

**Proposed Amended Conditions of Licence**

**PHO CONDITIONS**

**LICENCE CONDITIONS**

**Private Hire Operator Conditions of Licence**

This Licence is subject to the provisions of Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 – Part II and in addition, the following conditions.

1. The operator is responsible for all persons that they employ, contract or use in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and employees are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
2. The operator licence is not transferable and the person to whom it is issued must display it in a prominent position at the business premises recorded on the licence at all times during the currency of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the Licensing Authority for amendment or if it is required to be produced for inspection by an Authorised Officer of the Council or a Police Officer.
3. The Licence is granted in respect of the premises referred to in the licence and is not transferable.
4. The Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.
5. The Operator must notify the Council in writing within 7 days of any other material change affecting the licence during its validity.
6. The operator must not at any time operate more private hire vehicles than are specified on the planning permission for the premises.
7. A licensed operator must inform the council if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must confirm if the manager / nominated deputy will be responsible for the running of the business on their behalf. The operator should also nominate an additional person who is responsible in the absence of the manager / deputy.
8. Operators must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation and equalities legislation.

9. The holder of this Licence shall ensure that all conditions of planning permission in respect of the premises are fully complied with in every respect.

## **10. BUSINESS PREMISES**

- a) The Operator must only conduct business from the Office at the address specified on the Licence. The Council reserves the right for an Authorised Officer to inspect the premises for suitability and compliance with the requirements of these Conditions.
- b) The Operator must not cause or permit the business premises to be used by any other person(s) for any other purpose than that connected with the conduct or operation of the private hire business. This condition will not apply if the business premises is the residential address of the licensed operator.
- c) The Operator must not conduct his business, nor employ or utilise any person to conduct his business in any premises, the use of which have not been approved by the Council.
- d) If the licensed operator employs any other person to work at the business premises, the premises must be kept clean, adequately lit, heated and ventilated and must conform to all other legal requirements including the legal requirement that no smoking be allowed on the premises under the requirements of the Health Act 2006; the requirements of the Regulatory Reform (Fire Safety) Order 2005 which requires that a fire safety risk assessment is in place at the premises and Health and Safety at Work Regulations.

## **11. RECORD OF BOOKINGS**

- a) The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the Police in the event of theft being suspected. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.

All such records must be in English, permanent, legible and preserved for a period of not less than 5 years following the date of the last entry.

Records must be kept in one of the following forms:

- i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or
- ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or
- iii. a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once inputted, cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council.

iv. the removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer.

v. on secure computer hard drives or secure cloud storage systems.

Regardless of which system is used. Copies of booking records must be provided to an authorised officer or Police officer on request.

b) In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:

i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking **and responding to** the booking;

ii. the name and address of the hirer;

iii. the time of the journey, together with the journey date if different from the booking date; the address or name of the premises from which it is to commence (i.e. the point of pick up of the passenger(s)) and the address or place of destination;

iv. the private hire/hackney carriage plate number of the vehicle to be used for the journey **and vehicle registration number** (personal code systems are not acceptable);

v. the badge number **and name** of the driver of the vehicle used;

vi. remarks (including details of any sub-contracting to another licensed operator);

**vii. the name of the individual that dispatched the vehicle;**

**viii. it is accepted that Operators may outsource booking and dispatch functions, but the obligation to protect children and vulnerable adults cannot be passed on. Operators are required to produce evidence that comparable protections are applied by the Company to which they outsource these functions and booking records should evidence that the customer was made aware of this prior to the booking being confirmed.**

**b)(2) i. Where a private hire vehicle is unsuitable, for example where a larger vehicle such as a minibus is needed because more than 8 passenger seats are required to accommodate luggage, the person making the booking/hirer should be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to a lower level of checks than a private hire/dual/hackney carriage licensed driver;**

**ii. A record is to be kept that the hirer was informed of the above and gave their consent to the use of a vehicle and driver who has not been subject to the higher level of checks carried out by Sandwell Council for taxi and private hire licensing purposes. This record to be produced to an authorised officer of the Council or a Police Officer for inspection if requested.**

c) Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with **11b (1) and (2)** above) and notes must be included; including the name of the sub-contractor and contact information)

d) No alterations to records may be made – any amendment must be made to the original record by way of an addition.

e) Entries in the bound book, or on the digital copy generated by a computerised system, must cover a 24 hour period and must contain information in relation to only one private hire firm and no details in connection with the bookings of other private hire firms. The Operator must ensure that any booking clerk involved is competent in the recording of bookings and operating the system used.

f) The records of bookings must be maintained and kept up to date at all times and must be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers must be permitted to photograph and / or remove such records, however kept, from the premises as required.

g) The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.

h) The Operator must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to only those persons who will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the Operator after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls).

i) The Licence holder shall maintain a folder containing copies of the following documents for all drivers/vehicles working through the base:

- Up-to-date DVLA Driving Licence.
- Sandwell Private Hire Drivers Licence.
- Current MOT Certificate.
- Current insurance cover note or certificate of insurance.
- Vehicle Registration Document.
- Sandwell Private Hire Vehicle Licence.

The information outlined above must be retained at the Operating premises and be available for inspection by an Authorised Officer or Police Officer **at all times**.

j) The Operator must not accept any booking for a particular private hire vehicle / hackney carriage which would require that vehicle to carry more passengers than it is licensed to carry.

k) The Operator must not operate a private hire vehicle / hackney carriage without the driver thereof being licensed by Sandwell MBC. The Operator must personally examine the drivers' licences issued by the Council and satisfy himself / herself as to their validity.

l) The Operator must bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.

