

Reference	Current policy	Amendment	Rationale
1.3.1	This policy shall take effect from 1 st April 2018 and the Authority expects new applicants for licences to comply with its terms immediately. It is acknowledged however, that certain provisions may place financial obligations on existing licence holders and, accordingly, a transitional period is implemented during which necessary changes must be made. Accordingly, the full weight of the policy regarding the vehicle age shall not take effect until September 2019	This policy shall take effect from 1 st April 2020 and the Authority expects new applicants and current licence holders to comply with its terms immediately. All current licences will be reviewed against the new policy standards.	New requirement
1.3.2	The Authority will keep this policy under review and will consult where appropriate on proposed revisions.	This policy will be reviewed every 5 years but may be subject to interim reviews as required and the authority will consult where appropriate on the proposed revisions with the taxi trade and the trades' customers.	New requirement
1.4.1		The General Purposes Committee is the designated committee for considering the Hackney Carriage and Private Hire licensing regime and act as an impartial quasi-judicial licensing authority. It's role is to determine whether licences should be granted, renewed or in cases where the licence holder falls below the standards required by the Authority to revoke or suspend.	Strengthening wording of policy
1.4.2		All members of this committee will be sufficiently trained to allow them to make informed decisions. Without this training members will not be permitted to sit on a taxi sub/committee.	Strengthening wording of policy
2.1.1	It is Council policy to issue a dual driver's badge for both hackney carriage and private hire. Licences shall normally be issued for a maximum period of three years. A lesser licence period maybe granted dependent upon the circumstances of that case. The following will be required as part of an application: <ul style="list-style-type: none"> • A fully completed and signed application. • An enhanced check from the Disclosure and Barring service is required on application and applicants are required to join and maintain membership of the DBS 	It is Council policy to issue a dual driver's badge for both hackney carriage and private hire. Licences shall normally be issued for a maximum period of three years. A lesser licence period maybe granted dependent upon the specific circumstances of that case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis. The following will be required as part of an application:	New requirement

	<p>update service in order that their status can be checked annually.</p> <ul style="list-style-type: none"> • A Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every year. • A completed medical examination with the Council's appointed medical adviser on application and in line with the Council's policy. • A completed statutory declaration of convictions • The required fee • Attendance at safeguarding training within 12 months of the initial badge being issued. 	<ul style="list-style-type: none"> • A fully completed and signed application. • An enhanced check from the Disclosure and Barring service is required on application and applicants are required to join and maintain membership of the DBS update service in order that their status can be checked annually. • A Driver and Vehicle Licensing Agency (DVLA) licence history, required on application and every year. • A completed medical examination with the Council's appointed medical adviser on application and in line with the Council's policy. • A completed statutory declaration of convictions • The required fee • Attendance at safeguarding training within 12 months of the initial badge being issued. 	
2.1.4	<p>An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.</p>	<p>An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the General Purposes Committee) as part of any process associated with the administration or determination of a licence.</p>	Admin amendment
2.1.5		<p>The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage</p>	New requirement

		<p>or PHV licence. Therefore:</p> <ul style="list-style-type: none"> • Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3. • All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application. <p>The information recorded on NR3 itself will be limited to:</p> <ul style="list-style-type: none"> • name • date of birth • address and contact details • national insurance number • driving licence number • decision taken • date of decision • date decision effective <p>Information will be retained on NR3 for a period of 25 years.</p> <p>This is a mandatory part of applying for a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other</p>	
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		<p>authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at www.newark-sherwooddc.gov.uk</p> <p>Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.</p> <p>If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at freedom@nsdc.info. This includes submitting a subject access request.</p> <p>You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: https://ico.org.uk/make-a-complaint/</p>	
2.3.2	In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage and/or private hire driver's licence, applicants are required to undertake a knowledge test. The test consists of seven parts; the	In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage and/or private hire driver's licence, applicants are required to undertake a knowledge test. The test consists of seven parts; the first two	Amendment to include English Language

