

## **Appendix B**

### **Dual Driver Licence Conditions**

**Please note that both sets of conditions are applicable to a dual driver licence.**

#### **Conditions attached to Private Hire Driver Licence**

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

##### **Notification of Information to the Licensing Authority**

1. The driver must notify the Licensing Authority within 48 hours of any changes to their name, address, telephone number or email address.
2. The driver must notify the Licensing Authority within 48 hours of any:
  - a. Arrest, police investigation, charge, bail conditions, bail extension summons, convictions (including foreign convictions), caution, warning, voluntary interview or interview under caution, child abduction warning notice, domestic violence prevention order, anti-social behaviour order, immigration penalty, fixed penalty notices or community resolution for any offence.
  - b. A notice of intended prosecution, driving licence points and/or endorsements.
  - c. Revocation of a driving licence or disqualification from driving.
  - d. Public Service Vehicle (PSV) Operator licence written warning, refusal, suspension or revocation.
  - e. Invitation to attend a licence review or licence refusal, suspension or revocation by any other Licensing Authority. If the other licence is suspended or revoked immediately, the Licensing Authority must be notified immediately.
  - f. Addition to the DBS Children's or Adults' Barred List. The driver must not undertake any journeys if they are on a Barred List.
  - g. Receipt of a certificate of good conduct/character.

The driver must make this notification themselves, even if a third party has already notified the Licensing Authority of the information. This is applicable both for matters in the UK and overseas and any information provided should be truthful and accurate.

3. In the case of a medical condition that requires notification to the DVLA or means that the driver no longer meets DVLA Group 2 standards, the driver must stop driving immediately and report the matter to the Licensing Authority.
4. The driver must ensure that they are recognisable from the picture on their driver licence badge by customers and authorised officers. Where the driver's appearance changes substantially or an authorised officer directs it, a new badge must be purchased with a current photograph.

5. The driver must report the loss of their badge to the authority within 48 hours and purchase a replacement.
6. Each day, before taking charge of the vehicle, the driver must undertake a walkaround check as prescribed by the Licensing Authority. The walkaround check must be recorded and produced to an authorised officer on request. Records must be kept for a minimum of 15 months.
7. Whilst driving a private hire vehicle, the driver must be able to provide immediate proof, to a police officer or authorised officer of any Licensing Authority of hire and reward insurance.
8. The driver is required to submit to the Licensing Authority, within 48 hours, information that the Licensing Authority may consider necessary to determine whether the driver remains fit and proper to hold a licence.
9. The driver is required to attend any training that the Licensing Authority reasonably requires, at their own expense, with any assessment successfully completed. The driver must inform the Licensing Authority of the outcome of any assessment within 48 hours.

#### DBS Update Service

10. The driver is required to evidence continuous registration with the DBS Update Service and have the Licensing Authority nominated as an authority to view their DBS certificate status during the life of this licence. Where a driver is unable to subscribe to the Update Service, a new enhanced DBS certificate must be provided every six months.
11. Should the driver's certificate status on the DBS Update Service change, or the holder change their name, the driver is required to provide evidence to the Licensing Authority that they have applied for a new DBS certificate within 48 hours.
12. The driver must provide any DBS certificates, issued for the position of 'Other workforce – taxi driver' to the Licensing Authority within 48 hours of receipt.
13. The driver must not undertake any journeys if the Licensing Authority does not have permission to check the status of the driver's DBS certificate.

#### Conduct

14. The driver must wear the licence badge issued by the Licensing Authority on the authority's issued lanyard around their neck, with the driver's name and photo visible whilst undertaking private hire work.
15. The driver must not request or retain any personal contact information or attempt to establish a personal relationship with passengers.
16. The driver must not use any offensive, abusive, profane, insulting, discriminatory language or behaviour but shall behave in a civil and orderly manner, as well as co-operating with reasonable requests from officers authorised by other licensing authorities. The driver shall permit the vehicle to be inspected by an authorised officer of any local authority or police officer at any time.
17. The driver must maintain a high standard of personal hygiene.

