

Minutes of The Cabinet

13 April 2022 at 3.30pm
in the Council Chamber, Sandwell Council House, Oldbury

Present: Councillor Carmichael (Chair);
Councillors Ahmed, Hartwell, Millard, Piper and Simms.

Also present: Councillor Mabena and Shackleton.

Officers: Kim Bromley-Derry (Managing Director Commissioner), Jim Taylor (Commissioner), Neil Cox (Director of Business Strategy and Change), Alice Davey (Director of Borough Economy), Tony McGovern (Director of Regeneration and Growth), Lisa McNally (Director of Public Health), Surjit Tour (Director of Law and Governance and Monitoring Officer), Elaine Newsome (Service Manager – Democracy), Sue Knowles (Head of ICT & Revenues and Benefits Management) and Rebecca Maher (Head of Finance).

82/22 **Apologies for Absence**

Apologies for absence were received from Councillors Crompton, E M Giles and Moore.

83/22 **Declarations of Interest**

Councillor Millard declared a non-pecuniary interest in Minute No. 88/22 (Ormiston Sandwell Community Academy - Proposed Expansion) on the basis that he was a governor at Ormiston Forge Academy.

84/22 **Minutes**

Resolved that the minutes of the meeting on 23 March 2022 be confirmed as a correct record.

85/22 **Additional Item of Business**

One additional item of business was considered:-

85/22 (a) **Household Support Fund**

Approval was sought to approve the use of the Household Support Fund (HSF) to provide financial support to those Sandwell residents who were most in need once the final guidance was received.

Approval was also sought to authorise the Director of Finance/Section 151 officer to approve Sandwell's Housing Support Fund scheme and any further Household Support Schemes introduced by the Government in the future, in consultation with the Cabinet Member for Finance and Resources.

Reason for Decision

The Government announced on 31 March 2022 that they were providing a further £421m to councils to support those most in need, particularly those including children and pensioners who would otherwise struggle with energy bills, food and water bills.

Sandwell had been allocated funding of £3,471,442, for the period 1 April 2022 to 30 September 2022.

Government draft guidance stated it would be up to each council to decide how to administer the funding. Given the timeframe involved, officers were waiting on the final guidance from the government as to how the HSF could be administered.

A HSF policy would be produced and approved by the Director of Finance/Section 151 officer and publicised on Sandwell's website. The aim was to have the policy and application process available by the end of April. It was also anticipated that a proportion of the funding would be used to support food provision during the school holidays for those eligible for Free School Meals.

Alternative Options

The draft Government guidance did state the Household Support Fund may be awarded to households not currently in receipt of Department for Work and Pensions welfare benefits.

This approach could be considered when looking at Sandwell Council's HSF policy.

Resolved:-

- (1) that approval be given to use the Household Support Fund to provide financial support to those Sandwell residents who are most in need once the final guidance is received;
- (2) that the Director of Finance/Section 151 officer be authorised to approve Sandwell's Housing Support Fund Scheme in consultation with the Cabinet Member for Finance and Resources;
- (3) that in the event that there are any further Household Support Schemes introduced by the government, the Director of Finance/Section 151 officer, in consultation with the Cabinet Member for Finance and Resources, be authorised to approve Sandwell's Housing Support Fund Scheme.

School Organisation Plan 2021-2026

Approval was sought for the School Organisation Plan 2021-2026 as a basis of consultation in accordance with the statutory obligation placed upon the council under the School Standards and Framework Act 1998. A further report would be submitted for approval to publish at the end of the consultation period.

The Chair of Children's Services and Education Scrutiny Board raised a question on whether schools had a prescribed admission number or whether academies were able to determine this themselves. It was also clarified that the report should read 'Rowley Regis', not 'Rowley' and asked for this to be corrected in future.

In response, the Cabinet Member for Children and Education stated that schools had a Planned Admission Number (PAN). As their own admission authority, academy trusts decided their own PAN but did not have to consult where they proposed to either increase or keep the same PAN. If a decrease was planned to a PAN, consultation was required with final approval of the Regional Schools Commissioner.

Reason for Decision

The School Standards and Framework Act 1998 stated that every local education authority shall prepare a school organisation plan for their area and shall prepare further such plans at such times as may be prescribed.

The proposed 'School Organisation Plan 2021-26' sets out the current contextual basis of educational provision across the six towns, with the projected demand and supply of school places during the next 5 years. The plan would be used to inform future decisions on the supply of school places across the Borough.

Alternative Options Considered

This was a requirement placed on the council by the School Standards and Framework Act 1998. There was no other option available.

