

Proposed New Conditions

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.

Annotated version of original conditions detailing changes

PRIVATE HIRE OPERATORS

CONDITIONS OF LICENCE

INTRODUCTION

The Private Hire Operators Licence is granted subject to you complying with the following conditions. Failure to comply with any of the conditions could lead to a prosecution and/or your licence being suspended, revoked or not renewed by a Licensing Sub Committee.

CONDITIONS

FEES

1. The licence is granted on condition that all fees due to the Licensing Office in respect of its grant are payable, in full, prior to the commencement of the licence.

DETAILS TO BE REPORTED

2. If 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, are cautioned or convicted for any offence or receive an endorsement for a motoring offence (including an endorseable fixed penalty) you must report the details, in writing, to the Licensing Office within 7 days. In the case of a motoring endorsement, you do not need to wait for your licence to be returned from the DVLA.
- 3) If you apply for or hold any hackney carriage or private hire operator, vehicle or driver licence(s) with any other council you must inform the Licensing Office, in writing and within **7 days**, of any application being refused or licence(s) being suspended or revoked and provide the following information:
 - j) The name of the council;
 - v) The licence number(s) of the licence(s) suspended or revoked;
 - vi) The date of the decision; and
 - vii) A copy of the decision notice issued by the other council giving the grounds for the action taken.
4. If you change your home address at any time you must inform the Licensing Office, in writing, within 7 days.
5. The licence is granted to you in respect of the address notified to the Licensing Office at the time of application. You can only operate from the address specified on your licence. If you intend to change the business address of the operation, you must first obtain written consent from the Licensing Office and if approved you must return your original licence for amendment. Consent will only be granted in respect of premises for which planning permission for the use of a Private Hire Operators business has already been granted.

6. You must notify the Licensing Office within 3 days of the commencement or termination of a private hire driver being operated by you or the change of their call sign by providing an updated Driver and Vehicle List.
7. You must notify the Licensing Office, in writing, of the name and details of any individual (over the age of 18) to be nominated as a person responsible for managing your business in your absence prior to their commencement in the role. Should a nominated individual cease to be employed in this capacity then you must notify the Licensing Office, in writing, within 7 days.
8. 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

9. You must ensure that at all times the premises comply with all the provisions of the Town and Country Planning Act 1990 (as amended) and the Health and Safety at Work etc Act 1974 and all other relevant legislation.
10. If you intend to let the public have access to your premises for waiting or making bookings, then you must ensure the following:
 - a) any rooms or areas provided for the public are clean, adequately heated, ventilated, well lit and have adequate seating facilities; and
 - b) a suitable public liability insurance covering the premises is obtained and is prominently displayed for viewing
11. A copy of your current private hire operator's licence must be in a prominent position within the premises for viewing.
12. 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. (In respect of these copies of your licence you may delete your personal address if shown on the licence.)

STAFF

13. Either you or a responsible person over the age of 18 and nominated by you in writing to the Licensing Office prior to their commencement in the role must be on the premises and in charge of the operation and immediately contactable by an authorised officer at any time during the hours of operation.
14. You must ensure that any nominated manager left in charge of the premises in your absence is fully aware of these conditions of licence (particularly those relating to the keeping and maintaining of records for drivers, vehicles and bookings), the need to comply with these conditions and be able to produce the records upon request to an authorised officer for inspection at any time during the hours of operation.
15. 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.

TRADING NAMES, STATIONERY & ADVERTISEMENTS

16. The Licensing Office has the right to refuse to grant an Operator's licence where the proposed business name is the same or similar to that of an existing Operator licensed by this Council or any other neighbouring council. The Licensing Office shall also have the right to refuse to grant or renew an Operator's licence where the business name is either changed or made up from a collection of other Operator names operating within this Council or any other neighbouring council.
17. You must not advertise your private hire business in any name other than that indicated on the Private Hire Operators licence.
18. You must not advertise or use stationery showing your trading name that is different to the style/format of letters, numbers or logos used within your trading name as displayed on your Operator Identification Door Signs.
19. 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.
20. An Operator wishing to advertise in any other name or use a style/format different to that upon their Operator Identification Door Signs, must seek prior approval in writing from the Licensing Office.
21. 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.
22. No notice, sign or advertisement may be placed upon a private hire vehicle unless installed by an agent authorised by the Licensing Office. Advertisements may only be placed within the rear windscreen and must not involve or promote any of the following: drugs, alcohol, smoking, sex, nudity, politics or any private hire company.
23. You must ensure that staff answering your private hire telephone number(s) do so by using your trading name only.
24. 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

25. You must only operate vehicles and drivers licensed by Birmingham City Council when responding to bookings for private hire vehicles.
26. All vehicles, their fittings and equipment operated by you shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed

in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed in order to prevent injury or harm to the driver or passengers.

27. Mobile 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.

METERS

28. Should a meter be fitted to any of your private hire vehicles, it must be first tested, sealed and certified by an authorised officer before it can be used for calculating fares for passengers.
29. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seals without the written approval of the Licensing Office.

VEHICLE IDENTITY PLATES & SIGNAGE (See Appendix A)

30. The only plates and signs to be displayed on or in a private hire vehicle are:
- a) The private hire front and rear identity plates, the “Advance Bookings Only” sign and the Private Hire semi permanent rear door signs, which are issued by the Licensing Office;
 - b) The Operator Identification Door Signs, Call Sign stickers and Fare Table, which are issued by your private hire company; and
 - c) The “No Smoking” signs.

With the exception to the Conditions of Licence for Private Hire Vehicles relating to “ADVERTISEMENTS”, no other plates or signs other than those referred to above may be exhibited or displayed on or in the vehicle without the written approval of the Licensing Office.

31. All private hire vehicles operated by you must display the identity plates and signage in accordance with the Conditions of Licence for Private Hire Vehicles and in the locations specified (See Appendix A). You must regularly check your fleet of vehicles to ensure they are compliant with these Conditions.
32. The plates and signs referred to above may only be displayed on private hire vehicles licensed by Birmingham City Council. You must not cause or permit these plates or signs or any other signage similar in appearance or design to be placed on any other vehicle.
33. You must issue every private hire driver operated by you with the following signs, which they must display upon their private hire vehicle, namely:
- a) 2 operator identification door signs (Item 3 on Appendix A);
 - b) 2 call sign stickers (Item 5 on Appendix A); and
 - c) A Fare Table that lists the rates and any extras, by which all charges are calculated.
34. Your Operator Identification Door Signs must incorporate the following information:
- a) The current trading name of your operation (as specified on your licence);
 - b) A current telephone number for your operation;
 - c) The current call sign of the driver/vehicle; and
 - d) The phrase “BE BOOKED, BE INSURED”.

All letters, numbers and/or characters used in the trading name of your operation and the phrase "BE BOOKED, BE INSURED" must all be the same size and a minimum of 30 millimetres. The signs must be made using a weatherproof material.

35. Any alterations to the design of your Operator Identification Door Signs supplied at the time of your application must first be approved by the Licensing Office prior to distribution to your drivers.
36. All the plates and signs to be displayed on the vehicles must be kept clear, unobstructed and must not be altered or tampered with in anyway.
37. Any private hire vehicle operated by you, which has been granted exemption from displaying any identification plate or sign must carry the letter issued by the Licensing Office confirming the exemption at all times and the letter should be available for inspection by an authorised Officer at any time.

RECORDS OF BOOKINGS

38. You must keep a record of all private hire bookings in the manner prescribed (See Condition 42 below).
39. 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. Should you wish to use a computerised system, then you must first obtain consent in writing from the Licensing Office.
40. If you use a book for recording your bookings, you must ensure the entries are clearly and easily legible.
41. 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.
42. Before a booking is dispatched to a driver and the journey is commenced, the following particulars must be recorded in your book or on your computerised system:
 - 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 time and date of the booking;
 - c) The name of the hirer;
 - d) The time and pick up point;
 - e) The place of destination;
 - f) The time a vehicle was allocated the booking;
 - g) The driver's call sign or registration number of the vehicle allocated the booking; and
 - h) The fare agreed for the journey (where appropriate).
43. When allocating a booking to a driver, you must provide them with all of the following details:
 - a) The name of the hirer;
 - b) The time and pick up point;
 - c) The place of destination; and
 - d) The fare (if applicable).

44. You must not accept or record details of any booking passed to you by a driver.
45. 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.

SUBCONTRACTING BOOKINGS

46. You may only sub-contract a booking to another Operator licensed by Birmingham City Council and both Operators must keep a record of the booking. (The contract and responsibility for the booking remains between the Operator that took the booking and the hirer.)

DOCUMENTS TO BE KEPT BY THE OPERATOR

47. You must keep and maintain an up to date record of all the private hire drivers and vehicles operated by you 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 number; and
 - d) The date the driver commenced and finished (if applicable).
48. 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; and
 - d) A copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
49. The above documentation relating to vehicles and drivers must be retained 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.

PRIVATE HIRE VEHICLES FLEET POLICIES

50. Operators using vehicles under a fleet policy should ensure that details of each Private Hire Vehicle are listed on the insurance certificate, the schedule, or the policy itself.

PSV VEHICLES, DRIVERS & RECORDS

51. If you operate vehicles having in excess of 8 passenger seats (PSVs) for undertaking private hire bookings then you must ensure that you have the appropriate Operators Licence issued by VOSA.
52. You must ensure that your PSV vehicles display the discs issued by VOSA and your drivers have the appropriate licences to drive such vehicles.

53. The records maintained in respect of these vehicles, drivers and private hire bookings must be readily available for production to an authorised officer for inspection at any time during the hours of operation.

