***CIVIC GOVERNMENT (SCOTLAND) ACT 1982***

##  CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF BOOKING OFFICES) ORDER 2009

**Guidance on Applying for Taxi/Private Hire Car Booking Office Licence**

Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 (“2009 Order”) amends Section 44 of the Civic Government (Scotland) Act 1982 (“the 1982 Act”) to introduce a mandatory licensing scheme for taxi and private hire booking offices.

From 16th November 2009 it will be a criminal offence to operate a taxi or private hire booking office business for premises in Scotland without a Booking Office Licence.

**What is a Booking Office Licence?**

The 2009 Order provides that, from 16th November 2009, 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, from members of the public for the hire of a relevant vehicle.

“Relevant Vehicle” is defined as a vehicle in respect of which a taxi licence or a private hire car licence has been granted in terms of Section 10 of the Civic Government (Scotland) Act 1982 and that licence is in effect.

You should note that this also applies to limousines that are licensed as private hire cars.

**Who Needs to Apply for a Licence?**

Any person using 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, as outline above, requires to apply for a booking office licence for those premises.

**Are there any Exceptions to the Requirement for a Licence?**

No licence is required where the number of relevant vehicles in respect of which bookings are taken does not at any time exceed 3.

This is the only exception to the requirement for a licence.

**How do I Apply?**

An application can be downloaded from our website www.dumgal.gov.uk . Alternatively, if you require a hard copy, please email licensing@dumgal.gov.uk

Please read all the information provided carefully before completing and submitting your application form.

Completed forms should be submitted to –

Licensing

Kirkbank House

English Street

Dumfries

DG1 2HS

Together with –

* The application fee
* A layout plan of the premises
* Copy Third Party Liability Insurance Documents
* A Copy of Your Policy for Dealing with Complaints from Members of the Public

Once your application has been accepted by the Licensing Authority as complete, you are required to display a site notice at the premises, for a period of 21 days. The site notice will be issued to you by the Licensing Service (once your application has been accepted as final) and should be displayed in a location where it can be easily read by members of the public.

Once the site notice has been displayed at the premises for 21 days, please complete and return it to the address given on the bottom of the form.

**How Long Does a Booking Office Licence Last?**

Booking Office Licences will normally be granted for 3 years.

Copies of Licences issued will be forwarded to Police Scotland, The Scottish Fire and Rescue Service, Planning Services, Building Standards, Environmental Health and the local Roads Manager for information purposes.

A register of licences issued will also be kept, which register will be available for inspection to members of the public.

**How Much Does a Booking Office Licence cost?**

The application fee for both the grant and renewal of a booking office licence is £359.00. Payment may be made by cheque or debit/credit card once your application has been accepted as final.

Applicants should note that the application fee is not refundable if the application is refused, cannot be processed in time, or if you decide to withdraw your applicant after it has been lodged and processed.

**Will I need to submit anything else with my application?**

All applicants must submit the following documents with their applications –

* A detailed layout plan of the premises. This must be drawn to scale.
* Evidence of Third Party Public Liability Insurance.
* A copy of your Policy for dealing with Complaints from Members of the Public

**What Happens Once I have lodged my application?**

The Council must give a copy of your application to the Police Scotland, the Scottish Fire and Rescue Service, Planning Services, Building Standards, Environmental Health and the local Roads Manager.

These agencies must submit their views to the Council within 28 days. They may also submit comments which include recommendations for additional conditions to be attached to the licence by the Council.

Members of the public may object or make representations within 28 days of display of the site notice at the premises.

The Council does have a discretion to accept a late objection or representation by any party, on good cause shown.

**How Will the Application be Determined?**

Where no objections, representations, or notices are received from the Police, Scottish Fire and Rescue Service, Planning Services, Building Standards, Environmental Health, the Local Roads Manager or any other party, the application will be granted under delegated authority and the licence will be issued.

If there are objections or representations, the application will be referred to the Licensing Panel for consideration.

You will be provided with copies of the objections or representations, advised of the date, time and place of the Hearing, and you will be given a copy of the report that will be before the Panel for information.

The Licensing Panel will consider if any of the grounds of refusal apply. If none of the grounds of refusal apply, the application will be granted. If one or more of the grounds of refusal apply, the application will be refused.

The Council is required to give written notice of the Panel’s decision to all relevant parties within 7 days of the date of its decision.

**What are the Grounds of Refusal?**

The grounds of refusal are –

(a) The applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either –

i) For the time being disqualified under Section 7(6) of the Act; or

ii) Not a fit and proper person to be the holder of a licence;

(b) The activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) Where the licence applied for relates to an activity consisting of or including the use of the premises, the premises are not suitable or convenient for the conduct of the activity having regard to:-

1. The location, character or condition of the premises;
2. The nature and extent of the proposed activity;
3. The kind of person likely to be in the premises;
4. The possibility of undue public nuisance; or
5. Public order or public safety;
6. Where there is other good reason for refusing the application.

**What Conditions Will Attach to the Licence?**

The 2009 Order provides that the following mandatory conditions attach to all licences issued:-

1. That a record be kept of every booking for the hire of a relevant vehicle taken at the premises;
2. That a record be kept of –
3. The registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
4. The name of its driver at the time of that hire; and
5. That 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 relevant vehicle results in the hire of a vehicle which is –
6. A relevant vehicle; and
7. Being driven by a person who holds a licence granted under Section 13 of the Act and that licence is in effect.
8. The Council has agreed that further local conditions will only be attached where considered necessary and proportionate and following in conformity with consultation with the agencies named, including Police Scotland and the Scottish Fire and Rescue Service.

**Where Can I Get Further Information?**

Further information is available from the -

Licensing

Kirkbank House

English Street

Dumfries

DG1 2HS

E-mail licensing@dumgal.gov.uk