

## (Draft) Hackney Carriage and Private Hire Licensing Policy.

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## 0.1. Purpose and scope

As the Licensing Authority Birmingham City Council is responsible for regulating the hackney carriage and private hire trades ( 'the trade') operating in the district under both the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

Over the years the council has developed various bylaws, policies, conditions and guidelines all relating to these subject areas. The purpose of this document is to unify all elements relating to the hackney carriage and private hire trade into a single document.

Subjects covered by this document include: the suitability of applicants (vehicles and people); the application process; requirements such as training and medicals; licence conditions and bylaws; the expectations we have in terms of the standards demonstrated by licence holders and dealing with any matters arising during the course of the licence.

This policy does not seek to replicate or supersede the primary or secondary legislation, it has been devised with reference to existing policies conditions and bylaws as well as the applicable statutory guidance and other best practise guidance available.

The primary objective of the licensing authority is to ensure public safety. By consistent, fair, and transparent procedures and processes, the licensing authority endeavours to ensure that the public can feel confident and safe when using either a hackney carriage or a private hire vehicle.

Every application every decision and every decision regarding enforcement action will be considered on its own merits.

The licensing authority may depart from the policy but only following careful consideration of the circumstances and will provide clear and detailed reasons for any such departure.

Decisions of the licensing authority are made on the balance of probability, and in accordance with the Scheme of Delegations at Annex A.

This policy relates to the following licence types:

- Private hire driver
- Private hire vehicle
- Private hire operator
- Hackney carriage driver
- Hackney carriage vehicle

This Policy is the Council's Hackney Carriage and Private Hire of Licensing Policy. It will be reviewed, updated and modified as and when the Council considers appropriate.

Technical amendments to correct errors brought about by legislative or other administrative change (such as change of address details or references to Guidance), and to update document links will be effected by officers of the Licensing and Public Protection Committee and tracked by way of version control.

## 0.2. Consultation

This initial document seeks to amalgamate a number of pre-existing policies and incorporate them into a single document. At this time no wider consultation has been carried out. However, when considering the implementation of future policies the licensing authority will seek to carry out meaningful consultation with interested parties. The question of who would be considered an interested party may vary according to the subject in issue. Those consulted would not be limited to licence holders but may also include representatives from customers the night-time economy disability access groups etc. Consultations will be posted on [BeHeard<sup>1</sup>](http://www.birminghambeheard.org.uk/), the Council's consultation hub.

## 0.3. The Licensing Function.

The licensing function of Birmingham City Council is delegated to the Licensing and Public Protection Committee through the constitution. The licensing and public protection committee comprises 15 members. The constitution delegates certain functions to the committee and also to the officers of the licensing service.

## 0.4. Public Sector Equality Duty.

Under this Duty, the council must, in exercising our functions, have due regard to the need to:

1. Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Act.
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is important that the council considers how its decisions advance equality, inclusion, and diversity by removing or minimising disadvantages experienced by people because of their protected characteristics.

The protected characteristics covered by the Equality Act 2010 are: age, race, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion, or belief (including lack of belief), sex, sexual orientation.

## 1. Information Sharing

### 1.2 Sharing information - with the trade.

The licensing service has recently procured a new software system which will facilitate communications with licence holders and applicants via email, although it will take some time before email addresses are on file for all.

The email address an applicant/licence holder provides on their application will be used to communicate with them about all aspects of their licence/application. Those who do not have their own email address are advised to look at the many providers who can provide a free account such as

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<sup>1</sup> [www.birminghambeheard.org.uk/](http://www.birminghambeheard.org.uk/)

Gmail, Outlook, AOL, or Yahoo. Applicants/ licence holders who change email address MUST let the licensing service know as soon as possible including their new and previous email addresses to enable the records to be updated.

The licensing service has a 'blog' page on the website, where updates and useful information can be found, [Taxi and private hire bulletin](#)<sup>2</sup> as well as a twitter account @BCCLicensing

### 1.3 Sharing information – Privacy Notice

The Council is the Data Controller of the information provided as part of the licence process and we have a statutory duty to collect and process this information to be compliant with the Local Government (Miscellaneous Provisions) Act 1976. This is as part of our obligations as a Local Authority to ensure whether a person is 'fit & proper' to hold a taxi and/ or private hire licence. This also includes processing information on medical checks, DBS checks and DVLA and HMRC checks etc. If necessary, the Council may pass details to the Home Office in order to make further enquiries regarding your immigration status and right to work in the UK. In addition, the Home Office may request that we supply them with copies of your documentation in relation to immigration and right to work enquiries. Applicants who cannot produce the necessary evidence should be aware that their details may be passed to the Home Office and that the Home Office may also pass your details to other Government bodies such as the DVLA in relation to immigration matters. We may also share information with other third parties where required by law for the detection and prevention of crime. The personal information you provide will be held for the duration of your licence from the date of receipt, after which it will be securely destroyed 6 years after the expiry, surrender or revocation of your final licence, in line with our retention policy (except in the event of an appeal or judicial inquiry, in which case it will be retained for as long as is required to determine these matters). The Council's [corporate privacy notice](#)<sup>3</sup>, includes details of the authority's Data Protection Officer, and your Information Rights.

Certain information is required by law to be published in a PUBLIC REGISTER. The registers will be available either by publication online, or upon request. The public registers can be found [online](#)<sup>4</sup>.

### 1.4 Sharing information – disclosures by the applicant/licensee

The application process requires the applicant to make disclosures concerning previous convictions, cautions or fixed penalty notices, as well as demonstrating their medical fitness, right to work, tax compliance and evidence of suitably completing certain pre-requisite tests.

The purpose of these declarations is to assist the licensing authority in their duty to ensure any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee.

All existing licence holders shall notify the licensing authority of any motoring or criminal convictions or cautions received during their licence period by submitting a report within 72 hours.

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<sup>2</sup> [www.birmingham.gov.uk/blog/tph-bulletin](http://www.birmingham.gov.uk/blog/tph-bulletin)

<sup>3</sup> [www.birmingham.gov.uk/privacy](http://www.birmingham.gov.uk/privacy)

<sup>4</sup> <https://licensing.birmingham.gov.uk/>

Failure to inform the licensing authority of any convictions, cautions and fixed penalty notices during the licensing period may result in suspension or revocation of the licence.

## 2 People (Drivers and Operators)

### 2.1 Previous convictions/relevant information

In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children, and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. To achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence. ( [DfT Statutory Taxi and Private Hire and Vehicle Standards 2020](#)<sup>5</sup>, para 5.15)

Licensing authorities must make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction. ( DfT Statutory Taxi and Private Hire and Vehicle Standards 2020, para 5.15)

The Rehabilitation of Offenders Act 1974 (as amended) does not apply to hackney carriage and private hire drivers in terms of considering offences to be 'spent'. However, there will be certain offences which will become 'protected' convictions. These include certain older or minor offences.

Protected convictions cannot be considered by the Licensing Authority when determining suitability. Further information on protected convictions can be found on [gov.uk](#)<sup>6</sup>

Existence of a conviction or other information does not automatically lead to a determination an applicant is not 'fit and proper'. The Licensing Authority must be satisfied that a person is fit and proper – but, similarly, there must be a justifiable reason as to why someone would be determined unsuitable. If a person fails to provide satisfactory evidence they are 'a fit and proper person' or if there is good reason to question or doubt the evidence provided, then this can amount to good reason to refuse, revoke, or suspend a licence.

Where a licence is revoked, suspended or refused renewal, the licensing service will inform any Operator of this change in status. The REASON for any status change will NOT be disclosed.

The licensing authority may share personal information internally (including the Birmingham Children's Trust) and to check the information an individual provides for accuracy and to detect

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<sup>5</sup> [www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards](http://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards)

<sup>6</sup> [www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide.gov.uk](http://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide.gov.uk)

criminal activity. The licensing authority may share personal information with other statutory/regulated authorities or if it is required by law. Other parties may include the Department for Work and Pensions, Home Office, Police, National Crime Agency, DVLA, HM Revenues and Customs, and other local authorities.

The licensing authority reserve the right to use any information available to assist in reaching a decision whether to grant or renew a licence, this includes previous complaints or concerns as to conduct dealt with by the enforcement team.

The convictions policy is attached at Appendix 1

## 2.2 National Register of Refusals and Revocations (NR3)

NR3 was commissioned by the Local Government Association (LGA) as a voluntary register. Licensing authorities are responsible for adding basic details of drivers who have had applications for a licence either refused, revoked, or suspended.

When a licensing authority receives an application for a licence, the applicant's details will be checked on the register to confirm that there is no record of them having been revoked or refused elsewhere. Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy but will not give a reason why actions were taken. It will be up to individual authorities to follow up on any searches they make which come back with a match.

Birmingham City Council Licensing Service is committed to engaging with the NR3 system (subject to relevant data protection considerations). Information received through this system will be considered as part of an applicant/licence holder's suitability determination.

## 2.3 Police Disclosures – Common Law Police Disclosures (CLPD)

Where the police determine there is a 'pressing social need' they will disclose information to a licensing authority. This may be information relating to an arrest, a charge, conviction, or any other information deemed to be relevant for the consideration of the person's fitness to hold a licence.

Upon receipt of this information, the Licensing Authority will take urgent steps to ensure the information is followed up appropriately.

## 2.4 Disclosure and Barring Service Checks (DBS) etc

Hackney carriage and private hire drivers (and applicants) are required to have an ENHANCED DBS, carried out against the 'OTHER WORKFORCE taxi/ private hire driver' workforce, including the CHILD and ADULT barred lists.

We cannot accept DBS checks carried out for any other purpose (such as those against the 'CHILD workforce'.

These disclosures include, not only all relevant convictions (live and spent - - subject to protected status as stated above) but also other non-conviction data as provided by the police.

An applicant for the grant of or renewal of an operator's licence will be asked to disclose details of any (non-protected) previous convictions and to provide a basic DBS. Applicants for the grant of an



operator's licence will also be asked for details of any previous experience working within the private hire industry including any other licences held, either currently or previously and whether any such licence has ever been revoked, refused, or suspended for any reason.

All applicants must subscribe to the DBS update service. The cost of subscribing is the responsibility of the applicant.

The licence holder must give permission for the licensing authority to undertake checks of their DBS status should the licensing authority consider it necessary to do so. The licensing authority uses the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full enhanced DBS check will be required before a licence is renewed.

Applicants who do not have the correct enhanced certificate that is less than 3 months old, or an automatic update certificate must [go online](#)<sup>7</sup> to complete the DBS application:

and click on Start Application, enter ORGANISATION REFERENCE...PHTAXIDRIVERS and ORGANISATION CODE taxi2017

All new applicants who have been resident abroad as adults must produce evidence of good conduct in that country or the equivalent of a DBS disclosure before their application can be considered. Any matters revealed will be dealt with in the same way as any revealed by the DBS check.

Information on how to obtain an overseas criminal record check can be found [here](#)<sup>8</sup>:

An applicant who has fled an oppressive regime or has other reasonable grounds to believe that obtaining such documentation would be impossible or dangerous may apply for an exemption and should support that application with a Statutory Declaration and a verifiable character reference from an individual employed in a Prominent 'Regulated Occupation'. Further details in this respect are available on request. [Statutory Declaration List](#)<sup>9</sup>

## 2.5 Driver and Vehicle Licensing Agency (DVLA)

The applicant must be authorised to drive a car in the UK (e.g., held a full driving licence issued by a state in the European Economic Area) for a minimum of two years.

