

**BIRMINGHAM CITY COUNCIL**

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

**14 SEPTEMBER 2016**  
**ALL WARDS**

**PROPOSED AMENDMENTS TO THE KNOWLEDGE TEST  
FOR PRIVATE HIRE DRIVERS**

1. Summary

- 1.1 At the meeting held on 15 June 2016, your Committee resolved to make changes to the Knowledge Test for Private Hire Drivers which would remove the geographical element considered so problematic by new applicants and the trade in general.
- 1.2 Members expressed concern the changes should not compromise the standard of spoken English required in passing the test, or the requirement to demonstrate a good knowledge of applicable law and licence conditions.
- 1.3 This report seeks to demonstrate the actions officers have taken to ensure the legal and conditions based elements of the test remain suitably robust and the ability to understand and speak English is tested to an appropriate standard.

2. Recommendations

2.1 That your Committee should:

- i. Approve the style and format of the new Knowledge Test for Private Hire Drivers.
- ii. Approve the style, format and introduction of a new section for customer service orientated questions.
- iii. Agree the proposed start date of 3 October 2016.

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### 3. Background

- 3.1 The current incarnation of the knowledge test for private hire drivers was conducted verbally, on a one to one basis to ensure English was both spoken and understood to an acceptable degree.
- 3.2 Understanding the questions and describing routes and two point locations was considered sufficiently challenging to dispense with a separate verbal communication test.
- 3.3 On 15 June 2016 your Committee agreed in principle to remove the routes and two point locations from the test and charged officers with the task of revising the remaining elements to ensure successful candidates must still demonstrate an acceptable standard of spoken English and understanding of licensing law and conditions appropriate to the role they wish to take on.

### 4. Proposed Elements of Revised Test

- 4.1 Officers suggest the revised test should consist of five elements, the A to Z navigation exercise, a new customer service focussed section, the conditions section, the legal section and a final section designed to ensure all candidates understand what plying for hire is, why they must not do it and the potential consequences if they do.
- 4.2 Section one, the A to Z element remains unchanged from the current test, it requires a candidate to find two roads in the A to Z and describe the shortest route to navigate between them, then to follow directions given by the examiner to find another location and finally to describe the significant landmarks in the destination square.
- 4.3 The A to Z element relies on good listening skills, understanding of spoken English and the ability to communicate clearly. Many candidates with an inadequate command of English fail at this stage. As with the current test, the candidate must pass all elements of the A to Z test; failure will mean the knowledge test is failed outright.
- 4.4 Section two, consists of customer focussed questions and will look at elements of Condition 30 in the current Conditions of Licence for Private Hire Drivers, which is concerned primarily with the manner in which a driver presents himself and his vehicle to a customer and his actions and behaviour.
- 4.5 In addition, a simple scenario based question which requires the candidate to calculate a fare using a sample fare chart, before deciding how much change would be owed, will be included. There will be six customer service questions.
- 4.6 The conditions questions will be amended to remove the multiple choice element and require the applicant to formulate an answer. This will require the candidate to understand the question and to devise an appropriate

answer, testing both knowledge and communication skills. There will be seven conditions questions in line with the current test.

- 4.7 The legal section will be similarly amended and will also include seven questions in line with the current test.
- 4.8 In total there will 20 questions forming the main part of the test, it is suggested the current 80% pass mark should be adopted for these questions. That would require a candidate to score 16 out of a possible 20, however, it is further suggested no more than two wrong answers should be allowed for any single section and a candidate giving three wrong answers in a single section should fail the test outright.
- 4.9 A variety of A to Z exercises and questions for sections two to four will be drawn from the available bank of questions and the order in which individual questions appear will be varied regularly to ensure answers cannot simply be learned by rote.
- 4.10 The final section, Plying for Hire questions, will be identical on all tests and is designed to ensure all successful candidates are fully aware of the law relating to illegal plying for hire and the likely consequences if caught. It is recommended all questions in the plying for hire section must be answered correctly or the test will be failed.
- 4.11 A selection of questions divided into sections corresponding to the proposed new test is attached at Appendix 1.

