



IT IS STRONGLY ADVISED THAT YOU READ THE GUIDANCE NOTES BEFORE COMPLETING THIS APPLICATION AS INCOMPLETE APPLICATIONS OR APPLICATIONS SUBMITTED ON THE WRONG FORM WILL NOT BE ACCEPTED AND WILL BE RETURNED BY SECOND CLASS POST DELAYING YOUR APPLICATION. IF YOU PROVIDE AN EMAIL ADDRESS BELOW THIS WILL ALLOW US TO CONTACT YOU QUICKER REGARDING YOUR APPLICATION.

FOR OFFICIAL USE ONLY

Date of receipt of application		Receipt no.	
Acknowledgement		Deadline for initial decision	
Fee paid		Deadline for final decision	
Date to Police		Date to committee	
Date to Scottish Fire & Rescue Service		Decision	
		Date of determination	

Question 1 – Personal details

First name	Middle name(s)	Surname
Age	Date of birth	Place of birth
Previous name(s)	National Insurance Number	
Length of time resident in the UK	Nationality	
Permanent address	Previous address	
Post code	Post code	
Time resident at this address	E-mail address	
Telephone number	Mobile number	
Do you have a right to work in the UK?	YES/NO (Please delete as appropriate)	

Question 2 – Day to day manager

Does the person named in Question 1 propose to carry on the day to day management of the licence to which the application relates? If no please give manager's details below.		YES/NO*
First name	Middle name(s)	Surname
Age	Date of birth	Place of birth
Previous name(s)		National Insurance Number
Length of time resident in the UK		Nationality
Permanent address		Previous address
Post code		Post code
Time resident at current address		
Telephone number		Mobile number
Do you have a right to work in the UK?		E-mail address YES/NO (Please delete as appropriate)

Question 3 – Premises details

(a) Name of place or address or premise(s) to be licensed (Please submit a layout plan of the premises with your application)	Name: Address: Postcode:
(b) Proposed opening hours	
(c) Number of Taxi vehicles for which bookings are to be taken	
(d) Number of Private Hire vehicles for which bookings are to be taken	
(e) Insurance – Please give details of your Third Party Liability Policy (including insurance company details, policy number, amount of cover and date of renewal (copy of covering letter to be attached)	

Question 4 – Type of licence

Is this a renewal application?	yes/no
If yes, what is the licence number and renewal date?	
Has anyone named in this application ever applied for and been refused a licence by any council?	yes/no
If yes, which council refused the licence and by whom was the application made?	
When was it refused?	
Has anyone named in this application ever held a licence which was suspended or revoked?	yes/no
If yes, which council suspended or revoked the licence?	

Question 5 – Further details

Have any of the persons named in your answers to question 1 or 2 been convicted of any crime or offence?  If answer is yes please provide details below; continue on separate sheet if necessary.			yes/no*
Date	Court	Offence	Sentence

SUBJECT TO THE REHABILITATION OF OFFENDERS ACT 1974, ALL UNSPENT CRIMES AND OFFENCES MUST BE DECLARED (SEE NOTE 3(a) OF THE ATTACHED GUIDANCE NOTES).

The Booking Office licence conditions require you to send the Council a copy of your complaints policy which you issue to customers explaining how complaints are dealt with.

Please tick the box to confirm that you have attached a copy of your complaints policy (see guidance notes)

Declaration by applicant re site notice (\*\* delete whichever is not applicable)

\*\* (a) I declare that I shall, for a period of 21 days commencing with the date on which a fully completed application is submitted, display at or near the premises or site, so that it can conveniently be read by the public, a notice complying with the requirements of paragraph 2(3) of schedule 1 to the Civic Government (Scotland) Act, 1982.

or

\*\* (b) I declare that I am unable to display a notice of this application at or near the premises or site because I have no right of access or other rights enabling me to do so, but that I have taken the following steps to acquire the necessary rights, namely:-

Please detail the steps you have taken in the box below

but have been unable to acquire those rights

#### Question 6 - Declaration by applicant

I declare that the information given by me on this form is correct to the best of my knowledge and belief.

