

Immigration Act 2016
Applications for grant and renewal of taxi and private hire car driver's licences
Right to work in the UK check required

The UK Government has changed the law regarding taxi and private hire car (PHC) driver's licences with effect from 1 December 2016. These changes will affect you if:

- you apply for a taxi or PHC driver's licence on or after 1 December 2016; or
- you already hold a taxi or PHC driver's licence and you apply to renew your licence on or after 1 December 2016.

The legislation does not affect applications for vehicle licences. However, similar changes will be brought into effect in the near future for applications for booking office licences and will affect all booking office licence applicants and the partners and directors named on these applications.

This note explains what the changes mean, how they will affect you and what you need to do.

What do the changes mean?

The changes mean that, from 1 December 2016, the council as licensing authority is under a new legal duty to ensure that taxi and PHC driver's licences are only issued to applicants who have the right to work in the UK.

In order to comply with this duty the council has to check that all applicants on or after 1 December 2016 have the right to work in the UK. By law this applies to everyone regardless of where they were born, how long they have lived in the UK and, if they already hold a taxi or PHC driver's licence, how long they have held that licence.

How the changes will affect you

If you apply for grant of a taxi or PHC driver's licence on or after 1 December 2016, or you already hold a licence and you apply for renewal of your licence on or after 1 December 2016, you will need to apply using an updated application form. Older versions of the form cannot be accepted. Applying on an outdated form will delay the processing of your application so please ensure the correct form is used.

For applications received on or after 1 December 2016 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. Please see below for further details as to what is required for you to evidence your right to work in the UK.

What you need to do

You will be invited to make an appointment to attend a short interview with a council officer in the West Lothian Civic Centre who will check your documentation evidencing your right to work in the UK. You must attend the interview in person and bring evidence of your right to work in the UK with you to the interview. Only certain forms of documentation are acceptable. For applicants who are

British citizens all they need to produce will be a passport. For British Citizens who do not have British passports there are other documents which can be produced instead these are contained in List A attached to this note.

For applicants who have restrictions on their right to work in the UK they must produce one of the documents in List B attached to this note.

Please note that you must provide the original (not a copy). If you do not possess any of the above forms of documentation, you must let us know as soon as possible. It is your responsibility to make sure that you can provide one of the acceptable forms of documentation and you should take steps to obtain this, if required.

At the interview the council officer attending is required to follow a 3 step process:

1. obtain the original version of one or more of the acceptable documents referred to above;
2. check the document's validity in the presence of the applicant; and
3. make and retain a clear copy of the document.

Please assist the council officer at your interview in helping them to follow this legally required 3 step process.

Once your documentation has been checked

If the documentation you provide at the interview demonstrates that you have a permanent right to work in the UK you will not require to attend a further interview when you apply to renew your licence again after three years. In other cases you will be invited to attend a further interview when you next apply to renew your licence so that your documentation can be checked again or this may be earlier if your right to work in the UK is limited to a shorter period.

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List A

No restrictions on right to work in the UK. Once the council has undertaken the necessary check once, and retained a copy of your document, you will not have to repeat the check when you subsequently apply to renew your licence

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.
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.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
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.
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 of abode in the UK, or has no time limit on their stay in the UK.
7. A current Immigration Status Document issued by the Home Office to the holder with an 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.
8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents (including an official extract of an entry in the register of births in Scotland in long form), 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.
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 a previous employer.
10. A certificate of registration or naturalisation as a British citizen, 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.

List B

Restrictions on right to work in the UK. The council may issue your licence (subject to statutory limitations) up to the expiry date of your permission to work in the UK. The council will check your immigration status each time you apply to renew your licence

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.
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.
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 of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
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 a Government agency or a previous employer.
5. 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 granted for six months from the date of the Certificate of Application.
6. A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK and work because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.