## 5. The Conduct of the Test

- 5.1 It is recommended the test should continue to be conducted verbally and on a one to one basis, the A to Z test coupled with the requirement to comprehend and formulate answers for the legal and conditions based questions should be sufficiently challenging to exclude those applicants with inadequate English. All tests will be recorded with sound and vision in order to assist senior officers dealing with any challenge or appeal against a result.
- 5.2 The maximum time allowed for a test will be 25 minutes. During preparation of the revised elements of the test, an officer was able to complete a sample test in 12.5 minutes with no prior notice, or revision. Accordingly a reasonably prepared candidate should have no difficulty completing the test in the time allowed.
- 5.3 The candidate must provide proof of identity to the satisfaction of the officer, before any questions are attempted.
- 5.4 The test should take the form of a conversation based around the questions and the officer conducting the test should be seeking to ensure a candidate has the appropriate communication skills and knowledge, rather than requiring verbatim repetition of a model answer. Instead, where more than a

one word answer is required, the officer will be seeking to identify that key points are included in each answer.

- 5.5 The purpose of the test is to ensure understanding of regulatory, legal and customer requirements, not to act as a barrier to entry into the trade, accordingly, as part of the conversation the officer may, where necessary, paraphrase a question or ask a supplementary question in order to check understanding.
- 5.6 The officer conducting the test should be able to terminate the test and advise the candidate they have failed in any of the following circumstances:
- i. The candidate is unable to provide satisfactory proof of identity.
  - ii. The candidate has difficulty understanding the officer's questions, making the officer understand his answers, or both.
  - iii. The A to Z exercise is incomplete, or incorrect.
  - iv. More than four incorrect answers given in sections 2 to 4.
  - v. More than two incorrect answers given in any one of sections 2 to 4.
  - vi. One or more of the plying for hire questions answered incorrectly.
  - Vii. The candidate runs out of time before the test is completed.
- 5.7 As is the case with the current test, officers will continue to look at requests to modify the test for candidates with disabilities on a case by case basis and will seek to offer reasonable adjustments without compromising the efficacy of the test. When necessary, assistance and advice will be sought from the Birmingham City Council Occupational Health Team.
- 5.8 The officer undertaking the test will take copies of identity documents to ensure any subsequent application is made by the individual who actually took the test.

## 6 Introducing The Test

- 6.1 Removal of the geographical elements should remove the need for prolonged study. However, it will still be necessary to read and understand information relating to applicable Licensing Law and Conditions of Licence.
- 6.2 An explanatory document containing the legal elements will be made available for download as a PDF file from the Birmingham City Council web site along with the conditions of licence. This will remove the need for applicants to purchase a folder.
- 6.3 Copies of the explanatory document and the licence conditions are attached as appendices 2 and 3. All the information required to pass parts 2 to 5 of the revised test is included in those documents.
- 6.4 Officers are confident the revised test can be in place by the beginning of October and suggest a start date of Monday 3 October 2016, with the earliest possible date for a test being Wednesday 5 October 2016.

- 6.5 The cost to applicants will be reduced with the removal of the need to purchase a folder, a saving of £33.00. It is suggested the fee for the test be retained at the published rate of £58.00 for the time being, but that it should be reviewed in advance of the June Committee meeting along with all other licensing fees, by which time there should be sufficient information to accurately assess the cost of maintaining and delivering all elements of the revised test.

7. Implications for Resources

- 7.1 Replacement of the existing knowledge test with a less challenging regime is likely to result in an increase in the number of new applications and additional demand for appointments. This in turn will see increased pressure on the licensing service which has moved to smaller premises and reduced staff numbers since the introduction of the original test in 2010.

8. Implications for Policy Priorities

- 8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed private hire vehicles are safe and compliant with required vehicle standards.
- 8.2 It also assists in promoting improvements in the standards of services provided by licence holders across the City and the Council's strategic outcome of staying safe in a clean, green city.

9. Public Sector Equality Duty

- 9.1 Applicants for a private hire driver's licence will continue to be required to attend disability awareness training at the Disability Resource Centre. Therefore, the proposed changes to the Knowledge Test will still ensure that drivers are equipped to deal appropriately with passengers with disabilities. The proposals in the report concerning an applicant's ability to speak English remain unaltered from the existing requirements. Whilst applicants will no longer be required to memorise the routes and two point locations, they will be required to demonstrate a more in-depth understanding of their licence conditions and licensing legislation. The ability or inability of an applicant to demonstrate this knowledge does not relate to or depend on any protected characteristics under the Equalities Act 2010. For these reasons officers do not consider it necessary to conduct an Equalities Assessment to accompany this report.

**ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

## APPENDIX 1

<b>1. A to Z Test</b>	Pages 98 & 99 Smethwick
<b>Find Reservoir Road, Oldbury</b>	5A 98 Five others in index
<b>Find Cambridge Road, Smethwick</b>	2E 99 Two others in index. This one marked – Not continuous
<b>Give directions from Reservoir Road, Oldbury 5A 98 to Cambridge Road, Smethwick 2E 99</b>	Reservoir Road to island. First exit at island, Londonderry Road to next island. Second exit into Queens Road. Right into Holly Lane. Right at St Pauls Road. Left into Fenton Street. Over island into Telford Way. Right, third exit into Dartmouth Road. Left into Halfords Lane and right into Cambridge Road
<b>Follow directions from Hadley Stadium 6E 99</b>	Start Hadley Stadium. Turn left. (Waterloo Road) Take first right onto a main road. (Bearwood Road) Travel onto next named road through one-way section. (High Street) At the end of this road turn right. (Tollhouse Way) At the next B class road turn left. (Soho Street) Turn right at the end of this short road. (Rabone Lane) Take the second left. (Cornwall Road) Go over the crossroads. (Mornington Road) At the end of this road turn right. Middlemore Road) <b>What is the name of the Railway Station along this road?</b> The Hawthorns 1F 99
<b>Name the school in 2A 98</b>	George Betts Primary School
<b>Name premises in 4D 98</b>	Harry Mitchell Leisure Centre

## 2. Customer service questions

1. When may you take a route other than the shortest?
2. How should you calculate the fare?
3. If a receipt is requested, what information should be included?
4. If a journey is 4.7 miles, using the fare table provided, tell me how much the fare will be? How much change would you give me from £10?
5. When may you use a radio or play music in your private hire car?
6. What should you ensure is of a good standard in order to make sure your passengers have a pleasant journey?

### **3. Licence condition questions**

1. How many private hire cars can rank outside any given premises?
2. What must you do if you are convicted or cautioned for an offence?
3. How soon must you report an illness, which prevents you from driving or requires you to notify the DVLA, to the Licensing Office?
4. If you lose your private hire driver's badge what must you do?
5. If you find property which has been left in the vehicle, what should you do?
6. What action can be taken against you, if you are found to be in breach of your Private Hire Driver's licence conditions?
7. When can you remove the licence plates/door signs from your licensed private hire vehicle?

### **4. Legal questions**

1. Who is responsible for a child of 13 wearing the seatbelt in a Private Hire Vehicle when they are accompanied by their parent?
2. When are you allowed to smoke in a Private Hire Vehicle?
3. When can a private hire vehicle be driven in a bus lane?
4. Your operator has a free-phone by the door of a nightclub. You are waiting for your next job, when a customer from the premises asks you if you can take them home. What do you do?
5. You are the owner and licensed proprietor of a private hire car, it is insured for Social, Domestic and Business use, including private hire. Who else can drive your car?
6. You have just dropped a fare outside a social club when somebody comes out and asks you to take them to the city centre. What do you do?
7. When arriving to collect a fare from outside a pub, you cannot see him. How do you make contact with him?

### **5. Plying questions**

1. What details should you receive from your operator, before you pick up a passenger?
2. If you pick up a passenger whose details have not been passed to you by your operator, what will happen to your insurance?
3. If you are caught plying for hire and invalidating your insurance what is likely to happen to you?
4. If you are convicted for plying for hire and invalidating your insurance, what is likely to happen to your private hire driver's licence?

### **LEGAL INFORMATION**

You are advised to familiarise yourself with all the rules and regulations you will have to comply with once you become a licensed Private Hire Vehicle (PHV) driver.

This document does not cover every single law applicable to the private hire trade; however, it covers things you will be questioned about during your knowledge test.

You should read this in conjunction with the current conditions of licence for private hire drivers and vehicles. Which can be obtained at [www.whatever](http://www.whatever).

### **AUTHORITY TO DRIVE**

To drive a PHV you must hold a PHV driver's licence. This licence must be issued by the same local authority which licences the vehicle you intend to drive. If you hold a PHV driver licence issued by Birmingham City Council, you are able to drive a PHV licensed by Birmingham City Council, and take work from a Birmingham licensed private hire operator. You would not be able to drive a private hire vehicle licensed by Solihull Council or any other authority.

