

BIRMINGHAM CITY COUNCIL

**REPORT OF THE DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 JULY 2016
ALL WARDS

**PROPOSAL TO INTRODUCE A QUALITY RATING SYSTEM
FOR PRIVATE HIRE OPERATORS**

1. Summary

- 1.1 In October 2014 this Committee considered a report to develop a scheme to 'score' Private Hire Operators on their level of compliance with licence conditions and provide positive encouragement to improve standards. Consultation was arranged with the trade to discuss the proposals.
- 1.2 The scheme envisages a system similar to that of the Food Hygiene Rating Scheme (FHRS) from the Food Standards Agency, to be published on the Birmingham City Council website, allowing members of the public to make informed choices and compare the standard of private hire operators against each other.
- 1.3 The aim of the scheme is to promote the private hire trade within Birmingham and attempt to drive up service standards; making operators more accountable for the actions of their drivers.
- 1.4 It is anticipated that publicising the rating of operators assessed under the scheme will give greater customer confidence in their choice of operator, hence increasing competition and driving up standards across the trade.

2. Recommendations

- 2.1 That the Committee considers the scoring mechanism outlined in Appendix 1.
- 2.2 That subject to the views and comments of the Committee, officers be instructed to consult with the trade and wider public on the proposals and bring the responses to that consultation back to this Committee in September 2016 with a view to implementing the scheme from October 2016.

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3. Background

- 3.1 There is evidence from over 100 food hygiene rating schemes operating throughout the UK that indicate publicising food hygiene scores can bring about improvements in levels of hygiene.
- 3.2 It is anticipated that publicising compliance with Private Hire Operator Conditions would increase compliance and, in turn, increase safety standards and levels of customer care for members of the public.

4. Proposal

- 4.1 The proposed scheme will cover all licensed Private Hire Operators, within Birmingham, and the scoring of the business will be based on compliance with the indicators listed on the assessment form, attached as Appendix 1.
- 4.2 There are 45 items on which each operator will be assessed. One point will be allocated for compliance with all aspects of each item.
- 4.3 In an attempt to make operators more accountable for their drivers, 5 points will be deducted if a driver representing their company is cautioned or prosecuted for plying for hire.

- 4.4 There will be 2 types of indicator on which the assessments will be based:

Essential criteria: based on the new proposed conditions attached to each operator licence, a copy of which is attached as Appendix 2.

Bonus criteria: evidence of written policies and procedures to demonstrate best practice, support for their own staff through training and implementing measures to enhance consumer experience and safety.

- 4.5 There are 28 Essential criteria and 17 Bonus items.

- 4.6 Each operator will then be allocated a quality rating based on their score:

- <10 points– Licensed.
- 11-20 points– Bronze.
- 21-30 points– Silver.
- >30 points – Gold.
- All points awarded – Platinum.

- 4.7 It is anticipated that assessments will be on an annual basis, conducted during routine inspections. If an operator wishes to make improvements and apply for a secondary inspection, they may do so on payment of a fee.

- 4.8 The results of the quality rating will be published on City Council website.

5. Consultation

- 5.1 The proposal to introduce a rating scheme was discussed at an open forum meeting in the Council Chamber on 12 February 2015 to which all private hire operators were invited. The event was attended by 12 people representing 8 operators.
- 5.2 A small number of operators accepted the idea of a scheme in principle however the majority of those attending spoke strongly against it. They objected to being held responsible for the actions of their drivers, but all agreed that before any such scheme could be implemented the conditions of licence should be reviewed first as they were out “not fit for purpose”.
- 5.3 As a result of this consultation the private hire operators’ conditions have been reviewed and new draft conditions being presented to this committee today.
- 5.4 Other questions raised by the operators included:
- Exemptions for those operators doing contract work only.
 - What systems are in place to identify a need for a scheme, and
 - The introduction of a policy to deal with illegal plyers

6. Implications for Resources

- 6.1 At this stage there are no implications for resources: assessments would be conducted alongside routine operator inspections requiring minimal extra time. Current licensing fees cover the costs of these inspections.

7. Implications for Policy Priorities

- 7.1 The activity described in this report contributes to the key aim of your Committee to improve standards of licensed people, premises and vehicles in the City.
- 7.2 In addition to helping to drive up private hire operator standards in Birmingham, the quality rating scheme allows members of the public to make informed choices about which businesses they wish to give their custom to. Both of these outcomes support the City Council’s strategic objective ‘Stay Safe in a Clean, Green City’.