- m) The Operator must bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006. The operator must also advise drivers that vaping and the use of e-cigarettes is also prohibited.
- n) The Operator must ensure that all drivers are aware of their obligations under any other legislation relevant to the work of a private hire vehicle.
- o) The Operator must ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.
- p) The Operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and, for this purpose, must in particular:
  - a. Ensure that when a licensed vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
  - b. Behave in orderly and civil manner and must take all reasonable precautions to ensure the safety of all persons conveyed in licensed vehicles operating from his/her office premises.
- q) Where applicable, only radio equipment licensed by OFCOM must be used for the purpose of conducting the business authorised by this licence. The OFCOM licence must be produced on request to the Police or an Authorised Officer. CB apparatus must not be used in connection with any private hire booking at any operating address or in any private hire vehicle/hackney carriage available from such operating base.
- r) The use of radio scanner equipment is prohibited.
- s) Keep a register of all staff that will take bookings or dispatching vehicles, to be made available to an authorised officer of the Council or Police Officer on request.
- t) Evidence that they have had sight of a recent basic DBS for all booking and dispatch staff.
- u) Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested, and sight of the document recorded on the register.
- v) Have a policy on employing ex-offenders, a copy of which is to be supplied to the Licensing Authority on each application and a copy of which to be available at the base and produced to an authorised officer of the Council or Police Officer on request.
- w) The register is to be kept for the same period as the Operator's booking records.

## 12 ADVERTISING

a) The Operator must not trade or advertise under any name for private hire purposes unless such trade name has been approved by the Council and has accordingly been entered on the Private Hire Operator's Licence issued by the Council.

In addition, the following should be considered before paying for any advertising:

- i) The trading name shall be displayed in full on all advertisements
- ii) The trading name shall not incorporate the words 'taxi', 'hire' or 'cab'

iii) The Licensing Office may refuse to register any trading name, where in their opinion, it is likely to cause confusion to the general public, or is similar to a trading name registered to another licensed operator.

iv) For the avoidance of doubt 'advertisement' in this condition means any display on or in the vehicle used in conjunction with the business; and directory; newspaper or media reference or notice or any card or circular distributed for public use, which displays the address or telephone number of the operators business.

b) The Operator must supply a copy of advertising materials to the Council for recording on file.

c) The Operator must ensure that all advertising materials comply with Advertising Standards Authority requirements and do not contain offensive, misleading or potentially inflammatory wording which could be seen as defamatory.

### 13. GENERAL CONDITIONS

a) The Operator must ensure that Public Liability Insurance is in force throughout the validity of the licence for each and every operating base open to the public to a minimum cover of £2 million. Certification must be produced on demand to the Licensing Office or any Authorised Officer.

b) The Operator must affix a properly printed notice in a prominent position inside the business premises, so as to be easily read by any person seeking to hire a private hire vehicle/hackney carriage, stating that any complaints regarding a hiring relating to his/her business should be addressed to:

**Sandwell MBC Taxi Licensing Office, Waterfall Lane Transport Depot,  
Waterfall Lane, Cradley Heath. B64 6RL.**

Such notice must also state that the Council does not control the fares for private hire vehicles and that, in the absence of any fare scale published by the Operator, the fare should be agreed before the journey commences. Any fare scale in operation must be on prominent public display and be an accurate reflection of the charge, including any specific additions i.e. Bank Holidays and after midnight loading (including any waiting times) which the customer may be expected to pay.

c) The Operator must notify the Council **in writing within 7 days ( 48 hours for sexual, dishonesty, violence or motoring convictions or any arrest for whatever reason)** providing full details of any conviction, bind over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence. **An arrest for any sexual offence, any offence involving dishonesty or violence, and any motoring offence will result in the review by the Licensing Sub Committee of the licence holders suitability to continue to hold a licence.**

d) The Operator must notify the Council in writing within 3 days of any change of home address whether permanent or temporary.

e) Where any property is left by a customer in the business premises, or in any vehicle used for any hiring and placed in the Operator's safekeeping by the driver thereof. The Operator must endeavour to arrange to return such property to its rightful owner, failing which it must be dealt with in accordance with legal requirements and handed in as found property to the Police within 24 hours.

f) The Operator must not, by him/herself, his/her agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his/her control.

g) The Operator must not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:

- Concealed from public view
- Defaced
- Disfigured

The Operator must also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence.

h) All licence holders must hold a current Basic Disclosure Certificate. A new certificate must be obtained every 12 months and produced to the Licensing Office. Failure to produce a current certificate may result in the licence holder's licence being suspended. Any costs associated with obtaining this certificate must be met by the licence holder. The licence holder must ensure that all drivers and employees working through the base also hold a valid disclosure certificate as required by council policy.

i) You must keep and maintain at your licensed premises a register of all persons employed whether full or part time, in which shall be recorded their full name, date of birth, address, national insurance number, contact telephone number, any call sign/codes they are allocated and the dates their employment commenced/terminated. Further, in relation to each employed individual, copies of supporting documentation in the form of a valid passport or a DVLA photocard licence and utility bills of no more than 2 months old must be kept. This register must be retained at your licensed premises and be available for inspection by an authorised officer at any time during the hours of operation.

j) The Licence holder must ensure that all drivers working through the base fully conform with the Council's requirements in relation to the Dress Code Policy and wearing corporate clothing or a corporate logo/badge on their clothing, as outlined in the Private Hire Driver's Licence conditions.

k) The licence holder must ensure that all vehicles working through the base display company signage at all times. Signage may be in the form of a roof sign or door stickers/magnets or both. All company signage must conform with the Council's requirements at all times that the vehicle is working. Operators will be required to lodge a design with the Licensing Office for approval. All roof signs used at the base must be of a uniform design and as a minimum, display the full company name on the front and the telephone number of the base on the rear. Door signs must display the full company name and telephone number. The Operator will determine what signage is used.

l) All vehicles working through the business must display licence identification plates and window stickers, supplied by the Council, at all times that the vehicle is working).

m) The Licensed Operator or the person nominated by the Operator in writing, must be on the premises or in charge of the Operation and immediately contactable by an Authorised Officer or Police Officer **at any time**.

n) The Operator must ensure that any person left in charge of the premises in the absence of the Operator, is fully aware of the conditions applicable to this licence, particularly those relating to the maintenance of records for drivers, vehicles and bookings and the need to comply with the conditions at all times.

o) All Private Hire Operators should have the facility to carry guide dogs for the visually impaired, hearing dogs for the deaf and other assistance dogs, when required to do so by a member of the public. **There should be a minimum of 1 vehicle and driver available at all times to carry out this type of work. Therefore, if one vehicle is being used another one should also be available to provide this facility.**

p) Private Hire Operators must ensure that at all times the level of service they provide to people with disabilities is identical to the service they provide to able-bodied passengers, both in terms of price and level of service.

q) Any discrimination in relation to disabled passengers is unacceptable. Discrimination may be considered as behaviour that is inappropriate to a Licence Holder and amounts to reasonable cause to show that you are not a fit proper person to hold an operator's licence. The matter will be considered by the Licensing Sub Committee and may result in action being taken in relation to your licence.