	first two parts will challenge the applicant's knowledge of UK motoring law and good practice, common road signs and the highway code, the next three sections will test the applicant on numeracy, customer care and taxi law and conditions and the final two sections require knowledge on locations and the road network.	parts will challenge the applicant's knowledge of UK motoring law and good practice, common road signs and the highway code, the next three sections will test the applicant on numeracy, customer care (including English language) and taxi law and conditions and the final two sections require knowledge on locations and the road network.	
2.7.1	A criminal record check on a driver is seen as important safety measure. Enhanced Disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of convictions, police cautions and other relevant information. The Council is an approved Disclosure and Barring Service Body; therefore, applicants will deal with the Disclosure and Barring Service through the Council and will be charged the current DBS fee.	A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of convictions, police cautions and other relevant information. The Council use a third party to carry out the Enhanced DBS check and payment for this service will be made directly to the third party.	The Authority now uses a third party organisation for DBS checks as the service is electronic and quicker.
2.7.2	Whilst it is the responsibility of the applicant to ensure the DBS disclosure form is correctly completed, licensing officers will check the accuracy of completed forms before they are sent to the DBS. The DBS places very stringent controls on the Authority with regard to the accurate completion of disclosure forms and therefore drivers should be aware that incorrectly completed forms may delay their application as they will not be accepted by the Authority.	It is the responsibility of the applicant to ensure the DBS disclosure form is correctly completed, licensing officers will check the accuracy of completed forms before they are sent to the third party for processing the DBS .	As 2.7.1
2.7.3	DBS disclosures are transferable from one agency to another where "the other workforce" category has been selected. Applicants will be required to use the DBS update service.	DBS disclosures are transferable from one agency to another where "other workforce" category has been selected. Applicants will be required to join and maintain the DBS update service for as long as they are a licensed driver	Strengthening policy wording
2.7.4	The DBS certificate will be checked at the time of application annually using the DBS update service for the duration of the licence.	The DBS certificate will be checked at the time of application and every 6 months using the DBS update service for the duration of the licence.	New requirement

2.7.5		Where is decision to made to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the DBS	New requirement
2.8.3		In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.	New requirement
4.2.2		Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.	New requirement for vehicle proprietors
2.15.2		Drivers will be required to attend safeguarding refresher training every 3 years.	New requirement
3.2.1	<p>The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:</p> <ul style="list-style-type: none"> • Criminal record (including convictions, cautions, warnings and reprimands), • Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity, • Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Newark & Sherwood District Council), • Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.) 	<p>The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:</p> <ul style="list-style-type: none"> • Criminal record (including convictions, cautions, warnings and reprimands), • Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity, • Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Newark & Sherwood District Council), • Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.) <p>The 'fit and proper' test will be applied to each of the directors or partners in a company or partnership.</p>	Strengthening policy wording
3.2.3	If an application is received from a person who is not a current driver licensed by Newark & Sherwood District Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service,	If an application is received from a person who is not a current driver licensed by Newark & Sherwood District Council then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service on an annual basis,	New requirement for annual checks

	and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).	and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).	
7.1.8		The Council have authorised officers from other Nottinghamshire authorities so that compliance and enforcement action can be taken against licence holders from outside their area, where the need arises.	New requirement
1.5 of Appendix 4		<p>The term 'Fit and Proper' for the purposes of licensing is not legally defined and in assessing whether someone maybe fit and proper the Council will consider the following, and take any other relevant information into account:</p> <ul style="list-style-type: none"> • Criminality • Human Rights • Period of holding a driver's licence • Number of endorsed driving penalty points • Right to work • medical fitness • Driving ability test • Knowledge Test • The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of driver hours • The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process). • The previous licensing history of existing/former licence holders and any complaints made against 	Strengthening of policy wording

		<p>them and investigated by any local authority licensing service.</p> <p>In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.</p>	
3.1 of Appendix 4	<ul style="list-style-type: none"> • where the applicant had been convicted of an offence other than infrequent minor traffic offences, within the five year period immediately preceding the date of the application. However, a number of minor traffic offences may result in a reference to the committee as indicating recklessness; • where the conviction(s) occurred outside the five year period referred to above but: <ul style="list-style-type: none"> - the offence was of a particularly serious nature; or - there was a history of criminal convictions demonstrating a series of offences which had occurred with relative frequency over a period of years; - where, in respect of motoring offences which were not spent, the applicant had incurred four or more penalty points in respect of any one offence or had incurred a total of seven or more penalty points; or - where the Business Manager – Environmental Health and Licensing considers that the offence(s) raised concern that the safety of the public might be put at risk; - where information is revealed on a DBS check about behaviour which does not involve a conviction or caution for an offence but which the Business Manager – Environmental Health considers should be referred to the Committee. 	<ul style="list-style-type: none"> • where the applicant had been convicted of an offence other than infrequent minor traffic offences, within the prescribed time period immediately preceding the date of the application. However, a number of minor traffic offences may result in a reference to the committee as indicating recklessness; • where the conviction(s) occurred outside the prescribed time period referred to above but: <ul style="list-style-type: none"> - the offence was of a particularly serious nature; or - there was a history of criminal convictions demonstrating a series of offences which had occurred with relative frequency over a period of years; - where, in respect of motoring offences which were not spent, the applicant had incurred four or more penalty points in respect of any one offence or had incurred a total of seven or more penalty points; or - where the Business Manager – Public Protection considers that the offence(s) raised concern that the safety of the public might be put at risk; - where information is revealed on a DBS check about behaviour which does not involve a conviction or caution for an offence but which the Business Manager – Public Protection considers should be referred to the Committee. 	Admin amendment