ASSISTANCE DOGS & WHEELCHAIR USERS

54. You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by a guide dog or assistance dog.
55. You must not make any additional charge for the carriage of a guide or assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

COMPLAINTS

56. 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) Name, contact details of complainant and date complaint received;
 - b) Date, time and details/nature of complaint;
 - c) Name of driver (and Badge number) or member of staff, to which the complaint relates; and
 - d) Details of action taken.
57. 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.

GUIDANCE NOTES

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

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.

ADVISORY

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

Smoke Free Legislation

Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever

manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreeengland.co.uk

Consumer Protection from Unfair Trading Regulations 2008

Under the provisions of the above legislation, any licensed Operator marketing a product (including comparative advertising) that creates confusion with any products, trade names or other distinguishing marks of a competitor may be committing an offence.

Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised in accordance with the Licensing Act 2003. For further advice and guidance please contact the Licensing Office on 0121 303 8222, or visit www.culture.gov.uk

Safety of Drivers

You are responsible for taking clear and accurate details of your passenger's bookings and passing these details to your drivers to ensure they can identify and pick up the correct passenger(s). Failure to record and pass on clear instructions to your drivers may put their personal safety at risk and leave them liable to infringe the law.

Guidance for Operators

Guidance for Private Hire Operator licence holders.

INTRODUCTION

All licences issued by the Council in connection with the driving and operation of Private Hire Vehicles are issued in accordance with the provisions of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976.

Operators, Drivers and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act 1847 and the Equality Act 2010 as it affects Private Hire Drivers and Operators.

Exceptions to vary conditions will be recorded on the licence with the reason for the variance.

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP) serves to provide a licensing framework within which conditions can be placed upon drivers, vehicles and operators making private contracts for the hire of a vehicle with a driver. The primary purpose of the legislation is to protect the interests and safety of the travelling public. At the time of its inception, Private Hire was primarily concerned with the provision of domestic vehicles to undertake relatively short local journeys.

The Private Hire sector has grown and extended significantly and there is now a much wider range of vehicles and services and newer technology continues to provide ever more innovative ways of booking those services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (dft) has caused Birmingham City Council to consider licensing a wider range of vehicles and services, including limousines and novelty vehicles. This guidance applies to the more standard types of saloon, hatchback, people carrier, or wheelchair accessible vehicles.

The operation of a business involving Private Hire vehicles is subject to the same business, legal and public safety principles as other areas of activity licensed by the Local Authority.

Public safety is always paramount and it is very important to Birmingham City Council that Operators fit comfortably into their environment and are not the cause of nuisance in residential areas. Operators should contribute positively to the image of the City and take ownership of their civic responsibilities.

Operators can make a significant contribution to public safety by ensuring that they and their drivers adhere to this guidance and the various conditions of licence by which they are bound.

The aim of the guidance is to increase professionalism within the trade through business improvements and best practice; encouraging improvements to customer service and public safety.

Customer focus, business improvements and best practice

Corporate clothing (shirt or outer garment)

There are distinct benefits to be gained in terms of enhanced safety for customers and improving the image of the private hire trade across the city. There appears to be a positive link between supplying a uniform style shirt with the company logo on it and improved customer satisfaction, along with a perception of an Operator having a more professional outlook. Whilst it is considered to fall outside the remit of The Licensing Service to require Operators to introduce corporate clothing for their drivers, it is recommended as best practice.

Staff training and public access to private hire operator premises and health and safety considerations

It is good practice for all Private Hire Operators employing call handling staff to ensure they have all received:

- Accredited customer service training
- Data protection training
- Have been subject to a DBS check

DBS disclosure is considered important because of the amount of personal and secure information that can be collected. The practice of using totally unqualified and untrained staff is not best practice and may have a detrimental effect on customer perceptions of an Operator's professionalism. It may also contribute to perceptions that within the trade, people are 'employed' outside the normal scope of employment law, HM Revenue and Customs arrangements and minimum wage legislation.

The Data Commissioner retains responsibility for monitoring the Private Hire Operator in the role of 'data controller'. However, in the event of data security breaches, the Licensing Authority reserves the right to take compliance or other formal action against a private hire operator to reduce the risk of crime or danger to public safety. Where there is a public waiting area, measures must be in place to keep all personal audio and written data private and secure.

An Operator is responsible for the safety of staff and the public on the premises and Operators are advised to undertake a full review by an appropriately qualified health and safety officer. Other areas of business may fall under the remit of HM Revenue and Customs or the Health and Safety Executive and Licensing Officers may inform the appropriate regulatory body if they have concerns, especially where public safety issues are identified.

Record of driver hours

In contrast to the regulation of hours worked by a PSV or HGV driver, the average self-employed Private Hire Driver is under no such legal restriction. Where they are subject to a contract of employment with a Private Hire Operator there is a restriction of 48 hours per week averaged over a

17 week period, but that is the only legal constraint. The consequences of driver fatigue are identified all too often following a serious road traffic collision and whilst the driver may be held accountable for any subsequent serious injury or fatality, it is an issue that the Private Hire Operator should be aware of. There are many full time drivers but also others who use their Private Hire driver's licence as a secondary form of income.

This issue requires awareness on the part of Private Hire Operator and it would be best practice for Operators to be alert to the signs of tiredness and exhaustion. Operators are in a position to identify drivers who work excessively long hours for their companies and may wish to consider their own potential liability if they fail to take full account of such issues when entering into a contractual arrangement with a customer..

Fare awareness

This is often the subject of complaint by the travelling public and is frequently a cause of arguments. That situation can be improved by providing clearer information at the time of booking, displaying a notice showing how fares are calculated on Private Hire Operator web-sites and making similar provision in public waiting areas. It would be helpful if it was pointed out "fares can be agreed before the journey". Where a vehicle uses a meter, this should be clearly explained as should any occasion when it is not used (pre-arranged contract fares, out of Licensing District fares etc.).

The more information that can be made available to passengers, the better it is for your driver, your business reputation and of course the public. Being 'upfront' with fares and pricing information can help reduce the risk of escalating arguments and create a safer environment for drivers.

Vehicles operated under the licence – planning regulations

Planning legislation has primacy and responsibility for enforcing breaches of planning rests with that department and cannot be undertaken by Licensing Officers. However Licensing Officers will support communities where complaints are made in assisting enforcement by planning and other Regulatory Officers and by seeking an early resolution to problems through contact with the relevant Private Hire Operator.

Safety standards of licensed vehicles under the operating licence

To increase public safety and reduce the risk of prosecution to themselves, Private Hire Operators are strongly advised to maintain a monthly record of vehicle inspections carried out by them on their operating licence to ensure checks on tyres, Council livery, accident damage, condition of interior etc., as prescribed by the Council and a check list of expiry dates of the Private Hire driver licence, Private Hire vehicle licence and MOT expiry dates. The personal responsibility of the licensed Private Hire Operator for the safety of their customer is inescapable and each Private Hire Operator should be able to demonstrate their commitment to road safety.

TRADING NAME

It is a pre-requisite to the grant of a Private Hire Operator licence to ensure that any potential confusion is removed when a preferred operating name is put forward. This would also apply to

those names which might conflict with operating names already in use within a neighbouring Local Authority.

The Licensing Service reserves the right to refuse the grant or renewal an Operator's licence where the business name is either changed or made up from a collection of other Operator names operating within the boundaries of this Council or any other neighbouring Local Authority.

It is not intended to put restrictions on the appropriate or innovative naming of a Private Hire businesses, but attempts to take advantage of the good name and reputation of existing businesses in Birmingham and in surrounding areas have been a regular source of frustration to the trade and officers alike. Similarly, there are examples of a Private Hire Operator selling a business only to attempt to open another with a very similar name almost immediately. Sometimes this has not been dealt with adequately within the contractual arrangements and can lead to confusion for the public and ill will within the trade.

PSV VEHICLES, DRIVERS & RECORDS

If you operate vehicles having in excess of 8 passenger seats (PSVs) for undertaking private hire bookings then you must ensure that you have the appropriate Operators Licence issued by VOSA.

You must ensure that your PSV vehicles display the discs issued by VOSA and your drivers have the appropriate licences to drive such vehicles. You must also comply with driver's hours regulations and ensure vehicles are properly equipped with tachometers. The Licensing Service is not responsible for your PSV operation, but officers will co-operate with VOSA inspectors, particularly where public safety problems are identified.

PRIVATE HIRE VEHICLE FLEET POLICIES

Operators using vehicles under a fleet policy should ensure that details of each Private Hire Vehicle are listed on the insurance certificate, the schedule, or the policy itself.

ASSISTANCE DOGS & WHEELCHAIR USERS

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by an assistance dog.

You must not make any additional charge for the carriage of an assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

SUBCONTRACTING BOOKINGS

The **Deregulation Act 2015** introduced provisions allowing an Operator to sub-contract a booking to another Licensed Operator outside the Controlled District of Birmingham. Both Operators must keep a record of the booking and the contract and responsibility for the booking remains with the Operator who took the original booking from the hirer. **Operators cannot pass bookings directly to drivers from other areas even if they work for the same company.**

For example, a Birmingham Operator can pass a job to his licensed base in Solihull, which in turn can pass the job to a Solihull licensed driver. A Birmingham operator cannot pass a job directly to a Solihull licensed driver, even if the driver works for the Solihull branch of the same company. Where such practice happens, both operator and driver are committing offences and could be prosecuted.