Consideration of penalty points and driving offences will be made in accordance with the relevance of convictions/cautions in relation to current licensing policy. See Appendix 1.

As part of the grant and renewal application officers of the licensing authority will undertake an online DVLA check for the applicant's status and any endorsements. To this end, at application and on renewal, applicants are required produce their (valid) photocard AND a check code issued by DVLA. [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)<sup>10</sup>

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<sup>7</sup> <https://disclosure.capitarvs.co.uk/schoolshr/>

<sup>8</sup>

[www.cpni.gov.uk/system/files/documents/71/a2/How\\_To\\_Obtain\\_An\\_Overseas\\_Criminal\\_Record\\_Check\\_May\\_2018.pdf](http://www.cpni.gov.uk/system/files/documents/71/a2/How_To_Obtain_An_Overseas_Criminal_Record_Check_May_2018.pdf)

<sup>9</sup> [www.birmingham.gov.uk/downloads/file/4215/statutory\\_declaration\\_list](http://www.birmingham.gov.uk/downloads/file/4215/statutory_declaration_list)

<sup>10</sup> [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)

The licensing authority can request an additional DVLA check is performed at any point during the lifetime of the licence and failure to provide this permission may result in enforcement action being taken.

## 2.6 Right to Work

All applicants are required to produce a current UK or EU passport, a UK or EU birth certificate/identity card, or a valid certificate showing their status issued by the UK Border Agency.

They must also produce documentation to prove their National Insurance number.

Any document produced must be an original in an undamaged and unaltered condition.

## 2.7 Tax Compliance

Since April 2022 applicants for hackney carriage driver, private hire driver, or private hire operator licences must show they are aware of their tax responsibilities if a brand-new applicant or complete a tax check where they are renewing an existing licence or applying for an additional licence with another authority.

New applicants must [confirm they are aware of their tax responsibilities](#)<sup>11</sup> when they apply for a taxi driver, private hire driver, private hire vehicle operator licence for the first time.

Applicants must complete a [tax check](#)<sup>12</sup> when renewing their hackney carriage, private hire or operator licence, or to apply for the same type of licence with a different licensing authority.

A licence will not be granted/renewed without this requirement being satisfied.

## 2.8 Medicals

All drivers are required to undergo regular medical checks to ensure that they are safe to drive in what can sometimes be tiring and stressful conditions.

Birmingham City Council sets the standard as required by drivers of large goods and passenger carrying vehicles. This is known as [Group 2](#)<sup>13</sup> test.

A medical is required at first application, and then in accordance with the Group 2 frequency, in that, they must be renewed every 5 years or at age 45, whichever is the earlier, until the age of 65 when they are renewed annually without an upper age limit. Shorter licences may be issued for medical reasons.

In some circumstances, the medical examiner may require the applicant to undergo extra tests and or produce documentation about their condition from a consultant. This is done at the applicant's cost and is not included in the cost of the screening medical.

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<sup>11</sup> [www.gov.uk/view-driving-licenceuk](http://www.gov.uk/view-driving-licenceuk)

<sup>12</sup> [www.gov.uk/view-driving-licence.UK](http://www.gov.uk/view-driving-licence.UK)

<sup>13</sup> [www.gov.uk/guidance/general-information-assessing-fitness-to-drive](http://www.gov.uk/guidance/general-information-assessing-fitness-to-drive)

Qualified doctors at the council's occupational health department conduct all medical examinations. Applicants are advised not to pay for an independent examination or certificate unless specifically requested by a council official.

Further information on how to [book a medical](#)<sup>14</sup>:

## 2.9 Training

Appropriate training is essential to ensure drivers are up to date with relevant legislative changes and to serve as a regular reminder to drivers of their role and responsibilities with respect to the carriage of passengers with disabilities. Training will also ensure drivers understand their responsibilities with respect to safeguarding children and vulnerable adults, as well as making them aware of current issues.

All new applicants for the grant of a driver's licence must undergo the **initial** training appropriate to their licence type.

Fees covering the cost of all training are payable by the applicant to the training provider.

### 2.9.1 Driving test:

Applicants for a hackney carriage or private hire driver's licence must pass the approved driving test before a licence can be granted. The current test is arranged and conducted by qualified examiners based at the Birmingham City Council driving school. The driving test is only required for initial grant applications, but licence holders can be required to repeat the test in the event of concerns regarding their driving standards.

### 2.9.2 Knowledge tests:

The knowledge tests ensure any prospective driver can communicate in English to a reasonable standard and is aware of the rules governing how licensed drivers work.

**Hackney Carriage:** applicants for a new hackney carriage (dual) driver licence must pass the Hackney Carriage Knowledge Test. See Appendix 2

To book a hackney carriage test email [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

**Private hire:** applicants for a private hire driver licence must pass the Private Hire Suitability Test (formerly known as the private hire knowledge test) See Appendix 3

To book a private hire test – email [birminghamcityprivatehire@ttc-uk.com](mailto:birminghamcityprivatehire@ttc-uk.com)

### 2.9.3 Disability and Safeguarding:

Applicants for a hackney carriage or private hire driver's licence must pass the approved Disability and Safeguarding Training before a licence can be granted.

[Booking Form - Private Hire Disability Awareness Training](#)<sup>15</sup>

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<sup>14</sup> [www.birmingham.gov.uk/xfp/form/728](http://www.birmingham.gov.uk/xfp/form/728)

<sup>15</sup> [www.birmingham.gov.uk/downloads/file/826/booking\\_form\\_-\\_private\\_hire\\_disability\\_awareness\\_training](http://www.birmingham.gov.uk/downloads/file/826/booking_form_-_private_hire_disability_awareness_training)

## 2.10 Applying for a different type of licence

If a driver already holding a private hire driver's licence applies for a dual hackney carriage and private hire driver's licence (dual licence), this is an application for a NEW licence, and as such the applicant must undergo all the relevant tests and checks, which were either not applicable, not in force, or which have been updated since the first licence was granted.

Where a medical or DBS check on the original licence is more than 12 months old, an applicant will be required to undertake another, the new check becoming current for both licences. This is the issue of a new licence under a different Act and the Licensing Service must take the appropriate steps to ensure the applicant is fit and proper to hold the licence.

## 2.11 Applicant/Licence Holder Conduct

Applicants (for both grant and renewal) are expected to comply fully with all aspects of the application process- completing forms, satisfying training requirements etc and making all relevant disclosures with absolute honesty.

Applicants found to be withholding information or providing misinformation will call into question their suitability to hold a licence.

Deliberately withholding or providing false information as part of the licence process may be a criminal offence, and any instances discovered will be referred to the Enforcement Team for investigation and consideration. ( see also – compliance & enforcement section later )

## 2.12 Conditions attached to private hire driver licences

The licensing authority is empowered to impose such conditions as considered reasonably necessary in relation to the granting of a Private Hire Drivers licence. These are set out in Appendix 4 [Private Hire Combined Driver & Vehicle Licence Conditions](#)<sup>16</sup>

## 2.13 Hackney Carriage byelaws

Birmingham City Council has also made byelaws that are specifically applicable to hackney carriage drivers and or proprietors. The existing Hackney Carriage byelaws are set out in Appendix 5 [Hackney Carriage Byelaws](#)<sup>17</sup>

## 2.14 Grant of licences

This licensing authority issues both Dual ( Hackney Carriage and Private Hire) Or Private Hire Only driver licences. These licences are issued for a standard period of **3 years**, although the licensing authority can grant licences for a lesser period if deemed appropriate. Driver licences and badges remain the property of the licensing authority and must not be transferred to another person.

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<sup>16</sup>

[www.birmingham.gov.uk/downloads/file/821/private\\_hire\\_combined\\_driver\\_and\\_vehicle\\_licence\\_conditions](http://www.birmingham.gov.uk/downloads/file/821/private_hire_combined_driver_and_vehicle_licence_conditions)

<sup>17</sup> [www.birmingham.gov.uk/downloads/file/818/hackney\\_carriage\\_byelaws](http://www.birmingham.gov.uk/downloads/file/818/hackney_carriage_byelaws)

Applications for driver licences shall be made on the prescribed form, together with the appropriate fee.

It is the licence holder's responsibility to ensure all elements of their application are completed correctly and in good time.

If a driver licence expires before renewal, they will be unlicensed and cannot work as a licensed driver or drive a licensed vehicle.

If a licence has expired, a new application will be required, and all relevant tests, standards and fees for a new licence application must be met.

### 3. Vehicles

Licensing authorities have a wide range of discretion over the types of vehicle that they licence as hackney carriage or private hire vehicles. Upon both new and renewal applications for vehicles, proprietors will be expected to show that a vehicle meets the relevant requirements used by this authority and permitted by the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. Applications for vehicle licences shall be made on the prescribed form, together with the appropriate fee.

#### 3.1 Vehicle Types:

Applicants must ensure any vehicle can meet the requirements **BEFORE** purchasing or attempting to licence a vehicle. There are a number of similar looking vehicles which have different specifications. Applicants should not assume a vehicle is suitable without having checked the specifications carefully.

Specific information relating to the type and specification of suitable vehicle and associated conditions can be found here:

- [Approved Vehicle Types for Private Hire<sup>18</sup>](#) (Appendix 6)
- [Approved Vehicle Types for Hackney Carriage<sup>19</sup>](#) (Appendix 7)
- [Hackney Carriage Vehicle Licence Conditions<sup>20</sup>](#) (Appendix 8)
- [Private Hire Combined Driver & Vehicle Licence Conditions<sup>21</sup>](#) (Appendix 4)

#### 3.2 Private Hire Signage

All private hire vehicles must comply with the Signage Policy. (see Appendix 9)

#### 3.3 Advertising

Restrictions on the type of advertising and the manner of display are set out in the relevant conditions. These must be checked before entering into any advertising agreements.

#### 3.4 Grant of Vehicle Licences

A vehicle licence can only be granted for a maximum of 12 months.

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<sup>18</sup> [www.birmingham.gov.uk/downloads/file/817/approved\\_vehicle\\_types\\_for\\_private\\_hire](http://www.birmingham.gov.uk/downloads/file/817/approved_vehicle_types_for_private_hire)

<sup>19</sup> [www.birmingham.gov.uk/downloads/file/13692/approved\\_vehicle\\_types\\_for\\_hackney\\_carriage](http://www.birmingham.gov.uk/downloads/file/13692/approved_vehicle_types_for_hackney_carriage)

<sup>20</sup> [www.birmingham.gov.uk/downloads/file/820/hackney\\_carriage\\_vehicle\\_licence\\_conditions](http://www.birmingham.gov.uk/downloads/file/820/hackney_carriage_vehicle_licence_conditions)

<sup>21</sup> [www.birmingham.gov.uk/downloads/file/821/private\\_hire\\_combined\\_driver\\_and\\_vehicle\\_licence\\_conditions](http://www.birmingham.gov.uk/downloads/file/821/private_hire_combined_driver_and_vehicle_licence_conditions)

Incomplete applications will not be accepted. All the necessary information must be provided at the time of application. Applications for renewal must be submitted in plenty of time to ensure the transaction can be completed prior to the expiry of the licence. Failure to submit a complete application, or late submission of an application may result in a licence expiring before renewal can be completed.

It is the vehicle proprietor's responsibility to ensure all elements of the application are completed correctly and in good time.

If a vehicle licence expires before renewal, the vehicle will be unlicensed and cannot be used for hire and reward.

If a licence has expired, a new application will be required, and all relevant tests, standards and fees for a new licence application must be met.