6.1a of Appendix 4		<p>6.1.1 Exploitation</p> <p>Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not normally be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse. Such offences include but are not limited to:</p> <ol style="list-style-type: none"> 1. Slavery 2. Trafficking 3. Child sexual abuse 4. Exploitation 5. Grooming 6. psychological, emotional or financial abuse 7. Kidnapping or abduction 8. Or any similar offences (Including attempted or conspiracy to commit) offences which may replace the above 	New requirement
6.4 of Appendix 4	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 5 years have passed since the completion of any sentence and/or licence period:</p> <ol style="list-style-type: none"> 1. racially aggravated criminal damage 2. racially aggravated offence 3. hate crime against property 4. or any similar offences (including attempted or conspiracy to commit offences) which replace the above. 	<p>6.4 Discrimination</p> <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 7 years have passed since the completion of any sentence and/or licence period:</p> <ol style="list-style-type: none"> 1. Racially aggravated criminal damage 2. Racially aggravated offence 3. Hate crime against a person or persons 4. Hate crime against property 5. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above. 	Strengthening policy wording and change of policy

6.5 of Appendix 4	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 3 years have passed since the completion of any sentence and/or licence period:</p> <ol style="list-style-type: none"> 1. Common assault/battery 2. Assault occasioning actual bodily harm 3. Affray 4. S5 Public Order Act 1986 offence (harassment, alarm or distress) 5. S4 Public Order Act 1986 offence (fear of provocation of violence) 6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress) 7. Obstruction 8. Criminal damage 9. Harassment 10. Offences involving anti-social behaviour <p>Or any similar offences (including attempted or conspiracy to commit offences) which replace the above</p>	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 10 years have passed since the completion of any sentence and/or licence period:</p> <ol style="list-style-type: none"> 1. Common assault/battery 2. Assault occasioning actual bodily harm 3. Affray 4. S5 Public Order Act 1986 offence (harassment, alarm or distress) 5. S4 Public Order Act 1986 offence (fear of provocation of violence) 6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress) 7. Obstruction 8. Criminal damage 9. Harassment 10. Offences involving anti-social behaviour <p>Or any similar offences (including attempted or conspiracy to commit offences) which replace the above</p>	Change of policy
6.8 of Appendix 4	<p>Possession of a weapon</p> <p>If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least 3 years must have passed since the completion of the sentence before a licence is granted.</p>	<p>Possession of a weapon</p> <p>If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least 7 years must have passed since the completion of the sentence before a licence is granted.</p>	Change of policy
6.9 of Appendix 4	<p>Sexual and indecency offences</p> <p>As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual</p>	<p>Sexual and indecency offences</p> <p>As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be</p>	Change of policy

	<p>offences should be considered as serious. Applicants with convictions for sexual offences will normally be refused a licence upon application, renewal or review.</p> <p>Such offences include:</p> <ol style="list-style-type: none"> 1. Rape 2. Assault by penetration 3. Offences involving children or vulnerable adults 4. Grooming, trafficking or other sexual exploitation related offences (adults and/or children) 5. Making or distributing obscene material 6. Possession of indecent photographs depicting child pornography 7. Sexual assault 8. Indecent assault 9. Exploitation of prostitution 10. Any similar offences (including attempted or conspiracy to commit offences) which replace the above 	<p>considered as serious. Applicants with convictions for sexual offences will normally be refused a licence upon application, renewal or review.</p> <p>Such offences include:</p> <ol style="list-style-type: none"> 1. Rape 2. Assault by penetration 3. Offences involving children or vulnerable adults 4. Grooming, trafficking or other sexual exploitation related offences (adults and/or children) 5. Making or distributing obscene material 6. Possession of indecent photographs depicting child pornography 7. Sexual assault 8. Indecent assault 9. Exploitation of prostitution 10. Any similar offences (including attempted or conspiracy to commit offences) which replace the above. 11. Making indecent telephone calls 12. Importuning 13. Indecent Exposure 14. Soliciting (kerb crawling) 15. Any similar offences (included attempted or conspiracy to commit offences) which replaces the above. 	
6.12 of Appendix 4	<p>In general, a minimum period of 3 years free of conviction, or at least 3 years since the completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:</p> <ol style="list-style-type: none"> 1 theft 	<p>Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Offences involving dishonesty included but are not limited to:</p> <ol style="list-style-type: none"> 1. Theft 	Change of policy