TOUTING

The operator shall not:

- a) Tout or solicit any person to hire or be carried for hire in any private hire vehicle;
- b) Cause or procure any other person (a marshal for instance) to tout or solicit any person to hire or be carried for hire in any private hire vehicle

see Criminal Justice and Public Order Act 1994 s167

Licensed Premises

With the event of 'app' technology there may be no necessity for potential customers to visit an Operator base. Accordingly the previous requirement has been adjusted to reflect new operating practices.

Where the facility for customers to visit the premises to book does exist, Private Hire Operators are reminded of the best practice guidance under 'Staff training and public access to Private Hire Operator premises'. The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

Licence holders need to be acutely aware of the risks associated with children or young people frequenting premises for non- business purposes and there can be no compromise in the necessity of the Private Hire Operator to intervene and stop such activity.

Licensed premises may be targeted by criminals using drivers to facilitate the grooming of children, trafficking, or to supply drugs or contraband tobacco etc.

It is expected the assistance of the Police will be sought if an Operator becomes aware of such activity taking place on his premises. However, that does not diminish the responsibility of the Private Hire Operator to tightly control and prevent such occurrences. With such strong cautionary advice issued alongside the licence, Private Hire Operators need to consider how failure to take reasonable measures to guard against such criminal activity taking place on their premises might be used in any criminal proceedings.

The licence is granted in respect of the address notified to the Licensing Office at the time of application. You can only operate from the address specified on your licence. If you intend to change the business address of the operation, you must first obtain written consent from the Licensing Office and if approved you must return your original licence for amendment. Consent will only be granted in respect of premises for which planning permission for the use of a Private Hire Operators business has already been granted.

Advertisements

There are some restrictions regarding the words that may be used in your trading names and advertisements. Any trading name or advert for a Birmingham PHV business cannot include the words 'taxi', 'taxis', 'cab' or 'cabs', or any word so closely resembling any of those words as to be likely to be mistaken for it. This includes using such words in website addresses.

You can use the word 'minicab', 'mini-cab' or 'mini cab' (whether in the singular or plural) in your adverts.

While the following list is not exhaustive, an advert includes:

- business cards, letter headed paper, compliment slips and posters,
- signage, including on shop fronts, other premises (e.g. supermarkets, hospitals, nightclubs etc) and licensed private hire vehicles
- email addresses – e.g. digbethcabs@google.co.uk could not be used as an email address for your passengers to make bookings but you could use digbethminicabs@google.co.uk
- websites and website addresses – e.g. www.digbeth-taxis.co.uk could not be used but you could use www.digbeth-minicabs.co.uk. You must also make sure that photos or animations on websites do not show taxis/black cabs or give the impression that a taxi/black cab service is provided.
- telephone numbers – e.g. if your telephone number is 0845 222 1234 you could not advertise this as 0845 CAB 1234
- recorded telephone messages and answer machine messages – e.g. your message should not say 'Thank you for calling Digbeth Cabs' however you could say 'Thank you for calling Digbeth Cars'.

In short, any advert that you issue must make it clear that you are providing a private hire service. Some examples of phrases that you may use in your adverts are:

- Mini-cab service
- Executive car hire
- Private hire service

You should also be aware that most customers will want to verify that you are licensed before they use your services. Your adverts should therefore contain sufficient information for potential customers to be able to identify you.

Information on your website

To prove that you are a bona fide operator, you should consider displaying the following information on your website:

- your company name;
- the trading names that are specified on your operator's licence;
- your trading address(es);
- the telephone number for accepting bookings;
- your VAT registration number (if applicable);
- your email address;
- your licence number;
- the fact that you are licensed by BCC and BCC's contact details; and
- if the business in question is incorporated as a company, its registered number, the address of its registered office and the part of the UK in which it is registered.

For other types of adverts (e.g. business cards), you should at least specify your trading name and your operator's licence number.

Smoke Free Legislation

Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles at any time. Appropriate 'No Smoking' signage must be displayed in the vehicle.

Any enclosed premises used as a workplace or used by the public, for example to make bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreengland.co.uk

Consumer Protection from Unfair Trading Regulations 2008

Under the provisions of the above legislation, any licensed Operator marketing a product (including comparative advertising) that creates confusion with any products, trade names or other distinguishing marks of a competitor may be committing an offence.

Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised in accordance with the Licensing Act 2003. For further advice and guidance please contact the Licensing Office on 0121 303 8222, or visit www.culture.gov.uk

Safety of Drivers

Operators are responsible for taking clear and accurate details of a passenger's booking and passing those details to their drivers to ensure they can identify and pick up the correct passenger(s). Failure to record and pass on clear instructions to drivers may put their personal safety at risk and leave them vulnerable to breaches of legislation in their own right.

Initial Draft Sent Out For Consultation

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire sector has grown and extended significantly and there are now a much wider range of vehicles, services and availability of technology to assist in booking a service.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (dft) has caused Birmingham City Council to consider licensing a wide range of vehicles and services. This policy applies to the more standard types of saloon or wheelchair accessible vehicles.

Policy Statement

The issues around the operating of a business involving Private Hire vehicles has the same business, legal and public safety principles as other areas of licensed activity by the Local Authority.

Public safety is paramount. It is very important to Birmingham City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance and contribute positively to the image of the City and take ownership of a civic responsibility.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the conditions upon the various licences.

The aim of the policy is to increase the professionalism of the trade through business improvements and best practice; increasing both the level of customer service offered and that of public safety.

Elected Members of the Council approved the policy and conditions and were emphatic in insisting that licensed Operators carry a significant responsibility in meeting the expectations of the public and contributing positively to public safety. Members asked that the licensing responsibilities and expectations of the Council were impressed upon Operators.

Some of the issues associated to particular conditions are illustrated as footnotes to assist those who are the subject of the conditions, or those who apply them, to do so consistently.

Customer focus, business improvements and best practice – none policy issues

In preparing this policy and conditions there was consultation with both the licensed trade and the general public.

Some suggestions raised during consultation have been grouped under this heading, but they do not form part of the approved policy. The controlling legislation, or liability for certain acts, or failures to act, might lie within other specific legislation. The Council feels that those areas should remain outside of conditions attached to a Private Hire Operator licence, but nevertheless are worthy of highlighting as good practice. Significant breaches of other

primary legislation might still be considered as factors contributing to a 'fit and proper person' test.

Corporate clothing (shirt or outer garment)

There are distinct benefits for this in terms of enhanced safety for customers and also improving the image of the trade in the city. There appears to be a positive link in supplying a uniform style shirt with the company logo on it and customer satisfaction along with the professional outlook of the Operator. However, it is thought to be beyond licensing control but should be considered as a good business practice by Private Hire Operators.

Staff training and public access to private hire operator premises and health and safety considerations

It would be good practice for each Private Hire Operator (except single vehicle companies) to ensure that all of their call handling staff have received:

- Accredited customer service training
- Data protection training
- Be subject to a DBS

DBS disclosure is thought to be important considering the amount of personal and secure information that can be collected. It is felt that the practice of using totally unqualified or untrained staff is inappropriate. Concerns within the trade are that people are 'employed' outside of all of the employment law, HM Revenue and Customs arrangements, minimum wage legislation and outside of other financial scrutiny arrangements that should be in place.

The Data Commissioner retains responsibility for monitoring the 'data controller' the Private Hire Operator. However, if there were to be breaches of data security the Council reserves the right to take compliance or other formal action against the private hire operator to reduce the risk of crime or danger to public safety. HM Revenue and Customs or the Health and Safety Executive are the appropriate authority for some of the proposals. Whilst there may be some issues which might be poor business practice or worse it is thought to be beyond licensing control.

Where there is a public waiting area, measures must be in place to keep all personal audio and written data private and secure.

As the Operator you are responsible for the safety of staff and the public on the premises and you are advised to undertake a full review by an appropriately qualified health and safety officer.

Officers may inform the appropriate regulatory body if they have a concern.

Record of driver hours

In contrast to the regulation of hours worked by a PSV or HGV driver, a self-employed Private Hire driver has no such legal restrictions on them. If they were the subject of a contract of employment with the Private Hire Operator then there would be a restriction of 48 hours per week averaged over a 17 week period, but that is the only legal constraint. The consequences of driver fatigue all too often appear following some serious road traffic collision and whilst the driver may be held accountable for any subsequent fatality it is an issue that the Private Hire Operator should be aware of when they use a Private Hire driver in those circumstances. There are many full time drivers but also others who use their Private Hire driver licence as a secondary form of income.

This issue requires an awareness by Private Hire Operator's and it would be best practice for Private Hire Operator's to be alert to the signs of tiredness and exhaustion and you may wish to consider your own liability in not taking full account of such issues when entering into a contract arrangement with a customer.

Fare awareness

This is often the subject of complaint by the travelling public and is frequently the root of arguments. That situation can be improved upon by clearer information at the time of booking and a visible notice showing how fares are calculated on the Private Hire Operator web-site or public waiting area, to be easily read by any person seeking to hire a Private Hire vehicle or Hackney Carriage at those premises. It would be helpful if at every point of producing such information it was pointed out "fares should be agreed before the journey". Where the vehicle uses a meter, this should be clearly explained and on what occasions it is not used (pre-arranged contract fares, out of Licensing District fares etc.).

The more information that can be visible to passengers the better it is for your driver, your business reputation, and, of course, the public. Being 'upfront' with this can help reduce the risk of escalating arguments and create a safer environment for the driver.

Vehicles operated under the licence – planning regulations

Planning legislation has primacy and responsibility for enforcing breaches of planning rests with that department and cannot be undertaken by Licensing Officers. However Licensing Officers will support communities where complaints are made in assisting enforcement by planning and Regulatory Officers and also by seeking an early resolution to a problem through the relevant Private Hire Operator.

