

Section 3

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE LICENCE

**THIS SECTION OF THE POLICY HANDBOOK SHOULD BE READ IN
CONJUNCTION WITH THE ADDITIONAL POLICY DOCUMENT ENTITLED
'SUPPLEMENTARY VEHICLE TESTING CRITERIA'.**

Making a Vehicle Application

This section will provide all the information you will require to license a Hackney Carriage or Private Hire vehicle in Sandwell.

All Hackney Carriage and Private Hire vehicles in Sandwell must pass the Council's Vehicle Test before a licence can be issued.

Before you attend for your appointment at the Licensing Office, you must ensure that you bring the following items with you.

1. The completed application form. Signed or stamped by the Licensed Operator you are going to work for.
2. The complete DVLA (V5) Vehicle Registration document (Log Book)*
3. A valid, original insurance document.
4. Your full, current driving licence issued by the DVLA. (If you possess the new style DVLA licence you must produce both the paper licence and the photo I.D. card).
5. The current licence fee (A current fee schedule is available from the Licensing Office).
6. Your meter calibration certificate (Hackney Carriages only).
7. If your vehicle has been converted to run on Liquefied Petroleum Gas (LPG) you must also produce a safety certificate issued within the last twelve months from a UKLPG approved installer.
8. If your vehicle is fitted with a tail-lift you must also produce a LOLER safety inspection certificate issued within the last six months.

If you forget any of the above items when you attend the Licensing Office to make your application, your application **may not** be accepted, and you may incur additional costs and delays.

IMPORTANT NOTICE

The Licensing Office cannot issue refunds under any circumstances.

Log Books*

You must produce the logbook (V5) for your vehicle, at the time of your appointment.

If the log book is **NOT** in the name of the applicant, or the applicant's name and/or address is recorded incorrectly, it will only be accepted by the Licensing Office if the applicant agrees to complete the change of keeper information and allows the document to be sent to the DVLA, Swansea.

In the case of brand new vehicles, (where there is no log book) the Licensing Office will accept formal documentation from the vehicle supplier, in place of the log book, if the following information is supplied: -

- Registration number
- Make, model and colour
- Body type
- Registration date
- Chassis number
- Engine number
- Engine size
- Fuel type

Please note Sandwell MBC will only licence vehicles that meet the M1 vehicle standard therefore you must ensure that the vehicle categorisation displayed on the log-book is M1.

New Applications

If you are licensing a vehicle for the first time, there are a number of things you need to consider.

- Private Hire or Hackney Carriage?
- Is the vehicle suitable? (See pages 3.10 to 3.17 - Vehicle Criteria)
- Is the vehicle a 'Brand New' vehicle? (See page 3.6)
- Will the vehicle pass the test? (Also see additional policy document entitled 'Supplementary Vehicle Testing Criteria')

When you have chosen your vehicle, you should contact the Licensing Office to arrange an appointment to submit the application. If you are unsure about the suitability of your vehicle you should contact the Licensing Office for advice.

It will not be necessary to purchase a vehicle before submitting it for approval.

When you submit the application, you will be given an appointment for the vehicle to be tested.*

You should attend the garage appointment **on time** with the vehicle clean and tidy, and in a suitable condition for use as a Hackney Carriage or Private Hire Vehicle. If the interior, including boot area, or exterior of the vehicle are dirty the vehicle examiner may refuse to carry out the test and you will have to pay for the vehicle to be re-inspected

When the vehicle passes the test, you can use the drop-in service to be issued with your Hackney Carriage or Private Hire Vehicle plates and licence (subject to the application process being completed and the production of valid Private Hire/Hackney Carriage Insurance).

If the vehicle fails the test, you can use the drop-in service to book an appointment to have the vehicle retested. You may have to pay a retest fee before this appointment can be made.

*If the vehicle is 'Brand New', the vehicle will undergo a visual inspection by Authorised Licensing Officers only)

Renewal Applications

If you are making a renewal application, you will receive the following information approximately six weeks before the expiry of the licence.

- Notification letter, with a pre-booked appointment included.
- An application form.

The appointment includes both an office and a garage appointment. This means that you can make your application, pay the fee, have the vehicle tested and, subject to the vehicle passing the test, collect your new plates and licence. All in one visit!

If you cannot attend your pre-booked appointment at the time and date given, you should telephone the Licensing Office immediately to rearrange. Failure to do so may result in the Licensing Office being unable to offer you an alternative appointment before the expiry of your licence.