For at least the last 12 years, the Authority had responded to an unprecedented and significant growth in the birth rate, inward migration and retention levels. Pupil place planning and capital investment had responded to the challenges the growth had presented to the school sector. However, as the birth rate had started to ease, but the level of inward migration continued to fluctuate, there was now a need to plan for future provision. The option to do nothing, did not bode well for future place planning.

Agreed that the School Organisation Plan 2021 2026, as now submitted, be approved as a basis of consultation in accordance with the statutory obligation placed upon the council under the School Standards and Framework Act 1998, and a further report be submitted at the end of the consultation period to seek approval to publish.

87/22

Disposal of Former Gas Showroom Site, Lombard Street West/High Street, West Bromwich

Approval was sought to dispose of the former Gas Showroom Site, Lombard Street/High Street, West Bromwich to Black Country Housing Group for £270,000 for the delivery of 27 affordable rent dwellings. It was recognised that this figure was less than the Best Consideration that could be obtained for the site.

Approval was also sought for the Director of Regeneration and Growth to be authorised to agree the terms of the conditional contract for the disposal of the site to Black Country Housing Group. It was proposed to authorise the Director of Law and Governance to release a restrictive covenant placed on the site of the former Shaftesbury House, West Bromwich previously sold to Black Country Housing Group that restricted the permitted use for residential development and to enter into or execute under seal, if necessary, any other related documentation in connection with the freehold disposal of the site.

Reason for Decision

Black Country Housing Group were approached by Sandwell College to acquire the site of the former Shaftesbury House, High Street, West Bromwich.

To fulfil their Towns Fund application, Sandwell College required a site to deliver an engineering campus and identified the former Shaftesbury House site as the primary location.

Black Country Housing Group agreed in principle heads of terms with Sandwell College to dispose of the site and now required an alternative site to deliver their own residential project in accordance with Homes England funding.

Black Country Housing Group approached the Council to ascertain if the former Gas Showroom site, Lombard Street West/High Street, West Bromwich could be acquired to deliver their project.

Subject to satisfactory planning consent, Black Country Housing Group agreed to pay the sum of £270,000 to acquire the site. This was less than the £427,000 that the Council could achieve for the site, however, disposal of the site to Black Country Housing Group would enable the delivery of 27 much needed affordable rent units. It would also unlock several regeneration opportunities in the town centre and accelerate development in conjunction with the West Bromwich Town Centre Master Plan. As well as facilitating the new engineering campus on the Shaftesbury House site it would also enable Black Country Housing Group to deliver 27 affordable housing units on the former gas showroom site.

Alternative Options Considered

The Council could consider disposal of the freehold on the open market, but this may not generate a much greater level of capital receipt. It would also miss an opportunity to unlock two important regeneration opportunities to deliver education facilities and affordable accommodation in West Bromwich Town Centre.

Agreed:-

- (1) that approval be given to the disposal of the former Gas Showroom Site, Lombard Street West/High Street, West Bromwich to Black Country Housing Group, for £270,000 for the delivery of 27 affordable rent dwellings, recognising that this figure is less than the Best Consideration that could be obtained for the site;
- (2) that the Director of Regeneration and Growth be authorised to agree the terms for a conditional contract (subject to planning consent) for the disposal of the site to Black Country Housing Group;
- (3) that the Director of Law and Governance and Monitoring Officer be authorised to release a restrictive covenant placed on the site of the former Shaftesbury House, West Bromwich previously sold to Black Country Housing Group that restricts the permitted use for residential development;
- (4) that the Director of Law and Governance and Monitoring Officer be authorised to enter into or execute under seal, if necessary, any other related documentation in connection with the freehold disposal of the site referred to in Resolution (1) above.

88/22

Ormiston Sandwell Community Academy – Proposed Expansion

Approval was sought to approve, subject to a satisfactory financial appraisal being completed by Strategic Finance, the allocation of £763,000 from the council's Basic Need / School Condition funding to fund refurbishment works to Ormiston Sandwell Community Academy (the Academy), Lower City Road, Tividale, Oldbury, B69 2HE.

Approval was also sought to authorise the Director of Law and Governance to enter into a funding agreement on terms agreed by the Director of Children and Education as required to enable Ormiston Academy Trust (the Trust) and the Academy to procure and complete the refurbishment works.

The Chair of Children's Services and Education Scrutiny Board enquired whether the Trust would be putting any money towards Ormiston Academy's refurbishment which would allow for an increase in its admission numbers. In response, the Cabinet Member for Children and Education stated that the government's Basic Need funding was allocated on the basis to support the expansion of an Academy where the local authority needed new places. As this was an Authority led expansion, the council was responsible for funding new places.