A driver of a PHV must be licensed to drive PHV's even if the vehicle is not being used for PHV purposes and that person is named on the vehicle insurance.

Family members may not drive a Birmingham licensed PHV unless they hold a valid private hire driver's licence issued by Birmingham City Council.

Insurance – The vehicle's insurance must cover you to drive the vehicle for the purpose of private hire. You must ensure that you have seen the insurance certificate covering you to drive the vehicle before you start work in a hired or borrowed vehicle.

### **USING A PRIVATE HIRE VEHICLE**

You may not licence a vehicle of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.

Your vehicle should comply with all regulations regarding roadworthiness and safety. You should also be aware that additional requirements regarding safety and comfort are made by Birmingham City Council's conditions of licence. If you borrow or rent an un-roadworthy vehicle you may be liable for any penalties incurred. Likewise if you lend or rent an un-roadworthy vehicle, you may be liable for any penalties incurred by the driver.

If required by an authorised officer (police officer or council officer) you must produce the vehicle for inspection, inform the officer where the vehicle is being kept and or produce any driving licence or insurance certificate as requested.

You must display your vehicle licence plate in the manner prescribed by the Council, as detailed in the City Council vehicle signage Policy, at all times whether working or not. You must return your plates to the council within seven days of any licence expiring or being revoked or suspended.

You must never carry more people in your vehicle than the number stated on your PHV licence plate as this is a criminal offence and may nullify your insurance policy.



If you sell your vehicle you must inform the Licensing Office, in writing, within 14 days of the sale, detailing the name and address of who it has now been sold to.

If your vehicle is involved in an accident that materially affects the safety, performance or appearance of the vehicle or affects the comfort or convenience of the passengers being carried, you must report this to the Licensing Office within 72 hours of the accident occurring. It is advisable that this notification is in writing and a copy of the same is retained by you.

You must not park or allow your PHV to stand in any designated taxi rank.

## **REQUIREMENTS FOR DRIVERS**

You must wear your identification badge at all times when you are working as a PHV driver. The badge must be worn in a position and manner as to be plainly and distinctly visible to your passengers.

It is illegal to smoke in your vehicle at any time, whether you are working as a PHV driver or not. It is also illegal for your passengers to smoke in your vehicle and you may be prosecuted if you allow them to.

If you are instructed to collect passengers at a specific time, then you should attend at the agreed time unless you are prevented from doing so. If you are going to be late, you should do your best to contact the passengers and inform them.

If you arrive to collect someone from their home address, on arrival you should wait a short period of time before leaving your vehicle and knocking on their door. You must not sound your horn to alert them to your presence. You may ask your operator to call the customer to inform them of your arrival.

If a passenger is accompanied by an assistance dog, you must carry both the passenger and the dog. It is a criminal offence to refuse to carry an assistance dog unless you have a medical exemption notice. It is sensible to allow the dog to sit in the front passenger footwell of the vehicle.

Once you have passengers in your vehicle you must not collect any further passengers unless the first fare requests that you do so.

No person being the driver of a hackney carriage or of a private hire vehicle shall without reasonable cause unnecessarily prolong, in distance or in time, the journey for which the hackney carriage or private vehicle has been hired.

Any fare in relation to a PHV booking is agreed between the licensed operator and the customer at the time of the booking. A PHV driver must ensure that they charge only the fare that has been previously agreed between the customer and the licensed operator.

**Driver Conduct** – You must always behave in a civil and orderly manner which means you should be polite, well mannered, well behaved and disciplined. You must ensure that both you and the vehicle are clean and you must give priority to the safety of your passengers. You must not drink or eat without the permission of your passengers and you must not play music without their permission. You must not engage in any sexual activity with passengers, make inappropriate personal contact or make inappropriate comments of a cultural, religious or sexual nature.

You should ensure that seat belts are worn when required. All passengers should wear their belts unless they hold an exemption certificate.

You are liable for any fines if you are carrying a child that is not properly restrained even if the parent or guardian is on board the vehicle.

You are only exempt the wearing of your seat belt if you are transporting a fare paying passenger. Note, you are more likely to be seriously injured if not wearing a seat belt in a minor collision than you are by being assaulted by a passenger.

## **PLYING FOR HIRE**

A PHV driver is not permitted to collect passengers unless the job has been pre booked through an operator who is licensed by Birmingham City Council and had the job passed to them by that operator.