You will not be allowed to renew your licence more than one month prior to its expiry.

IF YOU ARE LATE SUBMITTING YOUR RENEWAL APPLICATION, YOU WILL ONLY BE ABLE TO APPLY TO RENEW THE LICENCE IF YOU DO SO WITHIN 14 DAYS OF THE EXPIRY AND ONLY IN EXCEPTIONAL CIRCUMSTANCES. ANY APPLICATION SUBMITTED MORE THAN 14 DAYS AFTER THE EXPIRY OF THE PREVIOUS LICENCE WILL BE TREATED AS A NEW APPLICATION. THIS MAY MEAN THAT YOUR VEHICLE NO LONGER COMPLIES WITH COUNCIL POLICY THEREFORE IT IS ESSENTIAL THAT YOU RENEW YOUR LICENCE BEFORE IT EXPIRES.

Vehicle Testing

Vehicle testing is carried out at the Council's Transport Depot in Waterfall Lane, Cradley Heath, on the same site as the Licensing Office. Some larger or specialist vehicles may be sent to another testing station if the Council's facility is too small to safely examine them.

If you are licensing a vehicle for the first time, or your current licence is due for renewal, your vehicle will be subjected to a test. This test will be undertaken in accordance with the Supplementary Vehicle Testing Criteria.

There are three types of test, the details of which are listed below: -

Full Test

The full test lasts about 1 hour and includes a full MOT, together with a taxi test. The taxi test covers items such as the general condition of the vehicle both in terms of the vehicles bodywork and interior condition, possible accident damage and the examination of items such as the first aid kit and fire extinguisher.

Interim Vehicle Check

Interim Vehicle Checks are designed to ensure that licensed vehicles are suitably maintained throughout the lifetime of their licence.

The Interim Vehicle Check lasts about half an hour and includes the taxi test. The number of Interim Vehicle Checks your vehicle will be subjected to are outlined in the table over the page.

Interim Renewal Check

This test is the same as the Interim Vehicle Check, but is carried out following the expiry of a 4 or 6 month licence. This check will only be carried out on receipt of an application to renew a 4 or 6 month licence.

If your vehicle fails any of the tests or you fail to attend for your appointment a further test fee will be required.

Vehicle Age	Application	4 Months	6 Months	8 Months	Renewal
Brand New Vehicle*	Licensing Office Inspection		Interim Vehicle Check		Full Test
Under 5Years Old	Full Test		Interim Vehicle Check		Full Test
Over 5Years Old	Full Test	Interim Vehicle Check		Interim Vehicle Check	Full Test

*For the purposes of testing a "Brand New" vehicle shall mean any vehicle that is the current registration mark and has travelled less than 1000 miles.

As you can see from the above table, the age of your vehicle will affect how often your vehicle is checked and the amount of money you will have to pay for your licence.

You should ensure that you attend for your scheduled Interim Vehicle Checks, as failure to do so may result in your Licence being suspended.

VEHICLE EXAMINATION CERTIFICATES SHALL ONLY BE VALID FOR A PERIOD OF TWO WEEKS. IF THE VEHICLE IS NOT LICENSED DURING THAT PERIOD IT WILL BE SUBJECT TO ANOTHER TEST AT THE COST OF THE APPLICANT OR LICENCE HOLDER BEFORE THE LICENCE CAN BE ISSUED.

Buying a Vehicle

Certain vehicles are unsuitable to be used as Hackney Carriages or Private Hire Vehicles.

The Council has adopted criteria that all vehicles licensed in Sandwell have to meet.

You should read the “criteria for applicants” section of this booklet, located on pages 3.10 to 3.17 and the additional policy document entitled ‘Supplementary Vehicle Testing Criteria, before buying a vehicle, to ensure that your chosen vehicle conforms with the Council’s requirements.

If you are in any doubt as to the suitability of your chosen vehicle, please telephone the Licensing Office. We will be happy to give you advice before you make any financial outlay.

Most car dealers will be happy to allow you to present the vehicle at the Licensing Office to ensure it is suitable, prior to purchase.

The Council cannot be held responsible for any costs you may incur as a result of purchasing a vehicle that is unsuitable for use as a Hackney Carriage or Private Hire Vehicle.

IMPROVEMENTS TO VEHICLE STANDARDS

In order to improve the service offered to members of the public, the Council has agreed the following changes in Policy: -

Vehicle Identification

From 1 December 2014, the Council will only grant a hackney carriage licence if, to the satisfaction of the Licensing Manager or the Waste & Transport Manager, the vehicle is black in appearance. This policy only relates to new applications for a hackney carriage licence. Existing Sandwell MBC licensed hackney carriages that are not black may still continue to be licensed providing the vehicle licence has not expired for more than one month.