Based on recent schemes where new accommodation was required for a 1 form entry expansion of an existing secondary school, it was anticipated that funding would be £3.5-4.5m dependent on sufficiency of its existing buildings. This proposal presented the council with an excellent value for money solution.

The Trust would be investing in the expansion. Whilst the local authority funding would focus in the main towards internal works, the Trust and Academy planned to remodel the external area. The Trust and Academy were aware additional pupils would bring additional footfall and vehicle movements in the local area and their works would remodel existing access/egress arrangements and car parking to minimise congestion on Lower City Road and neighbouring roads.

The Chair of Children's Services and Education Scrutiny Board also asked whether a surplus of places was expected with the opening of new secondary schools.

In response, the Cabinet Member for Children and Education stated that effective place planning had ensured the Council had been able to maintain a surplus throughout the growth period, albeit during the last 3 years the surplus had only been around 1.5% whereas we would expect to operate around 5-8%. Current plans would see the council returning to that position by 2025/26.

Reason for Decision

The local authority had a statutory duty to ensure a sufficient supply of school places. Whilst the unprecedented growth in the birth rate experienced over recent years had started to ease, the Borough continued to receive a high demand for school places, primarily due to increased migration and retention rates.

The Schools Capital Programme aligned to service needs so that the council could meet its statutory responsibility of ensuring every child in Sandwell had access to a good school place by seeking to build on its commitment to expand successful and popular schools.

Secondary school places were required in Oldbury and Ormiston Academy Trust had agreed to increase its Published Admission Number from 210 to 240 to offer an additional 150 places.

The Trust and Academy would procure the works on behalf of the council. This would provide best value for money and minimise the council's risk. A Funding Agreement would be agreed between the council and the Trust. The Trust would provide evidence, or a statement of account for payments to its contractor to support each invoice submitted to the Authority for payment.

Alternative Options Considered

Do nothing – This was not a viable option for the Authority. In 2021/22 the Authority was unable to meet all parental preferences for the Academy from the local area, which led to pupils having to be offered places at a substantial home to school distance.

Permanent expansion at an alternative local secondary school - Through the Authority's Schools Capital Programme most local secondary schools had already received significant investment to increase pupil capacity.

Permanent extension at Ormiston Sandwell Community Academy - The Trust undertook a feasibility of the Academy's existing accommodation, which proved that there was sufficient area within the existing Academy buildings, which with some remodelling and refurbishment, could provide sufficient accommodation for the proposed additional form of entry. The works package also provided a very economical solution to the Authority for a 1 form entry expansion of an existing secondary school. Alternative proposals for re-use of the Perryfields modular block would be subject to a future Cabinet report.

Temporary extension at the Academy - A temporary solution would not be conducive to educational provision. Compared to both options for either re-use of the modular block, or the planned refurbishment works, a temporary building solution was not considered to offer value for money for the Authority.

Agreed:-

- (1) that subject to a satisfactory financial appraisal being completed by Strategic Finance, approval be given to the allocation of £763,000 from the council's Basic Need / School Condition funding to fund refurbishment works to Ormiston Sandwell Community Academy (the Academy), Lower City Road, Tividale, Oldbury, B69 2HE;
- (2) that the Director – Law and Governance and Monitoring Officer be authorised to enter into a funding agreement on terms agreed by the Director of Children and Education as required to enable Ormiston Academy Trust (the Trust) and the Academy to procure and complete the refurbishment works as referred to in Resolution (1) above.

Oracle E-Business Suite Software Licence renewal

Approval was sought for the Director of Finance to renew and award a contract for the existing Oracle E-Business Suite software licences for the period 1 May 2022 to 30 April 2023 at a cost of £330,730.

Furthermore, approval was sought to authorise the Director of Law and Governance to sign any contract documentation in relation to the renewal of the Oracle software maintenance and license agreement and that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action.

The Chair of the Safer Neighbourhoods and Active Communities Scrutiny Board questioned whether the tasks that would be performed by this multi-functional software would threaten jobs in the Council.

On behalf of the Cabinet Member for Finance and Resources, the Cabinet Member for Community Safety stated that the decision to upgrade to Oracle Fusion was made some time ago by Cabinet. The decision in this report was regarding the extension of licences for the existing system in order to allow time for the upgrade to be implemented. The original decision considered the cost to the council. With regard to the risk to jobs, the system was not intended to replace jobs. The plan was for the system to undertake more of the transactional work that was currently undertaken in order to allow staff time to be spent on tasks that can add more value and contribute towards the strategic improvements across the council.