Safety standards of licensed vehicles under the operating licence

Officers have already presented a report to Members explaining that they will consider the prosecution of Private Hire Operators for defective vehicles used in the course of their business and it is intended to continue with that theme and also offences where there is no vehicle insurance in place.

On rare occasions that may be out of the control of the Private Hire Operator but control measures can be put in place which would help the Private Hire Operator reduce their personal risk of prosecution and increase public safety.

To increase public safety and reduce the risk of prosecution to themselves, Private Hire Operators are strongly advised to maintain a monthly record of vehicle inspections carried out by them on their operating licence to ensure checks on tyres, Council livery, accident damage, condition of interior etc., as prescribed by the Council and a check list of expiry dates of the Private Hire driver licence, Private Hire vehicle licence and MOT expiry dates. The personal responsibility of the licensed Private Hire Operator for the safety of their customer is inescapable and each Private Hire Operator should be able to demonstrate their commitment to road safety.

Set out in this booklet are the pre-conditions to the consideration of the grant of a Private Hire Operator licence. Additionally, once licensed, a Private Hire Operator must continue to meet these standard pre-conditions.

PRIVATE HIRE OPERATORS CONDITIONS OF LICENCE

INTRODUCTION

Local Government (Miscellaneous Provisions) Act, 1976 Part 2

All licences issued by the Council in connection with the driving and operation of Private Hire vehicles are in accordance with the provisions of the 1976 Act. Operators, Drivers and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act effecting Private Hire licences.

The following Conditions apply to all Operators of Private Hire vehicles, licensed or seeking to be licensed. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum, by way of a formal notice served upon the licensed Operator.

Exceptions to vary conditions will be recorded on the licence and the reason for the variance.

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

The Private Hire Operators Licence is granted subject to you complying with the following conditions. Failure to comply with any of the conditions could lead to a prosecution and/or your licence being suspended, revoked or not renewed by a Licensing Sub Committee.

CONDITIONS

FEES

1. The licence is granted on condition that all fees due to the Licensing Office in respect of its grant are payable, in full, prior to the commencement of the licence.

DETAILS TO BE REPORTED

2. 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:
 - i) any conviction or finding of guilt (criminal or driving matter);
 - j) any caution (issued by the Police or any other agency);
 - k) issue of any Magistrate's Court summons against them;
 - l) issue of any fixed penalty notice for any matter;
 - m) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
 - n) any civil injunction;
 - o) their arrest for any offence (whether or not charged);
 - p) receive an endorsement for a motoring offence (including an endorseable fixed penalty).

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

3. If you apply for or hold any hackney carriage or private hire operator, vehicle or driver licence(s) with any other council you must inform the Licensing Office, in writing and within **7 days**, of any application being refused or licence(s) being suspended or revoked and provide the following information:
 - k) The name of the council;
 - viii) The licence number(s) of the licence(s) suspended or revoked;
 - ix) The date of the decision; and
 - x) A copy of the decision notice issued by the other council giving the grounds for the action taken.
4. If you change your home address at any time you must inform the Licensing Office, in writing, within 7 days.
5. The licence is granted to you in respect of the address notified to the Licensing Office at the time of application. You can only operate from the address specified on your licence. If you intend to change the business address of the operation, you must first obtain written consent from the Licensing Office and if approved you must return your original licence for amendment. Consent will only be granted in respect of premises for which planning permission for the use of a Private Hire Operators business has already been granted.
6. You must notify the Licensing Office within 3 days of the commencement or termination of a private hire driver being operated by you or the change of their call sign by providing an updated Driver and Vehicle List.
7. You must notify the Licensing Office, in writing, of the name and details of any individual to be nominated as a person responsible for managing your business in your absence prior to their commencement in the role. Should a nominated individual cease to be employed in this capacity then you must notify the Licensing Office, in writing, within 7 days.
8. 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 PREMISES¹

9. The current Operator licence and conditions must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.
10. 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. (In respect of these copies of your licence you may delete your personal address if shown on the licence.)

STAFF

11. Either you or a responsible person over the age of 18 and nominated by you in writing to the Licensing Office prior to their commencement in the role must be in charge of the operation and immediately contactable by an authorised officer at any time during the hours of operation.
12. You must ensure that any nominated manager left in charge of the premises in your absence is fully aware of these conditions of licence (particularly those relating to the keeping and maintaining of records for drivers, vehicles and bookings), the need to comply with these conditions and be able to produce the records upon request to an authorised officer for inspection at any time during the hours of operation.
13. 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.

TRADING NAME²

14. It is a pre-requisite to the grant of a Private Hire Operator licence to ensure that any potential confusion is removed when a preferred operating name is put forward. This would also apply to those names which might conflict with the operating name within a neighbouring Local Authority.

The Licensing Office also have the right to refuse to grant or renew an Operator's licence where the business name is either changed or made up from a collection of other Operator names operating within this Council or any other neighbouring council.

STATIONERY & ADVERTISEMENTS

15. You must not advertise your private hire business in any name other than that indicated on the Private Hire Operators licence.
16. You must not advertise or use stationery showing your trading name that is different to the style/format of letters, numbers or logos used within your trading name as displayed on your Operator Identification Door Signs.
17. 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.
18. An Operator wishing to advertise in any other name or use a style/format different to that upon their Operator Identification Door Signs, must seek prior approval in writing from the Licensing Office.

19. 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.³
20. You must ensure that staff answering your private hire telephone number(s) does so by using your trading name only.
21. 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

22. 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.
23. 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, except where such a device is installed for the exclusive purpose of housing a PDA or PDA software for the purposes of dispatch of that PHV.

METERS

24. Should a meter be fitted to any of your private hire vehicles, it must be first tested, sealed and certified by an authorised officer before it can be used for calculating fares for passengers.
25. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seals without the written approval of the Licensing Office.
26. *Something here about the use of apps to calculate fares and defaults to the shortest route*

VEHICLE IDENTITY PLATES & SIGNAGE (See Appendix A)

27. Before operating any PHV Licensed by Birmingham City Council the operator will ensure that the only plates and signs displayed on or in a private hire vehicle are:
 - a) The private hire front and rear identity plates and the Private Hire semi-permanent rear door signs, which are issued by the Licensing Office;
 - b) The Operator Identification Door Signs, Call Sign stickers and Fare Table, which are issued by your private hire company; and
 - c) The "No Smoking" signs.
28. No notice, sign or advertisement may be placed upon a private hire vehicle unless installed by an agent authorised by the Licensing Office. *(should this be in the signage policy?)*
29. With the exception to the Conditions of Licence for Private Hire Vehicles relating to "ADVERTISING", no other plates or signs other than those referred to above may be

exhibited or displayed on or in the vehicle without the written approval of the Licensing Office.

30. All private hire vehicles operated by you must display the identity plates and signage in accordance with the Conditions of Licence for Private Hire Vehicles and in the locations specified (See Appendix A). You must regularly check your all vehicles operated by you to ensure they are compliant with these Conditions. A record of those checks should be made available to an authorised officer on request.
31. Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Birmingham City Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.
32. You must issue every private hire driver operated by you with the following signs, which they must display upon their private hire vehicle, namely:
 - a) 2 operator identification door signs (Item 3 on Appendix A);
 - b) 2 call sign stickers (Item 5 on Appendix A); and
 - c) A Fare Table that lists the rates and any extras, by which all charges are calculated.
33. Your approved Operator Identification Door Signs must incorporate the following information:
 - a) The current trading name of your operation (as specified on your licence);
 - b) A current telephone number for your operation;
 - c) The current call sign of the driver/vehicle; and
 - d) The phrase "**BE BOOKED, BE INSURED**". (should this say **NOT BOOKED**, **NOT LEGAL?**)

The phrase "**BE BOOKED, BE INSURED**" must be a minimum of 30 millimetres in BOLD Arial font. The signs must be made using a weatherproof material.
34. Any alterations to the design of your Operator Identification Door Signs supplied at the time of your application must first be approved by the Licensing Office prior to distribution to your drivers.
35. Only one approved door sign can be used all previous versions must be removed from circulation.
36. Any private hire vehicle operated by you, which has been granted exemption from displaying any identification plate or sign must carry the letter issued by the Licensing Office confirming the exemption at all times and the letter should be available for inspection by an authorised Officer at any time.

RECORDS OF BOOKINGS

37. You must keep a record of all private hire bookings in the manner prescribed (See Condition **42** below).
38. 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.

39. Should you wish to use a computerised system, then you must first obtain consent in writing from the Licensing Office.
40. 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.
41. The Private Hire Operator, before the commencement of each journey, shall enter or cause to be entered in the record book or computer data base the following details for every booking of a Private Hire Vehicle invited or accepted by the operator or their agent:
 - 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 some means of identifying them, or, if more than one person, the name or means of identifying one of them;
 - d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first;;
 - e) The main destination specified at the time of the booking (see below);
 - f) The time a vehicle was allocated the booking;
 - g) The driver's call sign or registration number of the vehicle allocated the booking; and
 - h) The fare agreed for the journey (where appropriate), and
 - i) If applicable, the name of the other operator to whom the booking has been sub-contracted.
42. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. **Blackfriars Road, SE1**). At best it should be the full postal address (e.g. **197 Blackfriars Road, SE1**). It is not sufficient to record just the postal area (e.g. **SE1**) as that would cover too wide an area. However where you know the full postcode (e.g. **SE1 8NJ**) that will suffice, as it would identify the street destination.
43. 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 or some means of identifying them;
 - b) The agreed time and place of collection;
 - c) The place of destination; and
 - d) The fare agreed (if applicable).
44. You must not accept or record details of any booking passed to you by a driver.
45. 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.