BEFORE collecting a passenger, the driver should already know the name of the passenger the arranged time and location of the pick-up, the destination and if pre-arranged, the agreed fare.

**It is a criminal offence for a PHV driver to take a fare unless it has been pre booked with their operator.**

If a PHV driver is approached in the street by a member of the public who asks them to take them somewhere, the driver must refuse and advise the person to contact their licensed operator.

A PHV driver may not obtain passenger details on behalf of the operator even if they have come from premises that have a Freephone or radio link to the operator.

Transporting an un-booked passenger would also be likely to negate insurance cover for the vehicle leading to prosecution both for plying for hire and no insurance.

A conviction for these offences is likely to result in a substantial fine, penalty points and possible disqualification.

Committee policy states that any driver found guilty of plying for hire and invalidating their insurance should have their licence revoked.

### PRIVATE HIRE DRIVERS CONDITIONS OF LICENCE

#### INTRODUCTION

The Private Hire Driver's Licence is granted to you subject to you complying with the following conditions of licence. 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

#### FEEES

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 are cautioned or convicted for any offence or you 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:
  - i. The name of the council.
  - ii. The licence number(s) of the licence(s) suspended or revoked.
  - iii. The date of the decision.
  - iv. A copy of the decision notice issued by the other council giving the grounds for the action taken.
4. If the private hire vehicle you use is damaged in an accident or otherwise you must report the details of any damage to the vehicle, in writing, to the Licensing Office within **3 days** of the damage occurring.
5. If you change your address at any time you must inform the Licensing Office, in writing, within **7 days**.
6. If you have any illness or medical condition that prevents you from driving or requires you to notify the DVLA, you must notify the Licensing Office, in writing, within **3 days**.
7. If you decide to work for an operator different from that supplied at the time of your licence application, then before commencing work with the new operator, you must notify the Licensing Office, in writing, with details of your previous operator, new operator, new call sign and start date.

8. If your private hire driver's badge is lost or stolen, you must inform the Police and obtain a Police report number, which must be reported to the Licensing Office within **3 days**.

## **DRIVERS BADGE**

9. Your private hire driver's badge, which is issued to you with the licence, must be worn at all times in such a position and manner so as to be plainly and distinctly visible to passengers.
10. Your private hire driver's badge remains the property of the Council and should your licence expire, be suspended, revoked or not renewed, you must return your private hire driver's badge within **7 days**.
11. You must not willfully obstruct or refuse any person from viewing your private hire badge or taking the number of your badge.

## **VEHICLE IDENTITY PLATES & SIGNAGE (See Appendix A)**

12. The only plates and signs to be displayed on or in a private hire vehicle are those referred to in the Conditions for Private Hire Vehicles (See Appendix A), namely:
  - 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 signs and Fare Table issued by your operating company.
  - c) The "No Smoking" signs.

With the exception to the Conditions 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.

13. The private hire vehicle you use must display the identity plates and signage in accordance with the Conditions for Private Hire Vehicles (See Appendix A) and in the locations specified. These plates and signs may only be displayed on private hire vehicles licensed by Birmingham City Council. You must not cause or permit the plates or signs to be placed on any other vehicle.
14. The vehicles private hire identity plates specify the maximum number of passengers allowed to be carried at any one time. You must not allow more than the stated number of passengers to be carried at any one time.
15. Your private hire vehicle must display the Fare Table issued by the private hire operator in a prominent position inside the vehicle so as to be clearly visible to any passenger.
16. All fares charged must be calculated using your operators Fare Table.

## **DOCUMENTATION TO BE MAINTAINED FOR VEHICLES USED**

17. You must ensure that prior to driving any private hire vehicle you are in possession of the following:
  - a) A current Mot Certificate for the vehicle (issued by a testing centre approved by the Licensing Office).
  - b) A current insurance certificate, policy of insurance or cover note covering your use of the vehicle for the purpose of private hire.
18. If there are exceptional reasons which prevent you from maintaining or ensuring "continuous" insurance cover for the private hire vehicle you use, FOR WHATEVER REASON, throughout the duration of the time you are in possession of it, you must attend and notify the Licensing Office, in writing, within 3 days following the insurance cover expiring or lapsing. At the same time you must return the vehicle identification plates as the vehicle will be liable to suspension until insurance cover is produced.
19. You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection by an authorised officer at any time.