Reason for Decision

The council was currently progressing a large-scale project to migrate from the Oracle E- Business Suite to a cloud-based Enterprise Resource Planning (ERP) solution, Oracle Fusion.

An exemption report was signed off to extend the Oracle EBS licences from 1 November 2021 to 30 April 2022 at a total cost of £218,148. This included additional HR invoices of £54,000 which were subsequently not required and

therefore the actual cost was approximately £164,000. There was now a need to further extend this until 30 April 2023 in order to allow sufficient time for the project to be completed whilst ensuring adequate cover for vendor support, software maintenance updates and license compliancy. The cost of this was £330,730 and the renewals would be directly with ORACLE Corporate Limited.

The successful migration to a modern cloud-based ERP would enable the council to deliver key functions such as Finance, Human Resources, Payroll, and Procurement to effectively and efficiently support frontline services to deliver corporate objectives.

Alternative Options Considered

The migration to the Oracle Fusion solution could not be completed before 30 April 2022 therefore the council would need to continue to operate with the Oracle E-Business Suite. The council could continue to use the E-Business Suite without renewing licences and maintenance. However, remaining on unsupported software was an unacceptable risk to the council due to the loss of service updates and support patches which were required to ensure that the software operates effectively and in accordance with appropriate legislation.

Agreed:-

- (1) that the Director of Finance be authorised to renew and award a contract for the existing Oracle E-Business Suite software licences for the period 1 May 2022 to 30 April 2023 at a cost of £330,730;
- (2) that the Director of Law and Governance and Monitoring Officer is authorised to sign any contract documentation in relation to the renewal of the Oracle software maintenance and license agreement as referred to in Resolution (1) above;

- (3) that any necessary exemptions be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed.

90/22

Award of contract for ICT Technology Hardware

Approval was sought to authorise the Director of Business Strategy and Change and the Director of Finance - Section 151 Officer, in consultation with the Cabinet Member for Finance and Resources, to approve the award of contract for providing ICT Technology Hardware for the period 1 June 2022 to 31 May 2025, with the option to extend for a further 12 months. Furthermore, the report sought that an exemption be made to the Council's Procurement and Contract Procedure Rules.

Approval was also sought for the Director of Law and Governance – Monitoring Officer to execute any documentation necessary to enable this course of action.

Reason for Decision

This report sought approval to award a contract for the provision of ICT Technology Hardware through the Crown Commercial Services Framework RM6068, following a compliant further competition and evaluation process. The contract award would allow for the purchase of new end user devices such as laptops, desktops, monitors, docking stations, mobile phones, tablets and other end user ICT peripherals. The contract period would be 3 years from 1 June 2022 to 31 May 2025 with an option to extend for a further 12 months.

The value of the new contract for the 3 -year period was estimated to be £4.5 million based on current hardware costs and forecasted future requirements. If the option to extend for a further 12 months was invoked, the total value of the contract was estimated at £6m.

Alternative Options Considered

A "do nothing" approach was not feasible, as this would result in ICT hardware orders being spread across multiple hardware resellers rather than having one single point of contact with dedicated account management.

The alternative approach was to go out to tender every time for every hardware order, however, this reduced the opportunity for best value as orders were considered in isolation rather than strategically.

Without a hardware supplier, it would not be possible to take advantage of free bonded warehouse storage, which had benefited Sandwell many times during the Covid-19 pandemic.

Agreed:-

- (1) that approval be given to authorise the Director of Business Strategy and Change and the Director of Finance - Section 151 Officer, in consultation with the Cabinet Member for Finance and Resources, to approve the award of contract for providing ICT Technology Hardware for the period 1 June 2022 to 31 May 2025, with the option to extend for a further 12 months;
- (2) that an exemption be made to the Council's Procurement and Contract Procedure Rules to enable the course of action referred to in Resolution (1) above to proceed;
- (3) that the Director of Law and Governance and Monitoring Officer be authorised to execute any documentation necessary to enable the course of action referred to in Resolution (1) above to proceed.

Outcome on the Consultation for the Statutory Taxi and Private Hire Vehicle Standards

Consideration was given to the results of the consultation on the Statutory Taxi and Private Hire Vehicle Standards and approval was sought to the adoption of the proposed changes to conditions of licence in line with the changes to the Draft Sandwell Private Hire and Hackney Carriage Licensing Policy.

The Chair of Children's Services and Education Scrutiny Board asked whether the recommendations from the Scrutiny Review into SEND transport had been considered for this report.

In response, the Cabinet Member for Culture and Tourism stated that the Statutory Taxi and Private Hire Vehicle Standards were the national standards issued by the Department of Transport to licensing authorities with a focus on protecting children and vulnerable adults and aimed to provide a common-core minimum standards for the taxi and private hire vehicle sector.