SUBCONTRACTING BOOKINGS

46. You may only sub-contract a booking to another licensed Operator and both Operators must keep a record of the booking. (The contract and responsibility for the booking remains between the Operator that took the booking and the hirer.)

DOCUMENTS TO BE KEPT BY THE OPERATOR

47. You must keep and maintain an up to date record of all the private hire drivers and vehicles operated by you 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 number; and
 - d) The date the driver commenced and finished (if applicable).
48. 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; and
 - d) A copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
49. The above documentation relating to vehicles and drivers must be retained 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.

PRIVATE HIRE VEHICLES FLEET POLICIES

50. Operators using vehicles under a fleet policy should ensure that details of each Private Hire Vehicle are listed on the insurance certificate, the schedule, or the policy itself.

PSV VEHICLES, DRIVERS & RECORDS

51. If you operate vehicles having in excess of 8 passenger seats (PSVs) for undertaking private hire bookings then you must ensure that you have the appropriate Operators Licence issued by VOSA.
52. You must ensure that your PSV vehicles display the discs issued by VOSA and your drivers have the appropriate licences to drive such vehicles.
53. The records maintained in respect of these vehicles, drivers and private hire bookings must be readily available for production to an authorised officer for inspection at any time during the hours of operation.

'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES IN THE BIRMINGHAM LICENSING DISTRICT

54. SCHEDULE OF DRIVERS

- a. The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used for Private Hire bookings via the Operator Driver Schedule; this will include Hackney Carriage drivers licensed by this or other Authorities.
- b. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the corrected Operator Driver Schedule to the Licensing Authority for amendment by an Authorised Officer
- c. The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by this or any other authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Birmingham City Council Licensing Office forthwith, and in any event within 72 hours of registering that driver.

55. SCHEDULE OF VEHICLES

- a. The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator on the Operator Vehicle Schedule, this includes those Hackney Carriage vehicles licensed by this or other Authorities.
- b. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the Operator Vehicle Schedule to the Licensing Authority for amendment by an Authorised Officer.
- c. The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Authority along with a copy of the MOT certificate, certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Birmingham City Council, Taxi & Private Hire Licensing Office within 72 hours.

- 56. The records maintained in respect of these vehicles, drivers and private hire bookings must be readily available for production to an authorised officer for inspection at any time during the hours of operation.

ASSISTANCE DOGS & WHEELCHAIR USERS

- 57. You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by an assistance dog.
- 58. You must not make any additional charge for the carriage of an assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

TOUTING

- 59. The operator shall not:
 - a) Tout or solicit any person to hire or be carried for hire in any private hire vehicle;
 - b) Cause or procure any other person (a marshal for instance) to tout or solicit any person to hire or be carried for hire in any private hire vehicle

COMPLAINTS

60. 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) Name, contact details of complainant and date complaint received;
 - b) Date, time and details/nature of complaint;
 - c) Name of driver (and Badge number) or member of staff, to which the complaint relates; and
 - d) Details of action taken.
61. Upon receiving any 'specified complaint' or allegation regarding any person licensed by the Authority Operators must report it immediately when the licensing office is open, and in any other event within 72 hours.
62. The specified complaints or allegations are:
- of sexual misconduct, sexual harassment or inappropriate sexual attention
 - racist behaviour
 - Violence
 - Dishonesty
 - Breaches of equality

In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire Driver.

63. 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.
64. The Operator shall ensure that each private hire vehicle he operates displays a suitable notice inside the vehicle stating the name of the operator and giving details of how a customer may contact the operator in the event of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his business.

GUIDANCE NOTES

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

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.

1. Licensed Premises

With the event of 'app' technology there may be no necessity for potential customers to visit an Operator base. Accordingly the previous requirement has been adjusted to reflect new operating practices.

Where the facility for customers to visit the premises to book does exist, Private Hire Operators are reminded of the best practice guidance under 'Staff training and public access

to Private Hire Operator premises'. The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

Licence holders need to be acutely aware of the risks associated with children or young people frequenting premises for non- business purposes and there can be no compromise in the necessity of the Private Hire Operator to intervene and stop such activity.

Licensed premises could be targeted by criminals using drivers to facilitate the grooming of children, trafficking, or supply drugs or contraband tobacco etc.

It would be expected that the assistance of the Police would be sought, where there should be a concern, but that does not diminish the responsibility of the Private Hire Operator to tightly control and prevent such occurrences. With such strong cautionary advice in place upon the licence, Private Hire Operators need to consider how breaches of this requirement might be used by the Police in any criminal proceedings brought against the Private Hire Operator.

2. Trading Name

It is not the intention to restrict the appropriate or innovative naming of a Private Hire business but it has been a source of frustration in the past to the trade and Officers. There are examples of a Private Hire Operator selling the business in 'good will' only for a new Operator to open a short while later with a very similar business name. Sometimes this is not dealt with in contractual arrangements and can lead to confusion with the public (as well as ill will within the trade). Similarly, where a Private Hire Operator licence is revoked or suspended it seems inappropriate that the identical operating name or one closely associated to that is taken into use. Again this can be confusing for customers and drivers, and perhaps undermining of the council's regulatory sanctions.

3. Advertisements

There are some restrictions regarding the words that may be used in your trading names and advertisements. Any trading name or advert for a Birmingham PHV business cannot include the words 'taxi', 'taxis', 'cab' or 'cabs', or any word so closely resembling any of those words as to be likely to be mistaken for it. This includes using such words in website addresses.

You can use the word 'minicab', 'mini-cab' or 'mini cab' (whether in the singular or plural) in your adverts.

While the following list is not exhaustive, an advert includes:

- business cards, letter headed paper, compliment slips and posters,
- signage, including on shop fronts, other premises (eg supermarkets, hospitals, nightclubs etc) and licensed private hire vehicles
- email addresses – eg southwarkcabs@google.co.uk could not be used as an email address for your passengers to make bookings but you could use southwarkminicabs@google.co.uk
- websites and website addresses – eg www.southwark-taxis.co.uk could not be used but you could use www.southwark-minicabs.co.uk. You must also make sure that photos or animations on websites do not show taxis/black cabs or give the impression that a taxi/black cab service is provided.
- telephone numbers – eg if your telephone number is 0845 222 1234 you could not advertise this as **0845 CAB 1234**

- recorded telephone messages and answer machine messages – eg your message should not say ‘Thank you for calling **Southwark Cabs**’ however you could say ‘Thank you for calling **Southwark Cars**’.

In short, any advert that you issue must make it clear that you are providing a private hire service. Some examples of phrases that you may use in your adverts are:

- Mini-cab service
- Executive car hire
- Private hire service

You should also be aware that most customers will want to verify that you are licensed before they use your services. Your adverts should therefore contain sufficient information for potential customers to be able to identify you.

Information on your website

To prove that you are a bona fide operator, you should consider displaying the following information on your website:

- your company name;
- the trading names that are specified on your operator’s licence;
- your trading address(es);
- the telephone number for accepting bookings;
- your VAT registration number (if applicable);
- your email address;
- your licence number;
- the fact that you are licensed by TfL and TfL’s contact details; and
- if the business in question is incorporated as a company, its registered number, the address of its registered office and the part of the UK in which it is registered.

For other types of adverts (e.g. business cards), you should at least specify your trading name and your operator’s licence number.

ADVISORY

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

Smoke Free Legislation

Private Hire Vehicles and ‘Taxis’ are smoke free vehicles and nobody may smoke within these vehicles at any time. Appropriate ‘No Smoking’ signage must be displayed in the vehicle. Furthermore, any enclosed premises that are used as a workplace or are used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreengland.co.uk

Consumer Protection from Unfair Trading Regulations 2008

Under the provisions of the above legislation, any licensed Operator marketing a product (including comparative advertising) that creates confusion with any products, trade names or other distinguishing marks of a competitor may be committing an offence.

Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised in accordance with the Licensing Act 2003. For further advice and guidance please contact the Licensing Office on 0121 303 8222, or visit www.culture.gov.uk

Safety of Drivers

You are responsible for taking clear and accurate details of your passenger's bookings and passing these details to your drivers to ensure they can identify and pick up the correct passenger(s). Failure to record and pass on clear instructions to your drivers may put their personal safety at risk and leave them liable to infringe the law.

Consultation Responses

5a – Elite Radio Cars

Hi Shawn

Hope you had a good holiday. I have read through your proposals and find some good some bad.

Drivers uniforms I think is a good idea (black / grey trousers maybe polo shirts short sleeve shirt with company logo.) would look more professional.

Call centre staff DBS / CRB checks could open a minefield with employment rights as they do not work with children or vulnerable people.

Drivers hours we as a company do not openly push drivers to take 24 hour radios like others. (exceptions are when working around family matters) you

work days or nights. However with drivers been self employed and able to work for many firms at the same time how do you think this can be policed ?

Your proposals take the terms and conditions up to over 60 plus. (many other councils are between 10-20). If people don't play by the rules you could

have 100's they don't care, it just creates more headache and costs for us.

Any how just a few off my thoughts thanks for the heads up.

Many thanks

Rory McLaren.

Elite Radio Cars Ltd

5b – Star cars and Coaches Ltd.

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire sector has grown and extended significantly and there are now a much wider range of vehicles, services and availability of technology to assist in booking a service.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (dft) has caused Birmingham City Council to consider licensing a wide range of vehicles and services. This policy applies to the more standard types of saloon or wheelchair accessible vehicles.