#### 14. OPERATOR NOTES

**In these Conditions** "Operator" means the person who is the current holder of an Operator's Licence

"Business premises" means the operating premises from which the Operator conducts the business

i. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

ii. Any person who commits an offence against any of the provisions of the Act pursuant to Section 76 may be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

iii. The use of a licensed private hire vehicle to fulfil any private hire booking requires the driver to hold a currently valid private hire driver's licence even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable. Operators are reminded that the use of free fare cars/courtesy cars which are not licensed as private hire vehicles are not permitted for private hire journeys. Every contract for the hire of a licensed private hire vehicle is deemed to be made with the Operator who accepted the booking for the hire vehicle whether or not the Operator provided the vehicle.

iv. Any failure on the part of the Operator to make appropriate enquiries as to the licensing status of drivers and/or vehicles for any purpose could be construed as reasonable cause to suspend or revoke the licence. The onus remains with the Operator to clarify any legal requirements which he or she may be required by law to observe.

v. Any applicant not currently licensed by the Council as an Operator or driver must submit to the Council a Basic Criminal Records Disclosure as to unspent convictions. Such Disclosure to be no more than 1 month old at the time of submission.

vi. ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OR REVOCATION OF THE LICENCE.

## **PHD CONDITIONS**

### **Private Hire Driver Conditions of Licence**

This Licence is granted subject to the Local Government (Miscellaneous Provisions) Act 1976 and in addition, the following conditions:

#### **1. DRIVER LICENCE**

- a. The licence holder must not assign or in any way part with the benefit of the licence which is personal to the licensee.
- b. The licence holder shall not ply for hire under any circumstances.

#### **2. DRIVER BADGE**

- a. The licence holder must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing. An additional badge is also issued which must be displayed in the vehicle at all times when acting as a Private Hire Driver.
- b. The driver's identification badges remain the property of the Council. Upon expiry of the licence and badges (whether application to renew has been made or not) the badges must be returned to the Licensing Office within 7 days of expiry or other such time as the Council may specify.
- c. The badges must be returned to the Licensing Office immediately if the licence is suspended or revoked.

#### **3. CONDUCT OF DRIVER**

- a. The licence holder must dress in accordance with the Sandwell MBC Licensed Driver Dress Code.
- b. The licence holder must comply with the Sandwell MBC Code of Conduct in relation to working with vulnerable passengers.
- c. The licence holder must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The licence holder must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the licence holder must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- e. Particular care must be taken with unaccompanied children and vulnerable adults. Licence holders must remain alert to safeguarding matters related to children and vulnerable adults. Licence holders should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
- f. The licence holder must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability.

g. The licence holder must not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006. Similarly the use of e-cigarettes or vaping is prohibited in the vehicle.

h. The licence holder must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle. It is for the driver to determine if he/she wishes to allow passengers to eat or drink in the vehicle.

i. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.

j. The driver of a licensed vehicle must ensure that none of the identification plates / window stickers / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

k. The driver of a private hire vehicle must if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.

l. The use of radio scanner equipment is prohibited.

m. The driver of a wheelchair accessible vehicle is required to hold a Wheelchair Assessment Certificate from the Driving & Vehicle Standards Agency (DVSA) or the Council's nominated Training Provider.

n. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire driver. This inspection must be undertaken at least weekly and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the driver. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all plates, signage and notices that are required by Sandwell MBC licensing conditions are appropriately fixed / attached to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken; this record must be available for inspection by an authorised officer of the council.

o. The Licence holder shall ensure that the Private Hire and Hackney Carriage Licensing Policy – "The Handbook" is complied with in every respect.

#### **4. FARES AND FARECARDS**

a. The driver of a **private hire vehicle** must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey. When a fare scale is used that fare scale must be displayed and must be a similar size to the fare cards carried by Hackney Carriages and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

b. The driver must not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

c. The driver must not demand from any hirer of a **private hire vehicle** a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted

with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

d. The driver must, if requested by the hirer, provide a written receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

## **5. PASSENGERS**

a. The driver must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition the driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

b. The driver must not allow to be conveyed in the front of a licensed vehicle:-

- more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
- any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.

c. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

d. The driver must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed drivers:-

### **e. Duty to assist passengers in Wheelchairs**

S.165 of the Equality Act 2010 places a duty on drivers of designated taxis or private hire vehicles, unless an exemption certificate has been issued under S.166 of the Equality Act 2010, to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

### **f. Duty to carry guide dogs and assistance dogs**

Under the Equality Act 2010, the driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle.

Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

## **6. FOUND PROPERTY**

The driver shall ensure that the vehicle is searched at the end of every hiring to ensure that property has not been left behind by the passenger. If the driver discovers property left in the

vehicle, they must make every attempt to immediately return it to the hirer. If this is not possible the driver must inform their Operator that they have the property in their possession. If the Operator does not hold any contact details for the hirer, the property must be immediately handed-in at the nearest Police Station.

