

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.

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.

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:
 - 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) receive a Magistrates' Court summons
 - d) receive a fixed penalty notice for any matter (including a motoring offence)
 - e) receive a warning or court order in relation to harassment or any other form of anti-social behaviour
 - f) receive a civil or family law injunction
 - g) are arrested for any offence (whether or not charged)
 - h) 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 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.
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.
13. 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.
34. 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.
41. 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

- 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:
- the name, contact details of complainant and date complaint received
 - the date, time and details / nature of the complaint
 - the name of the driver (and Badge number) or member of staff, to which the complaint relates
 - 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.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.

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