Whilst officers were aware of the Scrutiny Review into SEND transport, the recommendations were service specific to SEND transport and those providing that service.

The council's Private Hire and Hackney Carriage Licensing policy related to the whole of the taxi and private hire vehicle sector and therefore service specific requirements were not included in this policy. Any additional service requirements for SEND transport were detailed in the service's Driver & Passenger Assistant Handbook.

Reason for Decision

The Statutory Taxi and Private Hire Vehicle Standards were introduced to protect children (under 18) and vulnerable people as defined by Section 42 of the Care Act 2014. Licensing authorities were under a legal duty under Section 177 (1) of the Police and Crime Act 2017, to have regard to the Statutory Standards which meant they should be rigorously considered in formulating policy.

The Standards recognised that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, however it should be noted that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice.

The Licensing Committee recognised that substantial changes would be required to the current Sandwell Private Hire and Hackney Carriage Licensing Policy and met to discuss these changes in detail together with the implementation plan detailing when these changes would come into effect on 24 February 2022.

Alternative Options Considered

There were no alternative options given for consideration. Licensing Authorities had a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards.

Agreed:-

- (1) that Cabinet receive the results of the consultation on the Statutory Taxi and Private Hire Vehicle Standards as now submitted;
- (2) that approval be given to adopt the proposed changes to conditions of licence as set out in Appendix 1 in line with the changes to the Draft Sandwell Private Hire and Hackney Carriage Licensing Policy;
- (3) that approval be given to adopt the proposed changes to the current policy as now submitted, which is the draft revised Sandwell Private Hire and Hackney Carriage Licensing Policy containing the proposed changes highlighted in yellow;
- (4) that approval be given to the implementation plan as now submitted outlining the approach and actions to be taken for implementing the changes resulting from the adoption of the Draft Sandwell

Private Hire and Hackney Carriage Licensing Policy;

- (5) that the standard relating to mandating the installation of CCTV in all licensed vehicles as a mandatory policy requirement is not adopted at this time, and that the current policy position of voluntary installation is maintained;
- (6) that approval be given to adopt the draft Data Processing Policy for NR3 (National Register for Revocations and Refusals of Licence) as now submitted.

92/22

Hackney Carriage Fare Review

Approval was sought to agree to initiate a public consultation on the request received from a group of hackney carriage vehicle licence holders to increase the hackney carriage fares.

Reason for Decision

The Council sets the fares for Hackney Carriage Vehicles and any request for an increase was usually submitted by the Trade. The last time that the fares were increased in Sandwell was November 2013.

Charges for private hire vehicles were set by each Private Hire Operator and varied between operators. They could also be lower or higher at peak times than the hackney carriage fares.

The Local Government (Miscellaneous Provisions) Act 1976 under Section 65 requires that when a request was received, a notice was published in a local newspaper inviting objections and, in the event that no objections were received, the change of fares comes into effect on a date specified in the notice. The setting of fares was an executive function and was brought to Cabinet for consideration to proceed with the public consultation as outlined in the Act.

Licensing Committee met on 24 February 2022 to discuss the proposed changes and Committee were in support of consultation on the proposed fare increase.

Alternative Options Considered

By virtue of Section 65 of the Local Government (Miscellaneous) Provisions Act 1976 there are no alternative options other than to consult upon the request received by hackney carriage vehicle licence holders, and in the event of no objections being received to adopt the fare increase proposal made. In the event that objections are received, a further report would be brought to Cabinet for consideration.

Agreed:-

- (1) that approval be given to consult on the request received from a group of hackney carriage vehicle licence holders to increase the hackney carriage fares by means of an advert in the local press and via a public notice in Council buildings;
- (2) that, in connection to Resolution (1) above, in the event that no objections are received, the proposed increases as set out below, to come into effect on the date stated within the advert:

	Current Charge	Proposed Increase
Mileage tariff 1 (0600 to 2200 hours)		
For the first mile (or part thereof)	£4.00	£5.00
For each subsequent 110 yards (or part thereof)	£0.10	£0.12
Or for each subsequent mile thereafter	£1.60	£1.92
Waiting time (per hour)	£16.00	No change
Mileage tariff 2 (2200 to 0600 hours)		
For the first mile (or part thereof)	£4.80	£5.80
For each subsequent 110 yards (or part thereof)	£0.15	£0.18
Or for each subsequent mile thereafter	£2.40	£2.88
Waiting time (per hour)	£24.00	No change

Extra Charges		
For hiring on Sundays and Bank Holidays between 0600 and 2200 hours	£0.45	£0.50
For hiring from 1800 hours on Christmas Eve, throughout Christmas Day and Boxing Day	Double tariff 1 charge	No change
For hiring between the hours of 1800 hours on New Year's Eve and 0600 hours on New Year's Day	Double tariff 1 charge	No change
For every article of luggage conveyed outside the passenger compartment of the carriage after the first article of luggage	£0.10	No change
For each person over the age of 7 years in excess of 4	New Charge request from trade	Tariff 2 to be applied
Soilage fee	£50.00	No change

- (3) that, in the event that objections are received and are not withdrawn, a further report be submitted to Cabinet for those objections to be considered.