From 1 December 2014, with the exception of Minibuses and Multi Purpose Vehicles (MPV's), the Council will grant a private hire vehicle licence for any colour vehicle. Minibuses and MPV type vehicles may be any colour apart from black. A licence will not be issued for a Minibus or MPV if the vehicle's paintwork could be mistaken for being black.

Any vehicle that is black in colour which has the appearance of a hackney carriage or in the opinion of the Licensing Manager or the Waste & Transport Manager could be mistaken for being a hackney carriage will not be licensed by the authority.

Age Policy

From 1 December 2014 applicants will be able to make an application for a vehicle of any age however the age of the vehicle will still determine the level of licence fee and the number of Interim Vehicle Checks that the vehicle will be subject to. (Further information on Interim Vehicle Checks is available on pages 3.5 and 3.6).

Window Stickers

With effect from 1 December 2014, upon grant or renewal of the licence, all Sandwell MBC licensed vehicles must display a self adhesive sticker along the top edge of the window glass of each rear passenger door. The sticker will confirm that the vehicle is a licensed vehicle and that smoking is not allowed in the vehicle. The stickers must be displayed at all times that the vehicle is in use on the road (even if it is not being used for work).

Roof Signs

With effect from 1 September 2007, upon grant or renewal of the licence, all Private Hire Vehicles in Sandwell must display an illuminated Roof Sign, to Sandwell Council specifications, or an illuminated roof sign of their Operator's choice which displays, as a minimum, the name and telephone number of the Operator. The roof sign must be displayed on the vehicle at all times that the vehicle is in use on the road (even if it is not being used for work).

From 1 December 2014, Minibuses and large MPVs will be exempt from displaying a roof sign providing sign writing or self adhesive stickers are applied to both sides of the vehicle displaying the name and telephone number of the operator. Letters and numbers should be at least 3 inches in height and clearly distinguishable.

Limousines and Speciality/Novelty vehicles will be exempt from displaying a roof sign.

PRIVATE HIRE VEHICLE CRITERIA

The Council licenses many different types of vehicle for Private Hire purposes. To be sure that your vehicle is suitable to be licensed as a Private Hire Vehicle in Sandwell, you should check it against the following criteria. In addition, you should ensure that the vehicle fulfils the criteria throughout the period it is licensed.

Saloon Cars

- a) All vehicles must be suitable in size, type and design for use as a Private Hire Vehicle. No Private Hire Vehicle can have more than 8 passenger seats. Authorised Officers of the Council will decide the number of passengers the vehicle is licensed to carry, using the following criteria:
- The number of opening doors.
 - The rear passenger compartment dimensions.
 - The access and exit routes from the vehicle.
 - The number of passenger seats
- b) The passenger compartment of the vehicle must be of a suitable standard to ensure that a passenger's journey is comfortable and safe. To ensure that this is the case, the vehicle must fulfil the following:
- All seats, and carpets must be free from tears and holes. The interior of the vehicle must be kept clean and tidy at all times.
 - All retractable windows function correctly and fully.
 - The vehicle has forward facing seats only, except as mentioned below in the paragraph on page 3.13 relating to Small Minibuses and Multi-Purpose Vehicles (MPVs).
 - The vehicle is accessible to all passengers, including the elderly.
 - The vehicle is fully fitted with functioning seatbelts that comply with all legal requirements.
 - The vehicle must be a right hand drive (except in limousines, and speciality or novelty vehicles as mentioned below on pages 3.13 and 3.14).
- c) **The exterior of the vehicle should promote a positive image of the Private Hire Fleet in Sandwell.** To ensure that this is the case, the vehicle must fulfil the following criteria:
- With effect from 1 December 2014, any vehicle which is subject of a new application for a Private Hire Vehicle licence, may be any colour.

