**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 or 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.**