a 'knowledge test' prior to any licence being granted. You may wish to read the guidance notes in relation to the knowledge test which are available from our website at www.edinburgh.gov.uk/licensing. You can apply to sit the topographical test before you submit your application.

PROCESSING YOUR APPLICATION

When your application is submitted together with the relevant fee, all required documentation, checked and validated, a copy of your application will be sent to Police Scotland who will carry out their own investigations before reporting back to the licensing Section.

The Civic Government (Scotland) Act 1982 prohibits the Council from making a decision on your application until a minimum of 28 days has passed from the date a valid application is submitted. During this time any person can object to your application.

The majority of applications with no representations or objections will take 4-6 weeks to process, however applications that are to be considered by the Licensing Sub-

Committee will take longer to determine. The Council has a maximum of 9 months from the date a valid application is submitted within which to make its decision.

If an objection or representation is received in relation to your application you will be sent a copy of the representation or objection. Your application and any letter of objection or representation will then be referred to the next available Licensing Sub-Committee for consideration. You will be written to and invited to attend the meeting and given an opportunity to address the committee before a decision is made.

CONDITIONS OF LICENCE

The current Taxi and Private Hire Car Conditions for drivers is available from our web site and a copy will be issued to you with any new licence granted. A breach of a condition of licence is a criminal offence, therefore you should have a thorough understanding of these conditions and they should be retained as they form part of your licence.

DURATION OF LICENCE

Applications for the grant of a licence are generally granted for a period of one year, whilst applications to renew an existing licence are normally granted for one or three years.

ISSUE OF LICENCE

Once you are in receipt of your licence and ID badge, you must ensure that they are not altered, or defaced in any way. They should be kept clean and legible and must not be lent to or used by any other person. If your licence or ID badge is lost damaged or becomes illegible, you must obtain a replacement from the city of Edinburgh Council on payment of the appropriate fee.

REGISTER OF APPLICATIONS

The City of Edinburgh Council will keep a register of applications in which it will enter the date of receipt, the name and address of the applicant, the decision, the issue date and duration of the licence, and a note of any suspension, or surrender of the licence. This information is available for inspection by any member of the public.

Appendix 2 – Proposed Guidance and Policy on Criminal Records Checks



Taxi & Private Hire Car Driver Licence Guidance Notes

These guidance notes have been provided to help you complete the application form. All questions on the application form must be answered. If a question is irrelevant please mark it “not applicable” unless otherwise stated.

Applicants should submit their application in person to allow a photograph to be taken. The photograph will be added to any licence documents for identification purposes. You are required to submit a valid driving licence entitling you to drive in the UK when lodging your application.

Before lodging an application for a Taxi or Private Hire Car driver licence please ensure that you have read the following guidance.

PART 1 – APPLICATION TYPE AND CHECKLIST

You must indicate which application you are applying for:

- **Taxi driver** - a Taxi driver licence allows you to drive a Taxi or a Private Hire Car. If you wish to operate a vehicle as a Taxi you will need to submit a separate licence application for a 'Taxi Vehicle' licence in addition to the drivers licence
- **Private Hire Car driver** – a Private Hire Car driver's licence allows you to drive Private Hire Cars only. If you wish to operate a vehicle as a Private Hire Car, you will need to submit a separate licence application for a 'Private Hire Car' licence in addition to the drivers licence

Checklist

Any application submitted without a fully completed checklist i.e. application form, evidence of entitlement to work, a paper or photo card driving licence, completed

criminal convictions list and the relevant fee, will be deemed to be incomplete and will be returned.

- **Paper or Photo card driving licence** - your original photo card driving licence must be produced with your application which will be checked and returned to you at the time of lodging your application. We cannot accept an application unless you have held a licence entitling you to drive in the UK for a continuous period of 12 months prior to making your application. Your driving licence must also show your current home address before your application can be accepted.
- **Application fee** - Payment is due at the time of submitting an application. No refund of application fees will be made for applications which are subsequently refused or withdrawn.

PART 2 – APPLICANT DETAILS

All questions in part 2 must be fully completed, you must provide your:

- full name
- any maiden or previous name
- current address
- place and date of birth
- contact telephone numbers
- current email address
- any previous addresses during the last 3 years

Any maiden or previous name, place and date of birth must be provided as the Council is required to copy your application to Police Scotland who requires this information to carry out appropriate vetting checks.