## 7. MEDICAL CONDITION(S)

a. In the case of a medical condition that affects the licence holder's ability to drive safely, the licence holder must stop driving immediately and report the matter to the Licensing Office within one working day.

b. The licence holder will successfully complete a medical examination on a 3 yearly basis. On attaining the age of 65, the licence holder shall complete the medical on an annual basis. Certain medical conditions may result in the Medical Officer requiring the licence holder to undergo more frequent examinations, at the licence holder's expense.

## 8. CONVICTIONS, CAUTIONS, ARREST ETC.

The licence holder must notify the Licensing Office **in writing within 7 days ( 48 hours for sexual, dishonesty, violence or motoring convictions or any arrest for whatever reason)** providing full details of any conviction, bind over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence. **An arrest for any sexual offence, any offence involving dishonesty or violence, and any motoring offence will result in the review by the Licensing Sub Committee of the licence holders suitability to continue to hold a licence.**

### What should be reported:-

- Any conviction (criminal or driving matter);
- Any caution (issued by the Police or any other agency);
- Issue of any Magistrates Court summonses against you;
- Issue of any Fixed Penalty Notice (FPN), or Notice of Intended Prosecution (NIP) for any matter;
- Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
- Arrest for any offence (whether or not charged).
- Any acquittal following a criminal case heard by a court.

### Fixed Penalty Notices

The licence holder must notify the Licensing Office in writing of any Fixed Penalty Notice (FPN) or Notice of Intended Prosecution (NIP) within **7 days of the receipt of such a notice**. The notice must be produced to the Licensing Office. The licence holder must subsequently produce his/her driving licence to the Licensing Office, together with any court, fixed penalty office, or DVLA correspondence immediately following receipt of confirmation that the endorsement has been placed on the drivers licence records, or in any case **within 8 weeks of the date of the original offence**. An on-line DVLA licence check will be carried out by the Licensing Office.

This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course. This means that licence holders are required to notify the Licensing Office if they opt to attend a speed awareness course rather than have their licence endorsed.

### Arrest for any Offence

Whether charged or not the licence holder must notify the Licensing Office within **48 hours** of their arrest for an alleged offence(s). **An arrest for any sexual offence, any offence involving dishonesty or violence and any motoring offence will result in the review of the licence holders suitability to hold a licence.**

## **9. DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE**

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

The driver must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of drivers.

**In the event that a driver is not permitted to subscribe to the update service, they will be subject to an enhanced DBS check every 6 (six) months and all costs associated with this to be funded by the driver.**

## **10. CHANGE OF OPERATOR**

The licence holder must notify the Licensing Office ***in writing within 3 days*** of any change of operator through whom he/she works.

## **11. CHANGE OF ADDRESS**

The licence holder must notify the Licensing Office ***in writing within 3 days*** of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

## **12. CUSTOMER AND OTHER PERSONAL INFORMATION**

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls)

## **13. OCCASIONS WHEN LICENSED DRIVERS ARE NOT UTILISING THEIR LICENSES FOR AN EXTENDED PERIOD OF TIME**

If circumstances are such that a licensed driver does not intend to work as a private hire driver in Sandwell for a period exceeding 4 weeks, they must surrender their licence to the Licensing Office. The identification badges and licence must be surrendered as soon as it becomes clear that the driver will not be working for a period exceeding this time.

Once the Licensing Office is in receipt of the badges and licence, the licence will be suspended until such time as the driver is in a position to commence work again. The council reserve the right to undertake any checks in relation to the driver that may be required to ensure that the driver remains a fit and proper person to hold a licence. Such checks may include a medical examination, DBS disclosure and checks with other agencies. **Where an applicant has spent three or more continuous months outside the UK once their licence has been issued, they should provide criminal records information from that country or a "Certificate of Good Character" on their return. This can be obtained by visiting the following website –** <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Examples of circumstances that may require the surrender of the licence include:

- The driver intends to spend an extended period of time outside of the UK.
- The driver is ill or unable to work for some other reason.

This is not an exhaustive list.

#### **14. DUTY TO COOPERATE ON REGULATORY MATTERS**

Licensed drivers must co-operate with authorised officers of the council and Police Officers in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the driver's statutory protection afforded by other legislation. Any driver who fails to comply with any reasonable request or obstructs an authorised officer when carrying out their duties may be liable to prosecution.

#### **15. APPEARANCE OF DRIVER**

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc.), they must attend the Licensing Office at the earliest opportunity to return their existing Licence Identification badges and obtain replacement Licence Identification badges.

#### **16. ACCIDENTS**

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Licensing Office of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the Licensing Office) must then be completed and submitted to the Licensing Office within 72 hours of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the 72 hours deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

#### **NOTES**

**(i)** These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

**(ii)** Any person who commits an offence against any of the provisions of the Act of 1976 pursuant to Section 76 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The driver should ensure compliance at all times.

**(iii)** The use of a vehicle not licensed as a private hire vehicle to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.

**(iv)** If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper person to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer a fit and proper person the driver licence may be suspended and subsequently revoked.

**(v)** Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a licence. This may result in the suspension, revocation, or refusal to renew the private hire driver licence.

**(vi) ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OR REVOCATION OF THE LICENCE.**

**(vii) ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS OF ISSUE.**

Updated with Standards requirements 25/1/22

## **DLH CONDITIONS (PHD) & Byelaws (HCD)**

### **Private Hire Driver Conditions of Licence**

This Licence is granted subject to the Local Government (Miscellaneous Provisions) Act 1976 and in addition, the following conditions:

#### **1. DRIVER LICENCE**

- a. The licence holder must not assign or in any way part with the benefit of the licence which is personal to the licensee.
- b. The licence holder shall not ply for hire under any circumstances.

#### **2. DRIVER BADGE**

- a. The licence holder must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing. An additional badge is also issued which must be displayed in the vehicle at all times when acting as a Private Hire Driver.
- b. The driver's identification badges remain the property of the Council. Upon expiry of the licence and badges (whether application to renew has been made or not) the badges must be returned to the Licensing Office within 7 days of expiry or other such time as the Council may specify.
- c. The badges must be returned to the Licensing Office immediately if the licence is suspended or revoked.

