

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:
 - i) The name of the council;
 - ii) The licence number(s) of the licence(s) suspended or revoked;
 - iii) The date of the decision; and
 - iv) 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.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.