Previous convictions checks

Anyone applying for a licence, who was born or has been resident outside the UK for 6 months or more, must produce documentation in relation to criminal record checks

- If you were born outside the United Kingdom, a criminal record check must be provided from your country of origin. You must also provide a criminal record check from any other country in which you have been resident for six months or more.
- If you were born in the United Kingdom, but have lived in any other country or countries for six months or more, you must provide a criminal record check from those countries.

In all cases, the criminal record checks provided must have been obtained within the six months prior to you submitting your application for a licence must be translated into English and must be verified by the relevant UK-based Embassy/High Commission.

Information on how to obtain criminal record checks overseas can be found on the GOV.UK web site:

www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

Please contact the licensing team on 0131 529 4208, if your Country of origin does not have a process for obtaining criminal record certificates who can provide further information on the Council's policy in this respect.

PART 3 – EVIDENCE OF ENTITLEMENT TO WORK IN THE UK

From **1 December 2016**, the Council is under a legal duty to check that **any** applicant for a **taxi or private hire car driver licence** is not disqualified due to their immigration status from holding such a licence. A licence cannot be granted without these checks being completed.

From this date all applicants for new and renewal taxi or private hire car driver licences are required to produce original documents demonstrating that they have the **right to work in the UK**.

Licensing staff must check the validity of the **original documents** in the **presence of the applicant before the application can be processed** and a licence issued at a later date.

You will be invited to attend an interview with a licensing officer where evidence of your entitlement to work in the United Kingdom must be provided.

The following documents should be provided when you attend for interview:

- If you are a British citizen you should provide your current passport. If you do not have a passport, you should provide original documents from List A on the attached 'Right to Work checklist' of acceptable documents.
- If you are an EU national, you should provide your current passport.
- If you are neither a British citizen nor an EU national, you must provide original documents from List B on the attached 'Right to Work checklist' of acceptable documents.

You must produce original documents which will be checked in your presence by licensing staff, copied and returned to you.

PART 4 – PREVIOUS LICENCES HELD

Please provide details of any previous Taxi driver, Private Hire Car driver and any other licences you have held with this or any other local authority as well as any other licences you may have had.

You should also provide details of any licences that have been refused or suspended.

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PART 5 – DRIVING LICENCE DETAILS

An application cannot be accepted unless you have held a licence entitling you to drive in the UK for a continuous period of 12 months prior to making your application. Your paper driving licence and/or photo card driving licence must also show your current home address. All the information requested from your driving licence must be entered onto the application form.

All applicants are required to pass a medical examination prior to the grant of a licence. The Council has generally adopted the Group 2 standards for Fitness to Drive and will require you to submit to regular medical examinations as appropriate. A copy of the report from the medical advisor will be retained for the duration of the licence. Details of Group 2 standards for Fitness to Drive can be found on the GOV.UK web site at:

www.gov.uk/guidance/assessing-fitness-to-drive

PART 6 - ACTIVITY

Please indicate whether you are self employed or whether you will be employed by someone else to drive their Taxi or Private Hire Car.

If you are self employed you will have registered with HMRC and received a 10 Digit Unique Tax Reference (UTR). You must provide your 10 digit UTR on the application form.

If you are not self employed please provide the information requested regarding the persons employing you to operate as a taxi or a private hire car driver.

PART 7 – DETAILS OF CONVICTIONS

Subject to the Rehabilitation of Offenders Act 1974, as amended by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015. All convictions must be declared, even if they are otherwise “spent” for the purposes of the Rehabilitation of Offenders Act 1974, unless they are “protected” convictions.

PART 8 – APPLICANTS DECLARATION

Before signing and dating the application form, please ensure that:

- The application form has been completed fully and all information provided is accurate and complete.
- You have read the Council’s data protection statement. **By signing and lodging this application form you are deemed to have given consent for your personal data to be held and processed for the stated purpose.**
- You have read the copy of the Council’s Standard Licensing Conditions provided with this application form and that that you understand that any Taxi or Private Hire Car drivers licence granted will be subject to these conditions

ADDITIONAL INFORMATION

TOPOGRAPHICAL TEST – TAXI DRIVER LICENCE APPLICATIONS ONLY

Anyone applying for a new taxi driver’s licence is required to sit and pass a ‘knowledge test’ prior to any licence being granted. You may wish to read the guidance notes in relation to the knowledge test which are available from our website at www.edinburgh.gov.uk/licensing. You can apply to sit the topographical test before you submit your application.