Date	Signature of applicant	
	Print name of applicant	

If the application is being signed by an agent on behalf of the individual please sign and complete the boxes below

Date	Signature of agent	
	Print name of agent	
	Address of agent	

#### Privacy Statement – Data Protection

All personal information that you supply will be used to process your application in accordance with data protection law and the Civic Government (Scotland) Act 1982. In terms of the 1982 Act we are required to share this information with the following bodies:-

- Police Scotland; and where the licensed activity takes place within premises,
- the Scottish Fire and Rescue Service or other enforcing authority under Part 3 of the Fire (Scotland) Act 2005

We are required by law to protect the public funds we administer. Therefore in line with the National Fraud Initiative (NFI) we may also share your information with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

Some of the information provided by you on this form will be held on a register which is available for inspection by members of the public.

Further information about how we handle your personal information, including how long we retain the information, information about the NFI and how you can complain about our handling of your information, is available in our Privacy Notice which can be found on the Licensing Team's webpage <https://www.westlothian.gov.uk/licensing>. A copy of our Privacy Notice is available on request by contacting the Licensing Team, email: [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk), telephone: 01506 281632.

**Civic Government (Scotland) Act 1982**  
**Licensing of Taxi/Private Hire Car Booking Offices – Guidance Notes**

The Council licences taxi and private hire vehicles and their drivers. A new licensing regime for taxi and private hire car booking offices has been introduced by the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009. The requirement to hold a licence comes into effect on 16 November 2009.

These guidance notes have been produced in an effort to assist applicants, but all applicants and other persons should obtain legal advice from their own solicitors and advisers as to the legal requirements.

**1. Requirement to hold a Licence:-**

- (a) 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 for members of the public for the hire of a relevant vehicle”. “Relevant Vehicles” are licensed taxis and private hire cars.
- (b) The types of premises that are covered by the licensing regime could include (1) offices accepting telephone/internet bookings, (2) shops, offices or mobile kiosks where members of the public can attend to book a taxi or private hire car or (3) private dwelling houses where these are used to receive telephone/internet bookings.
- (c) The premises require to be situated within the West Lothian Council area. If premises are situated in another Council area, applicants should contact that Council to obtain a licence from them.
- (d) It is important that the correct person applies for and holds the licence. The licence can be held in the name of an individual person, a partnership, limited liability partnership (LLP), limited company or organisation. The licence should generally be held by the relevant business that operates the booking office premises and not in a different name. Applicants should consult their legal advisers and/or accountants if they are unsure of this point. There are two different application forms – one for individuals and the other for businesses.
- (e) The premises that require to be licensed are the actual place where bookings are “taken”. It is suggested that this would be the place where the person or employee is when they advise the customer that the request for a booking has been accepted. For example, a telephone call made to a booking office which diverts to a central booking office would require the central booking office to be licensed.

**2. Exemption for Small Booking Offices**

The Order states that a licence is not required where the number of taxis and/or private hire cars in respect of which bookings are taken from that premises does not at anytime exceed three.

This exemption appears to be aimed at persons who only ever take bookings for three or less taxis and/or private hire cars. Booking office operators who normally take bookings for three or less taxis or private hire cars, but occasionally arrange bookings for other taxis or private hire cars, would have to either obtain a booking office licence or to decline to accept bookings for those extra taxis or private hire cars.

### 3. **Application Procedure**

#### (a) Application Form

An application should be made by completing the attached application form. It is a criminal offence to give false information on the application form and applicants making false statements on the form may be prosecuted and fined up to £2,500. The attention of applicants is especially drawn to Question 5 of the form. It is essential that the whole form is completed in full, otherwise the application form cannot be processed. Only convictions which are not spent in terms of the Rehabilitation of Offenders Act 1974 must be declared. You may wish to seek legal advice before completing this form from a solicitor or the Citizen's Advice Bureau.