- The vehicle must be reasonably free of dents and scratches. The vehicle must be free from corrosion.. Any accident damage must be repaired to a professional standard. For further guidance please see 'Supplementary Vehicle Testing Criteria'.
 - The exterior of the vehicle must be kept clean and tidy at all times.
- d) There are a number of other elements that you will have to satisfy in order to obtain a Private Hire Vehicle Licence. These are outlined below: -
- The vehicle must be equipped with a suitable first aid kit and fire extinguisher and both must be permanently marked with the vehicle's registration number.
 - the use (in emergencies only) of space-saver, run flat tyres or puncture repair kits for all vehicles that are manufactured and delivered with such tyres or kits as standard;
 - in the case where a Liquefied Petroleum Gas (LPG) conversion is considered suitable, and the tank occupies the usual site of the spare wheel, the vehicle will be exempt from the requirement to carry a spare wheel (matching those fitted to the vehicle) or a manufacturers space-saver wheel, provided an appropriate and adequate tyre sealant is carried safely in the vehicle for emergencies. A written tyre contract may also be in force. The tyre contract should be available for inspection either at the Licensing Office, or on request by an Authorised Officer or a Police Officer';
 - all other licensed vehicles must either carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel OR there must be a current tyre contract in force;
 - that Multi-Purpose vehicles are only suitable for conversion to LPG if the tank is situated in the spare wheel doughnut, in licensed vehicles.
 - The vehicle must have a valid vehicle excise licence (road tax).
 - The boot is empty, tidy, clean and capable of carrying luggage.
 - The vehicle must not be of such a design or appearance as to lead any person to believe that it is a Hackney Carriage.
 - The vehicle must not have tinted or blacked out windows, which were fitted after manufacture. Tint film must not be applied to any of the windows of the vehicle.

- With effect from 1 September 2007, the vehicle must display an illuminated roof sign, to Council specifications or an illuminated roof sign of their Operator's choice which displays, as a minimum, the name and telephone number of the Operator. From 1 December 2014 the letters and numbers displayed on the roof sign must be clearly visible and should be at least 1 inch in height. The roof sign must be displayed on the vehicle at all times that the vehicle is in use on the road (even if it is not being used for work).
- The vehicle is covered by a policy of insurance incorporating cover for use as a private hire vehicle and covering passenger indemnity.
- NB. The Licensing Office will not accept copied or faxed insurance documents as proof of valid insurance cover. Only original documents issued by the broker/insurance company will be accepted. The Licensing Office will accept electronic copies of insurance certificates or cover notes if the document is in an acceptable format and has been emailed directly to the Licensing Office by the broker/insurance company.
- In the case of any driver and/or any vehicle insurance cover notes or certificates the Licensing Office must receive written evidence that the driver and vehicle are covered on the policy. Written confirmation may be by insurance schedule or email confirmation from the broker/insurance company.
- The vehicle must pass any vehicle examination test carried out on behalf of the Authority.
- The applicant must produce all documents/information requested by the Licensing Office.
- The full fee must be paid.
- If the vehicle is a LPG gas conversion, any application for a Private Hire vehicle licence must be accompanied with a LPG safety certificate or annual service report issued within the previous 12 months. Only safety certificates or annual service reports issued by UKLPG Approved Autogas Installers will be accepted.
- The vehicle must be equipped with suitable wheel chair restraints. Any detachable wheel chair restraints must be permanently marked with the vehicle's registration number.
- In the case of vehicles that do not have integrated wheel chair ramps, the ramps must be permanently marked with the vehicle's registration number.

Once the vehicle is licensed you are responsible for the following: -

- The Licence holder must not be in breach of any of the conditions of the licence during its lifetime.
- The driver of the vehicle must be a licensed Sandwell Private Hire Driver and must be identified to the Licensing Office.
- The vehicle must be operated through a Sandwell licensed Private Hire Operator.
- The applicant must successfully complete all parts of the knowledge test.

In addition to the above criteria, certain types of vehicles have additional or separate requirements. These are listed below: -

Minibuses and Multi-Purpose Vehicles (MPVs)

- From 1 December 2014, Minibuses and MPVs can be any colour apart from black. A new licence will not be issued for a Minibus or MPV if the vehicle's paintwork could be mistaken for being black. The law requires Private Hire Vehicles to be clearly distinguishable from Hackney Carriages. If the public may be mistaken for believing that the vehicle is a hackney carriage a licence will not be issued.
- Any seatbelts fitted to the vehicle must meet the appropriate vehicle inspectorate standard.
- Vehicles with M1 type approval, which have a rear facing second row (of three rows of seats) fitted at manufacture and which have three point seat belts on all seats at manufacture, may be licensed as private hire vehicles.
- In order to ensure that the vehicle does not appear to be a hackney carriage the vehicle must not have a bulkhead behind the first row of seats and if the second row of seats are rear facing they must not fold upright.
- In the case of wheel chair accessible vehicles, if the vehicle does not have integrated wheel chair ramps, the ramps must be permanently marked with the vehicle's registration number.
- In the case of wheel chair accessible vehicles, the vehicle must be equipped with suitable wheel chair restraints. Any detachable wheel chair restraints must be permanently marked with the vehicle's registration number.