## **DOCUMENTATION FOR YOUR OPERATOR**

20. Before commencing work for an operator, you must provide them with either the originals or copies of your private hire driver's licence or badge, your private hire vehicles licence or plate, a current MOT and insurance certificate/cover note.

## **MAINTENANCE OF VEHICLES**

21. The vehicle and all its fittings and equipment 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, to prevent injury or harm to the driver or passengers.
22. The interior of the vehicle shall be kept clean and tidy at all times when the vehicle is in use or available for hire. The exterior of the vehicle to be clean at all such times, having due regard to the weather conditions on the day.

## **BOOKINGS**

23. You must not **PLY FOR HIRE** or accept any booking, which is not made via your operator.
24. You must not tout or solicit any person to hire or be carried for hire in any private hire vehicle or cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle.

25. You must not respond to any booking from your operator unless you are given:
- a) The passenger's name.
  - b) The time and point of pick up.
  - c) The destination.
  - d) The fare (if applicable).
26. Mobile phones must not be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, or accepting bookings.
27. You must not, via any means, pass details of any booking or passenger you have agreed to carry to your operator.
28. You must not accept a return booking directly from a passenger.
29. You must not park in such a position or location to be in the vicinity of premises such as bars, restaurants, takeaways, public houses, clubs, hotels, casino's, gaming and amusement arcades, which could give the appearance of being available for hire unless you have been allocated a booking by your operator.

## CONDUCT OF DRIVER

30. You must:-
- a) Have a good standard of personal hygiene, be clean and respectable in your appearance and behave in a civil and orderly manner at all times whilst your vehicle is in use or available for hire.
  - b) Not congregate with more than 2 other private hire drivers/vehicles in residential areas and cause a nuisance by your parking, noise or activities whilst waiting to be allocated a booking.
  - c) Not park or wait in your vehicle on a Hackney Carriage Stand – "Taxi Rank".
  - d) Ensure that when booked, you are in attendance with the vehicle at the appointed time and place unless delayed or prevented by some sufficient cause.
  - e) Not use the horn to signal the vehicle's presence to any passenger(s) awaiting the vehicle.
  - f) Convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading, including assistance in moving luggage to and from the entrance of any premises where you collect or set down your passenger(s).
  - g) Take all reasonable steps to assist with and ensure the safety of your passenger(s) when entering, being conveyed in and alighting from your vehicle.
  - h) Unless otherwise directed by your passenger(s), proceed to the destination by the shortest possible route.
  - i) Not smoke **at any time** within your private hire vehicle or permit any other person to do so.
  - j) Not eat or drink in your vehicle whilst carrying a passenger.
  - k) Not without the express consent of your passenger(s) play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

- l) Not cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- m) Not demand a fare in excess of any previously agreed for that hiring. If no fare has been previously agreed then you must not demand a fare in excess of that prescribed by your operators fare table displayed in the vehicle. If the vehicle is fitted with a meter and no fare has been previously agreed then you must not demand a fare in excess of that shown on the meter.
- n) If requested to do so by your passenger(s), provide a written receipt for any fare paid, on stationery bearing the name of your operator, which includes your call sign, details of the journey and the fare paid.

## **LOST PROPERTY**

- 31. You must immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may have been accidentally left therein.
- 32. Any property accidentally left in a private hire vehicle must be handed in to a West Midlands Police Station as soon as possible, and in any event, within 3 days of the property being found and a receipt for such property obtained. A copy of the receipt must be provided to the Licensing Office within 7 days of its issue.

## **METERS**

- 33. Should a meter be fitted to the private hire vehicle you use it must be tested, sealed and certified by an authorised officer before it can be used for calculating fares for passengers.
- 34. You must not tamper with or permit any other person to tamper with the meter, its fittings, connections or seal without the written approval of the Licensing Office.

## **ASSISTANCE DOGS & WHEELCHAIR USERS**

- 35. You must not refuse to accept the hiring of a vehicle merely because the passenger is accompanied by a guide dog or assistance dog. If you have a medical exemption from carrying dogs, then this must be obtained in writing from the Licensing Office and be maintained in the vehicle at all times for production to passengers or inspection by an authorised officer.
- 36. 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.

## **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](http://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.smokefreengland.co.uk](http://www.smokefreengland.co.uk)