#### (b) Identification of the Premises

It is up to the applicant to describe the premises to which the licence will apply and to submit a layout plan of the premises. If it is desired to designate part of a building as the premises, the application should make clear which part is to be licensed. The plan must be sufficient to clearly identify the premises but does not require to be drawn to scale.

#### (c) Fee

A fee will be payable on application and a further fee will be payable on the granting of a licence. Details of the current licensing fees can be found on the Council's website – [www.westlothian.gov.uk](http://www.westlothian.gov.uk). In the event of an application being refused or withdrawn after being processed no refund fee will be made.

#### (d) Site Notice

Paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act 1982 requires anyone applying for a licence involving the use of premises to display a site notice for a period of 21 days commencing with the date the application is lodged with the Council. A copy of the required site notice is attached. The notice must be displayed on or near your premises in a position where it can be easily read by the public. You must return a copy of the notice to the Council at the expiry of the 21 day period together with a Certificate of Compliance signed to certify that the notice has been displayed. A copy of the Certificate of Compliance is attached hereto. You must take steps to protect and replace the notice if it is removed.

#### (e) Where to make the Application

When making an application for the first time the form when completed, must be submitted by the day to day manager in person to Livingston CIS, Arrochar House, Almondvale Boulevard, Livingston along with the required fee and:-

- the manager's photocard driving licence or
- passport and proof of current home address i.e. recent utility bill.

The address given in the application form must match the ID documentation. Livingston CIS staff will copy the evidence of identity and immediately return the documentation. Details of the current licensing fees can be found on the Council's website – [www.westlothian.gov.uk](http://www.westlothian.gov.uk).

If the application is for the renewal of an existing licence and is submitted prior to the expiry of the licence then the form can be posted direct to The Licensing Team, Legal Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF along with a cheque/postal order with the required fee and proof of the current home address of the day to day manager given in the application. Alternatively it can be lodged at Livingston CIS. Applications with payments enclosed cannot be handed in to the Civic Centre.

#### 4. **What will happen with your Application**

Copies of applications are sent to Police Scotland and the Scottish Fire & Rescue Service.

The fitness of applicant and the suitability of the premises require to be assessed. If no objections or adverse comments are received, and the application is regarded as non-contentious, it can be granted under delegated powers. Remaining applications would require to be referred to the Licensing Committee for determination.

#### 5. **Right to work checks**

In terms of The Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 as amended by the Immigration Act 2016 the council as licensing authority is under a duty not to grant or renew a booking office licence to any individual or partnership if all such persons do not have the right to work in the UK. If you make an application as an individual or a partnership [other than a limited liability partnership (LLP)] in order to discharge this duty the council has to check that that the applicant and each partner holds one of a number of documents showing that they have permission to work in the UK.

This check will be made if on or after 22 January 2018 you apply for grant of a booking office licence or when you first apply to renew your licence after that date. You will be required to attend an interview and provide evidence of your right to work in the UK within 3 months of the date on which your application is made. Should you fail to do so, your application will be treated as incompetent and will not be processed further.

Further information is available on the council's booking office licence webpage under "Will my application be subject to a right to work check?"

<https://www.westlothian.gov.uk/article/2984/Hire-Car-Booking-Office-Licence>

If there are restrictions on the length of time you or your partners may work in the UK, your licence if granted will not be issued for any longer than this period. In such circumstances the check will be repeated each time you apply to renew your licence. If, during the period in which you hold your licence, you or your partners are disqualified from holding a licence due to your immigration status, your licence will cease to have effect and you must return it to the council as licensing authority, as failure to do so will constitute a criminal offence.

## 6. **When a Licence is Granted**

### (A) Conditions of Licence

If a licence is granted it will be granted subject to certain conditions. Failure to observe conditions is a criminal offence and could lead to a licence being suspended. Some conditions are mandatory and are set out in the Order. The Council can impose other local conditions. Please note that the mandatory conditions will not apply until a licence is granted.