18. Smoking of any kind including e-cigarettes and vapes is not permitted by anyone in the vehicle at any time. If a customer smokes in the vehicle, this must be reported to the operator with whom the booking was made immediately after the journey is completed.
19. The driver may be required to undergo drug and/or alcohol testing at any time.
20. If the driver has an exemption certificate issued under Section 171 of the Equality Act 2010, this must face outwards from the front windscreen of the vehicle and be passed to any blind passengers upon request. The driver must notify their operator of the exemption certificate.
21. The driver must not drive if they are tired and must stop in a safe place to rest (not an emergency area or on a hard shoulder of a motorway) if they feel sleepy.
22. The driver must report any safeguarding concerns, suspicious packages or any other criminal wrongdoing to their private hire vehicle operator and (where appropriate) the local authority designated safeguarding contact. Where there is an immediate risk to passengers, the driver must call the police on 999.
23. The driver must not use radio scanner equipment or speed trap detectors.
24. The driver must ensure that no signs, flags, mascots, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever are displayed on, in, or from a private hire vehicle they are driving. No items are to be hung or attached to the rear-view-mirror.
25. The driver must not use a private hire vehicle if its tyres, including the spare/kit, do not comply with the vehicle manufacturer's specifications and the requirements of the Road Vehicles (Construction and Use) Regulations 1986, as amended. This includes tyre condition and the minimum tread depth of 2 mm required by Sandwell Council. Tyres must not have been manufactured more than ten years ago.
26. The driver must not use a private hire vehicle with a 3D, 4D, ghost or sticker vehicle registration plate.
27. Hackney carriage and private hire vehicle drivers' English must be sufficient to understand written documents, such as policies and guidance, including any relating to the protection of children and vulnerable adults. They must be able to identify and act upon signs of potential exploitation through communicating with passengers and their interaction with others. Drivers are required to demonstrate an understanding of the desired destination, an estimation of the time taken to get there as well as other common passenger requests and for the driver to provide a legibly written receipt upon request. Inadequate English may result in refusal to grant or renew, suspension or immediate revocation of a licence.

#### Before a journey

28. The driver must make their face clearly visible to passengers, to allow for verification against the photograph on their driver badge.
29. The driver must collect the passenger punctually from the nearest legally accessible carriageway to the pickup location.

30. The driver must make themselves known to passengers upon arrival at the pick up point and provide assistance in identifying the vehicle to any disabled passenger who requests it, at no extra charge.
31. If required, the driver must help passengers enter the vehicle, along with any of their luggage, mobility aids and pushchairs etc. The driver must accept the carriage of any disabled passenger, taking such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort, provide them with mobility assistance as is reasonably required, and securely carry any mobility aids and wheelchairs, at no extra charge.
32. Passengers must be allowed to sit in their choice of licensed seat in the vehicle. The driver must not allow more passengers in the vehicle than the licensed capacity of the vehicle.
33. The driver must treat trainee assistance dogs as though they were assistance dogs.
34. The driver must ensure that passengers are aware of any cashless payment methods before the journey commences, which must be accepted and may not incur additional costs, unless it is a business credit card.
35. If the vehicle has a panic-switch activated recording system, the driver must make passengers aware of how to activate the switch.
36. The destination must be confirmed with the passengers before setting-off.

#### During a journey

37. The driver must, unless requested by the passenger, drive to the destination by the cheapest route for the passenger.
38. Any changes to the expected route are to be advised to the passenger.
39. The driver must wear clean clothes, in good condition without any graphics or words of an offensive or political nature. The upper part of the arms and shoulders must be covered.
40. The driver must wear shoes which cover the foot completely to the ankle.
41. Radio or sound reproducing instrument or equipment, other than that for sending or receiving messages in connection with the operation of the vehicle, may not be played in the vehicle unless requested by the passenger.
42. The driver must report any concerns they have over a child or an adult who appears to be under the control, or being negatively influenced by, any person who places them or someone else in harm or at risk of committing criminal offences. Reports should be made to a relevant authority/safeguarding organisation as soon as possible and at most within 24 hours. If there is an immediate risk, the driver must call 999.
43. The driver must not eat during the journey but may drink water if it is safe to do so. It is for the driver to determine if they wish to allow passengers to eat or drink in the vehicle. The driver must not chew anything that might impair their driving.
44. Passengers must be dropped off in a safe and lawful location, which does not obstruct traffic, as close as practicable to their destination.

#### After a journey

45. The driver must support customers to use card readers or count their change.
46. If requested by the passenger, a clear, legible written receipt must be provided including the driver's name or licence number, the vehicle registration or licence number, date and time of the journey, along with the fare paid and the operator which accepted the booking.
47. When the journey has completed, the driver must ensure that all passengers have safely exited the vehicle, away from traffic, along with any of their luggage, mobility aids and pushchairs etc. before setting off.
48. The driver must search the vehicle at the end of each journey for any lost property before setting off, which is to be reported to the operator for that booking immediately and taken to that operator within 48 hours.

#### Additional Conditions

49. The second badge is to be clearly displayed in the front of the vehicle with the name and photograph visible.
50. The licence holder must return their badge(s) to the Licensing Authority when surrendering their licence or within seven days of the licence expiring.
51. 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.
52. 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.
53. The licence holder must notify the Licensing Authority in writing of any change of operator through whom he/she works within 48 hours.
54. If a licence has been suspended or revoked, identification badges and licence must be returned to the office immediately
55. Any driver who will not be working for a period in excess of 4 weeks should return their badges to the Licensing Office until such time that they are ready to start work again.
56. The driver must not do anything that may impair their driving in any way.

#### NOTES

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

d) 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.

e) 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.

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

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

## **Conditions attached to Hackney Carriage Driver Licence**

### **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 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.