PROCESSING YOUR APPLICATION

When your application is submitted together with the relevant fee, all required documentation, checked and validated, a copy of your application will be sent to Police Scotland who will carry out their own investigations before reporting back to the licensing Section.

The Civic Government (Scotland) Act 1982 prohibits the Council from making a decision on your application until a minimum of 28 days has passed from the date a valid application is submitted. During this time any person can object to your application.

The majority of applications with no representations or objections will take 4-6 weeks to process, however applications that are to be considered by the Licensing Sub-Committee will take longer to determine. The Council has a maximum of 9 months from the date a valid application is submitted within which to make its decision.

If an objection or representation is received in relation to your application you will be sent a copy of the representation or objection. Your application and any letter of objection or representation will then be referred to the next available Licensing Sub-Committee for consideration. You will be written to and invited to attend the meeting and given an opportunity to address the committee before a decision is made.

CONDITIONS OF LICENCE

The current Taxi and Private Hire Car Conditions for drivers is available from our web site and a copy will be issued to you with any new licence granted. A breach of a condition of licence is a criminal offence, therefore you should have a thorough understanding of these conditions and they should be retained as they form part of your licence.

DURATION OF LICENCE

Applications for the grant of a licence are generally granted for a period of one year, whilst applications to renew an existing licence are normally granted for one or three years.

ISSUE OF LICENCE

Once you are in receipt of your licence and ID badge, you must ensure that they are not altered, or defaced in any way. They should be kept clean and legible and must not be lent to or used by any other person. If your licence or ID badge is lost damaged or becomes illegible, you must obtain a replacement from the city of Edinburgh Council on payment of the appropriate fee.

REGISTER OF APPLICATIONS

The City of Edinburgh Council will keep a register of applications in which it will enter the date of receipt, the name and address of the applicant, the decision, the issue date and duration of the licence, and a note of any suspension, or surrender of the licence. This information is available for inspection by any member of the public.

Appendix 3 – Proposed Policy on Criminal Records Checks

1. Subject to the Rehabilitation of Offenders Act 1974, as amended by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015. All convictions must be declared on the application form, even if they are otherwise “spent” for the purposes of the Rehabilitation of Offenders Act 1974, unless they are “protected” convictions.
2. In addition anyone applying for the grant or renewal of a taxi or PHC driver’s licence is required to provide evidence of the following:
 - 2.1 If they were born in the UK but have lived in any other country for six months or more, they must provide a Criminal Record Check from that country; or
 - 2.2 If they were born outwith the UK they must provide a Criminal Record Check from their country of origin. They must also provide a Criminal Record Check from any other country in which they have resided for six months or more; or
 - 2.3 If they were born outwith the UK, immigrated to the UK with their parents and have resided in the UK since childhood and are able to demonstrate this, but are unable to provide criminal record documentation relating to the period when they were a child under the age considered to be below the age of criminal responsibility in Scotland (i.e. 12), that this is accepted as the equivalent of offending history of UK nationals and would not normally be considered by the authority.
3. In all cases, the Criminal Record Checks provided must have been obtained within the six months immediately prior to submitting an application, translated into English and verified by the relevant UK based Embassy or High Commission.

Information on how to obtain criminal record checks overseas can be found on the GOV.UK web site:
www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants
4. Criminal records certificates shall be provided but where any existing licence holder is unable to do so then their application will be accepted, processed and referred to the committee to determine whether the application should be considered an exception to the policy.
5. Where an applicant for a new licence has been unable to produce the relevant Criminal Record Check, the application will be treated as incomplete, and therefore will not be processed. In addition, following the statutory amendments

introduced by the Immigration Act 2016, applications will not be accepted from an applicant who cannot demonstrate the right to work in the UK.

6. Where a previous licence holder has failed to renew their licence and allowed it to lapse they shall be treated as a new applicant and paragraph 4 above shall not apply.