#### (1) Mandatory Conditions

- (a) A record has to be kept for 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 a result of a booking taken at the relevant premises; and (ii) the name of its driver at the time of the hire of that hire; and
- (c) 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.

#### (2) Local Conditions

- (a) The type of local conditions to be included in the licence has yet to be decided. These could include the retention of more detailed information and records in the manner in which it is kept. It is intended that there will be consultation with booking office operators, the police and others before local conditions are finalised.

### (B) Rights of Inspection by the Police and Council Officers

- (1) In terms of Section 5 of the Civic Government (Scotland) Act 1982, an authorised officer of the Council or a Constable may, at any reasonable time:-
  - (a) Enter and inspect any booking office premises for which a licence is in force or for which a licence has been applied for;
  - (b) Require production of and inspect any equipment, plant, apparatus or stock-in-trade which is or is to be kept or used in connection with any such activity;
  - (c) Require production of and inspect any records or other documents required by or to be kept by the licenceholder and take copies of extracts of any such record or document.



(2) A person who:-

- (a) Being a person for the time being in charge of any premises fails, without reasonable excuse to permit a constable or an authorised officer of the Council to enter or inspect the premises or obstruct their entry; or
- (b) Who fails, without reasonable excuse to produce any equipment, plant, apparatus or stock-in-trade or to permit a constable or council officer to inspect any equipment, plant, apparatus or stock-in-trade; or
- (c) Being the holder of a licence, on being required by a constable or a council officer, to produce any records or other document required to be kept, fails without reasonable excuse to produce them shall be guilty of a criminal offence.

(C) Changes to the Licenceholder or Premises

Paragraph 9(2) of Schedule 1 to the Civic Government (Scotland) Act 1982 prohibits any material alterations being made to licensed premises unless the prior consent of the Council is obtained. Any request for such consent shall be made to the Licensing Team. Planning consent and/or building warrant may also be required.

(D) Complaints

Repeated failures on behalf of booking office licenceholders to carry out pre-booked hires or to provide adequate services to customers may be matters that could be taken into account by the Council in assessing the licenceholder's fitness to continue to hold a booking office licence. Operators are therefore required to have their own complaint procedures in place and to enclose a copy with this form and to deal with complaints effectively. Complaints from passengers may, however be referred to the Licensing Team. It is good practice to have the complaints policy in a clear place on your website.

If you have any queries in relation to these guidance notes please address your queries to the Licensing Team, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF, or by email to [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk) or by telephone on 01506 281632.

## DISPLAY OF SITE NOTICES AND COMPLETION OF CERTIFICATES OF COMPLIANCE

7. Unless the application is for a temporary licence for a period of less than 6 weeks, a site notice must be displayed at or near the premises or site so that it can conveniently be read by the public, advertising your application. When your application is acknowledged as complete you will be required to send two photographs of the site notice to the Licensing Team. One photo must show the location of the notice and the other must be a close up clearly showing the wording of the notice.

The two notices are attached to these notes:

- Notice No. 1 provides a style of the notice to be displayed on the premises. It is called the Site Notice. This is a legal requirement.
- Notice No. 2 is a Certificate of Compliance and certifies that the applicant (or their agent) have complied with the legal requirements regarding the display of the site notice. This is a legal requirement.

**If your application is for a temporary Licence, this site notice is not required and the declaration (A) and (B) on page 4 of this application form should be deleted. The rest of these notes can be ignored.**

8. The site notice (notice no.1) must be
  1. completed with details of the application and objection period (see 16 below)
  2. displayed on the premises which are to be licensed for **at least 21 days** beginning with the date on which your fully completed application was lodged.
  3. placed where it can be read easily by the public

**If your application is returned to you as it was not complete you will require to post a further site notice giving a further 21 day period for objections to be lodged.**

9. For applications for annual licences or for renewal of annual licences see the declaration section on page 4 of the form. You are required to delete (A) or (B) as appropriate.