Limousines

The definition of a limousine for the purposes of Licensing in Sandwell, is "any vehicle manufactured as a stretch vehicle, such as a Ford Lincoln, Volvo, Mercedes or equivalent, or any other vehicle deemed to be a limousine by the Licensing Manager or the Waste & Transport Manager". The criteria for these vehicles is the same as for saloon cars, however: -

- Side facing and rear facing seats will be permitted, subject to adequate seatbelt installations being in place.
- Left-hand drive Limousines will be acceptable.

- The vehicle may be black in colour if the Licensing Manager or the Waste & Transport Manager is satisfied that the vehicle could not be mistaken for being a hackney carriage.
- The Licensing Manager or the Waste & Transport Manager will determine applications for Limousines and may refer the application to the Committee where issues around public safety are raised.

Speciality or Novelty Vehicles

The criteria for these vehicles shall be the same as saloon cars but the same exceptions applicable to Limousines shall also apply to Speciality or Novelty Vehicles. The Licensing Manager or the Waste & Transport Manager will determine applications for Speciality or Novelty Vehicles and may refer the application to the Committee where issues around public safety are raised.

All Vehicles

Sandwell Council requires that all licensed vehicles must reach at least M1 type approval safety standard. If documentation is not available to prove that a vehicle reaches this required standard, then the vehicle must obtain a Single Vehicle Approval or Individual Vehicle Approval certificate from the Driver and Vehicle Standards Agency (D.V.S.A.).

Sandwell Council will not licence or re-licence any vehicle that has been written off by an insurance company regardless of the category of write-off.

HACKNEY CARRIAGE CRITERIA

Hackney Carriage vehicles are specific vehicles which are approved by the Council. The current list of vehicles approved for Hackney Carriage purposes is available at the Licensing Office.

The Criteria for these vehicles is outlined below: -

- a) All vehicles must be suitable in size, shape and design for use as a Hackney Carriage Vehicle. The maximum passenger seating capacity for the vehicle is 8. The number of passengers applicable for each vehicle type will be decided by Authorised Officers, using the following criteria: -
 - The number of opening doors.
 - The rear passenger compartment dimensions.
 - The access and exit routes from the vehicle.

- b) The passenger compartment of the vehicle must be of a suitable standard to ensure that a passenger's journey is comfortable and safe. To ensure that this is the case, the vehicle must fulfil the following: -
 - The vehicle must have side-loading wheelchair access. Vehicles with rear-loading wheelchair access are not acceptable.
 - The vehicle is accessible to all passengers, including the elderly and passengers with disabilities.
 - All seats, and carpets must be free from tears and holes. The interior of the vehicle must be kept clean and tidy at all times.
 - The vehicle is fully fitted with functioning seatbelts that comply with all legal requirements.
 - All retractable windows function correctly and fully.
 - The vehicle must be a right hand drive.

- c) The exterior of the vehicle should promote a positive image of the Hackney Carriage Fleet in Sandwell. To ensure this is the case, the vehicle must fulfil the following criteria: -
 - With effect from 1 December 2014, any vehicle which is subject of a new application for a Hackney Carriage licence must be Black.
 - The vehicle must be reasonably free of dents and scratches. The vehicle must be free from corrosion.. Any accident damage must be repaired to a professional standard. For further guidance please see 'Supplementary Vehicle Testing Criteria'.
 - The exterior of the vehicle must be kept clean and tidy at all times.

- d) There are a number of other elements that you will have to satisfy in order to obtain a Hackney Carriage Licence. These are outlined below: -