	<p>2 burglary</p> <p>3 fraud</p> <p>4 benefit fraud</p> <p>5 handling or receiving stolen goods</p> <p>6 forgery</p> <p>7 conspiracy to defraud</p> <p>8 obtaining money or property by deception</p> <p>9 other deception</p> <p>10. taking a vehicle without consent</p> <p>11. or any similar offences (including attempted or conspiracy to commit offences) which replace the above.</p>	<p>2. Burglary</p> <p>3. Fraud</p> <p>4. Benefit fraud</p> <p>5. Handling or receiving stolen goods</p> <p>6. Forgery</p> <p>7. Conspiracy to defraud</p> <p>8. Obtaining money or property by deception</p> <p>9. Other deception</p> <p>10. Taking a vehicle without consent</p> <p>11. Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.</p>	
6.23 of Appendix 4	<p>Driving offences involving alcohol and/or drugs</p> <p>A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle, while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink driving offence, at least 7 years free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence</p>	<p>Driving offences involving alcohol and/or drugs</p> <p>A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle, while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink driving offence, at least 7 years free of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.</p> <p>In the case of driving under the influence of drugs, any applicant or licence holder may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>	Change of policy
6.24 of Appendix	<p>More than one conviction for this type of offence or one such offence within the last 5 years is likely to merit refusal.</p>	<p>More than one conviction for this type of offence or one such offence within the last 7 years is likely to merit refusal.</p>	Change of policy
6.36 of Appendix 4		<p>Using a Hand-Held Device Whilst Driving</p> <p>Where an applicant has conviction for using a hand held mobile phone or a hand held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p>	New requirement

21.1 of Appendix 6	All applicants and licensed drivers must complete safeguarding training and pass the associated test	All applicants and licensed drivers must complete safeguarding training and pass the associated test within 1 year of their initial licence being issued and .must attend refresher training every 3 years	New requirement
1.7 of Appendix 10		The operator, will ensure that all dispatch/booking staff attend a safeguarding training session with the council at the time of employment and every 3 years thereafter.	New requirement
1.8 of Appendix 10		The operator, will ensure that all dispatch/booking staff have a Basic DBS check on commencement of employment and keep record in line with 2.1.2 below.	New requirement
2.1.2 of Appendix 10		<p>The operator shall maintain at their premises particulars of all staff who take bookings or dispatch vehicles, which shall include the following:</p> <ul style="list-style-type: none"> (i) Name and address of staff member (ii) Date of last Basic disclosure check (iii) Basic disclosure check number (iv) Date of safeguarding training 	New requirement
2.4 of Appendix 10	<p>The operator shall enter in a bound book or electronic record, the pages of which are numbered consecutively, particulars of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:</p> <ul style="list-style-type: none"> (i) the time and date of each booking; (ii) by what method the booking was received, i.e. telephone call or personal call; (iii) journey from to (iv) the name of the hirer and where the booking is received from another operator, the name of that operator; 	<p>The operator shall enter in a bound book or electronic record, the pages of which are numbered consecutively, particulars of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:</p> <ul style="list-style-type: none"> (i) the time and date of each booking; (ii) by what method the booking was received, i.e. telephone call or personal call; (iii) journey from to (iv) the name of the hirer and where the booking is received from another operator, the name of that operator; 	New requirement

	(v) the private hire vehicle and/or ambulance vehicle licence plate number and the name and licence number of the driver which will attend or, where the booking is passed onto another operator, the name of that operator.	(v) the private hire vehicle and/or ambulance vehicle licence plate number and the name and licence number of the driver which will attend or, where the booking is passed onto another operator, the name of that operator. (vi) The name of the staff member who took the booking/dispatched the vehicle.	
2.10 of Appendix 10		The operator is required to maintain a policy on the employment of ex-offenders who may work for the operator or undertake work on behalf of the operator in order to ensure such persons do not pose a risk to the safety of the public. Applicant and licence holders are advised to note the position the council takes in its relevant convictions policy when formulating such a policy.	New requirement
2.11 of Appendix 11		The operator will ensure that the company maintains a Safeguarding Policy that addresses the needs of the protection of children and vulnerable adults whom the operator provides	New requirement