8. Public Sector Equality Duty

- 8.1 No specific implications have been identified.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

APPENDIX 1

Scoring System

E – Essential criteria **B** – Bonus criteria

SECTION & CONDITION NUMBER OR BONUS POINT	INDICATOR	TICK TO AWARD POINT	E or B
STAFF			
11	Nominated manager on site and fully aware of conditions of licence		E
B	Is this documented? (if 'yes' award point)		B
12	Staff Register		E
12	Supporting documents		E
B	Is there a documented Management rota? (if 'yes' award point)		B
B	Documented Staff Training in respect of how to answer calls and dealing with complaints		B
B	Written staff disciplinary procedure		B
DRIVERS & VEHICLES			
B or N/A	Operating out of town vehicles? Checks made with relevant licensing authority and insurance companies to verify documentation & advising them that vehicle being operated within Birmingham. This must be evidenced by way of letter/e-mail from insurer and local authority.		B
B	Routine, documented, vehicle checks conducted (inc. price lists displayed prominently)		B
B	Receipts issued to all customers as a matter of course identifying driver		B
B	Written contract between operator and driver outlining dress code, code of conduct, issue of receipts		B
B	Written driver disciplinary procedure		B
RECORD OF BOOKINGS			
29	Able to print out records from computer system at all times		E
30 (ai) or (a ii)	Name & Signature or Code of person making record		E
30b	Time & date of booking		E
30c	Name of Hirer (not 'see staff' or 'as directed')		E
30d	Time & pick up point		E
30e	Place of destination (not 'as directed' or 'local')		E
30f	Time vehicle allocated to booking		E
30g	Driver call sign or registration number of vehicle allocated to booking		E
30i	If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.		E
31	Destinations recorded properly		E
34	Records kept for 12 months and readily available for inspection		E
DOCUMENTS TO BE KEPT BY THE OPERATOR			
7, 8, 9	Copy of licence on display or available for inspection		E
35	Up to date driver & vehicle list with all required information (inc start & finish dates)		E
4	List forwarded to Licensing Monthly		E
36	No PHD licences missing		E
36	No PHV licences missing		E
36	No MOT missing		E
36	No insurance missing		E
37	Documents kept for 12 months and available for inspection		E

E – Essential criteria **B** – Bonus criteria

SECTION & CONDITION NUMBER OR BONUS POINT	INDICATOR	TICK TO AWARD POINT	E or B
ASSISTANCE DOGS & WHEELCHAIR USERS			
B	Written policy		B
B	Documented staff training		B
COMPLAINTS			
B	Documented complaints procedure		E
38a	Name, contact details of complainant and date received		E
38b	Date, time and details/nature of complaint		E
38c	Name of driver (and badge number) or member of staff, to which the complaint relates		E
38d	Details of action taken		E
41	Records kept for 12 months and available for inspection		E
B	Documented staff training on procedure		B
EXTRAS			
B	Customer informed of type of vehicle being despatched to booking		B
B	Basic 'ring back' that vehicle arrived		B
B	Car seats available for driver use if requested by customer		B
B	Wheelchair accessible vehicle on fleet		B
B	Sign up to BCC Voluntary Code on litter		B
SCORE			
NEGATIVE POINTS (-5 points)	Driver representing company cautioned or prosecuted for plying for hire		
FINAL SCORE			

PRIVATE HIRE OPERATORS CONDITIONS OF LICENCE

This licence is granted subject to the following conditions. Failure to comply with any of the conditions could lead to a criminal prosecution and/or your licence being suspended, revoked or not renewed.

If you are aggrieved by any of the conditions attached to this licence you may make an application for exemption from them and attend a hearing before the Licensing Sub Committee, alternatively you can appeal to a Magistrates Court within 21 days of the service of this licence on you.

If you have any difficulty in understanding the implications of any of the conditions below, please let the Licensing Office know immediately so that arrangements can be made to assist you in that respect.