### 3.5 Restrictions on Numbers

The main aim of the licensing authority's licensing of hackney carriage and private hire trade is the protection of the public. The licensing authority is aware that the public should have reasonable access to hackney carriage and private hire services because of the part they play in local transport provision. Disabled people are particularly reliant on hackney carriages as a means of transport.

The licensing authority is permitted to restrict the number of hackney carriage licence plates issued if satisfied that there is no significant unmet demand for taxi services in the district.

Historically, there has been a restriction on the issuance of new hackney carriage licences as there was no evidence of any unmet demand. At the time of drafting this report, there was no evidence to support the continuance of any moratorium on the issuing of new hackney carriage licences. The number of licensed hackney carriages has fallen considerably since the previous research survey was carried out.

There is no legal provision by which the number of private hire vehicles can be restricted. This branch of the trade relies on market forces to regulate the numbers.

### 3.6 Accessibility:

All hackney carriage vehicles are required to be wheelchair accessible. A list of wheelchair accessible vehicles is published on the website: [Wheelchair accessible vehicles listing<sup>22</sup>](#)

The licensing authority welcomes applications from private hire vehicle proprietors seeking to licence wheelchair accessible vehicles, although care must be taken to ensure after market modifications to vehicles have been done by a competent body accompanied by the required certification. Anyone seeking to licence a non-standard vehicle is advised to contact the licensing service before making any financial commitments

### 3.7 Duty to assist:

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 amends the Equality Act 2010. The legislation extends the duty to carry disabled passengers to all Hackney carriage and private hire drivers, not just those driving a designated vehicle. The new act also places pre booked hackney carriage and private hire drivers under a duty to assist the passenger to identify the vehicle, provided they are aware that a passenger is disabled.

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<sup>22</sup> [www.birmingham.gov.uk/downloads/file/8616/wheelchair\\_accessible\\_vehicles\\_listing](http://www.birmingham.gov.uk/downloads/file/8616/wheelchair_accessible_vehicles_listing)

Drivers who are unable to provide mobility assistance for medical reasons will be able to apply for an exemption certificate however the exemption will only relate to the providing of assistance it is not an exemption from carrying a disabled passenger in their vehicle.

Drivers are also able to apply for an exemption certificate if they are unable to carry assistance dogs due to an allergy.

Such medical exemption certificates will be provided upon confirmation from the occupational health service.

### 3.8 Vehicles registered to another keeper

Where an applicant for a vehicle licence provides a registration document indicating that the registered keeper is another individual, or legal entity, the applicant will be required to provide a letter from the registered keeper indicating that use of the vehicle as a hackney carriage or private hire vehicle by the applicant, is done with their full knowledge and consent.

Where an applicant for a vehicle licence provides a registration document indicating that the registered keeper is another individual, or legal entity, the applicant will be required to provide a letter from the insurers indicating that they are aware of the arrangement and content to provide appropriate insurance cover in those circumstances.

### 3.9 Vehicles licensed by other licensing authorities.

We will not licence vehicles already holding a licence from another licensing authority (this includes suspended licences). Applicants wishing to licence a vehicle which is already licensed elsewhere will be required to surrender the other licence, and provide evidence, before any will be issued by Birmingham City Council.

### 3.10 Clean Air Zone (CAZ) and Age Limits

A Clean Air Zone is an area where targeted action is taken to improve air quality, in particular by discouraging the most polluting vehicles from entering the zone. No vehicle is banned in the zone, but vehicles that do not meet the emission standards for the zone are subject to a daily fee. Various funding packages have been made available to encourage the replacement of high emission and high pollution vehicles with ULEVs.

As part of the process of improving the fleet of hackney carriage and private hire vehicles, the age limits for new and renewal licences were reduced, from 1 January 2020.

Imposing an age policy not only improves the emissions profile of the fleet, but also ensures the vehicles are able to maintain an acceptable standard of interior and fittings, ensuring passengers can continue to travel in comfort.

### 3.11 Age Limits

No hackney carriage vehicle over the age of 15 years will be granted a licence.

No hackney carriage vehicle over the age of 15 years will have its licence renewed

ULEV hackney carriages will be licensed until they are 18 years old (This was agreed in April 2019 with effect from 2020)

TX type hackney carriage full conversions (complete power-train replacement to fully electric) will be licensed up to a maximum of 18 years from the date of conversion (rather than date of first registration)

No private hire vehicle over the age of 8 years will be granted a licence.

No private hire vehicle over the age of 12 years will have its licence renewed

### 3.12 Hackney Carriage Meters

The taximeter fitted to the vehicle shall be of an approved type, and shall be subject to an annual test to be carried out by the Council to ensure that it is calibrated to the fare table currently in force at the time.

The current fare table can be found [online](#)<sup>23</sup>, and at Appendix 11.

### 3.13 Vehicle Inspections

All vehicles are subject to a standard MOT test to determine mechanical fitness and a more stringent supplementary test dealing with the vehicle's condition, appearance( internally and externally), and suitability prior to licensing.

An MOT certificate presented for the purpose of licensing a vehicle, or the renewal of a licence must be less than ten weeks old at the time of the transaction. Such time period to be calculated from the date of inspection.

The law provides that a private hire vehicle cannot, in its type, design or identification, lead anyone to believe that it is a hackney carriage.

Proprietors are encouraged to keep vehicles well maintained and serviced throughout the year.

The MOT stations authorised to undertake this testing for hackney carriage and private hire can be found on the [licensing web page](#)<sup>24</sup>.

Where a licensed vehicle fails an authorised inspection and is deemed unsafe and or unsuitable as a passenger vehicle by the vehicle examiner, the vehicle proprietor or driver may be issued with a suspension notice to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. Statutory legislation permits the licensing authority to inspect a vehicle at most three times in any 12-month period.

### 3.14 Accidents/ Damage to vehicles

Proprietors and drivers of licensed vehicles must inform this licensing authority as soon as possible, and in any event within 72 hours, of any accident or road collision that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. Failure to report an accident or road collision may result in suspension or revocation of both vehicle and driver licences.

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<sup>23</sup> [https://www.birmingham.gov.uk/downloads/file/11462/hackney\\_carriage\\_fare\\_table](https://www.birmingham.gov.uk/downloads/file/11462/hackney_carriage_fare_table)

<sup>24</sup>

[www.birmingham.gov.uk/downloads/file/816/approved\\_mot\\_station\\_list\\_for\\_hackney\\_carriage\\_and\\_private\\_hire](https://www.birmingham.gov.uk/downloads/file/816/approved_mot_station_list_for_hackney_carriage_and_private_hire)



The driver involved in the accident or road collision must provide details to the Licensing service of how, where and when the collision occurred. The damage to the vehicle may be required to be assessed by a vehicle examiner, the vehicle and/or evidence of the damage and/or repair work must be presented to this licensing authority on request. If it is felt necessary, a vehicle suspension notice will be issued.

### 3.15 Suspension of licences

Once a vehicle licence is granted, the vehicle is deemed to be licensed until such time as it expires, is revoked, or is suspended, and the licence plate must be securely affixed to the vehicle. Only the licensing authority and the police can suspend a vehicle licence.

### 3.16 CCTV

CCTV in licensed vehicles could act as a deterrent against possible problems and a source of evidence in the case of disputes between drivers and passengers, other incidents, and accidents.

Properly installed and operated CCTV can be a valuable tool in the prevention and detection of crime and can provide valuable evidence.

Drivers, proprietors, and operators are advised to gain the approval of this licensing authority prior to installation of any CCTV system. They **must** be registered with the ICO (Information Commissioners Office) if required and comply with all aspects of data protection and CCTV Codes of Practice, including clear signage that the vehicle uses CCTV.

Further information can be found on the ICO [website<sup>25</sup>](#)

Internal facing dashcams **CANNOT** be used as a substitute for CCTV.

### 3.17 Security Screens/ partitions

If drivers wish to install a partition or safety screen, vehicles will need to comply to government and industry regulations and the city council's requirements as the licensing authority. This means home-made screens, non-approved screens and temporary plastic sheeting are not acceptable.

If partitions or screens are used, they should be cleaned regularly, including between passenger journeys and changes of driver. Details of approved installers can be found on the [website<sup>26</sup>](#). Any alterations to the vehicle by a non approved supplier would require prior approval. Anyone seeking to make **any** modification to their vehicle should seek advice from the licensing team prior to committing to any works or purchases.

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<sup>25</sup> <https://ico.org.uk/for-organisations/sme-web-hub/whats-new/blogs/installing-cctv-things-you-need-to-do-first/>

<sup>26</sup> [www.birmingham.gov.uk/blog/tph-bulletin/post/461/security-screens-covid-19](http://www.birmingham.gov.uk/blog/tph-bulletin/post/461/security-screens-covid-19)

## 4. Private Hire Operators

Applications for Operator licences shall be made on the prescribed form, together with the appropriate fee. The licensing authority will then decide if the applicant is a 'fit and proper person' to hold an Operator licence.

Standard conditions which relate to the granting of a Private Hire Operator's licence can be found in Appendix 10

This licensing authority will grant Private Hire Operator licences for a period of 5 years, this remains the property of the licensing authority and must not be transferred until the licensing authority is satisfied.

All Birmingham licensed operators must operate from premises within the City boundaries.

Operators' fares are not regulated but each operator is required to ensure that their particular charges are displayed or available on request to each person travelling in a private hire vehicle.

An applicant for the grant of or renewal of an operator's licence will be asked to disclose details of any previous convictions and to provide a basic DBS. Applicants for the grant of an operator's licence will also be asked for details of any previous experience working within the private hire industry including any other licences held, either currently or previously and whether any such licence has ever been revoked, refused or suspended for any reason.

Planning permission must be obtained for the premises where the operation is to be based, unless the applicant can provide confirmation from the Planning Department that such permission is not required.

The records to be maintained include records of all journeys undertaken, and information and documentation relating to the vehicles and drivers operated, together with their "call signs".

The fee payable for an operator's licence reflects the structure of the operation and the number of drivers and vehicles managed, in that it is set according to the officer time afforded to the licence. This fee is payable at the time the application is submitted.

Where a licensed operator increases the size of their fleet to a point where it falls into a new charging bracket, then the operator must contact the licensing service to discuss how to process the variation.

Renewal applications for operator licences must be submitted to the Licensing Office **at least 14** days before expiry, fully completed and with all necessary accompanying paperwork

Failure to comply with this requirement may prevent a new licence from being issued on or before the expiry of the old licence.

### 4.1 Operator Door Signs

Operators must provide a pair of appropriate door signs for each vehicle operated by their company and take steps to ensure drivers fix the signs in the centre of the front doors of their private hire vehicles, whenever employed on a job or available for dispatch.

Operator Door signs may be of such design as the operator deems appropriate, subject to compliance with the following requirements.

- The sign must include the company name as displayed on the licence certificate.
- The sign must include the phrase BE BOOKED, BE INSURED, in block capital letters using as a minimum 120 point Arial font (30mm in height) in a contrasting colour, so as to be easily seen.
- The sign must not be designed either in colour or style, to mimic the sign used by another operator in Birmingham or any surrounding authority
- Any new sign must be approved by in accordance with the delegations before being issued for use on vehicles. As such it is recommended a draft copy be submitted for approval before signs are printed.
- A sign considered inappropriate by officers, will not be approved, and must not be issued to drivers.

Before an application for a Private Hire Operator's licence is issued, the applicant must produce evidence they have appropriate public liability insurance for the premises to be licensed. Where necessary, Operators must also hold Employers Liability insurance

The operator is responsible for all vehicles and people employed, contracted, or otherwise working as part of their business. To that end the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, administrative staff and vehicles are used (and continue to be used) during their business. The failure of an operator to ensure appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions will also be detrimental to the continued fitness and propriety of the operator.