#### **3. CONDUCT OF DRIVER**

- a. The licence holder must dress in accordance with the Sandwell MBC Licensed Driver Dress Code.
- b. The licence holder must comply with the Sandwell MBC Code of Conduct in relation to working with vulnerable passengers.
- c. The licence holder must behave in a civil and orderly manner and comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
- d. The licence holder must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the licence holder must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- e. Particular care must be taken with unaccompanied children and vulnerable adults. Licence holders must remain alert to safeguarding matters related to children and vulnerable adults. Licence holders should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).

f. The licence holder must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability.

g. The licence holder must not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006. Similarly the use of e-cigarettes or vaping is prohibited in the vehicle.

h. The licence holder must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument or equipment in the vehicle other than for the sending or receiving messages in connection with the operation of the vehicle. It is for the driver to determine if he/she wishes to allow passengers to eat or drink in the vehicle.

i. The driver must at all times when driving a licensed vehicle ensure that such vehicle is maintained in a roadworthy and clean condition.

j. The driver of a licensed vehicle must ensure that none of the identification plates / window stickers / signs / notices that are required to be displayed on the vehicle become concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.

k. The driver of a private hire vehicle must if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.

l. The use of radio scanner equipment is prohibited.

m. The driver of a wheelchair accessible vehicle is required to hold a Wheelchair Assessment Certificate from the Driving & Vehicle Standards Agency (DVSA) or the Council's nominated Training Provider.

n. Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire driver. This inspection must be undertaken at least weekly and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the driver. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all plates, signage and notices that are required by Sandwell MBC licensing conditions are appropriately fixed / attached to the vehicle. A record must be made by the driver to confirm that the checks have been undertaken; this record must be available for inspection by an authorised officer of the council.

o. The Licence holder shall ensure that the Private Hire and Hackney Carriage Licensing Policy – "The Handbook" is complied with in every respect.

#### **4. FARES AND FARECARDS**

a. The driver of a **private hire vehicle** must ensure that a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey. When a fare scale is used that fare scale must be displayed and must be a similar size to the fare cards carried by Hackney Carriages and must give an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loading) the customer may be expected to pay.

b. The driver must not, if driving a licensed vehicle fitted with a taximeter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

c. The driver must not demand from any hirer of a **private hire vehicle** a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

d. The driver must, if requested by the hirer, provide a written receipt for the fare paid, such receipt to bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

## **5. PASSENGERS**

a. The driver must not cause or suffer or permit to be conveyed in a licensed vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued in respect of that licensed vehicle. In addition the driver must ensure that seat belt legislation is complied with in respect of all children conveyed in the vehicle.

b. The driver must not allow to be conveyed in the front of a licensed vehicle:-

- more than one person unless the vehicle is manufactured to carry two front seat passengers and seat belts are fitted for both passengers, or
- any person between the ages of 10 and 18 years old, unless the passenger is part of a group that includes at least one person over the age of 18, or all other passenger seats in the vehicle are occupied by persons under the age of 18.

c. The driver must not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.

d. The driver must provide all reasonable assistance to passengers and especially those with a disability. The Equality Act 2010 places the following duties on licensed drivers:-

### **e. Duty to assist passengers in Wheelchairs**

S.165 of the Equality Act 2010 places a duty on drivers of designated taxis or private hire vehicles, unless an exemption certificate has been issued under S.166 of the Equality Act 2010, to:

- Carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required.

### **f. Duty to carry guide dogs and assistance dogs**

Under the Equality Act 2010, the driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in the custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle.

Drivers are advised to have a blanket / towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

## **6. FOUND PROPERTY**

The driver shall ensure that the vehicle is searched at the end of every hiring to ensure that property has not been left behind by the passenger. If the driver discovers property left in the vehicle, they must make every attempt to immediately return it to the hirer. If this is not possible the driver must inform their Operator that they have the property in their possession. If the Operator does not hold any contact details for the hirer, the property must be immediately handed-in at the nearest Police Station.

## 7. MEDICAL CONDITION(S)

a. In the case of a medical condition that affects the licence holder's ability to drive safely, the licence holder must stop driving immediately and report the matter to the Licensing Office within one working day.

b. The licence holder will successfully complete a medical examination on a 3 yearly basis. On attaining the age of 65, the licence holder shall complete the medical on an annual basis. Certain medical conditions may result in the Medical Officer requiring the licence holder to undergo more frequent examinations, at the licence holder's expense.

## 8. CONVICTIONS, CAUTIONS, ARREST ETC.

The licence holder must notify the Licensing Office **in writing within 7 days ( 48 hours for sexual, dishonesty, violence or motoring convictions or any arrest for whatever reason)** providing full details of any conviction, bind over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence. **An arrest for any sexual offence, any offence involving dishonesty or violence, and any motoring offence will result in the review by the Licensing Sub Committee of the licence holders suitability to continue to hold a licence.**

### What should be reported:-

- **Any conviction (criminal or driving matter);**
- **Any caution (issued by the Police or any other agency);**
- **Issue of any Magistrates Court summonses against you;**
- **Issue of any Fixed Penalty Notice (FPN), or Notice of Intended Prosecution (NIP) for any matter;**
- **Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;**
- **Arrest for any offence (whether or not charged).**
- **Any acquittal following a criminal case heard by a court.**

### Fixed Penalty Notices

The licence holder must notify the Licensing Office in writing of any Fixed Penalty Notice (FPN) or Notice of Intended Prosecution (NIP) within **7 days of the receipt of such a notice**. The notice must be produced to the Licensing Office. The licence holder must subsequently produce his/her driving licence to the Licensing Office, together with any court, fixed penalty office, or DVLA correspondence immediately following receipt of confirmation that the endorsement has been placed on the drivers licence records, or in any case **within 8 weeks of the date of the original offence**. An on-line DVLA licence check will be carried out by the Licensing Office.