Policy Statement

The issues around the operating of a business involving Private Hire vehicles has the same business, legal and public safety principles as other areas of licensed activity by the Local Authority.

Public safety is paramount. It is very important to Birmingham City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance and contribute positively to the image of the City and take ownership of a civic responsibility.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the conditions upon the various licences.

The aim of the policy is to increase the professionalism of the trade through business improvements and best practice; increasing both the level of customer service offered and that of public safety.

Elected Members of the Council approved the policy and conditions and were emphatic in insisting that licensed Operators carry a significant responsibility in meeting the expectations of the public and contributing positively to public safety. Members asked that the licensing responsibilities and expectations of the Council were impressed upon Operators.

Some of the issues associated to particular conditions are illustrated as footnotes to assist those who are the subject of the conditions, or those who apply them, to do so consistently.

Customer focus, business improvements and best practice – none policy issues

In preparing this policy and conditions there was consultation with both the licensed trade and the general public.

Some suggestions raised during consultation have been grouped under this heading, but they do not form part of the approved policy. The controlling legislation, or liability for certain acts, or failures to act, might lie within other specific legislation. The Council feels that those areas should remain outside of conditions attached to a Private Hire Operator licence, but

nevertheless are worthy of highlighting as good practice. Significant breaches of other primary legislation might still be considered as factors contributing to a 'fit and proper person' test.

Corporate clothing (shirt or outer garment)

There are distinct benefits for this in terms of enhanced safety for customers and also improving the image of the trade in the city. There appears to be a positive link in supplying a uniform style shirt with the company logo on it and customer satisfaction along with the professional outlook of the Operator. However, it is thought to be beyond licensing control but should be considered as a good business practice by Private Hire Operators.

Staff training and public access to private hire operator premises and health and safety considerations

It would be good practice for each Private Hire Operator (except single vehicle companies) to ensure that all of their call handling staff have received:

- Accredited customer service training
- Data protection training
- Be subject to a DBS

DBS disclosure is thought to be important considering the amount of personal and secure information that can be collected. It is felt that the practice of using totally unqualified or untrained staff is inappropriate. Concerns within the trade are that people are 'employed' outside of all of the employment law, HM Revenue and Customs arrangements, minimum wage legislation and outside of other financial scrutiny arrangements that should be in place.

The Data Commissioner retains responsibility for monitoring the 'data controller' the Private Hire Operator. However, if there were to be breaches of data security the Council reserves the right to take compliance or other formal action against the private hire operator to reduce the risk of crime or danger to public safety. HM Revenue and Customs or the Health and Safety Executive are the appropriate authority for some of the proposals. Whilst there may be some issues which might be poor business practice or worse it is thought to be beyond licensing control.

Where there is a public waiting area, measures must be in place to keep all personal audio and written data private and secure.

As the Operator you are responsible for the safety of staff and the public on the premises and you are advised to undertake a full review by an appropriately qualified health and safety officer.

Officers may inform the appropriate regulatory body if they have a concern.

Record of driver hours

In contrast to the regulation of hours worked by a PSV or HGV driver, a self-employed Private Hire driver has no such legal restrictions on them. If they were the subject of a contract of employment with the Private Hire Operator then there would be a restriction of 48 hours per week averaged over a 17 week period, but that is the only legal constraint. The consequences of driver fatigue all too often appear following some serious road traffic collision and whilst the driver may be held accountable for any subsequent fatality it is an issue that the Private Hire Operator should be aware of when they use a Private Hire driver

in those circumstances. There are many full time drivers but also others who use their Private Hire driver licence as a secondary form of income.

This issue requires an awareness by Private Hire Operator's and it would be best practice for Private Hire Operator's to be alert to the signs of tiredness and exhaustion and you may wish to consider your own liability in not taking full account of such issues when entering into a contract arrangement with a customer.

Fare awareness

This is often the subject of complaint by the travelling public and is frequently the root of arguments. That situation can be improved upon by clearer information at the time of booking and a visible notice showing how fares are calculated on the Private Hire Operator web-site or public waiting area, to be easily read by any person seeking to hire a Private Hire vehicle or Hackney Carriage at those premises. It would be helpful if at every point of producing such information it was pointed out "fares should be agreed before the journey". Where the vehicle uses a meter, this should be clearly explained and on what occasions it is not used (pre-arranged contract fares, out of Licensing District fares etc.).

The more information that can be visible to passengers the better it is for your driver, your business reputation, and, of course, the public. Being 'upfront' with this can help reduce the risk of escalating arguments and create a safer environment for the driver.

Vehicles operated under the licence – planning regulations

Planning legislation has primacy and responsibility for enforcing breaches of planning rests with that department and cannot be undertaken by Licensing Officers. However Licensing Officers will support communities where complaints are made in assisting enforcement by planning and Regulatory Officers and also by seeking an early resolution to a problem through the relevant Private Hire Operator.

Safety standards of licensed vehicles under the operating licence

Officers have already presented a report to Members explaining that they will consider the prosecution of Private Hire Operators for defective vehicles used in the course of their business and it is intended to continue with that theme and also offences where there is no vehicle insurance in place.

On rare occasions that may be out of the control of the Private Hire Operator but control measures can be put in place which would help the Private Hire Operator reduce their personal risk of prosecution and increase public safety.

To increase public safety and reduce the risk of prosecution to themselves, Private Hire Operators are strongly advised to maintain a monthly record of vehicle inspections carried out by them on their operating licence to ensure checks on tyres, Council livery, accident damage, condition of interior etc., as prescribed by the Council and a check list of expiry dates of the Private Hire driver licence, Private Hire vehicle licence and MOT expiry dates. The personal responsibility of the licensed Private Hire Operator for the safety of their customer is inescapable and each Private Hire Operator should be able to demonstrate their commitment to road safety.

Set out in this booklet are the pre-conditions to the consideration of the grant of a Private Hire Operator licence. Additionally, once licensed, a Private Hire Operator must continue to meet these standard pre-conditions.

PRIVATE HIRE OPERATORS CONDITIONS OF LICENCE

INTRODUCTION

Local Government (Miscellaneous Provisions) Act, 1976 Part 2

All licences issued by the Council in connection with the driving and operation of Private Hire vehicles are in accordance with the provisions of the 1976 Act. Operators, Drivers and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act effecting Private Hire licences.

The following Conditions apply to all Operators of Private Hire vehicles, licensed or seeking to be licensed. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum, by way of a formal notice served upon the licensed Operator.

Exceptions to vary conditions will be recorded on the licence and the reason for the variance.

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

The Private Hire Operators 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.

CONDITIONS

FEES

1. The licence is granted on condition that all fees due to the Licensing Office in respect of its grant are payable, in full, prior to the commencement of the licence.

DETAILS INFORMATION TO BE REPORTED TO THE LICENSING OFFICE

2. 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:

- q) of any conviction or finding of guilt (criminal or motoring offence)
- r) of any caution (issued by the Police or any other agency)
- s) issue receive a Magistrates' Court summons
- t) issue receive a fixed penalty notice for any matter (including a motoring offence)
- u) receive a warning or court order in relation to harassment or any other form of anti-social behaviour

- v) any receive a civil or family law injunction
- w) are arrested for any offence (whether or not charged)
- x) receive an endorsement are charged with any criminal offence.

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

3. 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 event and provide the following information:

- i) The the name of the regulatory authority
- xi) The the licence number(s) of the licence(s) suspended, revoked or refused renewal
- xii) The the date of the decision
- xiii) A a copy of any document issued by the regulatory authority giving the reasons for the authority's decision.

4. If you change your home address you must inform the Licensing Office, in writing within 7 days, of your new home address.

5. The licence is granted to you in respect of the address notified to the Licensing Office at the time of application. You can only operate from the address specified on your licence. If you intend to change the business address of the operation, you must first obtain written consent from the Licensing Office and if approved you must return your original licence for amendment. Consent will only be granted in respect of premises for which planning permission for the use of a Private Hire Operators business has already been granted.

6. You must notify the Licensing Office within 3 days of the commencement or termination of a private hire driver being operated by you or the change of their call sign by providing an updated Driver and Vehicle List.

7. 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 decision.

8. 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 PREMISES¹

9. If the public have access to your premises the licence and these conditions must be prominently displayed in a position where they are clearly visible to the general public save that they may be removed for only as long as is necessary to present them to the Licensing Authority for amendment, or if you are required to be produced same for inspection by an authorised officer of the Licensing Authority or a Police Constable.

10. 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. (In respect of these copies of your licence you may delete your personal address if shown on the licence.)

STAFF

11. Either you or a Responsible Person over the age of 18 and notified by you in writing to the Licensing Office pursuant to Condition 7 must be in charge of the operation and immediately contactable by an authorised officer at any time during the hours of operation.

12. You must ensure that any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence (particularly those relating to the keeping and maintaining of records for drivers, vehicles and bookings), the need to comply with them and be able to produce the records to an authorised officer on request.

3. 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 everyone's 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.

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.

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 that each employee has been registered with HMRC as an employee of the operator.

TRADING NAME²

14. It is a pre-requisite to the grant of a Private Hire Operator licence to ensure that any potential confusion is removed when a preferred operating name is put forward. This would also apply to those names which might conflict with the operating name within a neighbouring Local Authority.

The Licensing Office also have the right to refuse to grant or renew an Operator's licence where the business name is either changed or made up from a collection of other Operator names operating within this Council or any other neighbouring council.

STATIONERY & ADVERTISEMENTS

15. 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.

16. 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.

17. 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.