## 5. Enforcement and Compliance

A well-directed, risk-based approach to enforcement activity by the licensing authority benefits not only the public but also the responsible members of the hackney carriage and private hire trades.

Legislation relating to a licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the licensing authority. In pursuance of the objective to encourage responsible hackney carriage and private hire businesses, the licensing authority operates a firm but fair disciplinary and enforcement regime. To balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the licensing authority only intervenes where it is necessary and proportionate to do so. Where defects are such that a vehicle or driver's licence needs to be suspended, interference with livelihood is unavoidable.

### 5.1 Enforcement policy

The licensing authority has adopted an enforcement policy as part of the wider Regulation and Enforcement Directorate in line with the Government's Better Regulation Unit Enforcement Concordat and Regulators Code of Practice. This policy is available on our [website](#)<sup>27</sup>.

The licensing authority shares information with other agencies in respect of potential illegal activities and enter joint enforcement operations with other agencies and authorities.

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<sup>27</sup> [www.birmingham.gov.uk/downloads/file/405/regulation\\_and\\_enforcement\\_-\\_enforcement\\_policy](http://www.birmingham.gov.uk/downloads/file/405/regulation_and_enforcement_-_enforcement_policy)

## 5.2 Enforcement Action

The licensing authority may take informal action to secure compliance with legislation, conditions and policy which include offering written advice, verbal advice, guidance notes, the use of written instructions or notices and the undertaking of inspections.

Formal action to secure compliance with a breach of any condition, law or byelaw will be exercised in accordance with the enforcement policy.

The licensing authority may take any of the steps below upon receipt of evidence that an offence has been committed in relation to a Hackney Carriage or Private Hire Licence. A breach of condition amounts to an offence in this context:

- Suspension of the Licence.
- Revocation of the Licence.
- Refusal to Renew.
- Issuing of Warnings.

In relation to an offence committed for breach of a statutory obligation, the licensing authority may take one of the following steps in addition to the above:

- Issuing of Simple Cautions.
- Prosecution of offenders
- Requirement to undertake additional training.

## 5.3 Authorised Officers

Officers of this licensing authority are authorised to fulfil the statutory enforcement and compliance duties for the day-to-day operation of the Hackney Carriage and Private Hire Vehicle licensing policy, and enforcement of conditions which derive from the 1847 and 1976 Acts.

'Authorised officers' have the right to do the following:

- Require drivers to produce licences and insurance certificates.
- Require operators to produce records.
- To remove plates and other signage from vehicles.
- Suspend vehicles from use.

Obstruction of an authorised officer is a criminal offence.

## 5.4 Immediate Action on the grounds of Public Safety:

Where information is received regarding a licensed driver which indicates there may be an **immediate risk to public safety**, that information will be shared with the Chair of the Licensing and Public Protection Committee to consider the immediate suspension or revocation of the driver's licence.

Such action to be reported to the next available Licensing and Public Protection Committee as part of the Actions Taken by the Chair between Meetings report.

Any decision to suspend or revoke will be communicated to the driver as soon as is reasonably practicable by way of a letter, ordinarily hand delivered by Enforcement Officer(s).

It is not possible to reinstate a licence after revocation without a successful appeal. In the event that the allegations are found to be completely unproven, i.e. a case of mistaken identity or other verified information which exonerates the driver completely, the matter will be put forward as a 'fast-track' grant application, in order to grant a 'new' licence, for the duration of the remainder of the previous licence, and negating the requirement for additional tests etc. This negates the need for a costly and time-consuming appeal, and enables the driver to be back on the road in the shortest possible time. Matters which are less definitive will be referred for consideration in accordance with the scheme of delegations, notwithstanding the driver's right to appeal to the courts.

## 6. Complaints

Members of the public who wish to make a complaint or comment or submit a compliment about licensed drivers and operators can do so directly to the [licensing service](#)<sup>28</sup>.

The licensing authority uses a clear and systematic process by which members of the public can seek redress for any failures in service provision by members of the hackney carriage or private hire trade.

Complaints identifying or alleging sexually inappropriate behaviour, violence, theft, drugs, or alcohol will be treated as a high priority.

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<sup>28</sup> <https://www.birmingham.gov.uk/hcphcomplaint>

## Annex A : SCHEME OF DELEGATIONS

Hackney Carriage / Private Hire	Decision to be made by:		
Matter to be dealt with:	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
Setting of Fees and charges	All Cases		
Agree standard conditions i.e. vehicle / driver/operator etc.	All Cases		Individual requests for exemption or deviation from standard conditions may be considered by an officer panel
When a hackney carriage vehicle licence has expired and more than one calendar month has elapsed			any attempt to re-licence the vehicle
Where a private hire vehicle is converted to LPG (Liquid Petroleum Gas)			Providing the installation is conducted by a UKLPG approved installer or has been inspected and approved by a UKLPG installer, so that the vehicle details are listed on the UKLPG Register.
<b>AUTHORITY TO SUSPEND, REVOKE OR REFUSE TO RENEW OR REFUSE TO GRANT ANY LICENCE OR APPLICATION:</b>			
in the case of a licensed vehicle being found to be in contravention of legislation,			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the officer is not satisfied as to the fitness of the vehicle, or			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the officer is not satisfied as to the accuracy of the taximeter, or			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the vehicle does not have adequate insurance cover, or			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if the vehicle is unroadworthy or in a dangerous condition.			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847
if an officer is not satisfied as to the fitness of a driver following a medical report from the Occupational Health Service.			Officers delegated this authority are those authorised for the purpose of the LGMPA 76 and TPCA 1847. Where appropriate, such decision will be with immediate effect

Hackney Carriage / Private Hire	Decision to be made by:		
Matter to be dealt with:	Full Committee	Sub- Committee	Officers (Senior Licensing Officer or above)
Where the applicant has 11 points on their DVLA licence or a conviction or caution for an offence that does not fall within the category of drugs, violence, dishonesty or of a sexual nature.			All
Where an applicant has cautions over two years old, such application will be granted.			All Cases
Where an applicant has a conviction(s) for dishonesty, whatever the sentence, including a prison sentence, then such application will be granted provided at least ten years has lapsed since the last conviction for dishonesty.			All Cases
Where an applicant has an absolute discharge for any offence, with no other offences, such application will be granted.			All Cases
Where an applicant has previously been refused or his/her licence revoked, whether by Birmingham City Council or another Local Authority, any further application will be refused within a 12 month period starting from the date of the refusal/revocation of the previous licence.			Ops Manager Panel
Where a private hire driver is convicted for plying for hire (first offence), then their private hire driver's licence will normally be suspended for a minimum period of 6 months.			Ops Manager Panel
Where a private hire driver is convicted for plying for hire and no insurance, then their private hire driver's licence will normally be revoked.			Ops Manager Panel
Grant/renewal of a licence where a driver is convicted of a drink/drug related driving offence or has been subject to a driving ban			Ops Manager Panel
Renewal of a drivers licence after the late renewal period where the circumstances for the lateness are on medical grounds only. (late renewal fee applies)			All cases

Hackney Carriage / Private Hire	Decision to be made by:		
Matter to be dealt with:	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
When confirmation is received to the effect that the holder of the licence has been banned from driving by a Court of Law and is no longer in possession of a valid DVLA driving licence.			All Cases
Approval of the installation of safety screens in private hire vehicles, where MIRA testing and approval, or an equivalent European test certificate can be produced for the proposed screen			All Cases
Approval of certain standard exemptions to the current licence conditions for private hire operators and vehicles, where the applicant can demonstrate that the exemption is justified (limousines, stretched and special event vehicles carrying out private hire work within the city)			All Cases
Grant of licence where the applicant has 6 points on their DVLA licence or a conviction or caution for an offence that does not fall within the category of drugs, violence, dishonesty or of a sexual nature.			Licensing officer and above
Consideration of suitability of evidence as to good character where applicant is from a failed state and cannot comply with requirement to provide a DBS.			All cases
Approval of operator door signs			Principal LO or above



## Appendices

### Appendix 1- DFT Convictions Policy

#### Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

##### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

##### Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

##### Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

##### Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

##### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

##### Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

#### Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

#### Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

#### Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

#### Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

#### Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## Appendix 2 – Hackney Carriage Knowledge Test

The knowledge test ensures that any prospective driver can communicate in English to a reasonable standard and is aware of the rules governing how licensed drivers work.

You are allowed 2 hours for a verbal test, which most successful candidates complete with time to spare, or 3 hours for a written test. Statistically about 50% of candidates fail to complete the written test and about 10% fail to gain marks because their handwriting is illegible.

If you take a written test, you must also complete a verbal communication test.

An average of 65% of candidates pass the test on the first attempt with an average study time of 18 months.

### **Legal questions**

Hackney carriage drivers are required to answer in detail six questions about the law and conditions of licence. The questions are drawn randomly from a bank of questions in the knowledge folder.

All six questions must be answered correctly.

### **Geographical questions**

To pass the test, you must answer at least 90 of the 100 questions selected.

The test can be taken verbally, where the examiner asks the questions and records the answers, or in a written form where you are required to write out all the questions and answers.

### **Route questions**

You will be asked to describe in detail from memory, the shortest possible route between two locations in or near the city. The route must be the shortest distance route, not the quickest or easiest to follow.

Twenty routes will be selected randomly from a bank of 342 contained in the folder.

### **Two-point location questions**

You will be required to describe in detail 80 premises in or near the city, from memory, and giving a minimum of two points of reference. These are known as 'two-point locations.'

The questions will be drawn randomly from a bank of 1680 contained in the knowledge folder.

## Appendix 3 Private Hire Suitability Test

The private hire test consists of three elements.

**Please note: the A-to-Z element of the test was removed as of 20 June 2018.**

### 1. Legal questions

You will be asked six questions about private hire driver and vehicle legislation. You must answer the questions accurately, especially where numbers or time limits are involved. You will be given the option of four answers in a multiple-choice format. The answers to all the questions are included in the [private hire legal information document](#).

### 2. Licence conditions

You will be asked six questions about conditions imposed on private hire drivers by the council. The questions must be answered accurately, especially regarding time limits. You will be given the option of four answers in a multiple-choice format. The answers to all the questions are included in the text of the documents:

- [Private hire combined driver & vehicle licence conditions](#)

### 3. Plying for hire questions

You will be asked six questions where you have the opportunity to demonstrate to the tester that you have a sound, in-depth knowledge of the consequences of carrying out work that has not been properly booked and passed to you by your operator. You will be given the option of four answers in a multiple-choice format.

**You must answer all these questions correctly.** The answers to these questions are contained in the documents you will have used to answer the first two sets of questions.

**You may make up to four mistakes in sections 1 and 2 provided you do not get more than two wrong in any one section.**

### How do I book a Private Hire Knowledge Test?

Private hire knowledge tests are now being organised and conducted by TTC Driver Solutions.