93/22 **Procurement of Adult Weight Management Service**

Approval was sought to re-commission the Tier 2 Weight Management Service for Adults ensuring future delivery of support for Sandwell residents.

Reason for Decision

The Council wanted to expand on some previous short-term funding provided by Office for Health Improvement and Disparities (OHID) by commissioning a service that would continue to improve levels of physical activity, healthy eating and support people to adopt healthier behaviours beyond the initially funded period.

Alternative Options Considered

There was an option to wait until there was confirmation of further funding from OHID to seek approval to commission future adult weight management services. However, there had been no confirmation on the extension of the adult

weight management services grant, or any timescales on when a decision might be made.

This could lead to a significant gap in service delivery and officers would not know how long the funding would be for.

Another option would be to not commission a future adult weight management service. This would have implications for people locally that could widen health inequalities.

Agreed:-

- (1) that approval be given to re-commission the Tier 2 Weight Management Service for Adults ensuring future delivery of support for Sandwell residents;
- (2) that the Director of Public Health be authorised, in consultation with the Chief Finance Officer, to procure a two plus one-year behavioural (tier 2) weight management service for adults using either the public health budget, or external funding provided by the Office for Health Improvement and Disparities to commence on 1 July 2022 for a period of two years to 30 June 2024 with the option to extend up to a further year until 30 June 2025 at a cost of £200,000 per year;
- (3) that the Director of Law and Governance & Monitoring Officer be authorised to enter into and execute, under seal as may be required, any contracts or ancillary documentation in relation to the award of contract referred to in Resolution (2) above;
- (4) that any necessary exemption be made to the Council's Procurement and Contract Procedure Rules to allow a contract to be awarded to enable the course of action referred to in Resolution (2) above to proceed;

- (5) that the Director – Public Health, in consultation with the Cabinet Member for Adults, Social Care and Health, be authorised to approve Variations to the Contract up to a maximum of 10% of the Contract value, should they be necessitated.

94/22

Drug Strategy Grant: Enhanced Substance Misuse Treatment Provision

Approval was sought to authorise the Director of Public Health, in consultation with the Director of Law and Governance and Monitoring Officer, to vary the current Adult Alcohol and Drug Service Contract to fund additional enhanced provision totalling £280,066 allowing the additional enhanced provision for the remaining period of the contract term which will end 31 January 2023.

Reason for Decision

The Government announced further additional funding for substance misuse treatment services for a period of 3 years covering the following financial years: 2022/23, 2023/24 and 2024/25

Sandwell's indicative allocated amount for the 2022/23 period (the period of overlap with the current Alcohol & Drug Service Contract term) was £530,000. The funding was to be additional to existing Public Health grant expenditure on substance misuse treatment services.

The funding must be spent on interventions that aimed to achieve the Drug Strategy ambition to reduce drug and alcohol related deaths and harms. The Strategy therefore required that local areas rebuild and reinvest into treatment services towards “a world class drug treatment and recovery system”

The expectation from government was that the additional enhanced delivery commenced from Quarter 1 of 2022/23 and continued throughout the 3-year period of enhanced funding (2022/23, 2023/24 and 2024/25).

Alternative Options Considered

Do not approve the variation. An alternative method of delivery of the proposed variation interventions would be to secure provision through a competitive tender process. However, there were a number of risks associated with this option.

Do not approve the variation and not utilise the additional funding but simply return the monies to government. This would mean that the local treatment service and ultimately those who could benefit from accessing such a service would not benefit from the potential quality and capacity improvements that the monies could afford.

Agreed that the Director of Public Health, in consultation with the Director of Law and Governance and Monitoring Officer, be authorised to vary the current Adult Alcohol and Drug Service Contract to fund additional enhanced provision totalling £280,066 allowing the additional enhanced provision for the remaining period of the contract term which will end 31 January 2023.

