

GUIDANCE ON APPLYING FOR A TAXI OPERATOR LICENCE

A Taxi Operator Licence is required for a vehicle to operate within the Falkirk Council area, or to and from a location outwith the Council area provided that the journey concerned starts or ends within the Falkirk Council area.

A licensed taxi can accept:-

- Pre-booked hires
- Hires from a taxi rank

What exemptions apply?

A Taxi Operator Licence is not required in respect of –

- 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.
- A vehicle while it is being used in connection with a funeral or wedding;
- Any 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.

If you are unsure as to whether you need a taxi operator licence you should seek your own legal advice.

How much will it cost?

The application fees for taxi operator licences are:-

- New application £254
- Renewal application £138 for 1 year or £330 for 3 years

Generally, you won't get your money back if we have started to process your application and you change your mind or if your application is refused. It is only when you are submitting a renewal application that you have the option of a 1 or 3 year application.

What type of vehicle can I operate as a taxi?

Age

- The vehicle requires to be no older than 3 years old from the date of first registration of the vehicle or from the year of manufacture where this can be proven.

The vehicles must be either –

- **Fully wheelchair accessible at all times.** This means that the wheelchair user must be able to enter and leave the vehicle whilst occupying the wheelchair, and that an appropriate means is provided by which the wheelchair can be secured for the safety of the passenger. Vehicles that require existing seating to be removed before they become fully wheelchair accessible will not be considered to be suitable.
- **Hybrid – Hybrid Electric Vehicle (HEV).** A vehicle that contains a conventional combustible engine propulsion system with an electric propulsion system. It must have a minimum boot capacity of 300 cubic litres, 5 doors and at least 4 passenger seats; or
- **Fully Electric – Electric Vehicle.** A vehicle that uses an electric motor and is powered by stored electricity and has a minimum boot capacity of 300 cubic litres, at least 4 passenger seats.

Refer also to the Conditions of Fitness of Taxis and Private Hire Cars – this gives you more detailed information of the requirements of the vehicle. This is available as a separate document.

Licensed Wheelchair Accessible Vehicles

Should your application be granted and the vehicle you operate is wheelchair accessible, you should be aware that your vehicle will be designated as wheelchair accessible in accordance with the Equality Act 2010. This means there are certain obligations that are placed upon you not to discriminate against wheelchair users or charge extra. In addition, we produce a list of licensed vehicles designated as wheelchair accessible taxis. This list is published on the Falkirk Council website. It gives the licence number and name, vehicle make and model and maximum number of passengers. Licenceholders have the option of giving a contact telephone number. This means that wheelchair user may be able to contact you to hire your vehicle.

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

If any persons named on the application has lived outside the UK for a period of six months or more within the last 10 years 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 the 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.

What happens if I have convictions or fixed penalties?

You need to tell us on the application form of **all** current convictions, conditional offers and/or fixed penalties within and outwith the UK recorded against any person(s) named on the application. If you don't submit all information we will send your application form and fee back to you. If you have a current conviction the application will automatically be determined

by the Civic Licensing Committee. If the application is for the renewal of a licence it is only the convictions, conditional offers and/or fixed penalties since the last grant of your licence.

How long will it take to process an 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. 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.

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

How do I make an application?

Your application should be made on the form that is available to download from our website or enclosed if you have been sent an application pack from the licensing office. You should refer to the Guidance on completing an application form for a Taxi Operator Licence before completing the form. 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.

You will also need to send to us the following with the form:-

- Photographic ID – new applications only
- Proof of address – new applications only
- Criminal Record Check (if required)

What happens next?

A copy of your application is passed to Police Scotland for comment.

If the application is for renewal and the licensing section is minded to grant then the licence will be posted to you after the consultation period has passed. Taxi Operator Licences are normally granted initially for 1 year and at the renewal of your licence you have the option to apply for either a 1 year or 3 year licence.

If it is an application for a new licence and the licensing section is minded to grant the licence we will advise you by e-mail or letter after the consultation period has passed. The licence will only be granted subject to you:-

- Purchasing a vehicle that complies with Falkirk Council's policy on licensed taxis.
- Submitting a vehicle self-declaration form
- Submitting either a bill of sale or vehicle registration document showing that you are the owner and the vehicle meets the current policy.
- Submitting the new vehicle form and paying the current fee.
- Getting the vehicle insured to operate as a taxi.

You should refer to the Conditions of Fitness of Taxis and Private Hire Cars – this gives you more detailed information of the requirements of the vehicle.

How do I get my licence for a new grant after doing the above?

You will be contacted direct and provided with details regarding the issue of your licence and plates.

Do officers of the Council always determine applications?

Applications are not always determined by officers. Sometimes applications have to go before a Committee known as the Civic Licensing Committee. This happens if an application is not straightforward and there is a possibility of it being refused.

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

- you have an unspent conviction(s);
- objections or representations are received;
- you are applying for an additional operator licence;
- you wish to operate a vehicle that does not comply with the current policy; or
- if after 8 weeks of being advised your licence will be granted subject to you presenting a suitably insured vehicle owned by yourself and passing the taxi inspection test and you have failed to do so.

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.
- If the application is granted you need to present to the licensing office documents relating to the vehicle which you have purchased, submitted self-declaration for and insured as explained above.

Are there any conditions attached to my licence?

If the licence is granted by officers the Standard Conditions will apply. If the licence is granted by the Civic Licensing Committee it will be granted with the Standard Conditions along with any additional conditions that the Committee may apply.

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. A right of appeal to the Falkirk Sheriff can be made within 28 days of the decision of the Committee.

Do I have to do anything else during the duration of my licence?

You have to ensure that the Council always has a copy of your current motor insurance to operate as a taxi and that the vehicle has a current taxi test certificate which lasts for 6 months or 1 year depending on the age of the vehicle. Also, if the taxi is damaged you are required to tell us as soon as possible.

Can I change my vehicle once a licence has been issued?

Yes. Before you purchase another vehicle ensure that it meets the required policy. If you are unsure you should contact the licensing section direct by email licensing@falkirk.gov.uk

Complete the forms substitute of vehicle and Vehicle Self-declaration.

Email the forms to licensing along with either a bill of sale or vehicle registration document, photographs of the vehicle inside and outside.

The documents will be checked and you will be contacted by telephone for the required payment.

Your licence and plates will be updated and you will be contacted with details of how they will be given to you.

If you sell or dispose of your vehicle you must contact the licensing office within 28 days and we will make arrangements for the collection of your licence plates and licence.