To book a private hire knowledge test, please contact TTC Driver Solutions by e-mail:

[birminghamcityprivatehire@ttc-uk.com](mailto:birminghamcityprivatehire@ttc-uk.com)

## Appendix 4 PRIVATE HIRE DRIVER AND VEHICLE CONDITIONS OF LICENCE

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

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

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

These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, the Local Government (Miscellaneous Provisions) Act 1976, the Health and Safety at Work etc. Act 1974

### **GENERAL CONDITIONS**

#### **DETAILS TO BE REPORTED**

1. You must notify the Licensing Office, in writing, within **7 days** if you,
  - a) are convicted of any criminal or motoring offence
  - b) are cautioned for any criminal or motoring offence (by the Police or any other agency)
  - c) receive a Magistrates' Court summons
  - d) receive a fixed penalty notice for any criminal or motoring offence
  - e) receive a police 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.
  - i) are refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed and provide the following information:
    - a. The name of the council.
    - b. The licence number(s) of the licence(s) suspended or revoked.
    - c. The date of the decision.
    - d. A copy of the decision notice issued by the other council giving the grounds for the action taken.
  - j) change your home address
  - k) keep the vehicle when it is not in use at an address that is not specified on your licence
2. If any of your vehicle's identity plates are lost or stolen you must report the loss or theft in writing to the Licensing Office within **3 days**.

3. Mobile phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting or accepting bookings for that vehicle.

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

#### **LOST PROPERTY**

4. 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.

5. 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 72 hours 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 3 days of its issue.

#### **CONDITIONS SPECIFIC TO DRIVERS**

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 and provide a valid signed operators form.

8. 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**.

9. You must not wilfully obstruct or refuse any person from viewing your private hire badge or taking the number of your badge.

10. 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**.

11. The operator identification door signs must be displayed on the two front doors of the vehicle.

12. 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.

13. 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).

14. You must not, via any means, pass details of any booking or passenger you have agreed to carry to your operator.

15. You must not accept a return booking directly from a passenger. COMBINED PRIVATE HIRE

16. 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, hospitals, 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.

17. 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) 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).
- d) 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.
- e) Unless otherwise directed by your passenger(s), proceed to the destination by the shortest possible route.
- f) Not eat or drink in your vehicle whilst carrying a passenger.
- g) 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.
- h) 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.
- i) 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 operator's 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.
- j) 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.

#### **CONDITIONS SPECIFIC TO VEHICLES**

##### **VEHICLE IDENTITY PLATES & SIGNAGE**

18. The only plates and signs that may be displayed on or in a private hire vehicle are those prescribed by the City Council's Vehicle Signage Policy

19. Vehicles granted exemption not to display an identification plate or sign must carry and be able to produce the letter confirming the exemption and the licence plate issued by the Licensing Office to an authorised officer of the Licensing Authority or a Police Constable on request.

20. The rear identity plate must be fitted externally on the rear of the vehicle in such a place and manner to ensure that all of the information displayed on the identity plate is clearly visible at all times.



21. The rear identity plate must be securely attached to the vehicle in such a manner so that it cannot be removed without the use of tools. It must not be affixed using string, tape, magnets, Velcro or any other similar material. If a securing bracket is not used the identity plate must be fixed to the vehicle using bolts, rivets or screws.

#### **MAINTENANCE OF VEHICLES**

22. 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.

23. Once a vehicle has been inspected by one of the Licensing Office's approved MOT stations and a licence has been granted it must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from the Licensing Office.

24. Only tinted and anti-glare windows fitted by the vehicle's manufacturer are acceptable.

25. No private hire vehicle licensed by this authority may be licensed in any other authority as a private hire or hackney carriage vehicle.

#### **DOCUMENTATION TO BE MAINTAINED FOR VEHICLE & DRIVER(S)**

26. Only a licensed private hire driver can drive a licensed private hire vehicle. If you propose to allow someone else to drive your vehicle at any time, before doing so you must obtain from the driver the following documents:

- a) A copy of their current Birmingham City Council Private Hire Driver's Licence, and
- b) A copy of their insurance documentation covering them to use the vehicle for the purpose of private hire.

You must ensure that the driver's Private Hire Driver's Licence and insurance remain current for the duration of the period they have your vehicle.

27. If there are exceptional reasons which prevent you from maintaining or ensuring continuous insurance cover, for whatever reason, throughout the duration of the licence you must attend and notify the Licensing Office, in writing, within 72 hours 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.

28. You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

#### **TAXIMETERS**

29. Should a taximeter be fitted to any private hire vehicle, you must ensure that it has been tested, sealed and certified to have been calibrated and set to your operator's tariff(s) before it can be used for calculating fares for passengers.



30. A copy of the taximeter calibration certificate shall be kept in the vehicle at all times and shall be made available for inspection on request by an authorised officer of the Licensing Authority or a Police Constable

31. If technology is provided by the operator to enable route planning and fare calculation they should ensure that drivers proceed to the destination by shortest possible route, through the programming of any technology provided by the operator, which is designed to assist drivers in route planning and calculation of fares.

Deviating from the shortest possible route is only allowed when the driver obtains the agreement of the passenger to do so.

32. 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.

#### **ADVERTISING**

33. No advertisement may be placed upon a private hire vehicle unless in accordance with Birmingham City Council's Vehicle Signage Policy.

#### **MISCELLANEOUS**

34. A copy of these conditions must be kept in the vehicle at ALL times and shall be made available for inspection on request by an authorised officer of the Licensing Authority or a Police Constable.

## **BYELAWS**

**Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the City of Birmingham with respect to hackney carriages in the City of Birmingham.**

### **INTERPRETATION**

**1. Throughout these Byelaws:**

"authorised officer" means any officer of the Council authorised in writing by the Council for the purposes of the Town Police Clauses Act 1847 (the Act of 1847).

"the Council" means Birmingham City Council.

"driver's badge" means the badge issued to a driver by the Council in exercise of its powers under section 68 of the Act of 1847.

"driver's licence" means the licence issued under section 46 of the Act of 1847.

"hackney carriage" has the same meaning as in the Act of 1847.

"Licensing Office" means the Council Office from where the hackney carriage driver and vehicle licences are issued.

"proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.

"stand" means a taxi rank, this being an area of carriageway appointed for use by hackney carriages to wait and pick up passengers.

"taximeter" means a device for calculating the fare to be charged in respect of any journey in a hackney carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.

"vehicle identity plate" means the plate issued to a proprietor by the Council and referred to in section 38 of the Act of 1847.

"vehicle licence" means the hackney carriage licence issued by the Council in exercise of its powers under section 37 of the Act of 1847.

#### **DRIVERS' BADGES**

2. When issued with a driver's badge by the Council, the driver of a hackney carriage shall at all times when standing, plying for hire or when hired, either wear or display their driver's badge in such a position and manner so that it would be plainly and distinctly visible.
3. The driver of a hackney carriage when standing, plying for hire or when hired, shall not wilfully obstruct any person from taking the number of their badge.

#### **VEHICLE IDENTITY PLATE**

4.
  - a) The proprietor of a hackney carriage shall cause the vehicle identity plate issued to him by the Council to be affixed on the outside at the rear of the carriage so as to be plainly and distinctly visible with legible particulars at all times.
  - b) A proprietor or driver of a hackney carriage shall:
    - i) not wilfully or negligently cause or suffer the concealment or removal of the vehicle identity plate; and
    - ii) not cause or permit the vehicle identity plate to be defaced, altered or obliterated.
5. A proprietor or driver of a hackney carriage shall not retain, sell, transfer or otherwise dispose of the vehicle identity plate separately from the carriage in respect of which it has been issued, nor permit such plate to be retained, sold, transferred or otherwise disposed of.

## TAXIMETERS

6. The proprietor of a hackney carriage shall ensure:
  - a) that the vehicle is fitted with a taximeter, which has been tested, sealed and certified by an authorised officer;
  - b) that when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage as prescribed by the Council and displayed on the current fare table, and
  - c) that the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly and distinctly visible to any person being conveyed in such carriage, and for that purpose the said letters and figures shall be capable of being suitably illuminated during any period of hiring.
7. a) Subject to the provisions of paragraph (b) of this byelaw, the proprietor or driver of a hackney carriage:
  - i) shall not tamper with or permit any other person to tamper with the taximeter or its fittings or connections after it has been fitted to the carriage and sealed by an authorised officer; and
  - ii) shall not wilfully break or tamper or permit any other person to break or tamper with any seal or mark placed on the taximeter or its connections.
- b) If a taximeter affixed to a hackney carriage is found to be defective or inaccurate the proprietor of the carriage may (or may authorise another person to) break the seals of the taximeter for the purpose of effecting the necessary repairs, provided that:
  - i) the proprietor shall within 72 hours after breaking the seals give or cause to be given notice of the action taken in writing to the Council's Licensing Office (specifying the number of the licence of the carriage, the maker's name and number of the taximeter); and

- ii) nothing in this byelaw shall be deemed to authorise a hackney carriage to be used or continue in use as such after the seals on any taximeter with which the hackney carriage is provided have been broken as aforesaid and before the taximeter has again been tested, sealed and certified as correct by an authorised officer.
- 8. The driver of a hackney carriage shall only set the taximeter in action when the carriage is hired. Immediately on the completion of a hiring the driver shall cause the taximeter or apparatus to cease recording, but to continue to show the fare recorded until the hirer has had a reasonable opportunity of seeing that fare.
- 9. The proprietor of a hackney carriage shall not cause or suffer such carriage to be used for the purpose of standing, plying or driving for hire and a driver of a hackney carriage shall not stand, ply or drive for hire if the seal on the taximeter is broken.

#### **FARE TABLE**

- 10. The proprietor of a hackney carriage shall ensure that the Fare Table provided by the Council, bearing a number corresponding with the number of the licence of such carriage setting forth the rate or fare fixed for the use of such carriage by the Council, is displayed in a prominent position within the vehicle so as to be plainly and distinctly visible and the particulars legible.
- 11. The proprietor or driver of a hackney carriage shall not wilfully or negligently cause or suffer the concealment or removal of the Fare Table, nor alter or obliterate any letters or figures on the Fare Table.

#### **HIRING OF A HACKNEY CARRIAGE**

- 12. a) The proprietor of a hackney carriage shall ensure the vehicle is fitted with a roof sign at the front of the vehicle bearing the word "TAXI" in plain letters and such a sign shall be capable of being suitably illuminated indicating that the vehicle is available for hire.

- b) The driver of a hackney carriage shall ensure that the roof sign bearing the word "TAXI" is illuminated when the vehicle is available for hire and extinguished whilst a hiring is taking place or if the vehicle is not available for hire.
13. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
14. Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council, which it may not be possible to record on the face of the taximeter.

#### **CARRIAGE OF PASSENGERS**

15. The proprietor or driver of a hackney carriage shall not suffer or allow any person to ride in the front of the carriage, if the design does not permit such use.
16. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the vehicle identity plate displayed at the rear of the carriage.

#### **CARRIAGE OF LUGGAGE**

17. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -
- a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading; and

- c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

#### **REPORTING CONVICTIONS, CAUTIONS & ENDORSEMENTS**

- 18. If a proprietor or driver of a hackney carriage is found guilty, cautioned or convicted of any offence, or he receives an endorsement for a motoring offence, including a fixed penalty, he must report the details, in writing to the Licensing Office within 7 days. In case of a motoring endorsement he does not need to wait for the return of his licence from the DVLA, Swansea.

#### **PUNCTUAL ATTENDANCE WHEN PREVIOUSLY HIRED**

- 19. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless he has reasonable excuse, punctually attend with such carriage at such appointed time and place.