- The applicant must successfully complete all parts of the knowledge test.
- The vehicle must be equipped with a suitable first aid kit and fire extinguisher and both must be permanently marked with the vehicle's registration number.
- The vehicle must be equipped with suitable wheel chair restraints. Any detachable wheel chair restraints must be permanently marked with the vehicle's registration number.
- In the case of vehicles that do not have integrated wheel chair ramps, the ramps must be permanently marked with the vehicle's registration number.
- the use (in emergencies only) of space-saver, run flat tyres or puncture repair kits for all vehicles that are manufactured and delivered with such tyres or kits as standard;
- in the case where an Liquefied Petroleum Gas (LPG) conversion is considered suitable, and the tank occupies the usual site of the spare wheel, that the vehicle be exempted from the requirement to carry a spare tyre matching those fitted to the vehicle, provided an alternative tyre or repair kit is carried safely on the vehicle for emergencies (without compromising luggage space), or a written tyre contract is in force. The tyre contract should be available for inspection either at the Licensing Office, or on request by an Authorised Officer or a Police Officer';
- all other licensed vehicles must either carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel OR there must be a current tyre contract in force;
- that Multi-Purpose vehicles are only suitable for conversion to LPG if the tank is situated in the spare wheel doughnut, in licensed vehicles.
- The vehicle has a valid vehicle excise licence. (road tax)
- The boot is empty, tidy, clean and capable of carrying luggage.
- The vehicle must not have tinted or blacked out windows, which were fitted after manufacture. Tint film must not be applied to any of the windows of the vehicle.
- The vehicle is covered by a policy of insurance incorporating cover for use as a Hackney Carriage (Public Hire) and covering passenger indemnity. If the vehicle is also used to carry out pre-booked journeys the vehicle must also have insurance cover for Private Hire use.
- NB. The Licensing Office will not accept copied or faxed insurance documents as proof of valid insurance cover. Only original documents issued by the broker/insurance company will be accepted. The Licensing Office will accept electronic copies of insurance certificates or cover notes if the document is in an acceptable format and has been emailed directly to the Licensing Office by the broker/insurance company.

- In the case of any driver and/or any vehicle insurance cover notes or certificates the Licensing Office must receive written evidence that the driver and vehicle are covered on the policy. Written confirmation may be on an insurance policy schedule or email confirmation from the broker/insurance company.
- The vehicle must pass the vehicle examination carried out on behalf of the Authority.
- The applicant must produce all documents/information requested by the Licensing Office.
- The full fee must be paid.

Once the vehicle is licensed you are responsible for the following: -

- The Licence holder must not be in breach of any of the conditions of the licence during its lifetime.
 - The driver of the vehicle must be a licensed Sandwell Hackney Carriage Driver and must be identified to the Licensing Office.
 - The vehicle must be fitted with a taximeter capable of adjustment to the current Sandwell hackney fare rates. The applicant/Licence holder must supply a valid calibration meter certificate, in the form required by the Council, as evidence that the meter is set to the current Sandwell hackney fare tariff.
- e) Sandwell Council requires that all licensed vehicles must reach at least M1 type approval safety standard. If documentation is not available to prove that a vehicle reaches this required standard, then the vehicle must obtain a Single Vehicle Approval or Individual Vehicle Approval certificate from the Driver and Vehicle Standards Agency (D.V.S.A.)
- f) **Sandwell Council will not licence or re-licence any vehicle that has been written off by an insurance company regardless of the category of write-off.**

Hackney Carriages working outside the Borough of Sandwell

By law a hackney carriage can only ply for hire in the borough in which it is licensed. A hackney carriage licence holder is also entitled to carry out pre-arranged bookings.

In accordance with the legislation and case-law Sandwell MBC will not licence anyone it believes intends to use a Sandwell licensed hackney carriage predominantly or entirely outside of the borough of Sandwell. Similarly Sandwell MBC will take action against any licence holder found to be working predominantly or entirely through a Private Hire Operator or Hackney Carriage Controller/Dispatcher outside of the borough of Sandwell.

Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 states:-

(1) A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.

(3) If any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section, he shall be guilty of an offence.

Section 37 of the Town Police Clauses Act 1847 gives the authority concerned a discretion as to whether to grant a Hackney Carriage licence or not.

The case of R (App Newcastle City Council) v Berwick-Upon-Tweed Borough Council considered the issue of Hackney Carriage's being used through Private Hire Operators licensed in a different area to the authority that issued the Hackney Carriage Licence, and considered the purpose of the Town Police Clauses Act 1847.

In his judgement the judge addressed the concerns that arise from the concept of vehicles working remotely from the licensed area by stating:-

"If hackney carriages are working remote from their licensing authority a number of, at the least potentially, undesirable consequences follow. The licensing authority will not easily keep their licensed fleet under observation. It will be carrying out its enforcement powers from a distance. The licensing authority where the hackney carriage has chosen to operate will have no enforcement powers over the vehicle although it is being used in its area. Further, unlike its own licensed vehicles, the hackney carriage from remote areas will not be subject to the same conditions and byelaws as the local vehicles. It is no surprise that the legislation provides for testing and testing centres to be within the licensing authority's area.