18. An Operator wishing to advertise in any other name or use a style/format different to that upon their Operator Identification Door Signs, must seek prior approval in writing from the Licensing Office.

19. 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.³

20. You must ensure that staff answering your private hire telephone number(s) do so by using your trading name only.

21. 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

22. 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.

23. 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, except where such a device is installed for the exclusive purpose of housing a PDA or PDA software for the purposes of dispatch of that PHV.

TAXIMETERS

24. 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.

25. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seals without the written approval of the Licensing Office.

26. 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 for the shortest route 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 (See Appendix A)

27. Before operating any PHV Licensed by Birmingham City Council you must ensure that the only plates and signs displayed on or in a private hire vehicle are only those prescribed by the conditions attached to the private hire vehicle licence.

- a) The private hire front and rear identity plates and the Private Hire semi-permanent rear door signs, which are issued by the Licensing Office;
- b) The Operator Identification Door Signs, Call Sign stickers and Fare Table, which are issued by your private hire company; and
- c) The "No Smoking" signs.

28. No notice, sign or advertisement may be placed upon a private hire vehicle unless installed by an agent authorised by the Licensing Office. (should this be in the signage policy?)

29. With the exception to the Conditions of Licence for Private Hire Vehicles relating to “ADVERTISING”, no other plates or signs other than those referred to above may be exhibited or displayed on or in the vehicle without the written approval of the Licensing Office.

30. All private hire vehicles operated by you must display the identity plates and signage in accordance with the Conditions of Licence for Private Hire Vehicles and in the locations specified (See Appendix A). You must regularly check your all vehicles operated by you to ensure they are compliant with these Conditions. A record of those checks should be made available to an authorised officer on request.

31. Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Birmingham City Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.

32. You must issue 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 its licence and approved in writing by the Licensing Office.

- a) 2 operator identification door signs (Item 3 on Appendix A);
- b) 2 call sign stickers (Item 5 on Appendix A); and
- c) A Fare Table that lists the rates and any extras, by which all charges are calculated.

33. Your approved Operator Identification Door Signs must incorporate the following information:

- a) The current trading name of your operation (as specified on your licence);
- b) A current telephone number for your operation;
- c) The current call sign of the driver/vehicle; and
- d) The phrase **"BE BOOKED, BE INSURED"**. (should this say NOT BOOKED, NOT LEGAL?)

The phrase **"BE BOOKED, BE INSURED"** must be a minimum of 30 millimetres in BOLD Arial font. The signs must be made using a weatherproof material.

4. If you want to change the design of your operator signs you must secure written approval from the Licensing Office.

35. 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.

36. Any private hire vehicle operated by you, which has been granted exemption from displaying any identification plate or sign must carry the letter issued by the Licensing Office confirming the exemption at all times and the letter should be available for inspection by an authorised Officer at any time.

RECORDS OF BOOKINGS

37. You must keep a record of all private hire bookings in the manner prescribed (See Condition 42 below).

38. 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.

39. Should you wish to use a computerised system, then you must first obtain consent in writing from the Licensing Office.

40. 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.

. You shall ensure that before the commencement 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 a private hire vehicle 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 some other means of identifying them, or, if more than one person, the name or means of identifying one of them
- d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first
- 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.

42. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. **Blackfriars Road, SE1**). At best it should be the full postal address (e.g. **197 Blackfriars Road, SE1**). It is not sufficient to record just the postal area (e.g. **SE1**) as that would cover too wide an area. However where you know the full postcode (e.g. **SE1 8NJ**) that will suffice, as it would identify the street destination.

43. 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 or some means of identifying them
- b) the agreed time and place of collection
- c) the stated destination, if any
- d) the fare agreed (if applicable).

44. You must not accept or record details of any booking passed to you by a driver.

45. 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 6 months and be readily available for production to an authorised officer for inspection at any time during the hours of operation.

SUBCONTRACTING BOOKINGS

46. You may only sub-contract a booking to another licensed Operator and both Operators must keep a record of the booking. (The contract and responsibility for the booking remains between the Operator that took the booking and the hirer.)

DOCUMENTS TO BE KEPT BY THE OPERATOR

47. You must keep and maintain an up to date record of all the private hire drivers and vehicles operated by you 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).

48. 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 private hire driver's licence or badge
- b) a copy of the vehicle's private hire vehicle licence or front identity plate
- c) a copy of the vehicle's MOT certificate
- d) a copy of the vehicle's insurance certificate or cover note in respect of the driver using the vehicle.

49. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 6 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.

PRIVATE HIRE VEHICLES FLEET POLICIES

50. Operators using vehicles under a fleet policy should ensure that details of each Private Hire Vehicle are listed on the insurance certificate, the schedule, or the policy itself.

PSV VEHICLES, DRIVERS & RECORDS

51. If you operate vehicles having in excess of 8 passenger seats (PSVs) for undertaking private hire bookings then you must ensure that you have the appropriate Operators Licence issued by VOSA.

52. You must ensure that your PSV vehicles display the discs issued by VOSA and your drivers have the appropriate licences to drive such vehicles.

53. The records maintained in respect of these vehicles, drivers and private hire bookings must be readily available for production to an authorised officer for inspection at any time during the hours of operation.

'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES IN THE BIRMINGHAM LICENSING DISTRICT

54. SCHEDULE OF DRIVERS

- d. The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used

for Private Hire bookings via the Operator Driver Schedule; this will include Hackney Carriage drivers licensed by this or other Authorities.

- e. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the corrected Operator Driver Schedule to the Licensing Authority for amendment by an Authorised Officer
- f. The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by this or any other authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Birmingham City Council Licensing Office forthwith, and in any event within 72 hours of registering that driver.

55. SCHEDULE OF VEHICLES

- d. The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator on the Operator Vehicle Schedule, this includes those Hackney Carriage vehicles licensed by this or other Authorities.
- e. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the Operator Vehicle Schedule to the Licensing Authority for amendment by an Authorised Officer.
- f. The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Authority along with a copy of the MOT certificate, certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Birmingham City Council, Taxi & Private Hire Licensing Office within 72 hours.

56. The records maintained in respect of these vehicles, drivers and private hire bookings must be readily available for production to an authorised officer for inspection at any time during the hours of operation.

ASSISTANCE DOGS & WHEELCHAIR USERS

57. You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by an assistance dog.

58. You must not make any additional charge for the carriage of an assistance dog, the conveyance of a wheelchair, or other equipment required by a person suffering from a disability.

TOUTING

59. The operator shall not:

- c) Tout or solicit any person to hire or be carried for hire in any private hire vehicle;
- d) Cause or procure any other person (a marshal for instance) to tout or solicit any person to hire or be carried for hire in any private hire vehicle

COMPLAINTS

60. 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.

61. 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.

62. The specified complaints or allegations are of:

- sexual misconduct, sexual harassment or inappropriate sexual attention
- racist behaviour
- violence
- dishonesty
- breach of equality legislation

In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire Driver.

63. Your records of complaints, whether retained in a book or on a computerised system, must be kept for at least 6 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.

64. The Operator shall ensure that each private hire vehicle he operates displays a suitable notice inside the vehicle stating the name of the operator and giving details of how a customer may contact the operator in the event of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his business.

GUIDANCE NOTES

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

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.

1. Licensed Premises

With the event of 'app' technology there may be no necessity for potential customers to visit an Operator base. Accordingly the previous requirement has been adjusted to reflect new operating practices.

Where the facility for customers to visit the premises to book does exist, Private Hire Operators are reminded of the best practice guidance under 'Staff training and public access to Private Hire Operator premises'. The premises shall be kept clean, adequately

illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

Licence holders need to be acutely aware of the risks associated with children or young people frequenting premises for non- business purposes and there can be no compromise in the necessity of the Private Hire Operator to intervene and stop such activity.

Licensed premises could be targeted by criminals using drivers to facilitate the grooming of children, trafficking, or supply drugs or contraband tobacco etc.

It would be expected that the assistance of the Police would be sought, where there should be a concern, but that does not diminish the responsibility of the Private Hire Operator to tightly control and prevent such occurrences. With such strong cautionary advice in place upon the licence, Private Hire Operators need to consider how breaches of this requirement might be used by the Police in any criminal proceedings brought against the Private Hire Operator.

2. Trading Name

It is not the intention to restrict the appropriate or innovative naming of a Private Hire business but it has been a source of frustration in the past to the trade and Officers. There are examples of a Private Hire Operator selling the business in 'good will' only for a new Operator to open a short while later with a very similar business name. Sometimes this is not dealt with in contractual arrangements and can lead to confusion with the public (as well as ill will within the trade). Similarly, where a Private Hire Operator licence is revoked or suspended it seems inappropriate that the identical operating name or one closely associated to that is taken into use. Again this can be confusing for customers and drivers, and perhaps undermining of the council's regulatory sanctions.

3. Advertisements

There are some restrictions regarding the words that may be used in your trading names and advertisements. Any trading name or advert for a Birmingham PHV business cannot include the words 'taxi', 'taxis', 'cab' or 'cabs', or any word so closely resembling any of those words as to be likely to be mistaken for it. This includes using such words in website addresses.

You can use the word 'minicab', 'mini-cab' or 'mini cab' (whether in the singular or plural) in your adverts.