#### **HACKNEY CARRIAGES TO BE KEPT IN GOOD ORDER**

- 20. The proprietor of a hackney carriage shall:
  - a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - b) cause the roof or covering to be kept watertight;
  - c) provide any necessary windows and means of opening and closing not less than one window on each side;
  - d) cause the seats to be properly cushioned or covered;
  - e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

- f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- h) provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use; and
- i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

#### **APPOINTED STANDS AND ORDER OF WORKING.**

- 21. A driver of a hackney carriage shall, when plying for hire and not actually hired:
  - a) proceed to and station the carriage on one of the stands appointed by the Council;
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages to occupy it, station the carriage immediately behind the carriage(s) on the stand and so as to face in the same direction; and
  - d) when the carriage(s) immediately in front drive off or move forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

#### **LOST PROPERTY TO BE SEARCHED FOR**

- 22. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable



thereafter, carefully search the carriage for any property which may have been accidentally left therein.

23. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein be found by or handed to him, as soon as possible and in any event within 72 hours either -
- a) return the property to its owner or someone acting on behalf of the owner and obtain a receipt for such property; or
  - b) deposit the property at a West Midlands police station and obtain a receipt for such property.

#### **COMPLIANCE WITH AND THE PRODUCTION OF THE BYELAWS**

24. The driver of a hackney carriage shall not knowingly or recklessly drive a hackney carriage for hire which does not comply with any of the requirements of these byelaws.
25. The driver of a hackney carriage shall at all times have a clean copy of these byelaws in good order ready to produce and upon request produce the same for perusal and inspection to any person who shall hire such carriage or to any authorised officer or Police Officer.

#### **PENALTIES**

26. Every proprietor or driver of a hackney carriage vehicle who shall offend against any of the foregoing byelaws shall be liable upon summary conviction for every such offence to a fine not exceeding level 2 of the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

#### **REPEAL**

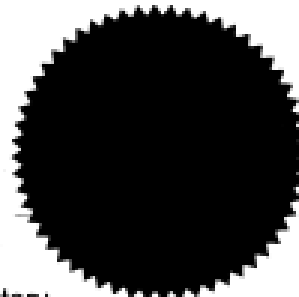
27. These Byelaws shall be known as the Birmingham City Council Hackney Carriage Byelaws 2008 and shall repeal:

- a) The Byelaws relating to Motor Hackney Carriages, which were made by the Council on the third day of July 1925 and confirmed by the Minister of Health on the eighth day of September 1925, and
- b) the Byelaws relating to Motor Hackney Carriages, which were made by the Council on the twentieth day of March 1951 and confirmed by one of His Majesty's Principal Secretaries of State on the twenty-fifth day of May 1951.


THE COMMON SEAL of  
BIRMINGHAM CITY COUNCIL  
Was hereunto affixed in the  
presence of



Authorised signatory



90606

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the	
day of	26 June 2002
	
Signed by the Secretary of the Secretary of State.	

## Appendix 6 - Approved Vehicle Types – Private Hire

Approved Vehicle Types – Private Hire	LGMPA 76 s48(1)
The private hire licensing provisions apply to a variety of vehicles ranging from four-door saloon vehicles to people carriers, however, those vehicles should be:	
<ul style="list-style-type: none"> <li>• built to M1 specification.</li> </ul>	Policy PHVSpec1
<ul style="list-style-type: none"> <li>• be capable of carrying a minimum of four average sized adults in comfort.</li> </ul>	Policy PHVSpec3
<ul style="list-style-type: none"> <li>• All vehicles must be right hand drive and must not have fewer than four road wheels.</li> </ul>	Policy PHVSpec4
<ul style="list-style-type: none"> <li>• Cars must have a minimum of four doors giving adequate access to and egress from the vehicle. The design of the car can be saloon, hatchback or estate.</li> </ul>	Policy PHVSpec5
<ul style="list-style-type: none"> <li>• Larger vehicles (MPV, minibus, or people mover types) must have sufficient doors of sufficient size to allow passengers to get in and out quickly and safely.</li> </ul>	Policy PHVSpec6
<ul style="list-style-type: none"> <li>• Where exit from the rear seats in vehicles equipped with three rows of seats requires operation of a tip seat mechanism, passengers must be able to exit from either side of the vehicle and the tip seats at either end of the middle row must be capable of independent operation.</li> </ul>	Policy PHVSpec7
<ul style="list-style-type: none"> <li>• Where a vehicle is equipped with pop-up, or auxiliary seats intended for occasional use only, those seats must not be included in the licensed capacity of the vehicle.</li> </ul>	Policy PHVSpec8
<ul style="list-style-type: none"> <li>• Where the vehicle configuration requires a whole bench seat to slide and/or tip for access/egress to the rear seats, the rear seats should not be included in the seating capacity and should be removed to avoid pressure from passengers to carry numbers in excess of the licensed capacity.</li> </ul>	Policy PHVSpec9
<ul style="list-style-type: none"> <li>• All vehicles must have a wheelbase (when measured from the centre of the front wheel to the centre of the rear wheel) of at least 2540mm (100 inches).</li> </ul>	Policy PHVSpec10
<ul style="list-style-type: none"> <li>• Cars must have a back seat width (when measured in a continuous line from edge to edge) of at least 1220mm (48 inches).</li> </ul>	Policy PHVSpec11
<ul style="list-style-type: none"> <li>• Larger capacity vehicles (MPV, minibus, or people mover types) which are fitted with individual seats, or which do not have full width bench seats, must have a minimum 407mm (16 inches) of seat space per passenger across the width of the seat.</li> </ul>	Policy PHVSpec12
<ul style="list-style-type: none"> <li>• Seat belts must be provided for all passengers according to the licensed capacity of the vehicle.</li> </ul>	Policy PHVSpec13
<ul style="list-style-type: none"> <li>• Vehicles equipped with soft tops, removable hard tops and people carriers (MPV types) described as black on the log book, will not be licensed for the purpose of private hire.</li> </ul>	Policy PHVSpec14
<ul style="list-style-type: none"> <li>• Vehicles fitted with darker tints and privacy glass can be licensed where the glass is to factory standard and vehicles are presented to licensing in an unmodified state, vehicles fitted with films, foils, or any other aftermarket tinting will be refused a licence, unless the tinting is removed and the vehicle returned to the manufacturer's standard specification.</li> </ul>	Policy PHVSpec15

Revised Sept 2018 – Engine size restriction removed by Committee 19/09/2018 Policy PHVSpec2

**CITY OF BIRMINGHAM**  
**SPECIFICATIONS FOR VEHICLES TO BE LICENSED AS WHEELCHAIR**  
**ACCESSIBLE HACKNEY CARRIAGES**

**1. Vehicle Type**

1.1 Any vehicle that has been modified to accommodate a wheelchair user shall have been tested, or retested after modification, to meet the European Community Whole Vehicle Type Approval standards in the M1 category. As evidence of this, upon first licensing of any new type of vehicle, the manufacturer must supply an entire copy of the European Community Whole Vehicle Type Approval Certificate and the first vehicle, and all future vehicles of that type, must carry a second stage manufacturers VIN plate displaying the number shown on the certificate. Vehicle registration documents must also show the same type approval number, the vehicle category must be shown as M1 and the body type must be shown as TAXI.

1.2 All vehicles shall be subject to the following additional requirements:

- a. 4 doors (excluding rear doors/tailgate unless accessible without the need to move seats);
- b. right hand drive;
- c. vehicles must conform to the Council livery scheme;
- d. vehicles with seating for more than 5 passengers will only be accepted for licensing following prior inspection of the actual vehicle for compliance and for suitability of seating layout and access.

1.3. Once a vehicle has been approved it must remain in that form and no change in the specification, design, condition or appearance of the vehicle shall be made throughout its licensing life without prior written approval from the Council.

1.4. Notwithstanding that the requirements of 1.1 and 1.2 above are fulfilled, the vehicle may not be approved for licensing by the Council until it has been inspected by individuals/groups nominated from time to time by the Council to comment on accessibility of the vehicle by wheelchair users and those with other disabilities.

**2. Seating Capacity**

2.1 The vehicle shall have a minimum seating capacity of 5 passengers up to a maximum of 8 passengers to be accommodated in the rear compartment and be capable of accommodating at least 1 wheelchair user. A vehicle where a wheelchair user reduces the overall capacity shall be permitted, subject to fulfilling all other requirements.

2.2 Only forward and/or rearward facing passenger seats shall be fitted.

2.3 All passenger seats and the devices used to secure them to the vehicle shall comply with the relevant M1 standards contained in European Directive 74/408 EC (as amended).

2.4. All passenger seats shall be permanently fixed to the vehicle. Demountable seats that are capable of being removed for the purpose of providing space for wheelchair user shall not be allowed. Fold-away tip-up type seats, shall be permitted providing they remain attached to the vehicle and comply with the requirements of 2.3 above.

2.5 All seats shall have a minimum cushion size of 350mm front to rear and 400mm side to side.

2.6. Every passenger seat should preferably have the forward edge highlighted in a contrasting colour so as to assist passengers with visual impairment.

2.7 The front passenger seat area shall be reserved for the carriage of luggage. Where a seat is fitted, it will not be considered suitable for passenger use and will not be taken

into account when determining the maximum passenger capacity of the vehicle for licensing purposes.

### 3. Seat Belts

3.1 All passenger seats shall be provided with a lap and diagonal 3 point seat belt appropriate to the type and position of the seat which complies with the strength requirements specified in European Directive 77/541/ EC as amended and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

3.2. Each wheelchair user shall be provided with a disabled persons seat belt which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair as laid down in European Directive 76/115 EC as amended and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

3.3 All seat belts fitted and available for use shall comply with European Directive 77/541/EC (as amended).

3.4 All seat belts shall be fitted to the vehicle with the number of anchorage points appropriate to the type of seat belt. All anchorage points shall comply with M1 standards laid down in European Directive 76/115 EC (as amended by Directive 96/38 EC) or ECE Regulation 14 whether or not those requirements apply to that particular anchorage or vehicle.

### 4. Wheelchair Restraint(s)/Passenger Safety Equipment

4.1 A system for the effective anchoring of wheelchairs shall be provided within the vehicle for all spaces designated as wheelchair spaces. The system and the devices used to secure the wheelchair to the vehicle shall comply with the strength requirements for M1 standards laid down in European Directive 76/115 EC whether or not those directives apply to those devices or vehicle. Wheelchair(s) must only face forward or rearward when the vehicle is in motion.

4.2. A full set of restraints shall be available in the vehicle for each wheelchair capable of being carried as permitted by the vehicle license.

### 5. Wheelchair Space

5.1 The vehicle shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1300mm measured from the floor of the vehicle for each wheelchair user. The space(s) shall be immediately adjacent to a vehicle door fitted with the wheelchair access equipment (see 6 below) so as to allow the wheelchair user to board the vehicle and use the anchoring equipment with the minimum of manoeuvring.

### 6. Wheelchair Access Equipment

6.1 The vehicle shall be fitted with the following form of wheelchair access equipment.  
RAMP: A purpose-designed wheelchair single-plate access ramp which must be permanently installed in the vehicle and be lightweight and easy to deploy, An add-on removable section would be deemed to meet this requirement. The ramp must provide a continuous surface of not less than 700mm in width and shall not exceed 1900mm in length when fully deployed. On level ground the ramp shall have a maximum gradient of no more than 33% in the fully deployed position. The installed ramp must have a minimum safe working load of 300kgs and shall be tested to 25% overload and a certificate obtained from the manufacturer installer. By 2010 all new vehicles with ramps and fittings must comply with British Standards 6109.

6.2 The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow for smooth ingress/egress without the need to negotiate any step etc.

6.3. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1200mm. The measurement shall be taken from the upper centre of the aperture to a point directly below on the floor of the vehicle.

6.4 The aperture of the door into which the access equipment is fitted shall have a minimum width of 750mm at and below window height so as to allow the easy ingress/egress of a wheelchair.