Section 37 of the 1847 Act gives the authority concerned a discretion as to whether to grant a licence or not. Hence the use of the word "may".

The exercise of that discretion falls to be considered against the back ground of the legislation and in my judgment should be used “to promote the policy and objects of the Act”. The licence permits the vehicle to ply for hire in the prescribed area. The authority, if it wishes, can restrict the number of licences it issues based on demand within the area. The local authority can issue it its own conditions and make its own byelaws. It can make provision for its own inspections of the hackney carriages. Thus the licensing regime is local in character. In addition it can be seen that most of the provisions have public safety much in mind. The local imposition of conditions and byelaws, local testing and enforcement, together with the other statutory provisions I have referred to all seem to me to point clearly to the conclusion that it was the intention behind the licensing system that it should operate in such a way that the authority licensing hackney carriages is the authority for the area in which those vehicles are generally used. Further the 1847 Act provides for licences to be granted for hackney carriages to ply for hire within the prescribed distance (i.e. within the area of the licensing authority).

In my judgment a local authority, properly directing itself, is entitled, and indeed obliged, to have regard to whether the applicant intends to use the licence to operate a hackney carriage in that authority’s area and also to have regard to whether in fact the applicant intends to use that hackney carriage predominantly, or entirely, remotely from the authority’s area. This should result in each local authority licensing those hackney carriages that will be operating in their own area and should reduce the number of hackney carriages which operate remotely from the area where they are licensed.”

We will normally refuse to grant you a licence, or take action in relation to an existing licence, if:

- You are using or intend to use the vehicle to work predominantly or entirely through a Private Hire Operator or Hackney Carriage Controller/Dispatcher outside of the borough of Sandwell.
- You have made a false statement in order to obtain a licence.
- You have exhibited behaviour, which in the opinion of the Authority, is inappropriate to a Sandwell licence holder.

Insurance

Before you can collect your Private Hire or Hackney Carriage Vehicle plates, you must satisfy the Council that the vehicle is adequately insured.

In order to do this you must produce a valid insurance cover-note or certificate to the Licensing Office, when you attend to collect your plates.

Sandwell Council consider insurance to be a major public safety issue. The implications of members of the public being transported in vehicles that are not appropriately insured are extremely serious.

It is important to understand that a licensed vehicle is always a licensed vehicle, therefore Private/Public Hire insurance cover must be maintained for the whole of the licence period.

The vehicle must not be driven by anybody who does not hold an appropriate Private Hire or Hackney Carriage Drivers Licence.

You should consider the following when producing Insurance documents: -

- Only original documents will be accepted. (Faxed or Copied Insurance Documents will not be accepted). The Licensing Office will accept electronic copies of insurance certificates or cover notes if the document is in an acceptable format and has been emailed directly to the Licensing Office by the broker/insurance company.
- In the case of any driver and/or any vehicle insurance cover notes or certificates the Licensing Office must receive written evidence that the driver and vehicle are covered on the policy. Written confirmation may be on an insurance policy schedule or email confirmation from the broker/insurance company.
- The document must cover the driver for the purposes of Hire and Reward. Plates will only be issued for the same length of time as the Insurance document produced (unless your licence expires earlier).
- If you are making a renewal application, you must produce the relevant Private Hire or Hackney Carriage Insurance document, to the Licensing Office, **at the time of application**.
- The Insurance cover on the vehicle **cannot** lapse. If your current plates are due to expire, you must produce a further cover note or certificate to the Licensing Office **before** the previous document expires. **You will be charged a plate extension fee every time you produce insurance in order to get the date on your plates extended.**

NB: If you fail to produce your next cover note or certificate before the previous one (on the council's records) expires you will also have to pay a late insurance production fee of £50.00 before the new plates can be issued.

Transfer Procedure

Selling a Licensed Vehicle

If you sell your licensed vehicle to another licensed driver, you have full responsibility for all licence conditions, until the licence is transferred to the new owner. This can include additional costs or legal action.

In order to avoid any inconvenience, you should comply with the following procedure: -

1. Contact the Licensing Office to inform them who is buying the vehicle and request a Transfer form.
2. Sign the Transfer Form
3. The new owner (or both parties) should attend the Licensing Office with the current set of Plates and the new Insurance document.

Buying a Licensed Vehicle

If you are buying a licensed vehicle then you should attend the Licensing Office at the earliest opportunity.