CONDITIONS

INFORMATION TO BE REPORTED TO THE LICENSING OFFICE

1. Any of the following events that affect you, or any individual or company named on the application form or a manager nominated by you during the period your licence is in force, must be reported in writing to the Licensing Office within **7 days** giving full details:
 - a) of any conviction or finding of guilt (criminal or motoring offence)
 - b) of any caution (issued by the Police or any other agency)
 - c) receipt of a Magistrates' Court summons
 - d) receipt of a fixed penalty notice for any matter (including a motoring offence)
 - e) receipt of a warning or court order in relation to harassment or any other form of anti-social behaviour
 - f) receipt of a civil or family law injunction
 - g) if arrested for any offence (whether or not charged)
 - h) if charged with any criminal offence.

In the case of a motoring endorsement, **do not wait** for your licence to be returned from the DVLA.

2. If you are refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed you must inform the Licensing Office, in writing within **7 days**, of such an event and provide the following information:
 - i) the name of the regulatory authority
 - ii) the licence number(s) of the licence(s) suspended, revoked or refused renewal
 - iii) the date of the decision
 - iv) a copy of any document issued by the regulatory authority giving the reasons for the authority's decision.

3. If you change your home address you must inform the Licensing Office, in writing within 7 days, of your new home address.
4. You must provide the Licensing Office an updated Driver and Vehicle List on the first of every month. This can be provided by post, in person or via email but should include **all** drivers and vehicles operated by you for the purposes of private hire and their call signs.
5. You must notify the Licensing Office, in writing within 7 days, of the name and details of any individual to be nominated as a Responsible Person for managing your business in your absence prior to their commencement in that role. Should a nominated person cease to be employed in this capacity, you must notify the Licensing Office, in writing within 7 days, of that fact.
6. You must notify the Licensing Office, in writing, within 7 days of any change in the ownership/management/partnership of the operation as specified in your application form.

LICENSED PREMISES

7. If the public have access to your premises your licence must be prominently displayed in a position that is clearly visible.
8. If the public do not have access to your premises then upon request you must either provide a copy or permit any member of the public to view a copy of your licence and conditions.
9. In respect of these copies of your licence either on display or made available on request you may delete your personal address if shown on the licence.

STAFF

10. Either you or a Responsible Person over the age of 18 and notified by you in writing to the Licensing Office pursuant to Condition 5 must be in charge of the operation and immediately contactable by an authorised officer at any time during the hours of operation.
11. You must ensure that any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence, the need to comply with them and be able to produce the records to an authorised officer on request.
12. No person other than a director, partner or employee shall be engaged in any aspect of the business. You must keep and maintain at the licensed premises a register of all such persons, which shall include their full name, date of birth, home address, national insurance number, contact telephone number, any call sign/codes they are allocated and the dates their employment commenced/terminated.

The aforementioned register must be retained at the premises and be made available to an authorised officer for inspection at any time during the hours of operation together with documentary proof of identification and that each employee has been registered with HMRC as an employee of the operator.

STATIONERY & ADVERTISEMENTS

13. You must not advertise or use stationery with a trading name that is not included in your Private Hire Operator's licence without obtaining the prior written approval of the Licensing Office.
14. You must not advertise or use stationery showing your trading name in a different style/format of letters, numbers or logos without obtaining the prior written approval of the Licensing Office.
15. You must not advertise your private hire business in a manner which gives rise to confusion with another private hire operator licensed by this Council or any other neighbouring council.
16. No notice, sign or advertisement seeking to advertise or promote your business of a private hire operator, wherever it is displayed, shall consist of or include the words "TAXI" or "CAB" or "For Hire" whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage.
17. You must ensure that staff answering your private hire telephone number(s) does so by using your trading name only.
18. You must provide your drivers with stationery that they can use for issuing receipts. The stationery shall include your trading name and space for the drivers' call sign, details of the journey and the fare paid to be recorded.

DRIVERS AND VEHICLES

19. Private Hire Operators in the City of Birmingham shall only operate with vehicles and drivers licensed by the Birmingham City Council and shall operate only from premises within the City boundary.
20. Mobile phones or smart phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle.

The only exception to this is where a phone is installed specifically to host an app. designed for the acceptance of bookings from your operator.

TAXIMETERS

21. Should a taximeter be fitted to any private hire vehicle operated by you, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your tariff(s) before it can be used for calculating fares for passengers.
22. Should fares be calculated using technology other than a conventional taximeter, you must ensure that the fare displayed in the vehicle as payable by the customer shall be that which provides the greatest benefit to the customer; irrespective of whether that was the route taken by the vehicle unless the customer chose the route and / or agreed to pay on a basis other than shortest route.