6.5 A mechanism shall be fitted that positively holds the access door in the open position whilst in use and that requires a deliberate effort to close.

## 7. Bulkhead/Drivers Safety Screen

7.1 All vehicles shall have a bulkhead/drivers safety screen fitted, it shall be a full width, and full height screen fitted in the vehicle directly behind the driver's seat. The upper section of the bulkhead/safety screen shall consist of a clear vision panel sufficient for the driver to be able to see a substantial amount of the passenger compartment which must include vision of all access doors. A means of passing payment shall be incorporated into the screen to enable payment to be made from within the vehicle.

7.2 The vision panel section of the bulkhead/safety screen shall be constructed of safety glass without tint to the standard required for windscreens laid down in Regulations 30, 31 & 32 of The Road Vehicles (Construction and Use) Regulations 1986 or any clear material with at least the same impact resistance and safety qualities as that of safety glass.

7.3 Any bulkhead/safety screen system must allow verbal communication between the driver and passenger by way of an intercom system which can be operated by the passenger.

## 8. Hearing facility

8.1 An induction loop facility must be installed and clearly signed for the use of passengers with hearing aids.

## 9. General Entry and Exit Requirements

9.1 The vehicle shall have a minimum of 2 means of exit from the passenger compartment behind the driver for use in emergency situations. The means of exit shall be free of any obstructions, reachable from all parts of the rear passenger compartment. Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty.

9.2 Where a tailgate/rear door(s) are included as an exit, they shall be clearly marked "Emergency Exit" together with clear instructions relating to the means of opening. All markings shall be on the inside of the vehicle in a minimum lettering size of 25mm.

9.3 All vehicles must be side passenger loading. Rear passenger loading vehicles are not permitted.

## 10. Floor Height, Steps and Handrails

10.1 At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:

a. Where the internal floor height of the vehicle exceeds 380mm an intermediate step shall be fitted every 300mm from road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg.

- b. The tread area of all steps must have a minimum depth of 150mm and shall have a slip / resistant surface. All steps, both internally and externally, shall have all open edges highlighted in a contrasting high-visibility colour to match handrails and seat markings.
- c. Handrails must be fitted in appropriate positions in all passenger access doors so as to assist (intending) passengers and to facilitate the use of steps where provided. All handrails fitted shall be highlighted in a contrasting high-visibility colour to match seat markings as shown at 2.6 above and be of a non-slip finish.

#### 11. Windows/Ventilation

11.1 The vehicle shall have windows fitted throughout on both sides of the vehicle and to the rear of the passenger compartment. A minimum of one window on each side shall be capable of being opened for the purpose of ventilation and passenger comfort.

11.2 All windows shall comply with European Directive 92J22/EC (as amended).

11.3 Only original manufacturers approved glazing shall be permitted. No aftermarket additions, e.g. film or spray coatings, shall be permitted other than clear additions which are intended to improve driver/passenger safety. All windows and glazing with or without additions designed to improve driver/passenger safety must achieve a minimum of 70% light transmission except where otherwise required by the Road Vehicle (Construction and Use) Regulations 1986.

#### 12. Floors and Passageways

12.1 All floor areas and passageways between seats through which passengers may be expected to pass shall be free of all steps, encumbrances or trip hazards and shall have a slip resistant surface securely fitted to the floor. Integral step(s) at doorways will not count towards this requirement.

12.2 Any gap through which a passenger can be expected to pass shall be of a minimum width of 400mm through which an adult can pass freely in a normal manner without undue difficulty.

#### 13. Interior Lighting

13.1 The vehicle shall have interior lighting fitted in the passenger compartment sufficient to illuminate the whole of that compartment. The light(s) shall be switched such that they may be turned on and off from both the driving and passenger compartments and shall operate automatically when a door is opened.

13.2 A means of illuminating the entrance steps at all access doors into the passenger compartment shall be fitted and switched such that they operate automatically when a door is opened.

#### 14. Luggage Space

14.1 There shall be a luggage compartment situated at the front or rear of the vehicle. If at the front it must be forward of a bulkhead/safety screen and on the opposite side of the driving compartment. The luggage compartment must be divided off by a barrier capable of preventing any luggage from entering the driving compartment or rear passenger compartment.

14.2 The luggage compartment shall have sufficient capacity to accommodate a reasonable amount of luggage for each of the maximum number of passengers that can be carried.

14.3 Unoccupied wheelchairs etc carried as luggage shall be securely loaded outside of the main passenger compartment.

14.4 A suitable restraint system shall be provided so as to minimise any movement of luggage whilst in transit.

14.5 The luggage compartment shall have a permanently fitted light for illumination which operates automatically on opening the door boot lid.

#### 15. Taximeter and Fare Card

15.1 The vehicle shall be equipped with a taximeter of an approved type that is fully activated and calibrated to the current fare card (as amended) so as to be capable of charging no more than the permitted rate of fare at anytime.

15.2 The taximeter shall be securely fitted in a position such that the fare can be easily and clearly read by any passenger inside the vehicle.

15.3 The current fare card shall be displayed in the vehicle so as to be easily and clearly read by any passenger. Where a bulkhead is fitted, an additional fare card shall be displayed in the rear passenger compartment so as to be easily and clearly read by any passenger.

15.4 Proper provision shall be made for the display of the fare card to accommodate at least an A5 size fare table.

15.5 Proper provision shall be made for the display of the vehicle license plate on the rear of the vehicle.

#### NOTES:

Any vehicle approved and licensed by the Council, in addition to the above requirements, will also be subject to conditions attached to licences (as amended) and to byelaws in respect to hackney carriages (as amended).



## Appendix 8 – Hackney carriage vehicle conditions.

**The Hackney Carriage Vehicle Licence is granted subject to the following conditions. Failure to comply with these conditions could lead to a criminal prosecution and/or your licence being suspended, revoked or not renewed.**

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

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

These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, the Local Government (Miscellaneous Provisions) Act 1976, the Health and Safety at Work etc. Act 1974

### **CONDITIONS**

No front seat passengers are permitted to travel in any Hackney Carriage Vehicle

#### **DETAILS TO BE REPORTED**

1. You must notify the Licensing Office, in writing, within **7 days** if you,
  - a) are convicted of any criminal or motoring offence
  - b) are cautioned for any criminal or motoring offence (by the Police or any other agency)
  - c) receive a Magistrates' Court summons
  - d) receive a fixed penalty notice for any criminal or motoring offence
  - e) receive a police 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.
  - i) are refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed 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.
  - j) change your home address
  - k) keep the vehicle when it is not in use at an address that is not specified on your licence
2. If any of your vehicle's identity plates are lost or stolen you must report the loss or theft in writing to the Licensing Office within **3 days**.

### **DOCUMENTATION TO BE MAINTAINED FOR VEHICLE & DRIVER(S)**

3. Only a licensed hackney Carriage driver can drive a licensed Hackney Carriage vehicle. If you propose to allow someone else to drive your vehicle at any time, before doing so you must obtain from the driver the following documents:

- a) A copy of their current Birmingham City Council Hackney Carriage Driver's Licence, and
- b) A copy of their insurance documentation covering them to use the vehicle for the purpose of public hire.

You must ensure that the driver's Hackney Carriage Driver's Licence and insurance remain current for the duration of the period they have your vehicle.

4. You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer. If you let the vehicle to a driver you must ensure that the driver's licence is deposited with you first. The vehicle cannot ply for hire in Birmingham unless it is driven by a Birmingham licensed Hackney Carriage Driver.

5. If the driver(s) details change at any time from the details notified at the time of application, in addition to the preceding condition, you must notify the Licensing Section, in writing within 7 days and forward a copy of the revised insurance documentation at the same time.

6. You must ensure that there is a current certificate or policy of insurance in force for the vehicle throughout the duration of the licence, whether it is being driven or not at the time.

7. If there are exceptional reasons which prevent you from maintaining or ensuring continuous insurance cover, for whatever reason, throughout the duration of the licence you must attend and notify the Licensing Office, in writing, within 72 hours 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.

### **LOST PROPERTY**

8. You must immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the Hackney Carriage vehicle for any property which may have been accidentally left therein.

9. Any property accidentally left in a Hackney Carriage Vehicle must be handed in to the nearest West Midlands Police Station as soon as possible, and, in any event, within 3 days of the property being found.

### **VEHICLE IDENTIFICATION PLATES & SIGNAGE**

10. The vehicle identification plate issued to you remains the property of the Council and must not be sold or transferred separately from the Hackney Carriage.

11. Should your Hackney Carriage Vehicle Licence expire, you must return the vehicle identification plate to the Licensing Office within 7 days.

12. The rear identity plate must be fitted externally on the rear of the vehicle in such a place and manner to ensure that all of the information displayed on the identity plate is clearly visible at all times.

13. The rear identity plate must be securely attached to the vehicle in such a manner so that it cannot be removed without the use of tools. It must not be affixed using string, tape, magnets, Velcro or any other similar material. If a securing bracket is not used the identity plate must be fixed to the vehicle using bolts, rivets or screws.

14. You must ensure that the vehicle licence number and a copy of the approved fare table are displayed in a prominent position within the vehicle so as to be clearly visible to passengers at all times.

#### **ADVERTISING**

15. No advertisement shall be displayed upon the interior or exterior of a Hackney Carriage which contains, promotes or involves drugs, alcoholic drinks, politics, nudity (partial or otherwise) or sex (including articles or products associated with birth control) without the permission of the City Council.

16. No advertisement which has been prohibited by the Advertising Standards Agency shall be displayed upon the exterior or interior of any Hackney Carriage.

17. No advertisement shall be displayed in such a manner so as to contravene the Road Traffic Acts or the Road Vehicle (Construction and Use) Regulations.

18. Any advertisement displayed upon the exterior of a Hackney Carriage shall be located either upon:-

a) The whole vehicle (whole livery);

b) Each side of the vehicle;

c) The rear windscreen provided that an advertisement shall only be displayed upon the rear windscreen if the advertisement is printed upon a transparent screen which does not obscure the driver's view.

d) The roof of the vehicle as an approved "taxitop" installation

e) With the exception of c) above, advertisements on windows are not allowed.

19. Only those companies approved by Birmingham City Council may install "taxitop" advertising units and installation or removal of units, must be carried out by the company's nominated installer.

20. No additional advertising media of any description is to be displayed or installed in or on the vehicle, at the same time as the roof top advertising unit. Taxi radio circuit or app booking service logos may be displayed in a single location on both sides of the vehicle, but must not be larger than 30 cm<sup>2</sup>.

**NB** - Only one advertisement is allowed in any one location on the vehicle. For this purpose, both doors on each side of the vehicle constitute one location.

21. The proprietor shall maintain the advertisement in a clean and tidy condition and shall remove any advertisement, which is damaged, defaced or out-dated.

22. No advertisement shall be displayed within the interior of the vehicle unless it is located upon the underside of the tip-up seat within the vehicle or displayed via an electronic media system with the prior approval of the Licensing Committee.

23. Any advertisement, which, in the absolute discretion of the City Council, is considered to contravene these conditions shall be removed forthwith.

The following condition only relates to licences issued in respect of van derived vehicles e.g. Mercedes Eurocab, Peugeot Euro 7 Taxi and Fiat Eurocab:

24. The licence is granted on condition that the vehicle will not be allowed to carry whole livery or "taxi top" advertisements and that the colour of the vehicle must remain black throughout the period of the licence.