When you attend the office, you should ensure that: -

1. Both parties have completed the transfer form.
2. You can provide adequate insurance
3. You pass a knowledge test, if required

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, 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.
- 3) Upon grant or renewal of the licence, the Licence holder shall ensure that, with effect from 1 December 2014, 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) Upon grant or renewal of the licence the Licence holder shall ensure that, with effect from 1 September 2007, the vehicle displays an illuminated sign on the exterior roof of the vehicle at all times that the vehicle is in use on the road (even if it is not being used for work). This may be either the Council supplied roof sign, or the roof sign chosen by the Operator, which displays, as a minimum, the name of the Operator's company and the telephone number. From 1 December 2014 the letters and numbers displayed on the roof sign must be clearly visible and should be at least 1 inch in height.
- 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 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 as in condition 4 above.
- 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 Licence holder shall ensure that any roof rack or trailer attached to the vehicle is approved by the Licensing Office.
- 16) 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.
- 17) The Licence holder shall ensure that the Licensing Handbook is complied with in every respect, during the currency of the Licence.
- 18) The Licence holder must immediately inform the Licensing Office 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.
- 19) 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. Christmas Decorations, amplifiers etc.
- 20) 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 anytime.

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 Drivers Licence, issued by Sandwell Metropolitan Borough Council.
- 2) The Licence holder must ensure that the large and small Hackney Carriage plates, 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.
- 3) The Licence holder shall ensure both Hackney Carriage plates 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 December 2014 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, 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 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) 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 Licensing Handbook, throughout the currency of the Licence.
- 14) The Licence holder shall ensure that the Vehicle Transfer Procedure contained in the Licensing 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 Licensing 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 not use the vehicle to carry out pre-booked journeys predominantly or entirely outside of the borough of Sandwell.

CCTV

The use of CCTV equipment in Hackney Carriages and Private Hire Vehicles shall be permitted providing the licence holder informs the Licensing Office that they have installed such a system.

The installation of this equipment must comply with all relevant legislation e.g. CE Mark requirements.

It is the licence holders responsibility to ensure that they comply with all the requirements of Data Protection legislation in particular issues around the storage of data, and the need to display a notice informing passengers that CCTV recording equipment is in use.

The licence holder must ensure that the CCTV equipment is recording every time that the vehicle is being driven regardless of whether or not there are passengers on board. The licence holder must provide a copy of the data stored on their CCTV device to any Police Officer or authorised officer of Sandwell MBC on request.

The use of advertising on CCTV screens is permitted providing the advert has been approved by the Licensing Manager or the Waste & Transport Manager.

Security Screens in Private Hire Vehicles

The use of polycarbonate security screens in Private Hire Vehicles shall be permitted providing the licence holder has produced evidence to the Licensing Office that the screen complies with European Safety Standards, eg 2000/4/EC.

Advertising on the security screen shall be permitted providing the licence holder has received prior approval from the Licensing Manager or the Waste & Transport Manager. The advert must comply with the requirements set out in the Advertising Guidelines. Two A4 size posters displaying adverts can be displayed. Each advert must be displayed on the screen behind each front seat. See picture below.



Picture showing location of adverts.

*‘Advertising Guidelines for
Hackney Carriage and Private Hire Vehicles’*

To be used when deciding whether to give consent to a Hackney Carriage Licence holder for a request to advertise on the exterior or interior of a hackney carriage in accordance with Condition 10 of the Licence.

Also to be used when deciding whether to give consent to a Private Hire Vehicle Licence holder for a request to advertise on CCTV Screens or a Security Screen in accordance with Condition 13 of the Licence.

Consent will not normally be given for an application by a Licence Holder for advertising in the following circumstances:

- If the proposed advert does not comply with the current Advertising Code of Practice.
- If the proposed advert is unlawful.
- If the proposed advert is made of material which would obscure the driver's view.
- If the proposed advert depicts text or images comprising or promoting the following:
 1. Political, ethical or religious messages
 2. Sexual content
 3. Nudity or indecent material or content
 4. Illegal drugs
 5. Alcoholic drinks, (but not anti ‘drink-drive’ messages).

Each case will be considered on its own merits.

The use of adverts on hackney carriages is controlled and enforced by condition number 10 of the hackney carriage licence, which states:-

‘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’.

The use of adverts on Private Hire Vehicles is controlled and enforced by condition number 13 of the Private Hire Vehicle Licence, which states

‘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’.

Where the Licensing Office is unable to give consent for advertising the matters will be placed before the Licensing (Miscellaneous) Committee for determination