This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course. This means that licence holders are required to notify the Licensing Office if they opt to attend a speed awareness course rather than have their licence endorsed.

### Arrest for any Offence

Whether charged or not the licence holder must notify the Licensing Office within **48 hours** of their arrest for an alleged offence(s). **An arrest for any sexual offence, any offence involving**

dishonesty or violence and any motoring offence will result in the review of the licence holders suitability to hold a licence.

## **9. DISCLOSURE AND BARRING SERVICE ONLINE UPDATE SERVICE**

All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.

The driver must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so. The council will use the update service to monitor the criminal record of drivers.

In the event that a driver is not permitted to subscribe to the update service, they will be subject to an enhanced DBS check every 6 (six) months and all costs associated with this to be funded by the driver.

## **10. CHANGE OF OPERATOR**

The licence holder must notify the Licensing Office *in writing within 3 days* of any change of operator through whom he/she works.

## **11. CHANGE OF ADDRESS**

The licence holder must notify the Licensing Office *in writing within 3 days* of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

## **12. CUSTOMER AND OTHER PERSONAL INFORMATION**

Drivers must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purpose for which it has been collected.

Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted / updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and / or used for any other purpose (such as unsolicited marketing calls

## **13. OCCASIONS WHEN LICENSED DRIVERS ARE NOT UTILISING THEIR LICENSES FOR AN EXTENDED PERIOD OF TIME**

If circumstances are such that a licensed driver does not intend to work as a private hire driver in Sandwell for a period exceeding 4 weeks, they must surrender their licence to the Licensing Office. The identification badges and licence must be surrendered as soon as it becomes clear that the driver will not be working for a period exceeding this time.

Once the Licensing Office is in receipt of the badges and licence, the licence will be suspended until such time as the driver is in a position to commence work again. The council reserve the right to undertake any checks in relation to the driver that may be required to ensure that the driver remains a fit and proper person to hold a licence. Such checks may include a medical examination, DBS disclosure and checks with other agencies. **Where an applicant has spent three or more continuous months outside the UK once their licence has been issued, that they should provide criminal records information from that country or a "Certificate of Good Character" on their return. This can be obtained by visiting the following website –** <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas->

Examples of circumstances that may require the surrender of the licence include:

- The driver intends to spend an extended period of time outside of the UK.
- The driver is ill or unable to work for some other reason.

This is not an exhaustive list.

#### **14. DUTY TO COOPERATE ON REGULATORY MATTERS**

Licensed drivers must co-operate with authorised officers of the council and Police Officers in all matters relating to the regulation of the licensed vehicle trade. However nothing in this condition affects the driver's statutory protection afforded by other legislation. Any driver who fails to comply with any reasonable request or obstructs an authorised officer when carrying out their duties may be liable to prosecution.

#### **15. APPEARANCE OF DRIVER**

If a licensed driver alters their appearance significantly (for example by growing / removing a beard or moustache, changing hair colour etc.), they must attend the Licensing Office at the earliest opportunity to return their existing Licence Identification badges and obtain replacement Licence Identification badges.

#### **16. ACCIDENTS**

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Licensing Office of this fact as soon as possible and in any event within 1 working day (by telephone or email). An accident report form (available from the Licensing Office) must then be completed and submitted to the Licensing Office within 72 hours of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible after the 72 hours deadline – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification).

#### **NOTES**

**(i)** These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

**(ii)** Any person who commits an offence against any of the provisions of the Act of 1976 pursuant to Section 76 may be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to such other penalty as expressly provided in the Act. The driver should ensure compliance at all times.

**(iii)** The use of a vehicle not licensed as a private hire vehicle to fulfil any private hire booking is prohibited even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.

**(iv)** If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper person to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer a fit and proper person the driver licence may be suspended and subsequently revoked.

**(v)** Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a licence. This may result in the suspension, revocation, or refusal to renew the private hire driver licence.

(vi) ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OR REVOCATION OF THE LICENCE.

(vii) ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS OF ISSUE.

## **HACKNEY CARRIAGE DRIVER'S LICENCES**

### **BYELAWS WITH RESPECT TO HACKNEY CARRIAGES IN THE METROPOLITAN BOROUGH OF SANDWELL**

**Byelaws made under Section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act, 1875, by Metropolitan Borough of Sandwell with respect to hackney carriages in the Metropolitan Borough of Sandwell.**

#### **INTERPRETATION**

(1) Throughout these byelaws "the Council" means the Council of the Metropolitan Borough of Sandwell and "the District" means the Metropolitan Borough of Sandwell.

**Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.**

(2) (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;

(b) A proprietor or driver of a hackney carriage shall: -

not wilfully or negligently cause or suffer any such number to be concealed from public view whilst the carriage is standing or plying for hire;

(i) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

(ii) Deleted by Home Office

**Provisions regulating how hackney carriages are to be furnished or provided**

(3) The proprietor of a hackney carriage shall: -

(a) Provide sufficient means by which any person in the carriage may communicate with the driver;

(b) cause the roof or covering to be kept water-tight;

- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher, which shall be carried in such position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
- (4) The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say,
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" with letters at least two inches in height to appear on the face of the taximeter;
  - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
  - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) the taximeter shall be so placed so that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.**

- (5) The driver of a hackney carriage provided with a taximeter shall: -
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaws in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

- (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act, 1972, and also at any other time at the request of the hirer.
- (6) A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- (7) The driver of a hackney carriage shall, when plying for hire in any street and not actually hired: -
- (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- (8) A proprietor or driver of a hackney carriage, when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the service of any other person for the purpose.
- (9) The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- (10) The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- (11) The driver of a hackney carriage when hired to drive any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- (12) A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- (13) If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- (14) The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage.

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

**Provisions fixing the stands of hackney carriages.**

- (15) \* **Please see attached list of Hackney Carriage Stands** (not part of the byelaw).

**Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.**

- (16) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

\* **Please see attached current tariff of fares** (not part of the byelaw)

- (17) (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaws in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof;**

- (18) The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- (19) The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,
- (a) carry it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner, to any Police Station;
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to 5 new pence in the pound of its estimated value (or the fare for the distance from the place of finding to the nearest Police Station, whichever be the greater) but not more than five pounds.
- (20) Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence

to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefor.

- (21) The byelaws with respect to hackney carriages in the County Borough of Warley made by the Warley County Borough Council on the 15<sup>th</sup> day of June, 1973, and confirmed by the Secretary of State on 15<sup>th</sup> day of August, 1973, are hereby revoked.

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**The common Seal of the Borough Council of Sandwell was hereunto affixed this 15th day of April, 1976 in the presence of:**

**C. GREEN**  
*Director of Administration and Legal Services*

**The foregoing byelaws with the exception of byelaw 2(b) (iii) are hereby confirmed by the Secretary of State and shall come into operation on the 1<sup>st</sup> day of October 1976.**

**Signed by authority of the Secretary of State**

Home Office  
Whitehall

20<sup>th</sup> August 1976

**R.F.D.SHUFFREY**

*An Assistant Under Secretary of State*

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\* Please note: the provisions for appointing stands for hackney carriages and for fixing the rates or fares have been superseded by the Council making use of the Local Government (Miscellaneous Provisions) Act 1976 sections 63 and 65 respectively, and therefore, no longer form part of the byelaws, but for the stands which were created by the original byelaw.

Please note also that paragraph 11 of the byelaws has been replaced by the provisions of Section 69 of the Local Government (Miscellaneous Provisions) Act 1976 which states

- (1) No person being the driver of a hackney carriage vehicle licensed by the Council shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the hackney carriage vehicle has been hired.
- (2) If any person contravenes the provisions of this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## PHV CONDITIONS

### LICENCE CONDITIONS

#### Applicable to Private Hire Vehicle licence holders

This Licence is granted subject to the Local Government (Miscellaneous Provisions) Act 1976 and in addition the following conditions: -

- 1) The licence holder shall ensure that any person who drives the licensed vehicle is the holder of a Private Hire Drivers Licence issued by Sandwell Metropolitan Borough Council.
- 2) The licence holder must ensure that the large and small Private Hire plates **and how to make a complaint sign**, issued by Sandwell Metropolitan Borough Council, are displayed in the following manner:
  - The large exterior plate must be securely attached to the rear of the vehicle.
  - The small interior plate must be displayed inside the vehicle in a position that is clearly visible to all passengers.
  - **All vehicles with licences issued on or after DATE TO BE INSERTED must display a sign inside the vehicle informing passengers how and who to make a complaint to and this sign is to be visible at all times when the vehicle is available for hire and reward.**
- 3) Upon grant or renewal of the licence, the Licence holder shall ensure that, with effect from 1 September 2015, window stickers supplied by the Council are fixed to the windows of both rear passenger doors at all times that the vehicle is used on the road (even if it is not being used for work).
- 4) The licence holder must ensure that either a roof sign or door signs/stickers or both are displayed on the vehicle. As a minimum, the name and telephone number of the Operator base must be displayed on the signage. All letters and numbers must be at least 1 inch in height and clearly distinguishable.
- 5) The licence holder shall return both Private Hire Vehicle plates, window stickers, and roof-sign if issued by the council, to the Licensing Office within 7 days of being requested to do so by an Authorised Officer, and in any event, on expiry of the plates/or licence.
- 6) The licence holder shall permit the vehicle to be inspected by an Authorised Officer of the Council or a Police Officer, at any reasonable time.
- 7) The licence holder shall submit the vehicle for inspection/testing by the Council's nominated testers, when required.
- 8) The licence holder shall ensure that any accident or damage to the licensed vehicle is reported in writing, to the Licensing Office, within 72 hours.
- 9) The licence holder shall not use the vehicle, if it has been suspended under the provisions of the Local Government (Miscellaneous Provisions) 1976.
- 10) The licence holder shall maintain, at all times when a licence is in force, insurance cover in respect of passenger indemnity (i.e. Private Hire Insurance).
- 11) The licence holder shall ensure that all documentation required for the Private Hire Operator records are available at the operating premises for inspection at all times.

- 12) The licence holder shall provide the current, valid, original insurance document, on demand, to an Authorised Officer of the Council or a Police Officer.
- 13) The licence holder shall not fix or cause to be fixed any advertisement or other stickers/lettering without the express consent of the Licensing Office, except in the case of an Operator's own choice of roof sign or door signs/stickers.
- 14) The licence holder shall ensure that the number of passengers carried in the vehicle does not exceed that stated in the Licence.
- 15) The vehicle must be operated through a Private Hire Operator licensed by Sandwell MBC. It is illegal to use the vehicle through a Private Hire Operator licensed by another borough.
- 16) If the licence holder moves to a different base he/she must attend the Licensing Office, within 72 hours, to sign a new declaration confirming details of the Operator through whom the vehicle is being operated.
- 17) The licence holder shall ensure that the vehicle complies with the criteria contained in the Policy Handbook, throughout the currency of the Licence.
- 18) The licence holder shall ensure that the Vehicle Transfer Procedure contained in the Policy Handbook is complied with in every respect.
- 19) The licence holder shall ensure that any roof rack or trailer attached to the vehicle is approved by the Licensing Office.
- 20) The licence holder must ensure that tinted or blacked out windows are not fitted to the vehicle after manufacture and that tint films are not applied to any of the windows in the vehicle.
- 21) The licence holder shall ensure that the Policy Handbook is complied with in every respect, during the currency of the Licence.
- 22) The licence holder must inform the Licensing Office, in writing, within 72 hours, of any change of address and must ensure that all documents e.g. log-book, DVLA licence and insurance certificate are amended to display the new address and produced to the Licensing Office within 8 weeks of the notification.
- 23) The licence holder shall ensure that nothing is stored or displayed on or in the vehicle without the prior permission of the Licensing Office. E.g. Flags, Religious Symbols, Christmas Decorations, amplifiers etc.
- 24) The licence holder must ensure that the words Taxi(s), Cab(s), For Hire, or any other terminology that may lead the public to believe that the vehicle is a hackney carriage, are not displayed anywhere on or in the vehicle at any time.
- 25) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).
- 26) Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been tested and certified by a recognised UKLPG Association accredited installer. The proprietor must notify the Licensing Office in writing if their vehicle has a LPG system fitted during the currency of a licence. The notification must be made

within 5 working days, and include the production of a certificate referred to above. The vehicle must also appear on the UKLPG register.