VEHICLE IDENTITY PLATES & SIGNAGE

23. You must ensure that every private hire vehicle operated by you is issued with such operator signs and notices as may be required for the vehicle to be compliant with

the conditions of the City Councils Vehicle Signage Policy and approved in writing by the Licensing Office. No other signage is permitted.

24. If you want to change the design of your operator signs you must secure written approval from the Licensing Office.
25. Only one approved door sign design is to be in use at any one time. All previous versions must be removed from circulation when a new approved sign is introduced.

RECORDS OF BOOKINGS

26. You must keep a record of all private hire bookings in the manner prescribed (See Condition 30 below).
27. Unless specific consent is given to you, in writing to the contrary, you are required to keep the records of all bookings in a suitable hard back book which has consecutive page numbers. You must ensure the entries are clearly and easily legible.
28. Should you wish to use a computerised system, then you must first obtain consent in writing from the Licensing Office.
29. If you have a computerised booking system, you must ensure it is able to produce a print out of any records requested by an authorised officer at all times.
30. You shall ensure that at the time of booking of each journey, an entry is made in the record book or computer booking and dispatch system the following details for every booking invited or accepted for private hire including:
 - ai) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only
 - a ii) The code for the person making the record - Computerised system only
 - b) The date on which the booking is made and, if different, the date of the proposed journey
 - c) The name of the person for whom the booking is made or, if more than one person, the name of one of them
 - d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection
 - e) The main destination specified by the customer at the time of the booking
 - f) The time a vehicle was allocated to the booking
 - g) The driver's call sign or registration number of the vehicle allocated the booking
 - h) The fare agreed for the journey (where appropriate)
 - i) If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.
31. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. Stratford Road, Hall Green) or the place (e.g. The Robin Hood, Stratford Road). At best it should be the full postal address (e.g. 1456 Stratford Road, Hall Green, B28 9ES). It is not sufficient to record just the postal area (e.g. Hall Green) as that would cover too wide an area. However where you know the full postcode (e.g. B28 9ES) that will suffice, as it would identify the street destination.
32. When allocating a booking to a driver, you must provide them with all of the following details:

- a) the name of the person for whom the booking is made
 - b) the agreed time and place of collection
 - c) the stated destination
 - d) the fare agreed (if applicable).
33. You must not accept or record details of any booking passed to you by a driver.
34. Your records of all private hire bookings, whether retained in a book or on a computerised system, must be kept at your licensed premises for at least 12 months and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

DOCUMENTS TO BE KEPT BY THE OPERATOR

35. You must keep and maintain an up to date record of **all** the drivers and vehicles operated by you for the purposes of private hire on a Driver and Vehicle List, which must include:
- a) the call sign allocated to the driver/vehicle
 - b) the driver's name and private hire badge number
 - c) the vehicle's registration and private hire plate numbers
 - d) the date the driver commenced and finished (if applicable).
36. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:
- a) a copy of the driver's current private hire driver's licence or badge
 - b) a copy of the vehicle's current private hire vehicle licence or front identity plate
 - c) a copy of the vehicle's current MOT certificate
 - d) a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
 - e) a copy of the Taximeter Calibration Certificate, where appropriate
37. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for you and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

COMPLAINTS

38. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:
- a) the name, contact details of complainant and date complaint received
 - b) the date, time and details/nature of the complaint
 - c) the name of the driver (and Badge number) or member of staff, to which the complaint relates
 - d) details of any action taken.
39. Upon receiving any 'specified complaint' or allegation regarding any person licensed by Birmingham City Council you must report it immediately when the licensing office is open, and in any other event immediately upon the Licensing Office next opening.
40. The specified complaints or allegations are of:

- sexual misconduct, sexual harassment or inappropriate sexual attention
- racist behaviour
- violence
- dishonesty i.e. overcharging/theft
- breach of equality legislation

41. Your records of complaints, whether retained in a book or on a computerised system, must be kept for at least 12 months at your licensed premises and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

SUB-CONTRACTING JOBS

42. You must ensure that if you pass a booking to any vehicle other than a Birmingham licensed private hire vehicle, or to another operator, that you advise the customer of this at the time of booking.