Where declaration (A) is made, after the objection period has expired you must complete and send us the Certificate of Compliance with paragraph 2(2) of Schedule 1 to the Civic Government (Scotland) Act, 1982.

A style for such Certificate of Compliance is enclosed with this form (notice no.2).

Your application cannot be progressed until this certificate is received. If you have not displayed your site notice for the required 21 day period contact us and we will send you another one to display for a further period.

10. The Site Notice and Certificate of Compliance must contain the following information: -

1. The type of licence applied for.
2. The full name of the applicant. This may be an individual's name or that of a company, partnership or organisation.
3. The home address of the applicant. Where a company, partnership or organisation is making the application the registered office of the company, or principal office of the partnership or organisation should be given.
4. The address of the premises to be licensed must be included even though the site notice must be displayed at that same address.
5. The site notice must be signed by the applicant or manager (in the case of a company, partnership or organisation) or an agent acting on the applicant's behalf.
6. The date on which the site notice was first displayed should be clearly stated. The final date for the submission of objections or representations must be completed. This date is 28 days after the date of lodging of the application with the Council.
7. The Certificate of Compliance should only be signed and dated at the end of the objection period before it is returned to the Council and it should state quite clearly when the site notice was displayed. There has to be at least a period of 21 days between the two dates specified.

If you have any difficulties completing either of these notices, please contact Licensing Team staff on 01506 281632 who will be pleased to help.

THIS NOTICE MUST BE DISPLAYED FROM THE DATE THE APPLICATION WAS SUBMITTED TO THE COUNCIL

**SITE NOTICE    Notice No. 1**  
**Civic Government (Scotland) Act, 1982**  
**APPLICATION FOR THE GRANT/RENEWAL OF A:**

**TYPE OF LICENCE:**

See 10(1)

**NOTICE IS HEREBY GIVEN THAT**

**NAME of Applicant (Individual, Company or Partnership):**

See 10(2)

of

**ADDRESS of the above named applicant:**

See 10(3)

has applied to the **WEST LOTHIAN COUNCIL** for the grant/renewal of a

.....licence. See 10(1). A licence for a 1 year period has been sought. The address of the premises or site for which the licence is sought is:

**ADDRESS of Site**

See 10(4)

Members of the public may object to this application or make representations concerning it. Any objection or representation must be made by letter or email and must give reasons for the objection or representation. The name and address of the person objecting or making representations must be stated clearly and any letter must be signed by that person or an agent authorised to act for them. Emails do not require a signature but must include a name and address. Objections or representations should be sent to the Licensing Team, Legal Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF or emailed to [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk) by \*.....insert date i.e. 28 days after application is submitted. See 10 (6)

Any letters containing objections or representations should be either delivered by hand to the address given above or sent by Recorded Delivery mail to that address.

The Council can entertain late objections or representations provided a final decision has not been taken on the relevant application if it is satisfied there is sufficient reason why it is late. If a late objection or representation is made it must be accompanied by an explanation for that lateness.

Signed .....

See 10(6)

Date notice posted (i.e.date application submitted) ..... See 10(6)

**THIS CERTIFICATE MUST BE COMPLETED AND RETURNED TO THE COUNCIL AFTER THE EXPIRY OF THE OBJECTION PERIOD**

**Certificate of Compliance Notice No. 2  
Civic Government (Scotland) Act, 1982**

**NAME:**

See 10(2)

**ADDRESS:**

See 10(3)

having made application to West Lothian Council for the grant/renewal of a:

**TYPE of LICENCE:**

See 10(1)

in respect of:

**SITE ADDRESS:**

See 10(4)

HEREBY CONFIRM THAT I/WE have complied with the terms of Paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act 1982, by displaying a notice at or near the above mentioned premises or site where it could be conveniently be read by the public for a period of 21 days from \*.....insert date application was submitted [See 10(6)]

Signed: ..... [See 10(7)]

Date of signature ..... [See 10(7)]