95/22

Black Country Local Enterprise Partnership Capacity Funding – Sandwell Allocation

To approve the submission of Sandwell's capacity fund spend proposal, for the financial year 2022/23, to the Black Country Local Enterprise Partnership Board.

Reason for Decision

The Black Country Local Enterprise Partnership (BCLEP) Board was the approver of the BCLEP Capacity Fund allocations to Local Authorities, and proposals put forward by Local Authorities were to be approved by Cabinet. The total value of the proposal from Sandwell MBC was circa £500k.

The nature of the proposals may require changes to be made throughout the financial year. Should this become necessary, it would be critical that the council could act swiftly to ensure it met its spend allocation by close of financial year 2022/23. Procurement processes would need

to be undertaken swiftly to secure specialist support to develop Sandwell's regeneration projects within financial year 22/23. There may also be a requirement for the council to enter into legal agreements to deliver against the proposals.

Alternative Options Considered

No alternative options were considered, given this was the process outlined within the Collaboration Agreement.

Projects identified within the proposal had been selected on the basis they met the BCLEP funding criteria.

Agreed:-

- (1) that the Director of Regeneration & Growth, in consultation with the Cabinet Member for Regeneration & Growth, be authorised to submit Sandwell's capacity fund spend proposal, for financial year 22/23 to the Black Country Local Enterprise Partnership Board;
- (2) that the Director of Regeneration & Growth, in consultation with the Cabinet Member for Regeneration & Growth, be authorised to make any necessary amendments to the spend proposal to ensure the full allocation is spent within financial year 2022/23;
- (3) that the Director of Regeneration & Growth and the Director of Finance, in consultation with the Cabinet Member for Regeneration & Growth, be authorised to undertake the necessary procurement processes and award contracts associated with the Black Country Local Enterprise Partnership Capacity Fund;

- (4) that the Director of Regeneration & Growth, in consultation with the Director of Law and Governance and Monitoring Officer, be authorised to enter into necessary legal agreements and execute under seal where required, to ensure the full allocation is spent within financial year 2022/23.

96/22

Arts Council England – Libraries Improvement Fund funding for Sandwell Libraries and Archives

Approval was sought to receive funding of £495,000 from Arts Council England's Libraries Improvement Fund to roll out Library+ to 10 libraries, following a pilot at Thimblemill Library, in line with action C6 of the Corporate Plan.

The Chair of Children's Services and Education Scrutiny Board asked whether it could be guaranteed whether this project would receive the best publicity possible to highlight the positive work done. In response, the Cabinet Member for Culture and Tourism stated that all Cabinet Members and officers involved were very enthusiastic about this project and would ensure that it would be promoted as much as possible.

The Cabinet Member for Community Safety congratulated the Cabinet Member for Culture and Tourism and Library Services on the project.

Reason for Decision

Inward investment from Arts Council England would enable the delivery of the Library+ project at 10 of the borough's libraries.

Approval to accept the Arts Council England funding would enable officers to complete and submit the necessary grant paperwork.

The project would enable access to the council's libraries to be extended beyond current advertised opening hours.

By authorising the Director of Borough Economy to oversee the implementation of recommendations would ensure the timely and efficient roll out of this key project.

The project would assist in the Council's efforts to help residents access libraries for books, computers, events and activities for longer and allow local groups to use libraries outside of advertised opening hours.

Strategic Finance colleagues had carried out an appraisal of the funding application, which had been evaluated against HM Treasury Green Book guidance. The appraisal process recorded a score of 72%, with some areas of risk identified. The appraisal recommended action points to mitigate any risk to the Council.

Alternative Options Considered

No alternative options were considered for this project. Whilst the 'Do nothing' approach was an option, it would result in the loss of potential inward investment along with a missed opportunity to make libraries more accessible to local people. As such it was not considered a satisfactory option.

Agreed:-

- (1) that approval be given to receive funding of £495,000 from Arts Council England's Libraries Improvement Fund to roll out Library+ to 10 libraries, following a pilot at Thimblemill Library, in line with action C6 of the Corporate Plan;
- (2) that the Director of Borough Economy be authorised to accept the funding from Arts Council England's Libraries Improvement Fund on terms and conditions agreed by the Director – Borough Economy in consultation with legal services to enable roll out of Library+ to proceed;
- (3) that the Director of Borough Economy, in consultation with the Section 151 Officer, be authorised to:

- Prepare any necessary Tendering documentation;
 - Procure, in accordance with the public procurement rules, the Council's procurement and financial regulations a contractor(s) to carry out works on site; to award a contract and to enter into or execute under seal any financial agreement(s) as may be deemed necessary in relation to the project; and
 - Accept Grant funding from the Art Council England on terms and conditions to be agreed by the Director of Borough Economy in consultation with the Director of Law and Governance & Monitoring Officer.
- (4) that in connection with Resolution (1) and (2) above, the following action points identified within the financial appraisal of the funding application by Strategic Finance, be implemented to reduce any risk to the council:
- That cost estimates are reviewed to ensure that any future costs can be managed within the allocated funding.
 - That a corporate Risk Register is produced for the project, with target risk scores and dates for mitigation included.

