



## Civic Government (Scotland) Act 1982

### Guidance Notes - Taxi / Private Hire Car Booking Offices

The Council already licenses taxi and private hire car 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.

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 advisors as to the legal requirements.

#### 1. REQUIREMENT TO HOLD A LICENCE

- (a) A licence is required for "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 Vehicles" are licensed taxis and private hire cars.
- (b) The types of premises that could come into the licensing regime could include (1) offices accepting telephone/internet bookings, (2) shops, offices or counters within buildings 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 bookings.
- (c) 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 Partnership or Limited Company. 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 advisors and/or accountants if they are unsure of this point.
- (d) The premises that require to be licensed are the actual place where bookings are "taken". Every operation will have to be checked to see how it is actually operated, but 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 by a member of the public to a central booking office would require the central booking office to be licensed.

#### 2. APPLICATION PROCEDURE

**(a) Application form.** An application should be made by completing the application form that can be downloaded from [www.clacksweb.co.uk](http://www.clacksweb.co.uk)

**(b) Identification of the Premises.** It is up to the applicant to describe the premises to which the licence will apply. It is suggested that this would be the whole premises which are used by the booking office. 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 Council may ask for a plan to be submitted if the description is not clear.



**(c) Fee.** The application form should be accompanied with the appropriate application fee which is presently £200 for a three year licence. The fee is designed to recover the Council's costs in dealing with applications and enforcement, including responding to complaints from the public (see below).

**(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 a premises to display a Site Notice for a period of 21 days commencing with the date the application is lodged with the Council. 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 with the declaration signed to certify that the notice has been displayed. You must take steps to protect and replace the notice if it is removed.

**(e) Where to make the Application** The application form and fee can be posted to the Licensing Administrator, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB. The application can also be made in person at the above address between the following hours Monday - Friday 8.30am to 4.30pm.

### 3. **WHAT WILL HAPPEN WITH YOUR APPLICATION**

Copies of applications are sent to the Police, Fire Service and the Council's Environmental Health Service.

The fitness of the 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 could be granted under delegated powers. Remaining applications would be referred to the Regulatory Sub-committee for determination.

### 4. **WHEN A LICENCE IS GRANTED**

**(a) CONDITIONS OF LICENCE** - If a licence is granted, it will be subject to certain conditions. Failure to observe conditions is a criminal offence and could lead to a licence being suspended or removed.

Some conditions are mandatory and are set out in the Order. The Council can impose other local conditions.

#### **(1) Mandatory Conditions**

- a The licence holder must keep a record of every booking for the hire of a relevant vehicle taken at the relevant premises.
- b The licence holder must keep a record of:
  - The registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
  - The name of the driver and the time of that hire.



- c. The licence holder 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:
- A relevant vehicle; and
  - being driven by a person who holds a licence granted under section 13 of the Act and that licence has effect

### **Local Conditions**

In addition to the information required to be kept at 1 and 2 above), the licence holder must also keep records of the following:

- Date of booking
- Date of journey
- Time of booking
- Time of journey
- Place of journey commencing; and
- Proposed final destination

### **(b) RIGHTS OF INSPECTION BY 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 licence holder and take copies of extracts from any such record or document.
- (2) Any 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 obstructs 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 a 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.
  - (d) complaints, repeated failures on behalf of Booking Office licence holders 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 licence holder's fitness to continue to hold a Booking Office Licence. Operators are therefore encouraged to have their own complaints procedures in place and to deal with complaints effectively. Complaints from passengers may, however, be referred to the Licensing Department.



(e) changes to Licence holder & premises. Paragraph 10(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. Application forms for consent can be obtained from the Council's Licensing Department. Planning consent and or Building Warrant may also be required.

*If you require any further information please contact the Licensing Administrator on telephone number 01259 452093 or email address [licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)*