While the following list is not exhaustive, an advert includes:

- business cards, letter headed paper, compliment slips and posters,
- signage, including on shop fronts, other premises (eg supermarkets, hospitals, nightclubs etc) and licensed private hire vehicles
- email addresses – eg southwarkcabs@google.co.uk could not be used as an email address for your passengers to make bookings but you could use southwarkminicabs@google.co.uk
- websites and website addresses – eg www.southwark-taxis.co.uk could not be used but you could use www.southwark-minicabs.co.uk. You must also make sure that photos or animations on websites do not show taxis/black cabs or give the impression that a taxi/black cab service is provided.
- telephone numbers – eg if your telephone number is 0845 222 1234 you could not advertise this as **0845 CAB 1234**

- recorded telephone messages and answer machine messages – eg your message should not say ‘Thank you for calling **Southwark Cabs**’ however you could say ‘Thank you for calling **Southwark Cars**’.

In short, any advert that you issue must make it clear that you are providing a private hire service. Some examples of phrases that you may use in your adverts are:

- Mini-cab service
- Executive car hire
- Private hire service

You should also be aware that most customers will want to verify that you are licensed before they use your services. Your adverts should therefore contain sufficient information for potential customers to be able to identify you.

Information on your website

To prove that you are a bona fide operator, you should consider displaying the following information on your website:

- your company name;
- the trading names that are specified on your operator’s licence;
- your trading address(es);
- the telephone number for accepting bookings;
- your VAT registration number (if applicable);
- your email address;
- your licence number;
- the fact that you are licensed by TfL and TfL’s contact details; and
- if the business in question is incorporated as a company, its registered number, the address of its registered office and the part of the UK in which it is registered.

For other types of adverts (e.g. business cards), you should at least specify your trading name and your operator’s licence number.

ADVISORY

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

Smoke Free Legislation

Private Hire Vehicles and ‘Taxis’ are smoke free vehicles and nobody may smoke within these vehicles at any time. Appropriate ‘No Smoking’ signage must be displayed in the vehicle. Furthermore, any enclosed premises that are used as a workplace or are used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreeengland.co.uk

Consumer Protection from Unfair Trading Regulations 2008

Under the provisions of the above legislation, any licensed Operator marketing a product (including comparative advertising) that creates confusion with any products, trade names or other distinguishing marks of a competitor may be committing an offence.

Sale of Alcohol

Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is made as part of a booking arrangement that sale must be authorised in accordance with the Licensing Act 2003. For further advice and guidance please contact the Licensing Office on 0121 303 8222, or visit www.culture.gov.uk

Safety of Drivers

You are responsible for taking clear and accurate details of your passenger's bookings and passing these details to your drivers to ensure they can identify and pick up the correct passenger(s). Failure to record and pass on clear instructions to your drivers may put their personal safety at risk and leave them liable to infringe the law.

5c – Uber

Dear Shawn,

Uber welcomes the opportunity to respond to Birmingham City Licensing's consultation on the future of private hire regulation in Birmingham. Technology and innovation has changed the face of the trade in Birmingham over the last few years. This process is an opportunity for the private hire industry and Birmingham City to work together on a future that works for consumers and drivers and helps Birmingham become a smarter, more connected and less congested city for the 21st Century.

Uber has been embraced in an unprecedented fashion by Birmingham. The basic facts speak for themselves: tens of thousands of customers use Uber every month. They are served by hundreds of drivers: many of whom rely on the platform for their livelihoods. These partners have joined the Uber platform because they value the increased earning power, flexibility and safety we have brought to their lives. We welcome Birmingham City's forward-looking approach to the future of the industry and their commitment to technologically neutral regulation.

Uber's impact on consumers is beyond doubt. But modern, 21st century services like ours also deliver enhanced economic opportunities for drivers and improve core city functions.

We bring a number of clear benefits to the markets we operate in:

1. More choice for consumers and drivers;
2. Increased efficiency that allows lower fares - drivers can earn more by being more productive, while consumers pay less;
3. More flexibility for drivers to run their own businesses. That means they can drive with Uber when they want and on a non-exclusive basis;
4. We equip drivers with real time data on demand, so they can make more money and serve customers more effectively

In this submission we have confined ourselves to commenting on areas that we feel are most relevant to us as Birmingham's largest private hire operator and the drivers we represent.

We would, of course, be happy to elaborate in any areas that are of further interest to you.

1. **Condition 5** : Requirement for planning permission

We request that Planning permission not be required where the office is used as a B1 office space. As you are aware, app based booking services do not require a “booking office” that have public access. They can and do operate out of a B1 office space like any software business.

2. **Condition 23**: Mobile phones or smartphones 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, except where such a device is installed for the exclusive purpose of housing a PDA or PDA software for the purposes of dispatch of that PHV.

We welcome the change to allow smartphones to accept bookings. It is a great step towards allowing modern technology to enable an efficient dispatching process. We do not, however, recognise the logic for the retention of a clause restricting the ability of drivers to use their own device in vehicles.

In our experience of the rest of the UK where this practice is permitted - London, Manchester, Leeds, Bristol, Sheffield, Newcastle, Slough - we have seen no evidence of increased levels of adverse outcomes.

For these reasons, we request that the condition be modified as below to reflect the direction of change:

“...where such a device is installed for the exclusive purpose of housing an app or software for the purposes of dispatch of that PHV. Dispatch to a driver’s smartphone through any means other than through the software or app is not permitted.”

We believe that clarifying that the dispatch to a smartphone has to be through the software or app eliminates the risk of touting through doctoring the booking records using an accomplice in the Private Hire Operator base, which as we understand it, is the primary reason for this condition.

It should also be noted that Birmingham City Council has used a Bring Your Own Device scheme for its own employees since 2013. This was implemented with the specific aim of reducing costs for new technology in a rapidly innovating marketplace. We urge you to permit similar flexibility and choice for private hire drivers. We believe that this provision ultimately results in an extra cost to the individuals Birmingham chooses to license.

We would also urge Birmingham to consider extra safety measures to be added here regulating the usage of the devices while on the move. For example, 'The PDA must always be kept in a holder and never in a driver's hand while the vehicle is moving'.

3. Conditions 41 to 43: Destination Entry

We believe that mandatory destination entry should not be a requirement in a modern, technology-enabled industry. In a modern GPS facilitated market, the record of actual trips taken is far more valuable to both the customer, operator, regulator and law enforcement than any record of the original booking. The historic intent behind forced destination entry has been both public safety and route efficiency. Neither of these remain compelling in a technology-enabled market since new entrants - like Uber - have vastly improved both.

On public safety, the Uber system records in real-time a level of detail that allows customers, drivers, operators and law enforcement to know the precise timing and details of every single interaction facilitated by the Uber platform.

In terms of efficiency and route taken, meticulous planning before the pickup would now waste time and result in delays for passengers. If Birmingham City Council is concerned about quality of service, it is important to note that the Uber interface gives the passenger a choice over whether to input destination or not.

There has also long been strong anecdotal evidence of private hire operators and taxi drivers effectively screening booking requests to adhere to their own criteria (distance, area of the city etc.). The fact that an Uber partner-driver only receives the destination for a trip fare when the passenger is in the car is a safeguard that ensures that we can provide a reliable service to everyone at all times, whatever their planned journey.

While there may remain a place for fares to pre-agreed destinations for pre-agreed prices, the proliferation of operators in the market means that customers now have a choice about which operator and what type of booking they plan to make. Of course, customers should always be able to receive an accurate fare estimate at the point of booking their journey as an integral part of making sure they are protected at all times throughout the transaction.

We have also seen from the use of our platform over the last three years that many appreciate the flexibility of being able to make multiple stops, change final destination as their plans change or direct the driver themselves. Over 80% of Uber journeys have a destination entered prior to the beginning of a trip.

If Birmingham City's concern main concern here is the prevalence of "As directed" bookings at hotels and other establishments by operators that do not have the traceability that a modern platform allows, we urge that you amend this condition to say that bookings should not be taken unless

1. A destination is passed at the time of booking, OR
2. There is an ability to track the journey from start to finish

This would achieve the objective of public security while allowing innovation in the industry.

We would also point out that as far as we are aware, there is no requirement for mandatory destination entry with any other licensing authority in the UK.

4. **Condition 62:** The specified complaints or allegations are: •of sexual misconduct, sexual harassment or inappropriate sexual attention, racist behaviour, Violence, Dishonesty, Breaches of equality

We fully support Birmingham City Council's effort to make the Private Hire industry as diverse and inclusive as it is possible to be. Uber has a zero tolerance policy to any acts of discrimination.

5. **Conditions 54 to 56: 'OUT OF TOWN' HACKNEY CARRIAGES**

We understand that these conditions were added to understand the impact of Out of Town hackney carriages operating in Birmingham. As you know, we do not have Out Of Town

hackney carriages working on our platform and hence have no comments on the addition of these conditions. We do, however, have a large number of drivers who have signed up to be a partner driver with Uber in Birmingham and do not have a private hire licence but would like to get one. We also have come across a lot of drivers from outside of Birmingham, who would love to convert to a Birmingham Private Hire Driver.

We believe that there is huge benefit to the licensing department if these drivers were able to secure a Birmingham Private Hire licence. Some councils in the UK have recently removed barriers to securing a licence due to similar issues to those faced in Birmingham. For example, Newcastle upon Tyne removed its knowledge test in May 2015. This has been in response to a large number of out of town Hackney Carriage drivers plying their trade in the city. They have since seen a sharp rise in applications and the number of new applications that Newcastle Council have been able to process. As a result, they have enforcement authority over more and more drivers working in the city. We welcome the opportunity to work with Birmingham City on getting high quality drivers secure a licence faster.

I hope you will give due consideration to our requests. Please let me know if it would be helpful to discuss any of these and I would be happy to meet at your offices.

I look forward to working with you on bringing these new conditions to market.

Thank you and best regards,

Fouzan