- 27) The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a weekly safety check carried out by the proprietor/driver or a person of their choosing. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded weekly checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his/her possession and/or those kept in the vehicle.

Checked and updated 25/1/22

### LICENCE CONDITIONS

#### Applicable to Hackney Carriage licence holders

This licence is granted subject to the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847 and Public Health Act 1875 and in addition the following conditions: -

- 1) The licence holder shall not cause the vehicle to which this licence relates, to be driven by any person, for any purpose, who does not hold a valid Hackney Carriage Driver's licence, issued by Sandwell Metropolitan Borough Council.
- 2) The licence holder must ensure that the large and small Hackney Carriage plates **and how to make a complaint sign**, issued by Sandwell Metropolitan Borough Council, are displayed in the manner dictated by the Licensing Office at all times.
  - The large exterior plate must be securely attached to the rear of the vehicle.
  - The small interior plate must be displayed inside the vehicle in a position that is clearly visible to all passengers.
  - **All vehicles with licences issued on or after DATE TO BE INSERTED must display a sign inside the vehicle informing passengers how and who to make a complaint to and this sign is to be visible at all times when the vehicle is available for hire.**
- 3) The licence holder shall ensure both Hackney Carriage plates and window stickers are returned to the Licensing Office within 7 days of being requested to do so by an Authorised Officer, and in any event, on expiry of the plates/or licence.
- 4) From 1 September 2015 upon grant or renewal of the licence, the licence holder shall ensure that window stickers supplied by the Council are fixed to windows of both rear passenger doors at all times that the vehicle is used on the road (even if it is not being used for work).
- 5) The licence holder shall permit the vehicle to be inspected by an Authorised Officer of the Council or a Police Officer, at any reasonable time.
- 6) The licence holder shall submit the vehicle for inspection/testing by the Council's nominated testers, when required.
- 7) The licence holder shall ensure that any accident, involving the licensed vehicle, is reported in writing, to the Licensing Office, within 72 hours.
- 8) The licence holder shall not cause the vehicle to be used, if it has been suspended under the Local Government (Miscellaneous Provisions) Act 1976.
- 9) The licence holder shall maintain, at all times when a licence is in force, insurance cover in respect of passenger indemnity. **(i.e. Hackney Carriage insurance).**
- 10) The licence holder shall provide the current, valid, original insurance document, on demand, to an Authorised Officer of the Council or a Police Officer.
- 11) The licence holder shall not fix or cause to be fixed any roof sign, advertisement or other stickers/lettering without the express consent of the Licensing Office.
- 12) The licence holder shall ensure that the number of passengers carried in the vehicle does not exceed that stated in the Licence

- 13) The licence holder shall ensure that the vehicle complies with the criteria contained in the Policy Handbook, throughout the currency of the Licence.
- 14) The licence holder shall ensure that the Vehicle Transfer Procedure contained in the Policy Handbook is complied with in every respect.
- 15) The Licence holder must ensure that the interior of the vehicle is plainly visible, at all times, from the outside of the vehicle. Heavily tinted or blacked out windows are therefore not permitted.
- 16) The vehicle must be parked free of the adopted highway at all times when not in use.
- 17) The licence holder shall ensure that the Policy Handbook is complied with in every respect, during the currency of the licence.
- 18) The licence holder shall ensure that the taxi meter fitted to the vehicle is always set to the current Sandwell hackney carriage tariff. If the Council changes the hackney carriage tariff the licence holder must produce a meter calibration certificate, confirming the meter has been amended to the new tariff, within 14 days of being requested to do so. Failure to do so may result in the licence being suspended.
- 19) The licence holder must inform the Licensing Office, in writing, within 72 hours, of any change of address and must ensure that all documents e.g. log-book, DVLA licence and insurance certificate are amended to display the new address and produced to the Licensing Office within 8 weeks of the notification.
- 20) The licence holder shall ensure that nothing is stored or displayed on or in the vehicle without the prior permission of the Licensing Office. E.g. Flags, Religious Symbols, Christmas Decorations, amplifiers etc.
- 21) The vehicle may only be used to ply for hire in the borough of Sandwell. It is illegal to ply for hire outside of the borough. Similarly you may only use Hackney Carriage ranks or stands in the borough of Sandwell.
- 22) The licence holder must not use the vehicle to carry out pre-booked journeys predominantly or entirely outside of the borough of Sandwell.
- 23) If the licence holder is using the vehicle through a private hire operator, the licence holder must sign a declaration confirming the details of the Operator through whom the vehicle is being operated. If the licence holder moves to a different base he/she must attend the Licensing Office, within 72 hours, to sign a new declaration confirming details of the Operator through whom the vehicle is being operated.
- 24) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).
- 25) Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been tested and certified by a recognised UKLPG Association accredited installer. The proprietor must notify the Licensing Office in writing if their vehicle has a LPG system fitted during the currency of a licence. The notification must be made within 5 working days, and include the production of a certificate referred to above. The vehicle must also appear on the UKLPG register.

- 26) The proprietor/driver employed to drive the vehicle must ensure that the licensed vehicle has a weekly safety check carried out by the proprietor/driver or a person of their choosing. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor. On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver must produce, to that officer, the recorded weekly checks kept in the vehicle and the proprietor, on request by that officer, must produce those recorded checks in his/her possession and/or those kept in the vehicle.

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