97/22

Governance Improvement Plan Progress

Consideration was given to the progress made up to 10 March 2022 against the Governance Improvement Plan.

Reason for Decision

To provide an update on progress made against the Governance Improvement Plan and the approach to develop a single Improvement Plan to address the recommendations from the CIPFA Financial Management Review and LGA Corporate Peer Challenge.

Alternative Options Considered

The Value for Money Governance Review was undertaken as part of the external auditor's role to provide assurance on the council's arrangements for securing economy, efficiency and effectiveness in its use of resources. As the report included statutory recommendations, the council had a legal obligation to respond appropriately. Reviewing progress against the improvement plan enabled senior officers and members to have oversight of delivery and take corrective action, as necessary.

The government's Directions for improvement set out clearly that the Improvement Plan must address the specific areas set out in the report. Failure to update the existing Improvement Plan to address the intervention package and demonstrate delivery of sustained and embedded improvement would likely result in further intervention measures.

There were no alternative options to consider.

Agreed that progress against the Governance Improvement Plan up to 10 March 2022 be received.

98/22

Action Taken on a Matter of Urgency – Transforming Cities Fund Grant Agreement with the West Midlands Combined Authority in Relation to Highway Works Development at Birchley Island M5 Junction 2.

Cabinet noted details of the urgent action taken by the Leader of the Council, in relation to:-

- authorising the Director for Regeneration and Growth to accept the £1,000,000 Transforming Cities Fund (TCF) Grant for the Birchley Island M5 Junction 2 Scheme under the Terms and Conditions contained in the Grant Agreement;
- authorising the Director of Law and Governance & Monitoring Officer, in consultation with Section 151 officer, to accept the TCF £1,000,000 Transforming Cities Fund (TCF) Grant for the Birchley Island M5

Junction 2 Scheme under the Terms and Conditions contained in the Grant Agreement.

Reasons for Decision

The West Midlands Combined Authority would provide up to £1,000,000 of grant funding into the Birchley Island M5 Junction 2 scheme to ensure the funding package for the scheme. This was consistent with the budget request to the Department for Transport (DfT) for Major Road Network funding. The DfT had confirmed Programme Entry for the scheme within the Major Road Network programme as outlined in a letter to Sandwell Metropolitan Borough Council and WMCA dated 1 February 2021. As part of this approval, the DfT would provide a maximum capped funding of £24.400,000 towards the Birchley Island scheme on approval of the Full Business Case submission.

The matter was urgent and could not be delayed until the next Cabinet meeting given the need to ensure that the Transforming Cities Fund Grant could be drawn down in this financial year (2021/22) to maintain the funding profile needed to deliver the scheme. The Chair of Economy, Skills, Transport and Environment Scrutiny Board had been consulted.

Alternative Options Considered

The Birchley Island M5 Junction 2 Scheme would be underfunded if the TCF Grant was not accepted. An alternative would be to make up the shortfall with an additional £1m Capital contribution from the Council.

Agreed:-

- (1) that the following details of the urgent actions taken by the Leader of the Council be noted:-
 - (a) to authorise the Director for Regeneration and Growth to accept the £1,000,000 Transforming Cities Fund (TCF) Grant for the Birchley Island M5 Junction 2 Scheme under the Terms and Conditions contained in the Grant Agreement;

- (b) to authorise the Director of Law and Governance & Monitoring Officer, in consultation with Section 151 officer, to accept the TCF £1,000,000 Transforming Cities Fund (TCF) Grant for the Birchley Island M5 Junction 2 Scheme under the Terms and Conditions contained in the Grant Agreement.

99/22 **Minutes of Cabinet Petitions Committee**

The minutes of the Cabinet Petitions Committee meetings held on 24 November 2021 and 16 February 2022 were noted.

Meeting ended at 4.06pm.

Contact: democratic_services@sandwell.gov.uk

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.

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.

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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 15th day of June, 1973, and confirmed by the Secretary of State on 15th day of August, 1973, are hereby revoked.

**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 1st day of October 1976.

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

Home Office
Whitehall

20th August 1976

R.F.D.SHUFFREY

*An Assistant Under Secretary
of State*

* 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.

HCV CONDITIONS

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.