#### **TAXIMETERS**

25. The taximeter fitted to the vehicle shall be of an approved type, and shall be subject to an annual test to be carried out by the Council to ensure that it is calibrated to the fare table currently in force at the time.

26. The seal on the taximeter will not be tampered with at any time.

#### **MAINTENANCE OF VEHICLES**

27. The interior of the vehicle shall be kept clean and tidy at all times when in use as a Hackney Carriage Vehicle.

28. The exterior of the vehicle to be clean at all such times, having due regard to the weather conditions on the day.

29. 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.

30. Once a vehicle has been inspected by one of the Licensing Office's approved MOT stations and a licence has been granted it must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from the Licensing Office.

31. Only tinted and anti-glare windows fitted by the vehicle's manufacturer are acceptable

## **MISCELLANEOUS**

32. A copy of these conditions must be kept in the vehicle at ALL times and shall be made available for inspection on request by an authorised officer of the Licensing Authority or a Police Constable.

33. From 01/01/2020 no Birmingham licensed hackney carriage vehicle shall be used to carry passengers on a hire and reward basis, unless the means to process credit, debit and pre-loaded payment card transactions is carried on board.

## **GUIDANCE**

**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.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)

## Appendix 9 Private Hire Signage Policy

- Unless specifically granted exemption to all or part of the private hire vehicle signage policy, all licensed private hire vehicles must display the full range of prescribed signage throughout the duration of the licence.
- The rear licence plate must be fixed to the exterior rear of the vehicle, in such a position as to be clearly visible. The plate should be attached using a purpose made bracket, or other appropriate fixing in order to render it impossible to remove without the use of tools.
- The Semi-permanent door signs must be applied to the centre of both rear passenger doors and must remain in place for the duration of the licence
- The double-sided front windscreen sign must be fixed inside the nearside bottom corner of the windscreen, in a position where it is visible to an observer outside the vehicle and to a front seat passenger.
- A Call Sign number, to be issued by the Licensed Operator, must be displayed in the upper nearside corner of the rear window and the upper nearside corner of the front windscreen.
- All plates and signage displayed on the vehicle must be kept clean, unobstructed and must not be altered or tampered with in any way.
- A private hire vehicle must not be driven or operated, unless it is displaying in the manner prescribed, the vehicle identification plates, which must remain continuously attached throughout the duration of the licence, unless the licence is surrendered, suspended, or revoked.
- No Smoking signage must be displayed in the vehicle and comply with current smoke free legislation.
- Private Hire Operator Door Signs must be displayed on the front doors of the vehicle whenever the vehicle is employed on a job or available for dispatch. Vehicles MUST display the door sign appropriate to the job on which they are employed and MUST NOT display more than one door sign at the same time or display the door sign for one operator, when undertaking work on behalf of another.
- The plates and signage may only be displayed on the Birmingham City Council licensed private hire vehicles for which they were issued. No one may cause or permit the plates or signs to be placed on any other vehicle.
- If a Private Hire Vehicle Licence expires, is suspended, revoked, or refused renewal, the vehicle identity plates issued by the Licensing Authority, must be returned to the Licensing Office within 7 days.
- Vehicles granted exemption from any of the requirements of the Private Hire Vehicle Signage Policy must carry the exemption letter at all times and it must be produced on request to a Police Officer or an authorised officer of Birmingham City Council or any other local licensing authority.

## Appendix 10 Private Hire Operator Conditions

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

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

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

These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, the Local Government (Miscellaneous Provisions) Act 1976, the Health and Safety at Work etc. Act 1974

### **CONDITIONS**

#### **INFORMATION TO BE REPORTED TO THE LICENSING OFFICE**

1. You must notify the Licensing Office, in writing, of the name and details of any individual to be nominated as a Responsible Person for managing your business in your absence at least **7 days** prior to their commencement in that role.
2. You must notify the Licensing Office, in writing, within **7 days** if you, or any individual or company named on the application form or a currently appointed Responsible Person
  - a) is convicted of any criminal or motoring offence
  - b) is cautioned for any criminal or motoring offence (by the Police or any other agency)
  - c) receives a Magistrates' Court summons
  - d) receives a fixed penalty notice for any criminal or motoring offence
  - e) receives a police warning or court order in relation to harassment or any other form of anti-social behaviour
  - f) receives a civil or family law injunction
  - g) is arrested for any offence (whether or not charged)
  - h) is charged with any criminal offence.
  - i) is refused any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed
  - j) changes home address
  - k) if any company or limited liability partnership changes its registered office
  - l) if any changes are made in the ownership/management/partnership of the operation as specified in your application form.
  - m) If a Responsible Person ceases to be employed in this capacity

3. When notifying the Licensing Office of any matters required by Condition 2. You must provide full details of any such matter and if asked, provide any further information that might reasonably be asked for by an authorised officer.

4. You must provide the Licensing Office an updated Driver and Vehicle List on the first of every month. This list should include **all** drivers and vehicles operated by you for the purposes of private hire and their call signs.

5. When supplying information to the Licensing Office this **MUST** be in writing but can be provided by post, in person or via email.

#### **DISPLAY OR PROVISION OF A COPY OF THE LICENCE**

6. If the public have access to your premises your licence and the conditions attached to it must be prominently displayed in a position that is clearly visible.

7. 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 attached to it.

8. If you have a website a copy of your licence and conditions attached to it must be available on your website.

9. In respect of these copies of your licence either on display, on request or online you may redact your personal address if shown on the licence.

#### **STAFF**

10. No person other than a director, partner, employee or contractor shall be engaged in any aspect of the business.

11. You must keep and maintain at the licensed premises a register of all such persons, which shall include

- (a) their full name
- (b) date of birth
- (c) home address
- (d) national insurance number
- (e) contact telephone number
- (f) any call sign/codes they are allocated
- (g) the dates their employment commenced/terminated
- (h) documentary proof of identification
- (i) documentary proof that each has been registered with HMRC as an employee
- (j) documentary proof of their right to work in the UK

12. Either you or a Responsible Person over the age of 18 and notified by you in writing to the Licensing Office pursuant to Condition 1 must be in charge of the operation and immediately contactable by an authorised officer or police constable at any time during the hours of operation.

13. You must ensure that any Responsible Person left in charge of the premises in your absence is fully aware of these conditions of licence, the need to comply with them and be able to produce the records to an authorised officer or police constable on request.



14. The aforementioned register must be retained at the premises and be made available to an authorised officer or police constable for inspection at any time during the hours of operation.

#### **STATIONERY & ADVERTISEMENTS**

15. You must not advertise your private hire business or use stationery

- (a) with a trading name that is not included in your Private Hire Operator's licence
- (b) showing your trading name in a different style/format of letters, numbers or logos
- (c) which includes any references or information which may be misleading to the public

without obtaining the prior written approval of the Licensing Office

16. 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.

17. 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.

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

19. If you do not issue an electronic receipt to the customer, you must provide drivers with stationery that they can use for issuing receipts. Electronic receipts shall include your trading name, details of the driver, the journey and fare paid. Stationery shall include your trading name and have spaces for the driver's call sign, details of the journey and fare paid to be recorded.

#### **DRIVERS AND VEHICLES**

20. 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.

21. Mobile phones or smart phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle.

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

22. 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.

23. If technology is provided by the operator to enable route planning and fare calculation they should ensure that drivers proceed to the destination by shortest possible route, through the programming of any technology provided by the operator, which is designed to assist drivers in route planning and calculation of fares.

Deviating from the shortest possible route is only allowed when the driver obtains the agreement of the passenger to do so.

#### **VEHICLE IDENTITY PLATES & SIGNAGE**

24. You must ensure that every private hire vehicle operated by you is issued with such operator signs and notices as may be required for the vehicle to be compliant with the requirements of the City Councils Vehicle Signage Policy and approved in writing by the Licensing Office. No other signage is permitted.

25. You must not change the design of your operator signs without obtaining the prior written approval from the Licensing Office.

26. Only one approved door sign design is to be in use at any one time. All previous versions must be removed from circulation within 14 Days of a new approved sign being introduced.

#### **RECORDS OF BOOKINGS**

27. You must keep a record of every private hire booking either in writing in a suitable hard back book which has consecutive page numbers or a proprietary computerised booking and dispatch system.

28. If you use a book you must ensure the entries are clearly and easily legible, with no line spaces or blank pages.

29. Should you wish to use change your computerised system, then you must first notify, in writing, the Licensing Office.

30. 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 or police constable at all times.

31. At the time of accepting each booking an entry shall be made in the record book or computerised booking and dispatch system that shall include:

- ai) The name and signature of the person making the record and the radio operator for each period of duty - Record Book only
- aii) The code for the person making the record - Computerised system only
- b) The date on which the booking is made and, if different, the date of the proposed journey
- c) The name of the person for whom the booking is made or, if more than one person, the name of one of them
- d) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection
- e) The destination
- 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.

32. Recording destinations - The very minimum you should record is the street and postal area of the main destination (e.g. Stratford Road, Hall Green) or the place (e.g. The Robin Hood, Stratford Road). At best it should be the full postal address (e.g. 1456 Stratford Road, Hall Green, B28 9ES). It is not sufficient to record just the postal area (e.g. Hall Green) as that would cover too wide an area. However where you know the full postcode (e.g. B28 9ES) that will suffice, as it would identify the street destination.

33. When allocating a booking to a driver, you must provide them with all of the following details:

- a) the name of the person for whom the booking is made
- b) the agreed time and place of collection
- c) the destination
- d) the fare agreed (if applicable).

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

35. 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 or police constable for inspection at any time during the hours of operation.

### **DRIVER AND VEHICLE RECORDS AND DOCUMENTS**

36. You must keep and maintain an up to date record of **all** the drivers and vehicles operated by you for the purposes of private hire on a Driver and Vehicle List, which must include:

- a) the call sign allocated to the driver/vehicle
- b) the driver's name and private hire badge number
- c) the vehicle's registration and private hire plate numbers
- d) the date the driver joined you and, if applicable, ceased working for you.

37. You must obtain and retain the following documentation in respect of every vehicle and driver you operate prior to allocating them any bookings, namely:

- a) a copy of the driver's current private hire driver's licence or badge
- b) a copy of the vehicle's current private hire vehicle licence or front identity plate
- c) a copy of the vehicle's current MOT certificate
- d) a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
- e) a copy of the Taximeter Calibration Certificate, where appropriate

38. The above documentation relating to vehicles and drivers must be retained at your licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for you and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

### **COMPLAINTS**

39. You must establish a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:

- a) the name, contact details of complainant and date complaint received
- b) the date, time and details/nature of the complaint
- c) the name of the driver (and Badge number) or member of staff, to which the complaint relates
- d) details of the investigation carried out and any action taken.

40. Upon receiving a complaint or allegation concerning:

- a) sexual misconduct, sexual harassment or inappropriate sexual attention
- b) racist behaviour
- c) violence
- d) dishonesty such as overcharging, theft or retention of lost property
- e) breach of equality legislation, such as refusing to carry an assistance dog

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.

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

#### **Passenger Service Vehicles**

42. Where a PHV operator also holds a PSV operator's licence, PSV's should not be used to fulfil bookings except with the informed consent of the hirer. This consent shall be recorded as part of the booking record.

For example, if a member of the public contacts a PHV operator and seeks a booking for a party of fewer than nine passengers it cannot be reasonable to assume a PSV is required unless there are other factors, e.g. a large amount of baggage, or a need for a wheelchair accessible vehicle which would not otherwise be available. If there is no good reason to use a PSV for a booking for fewer than nine passengers, the difference in licensing requirements should be explained and explicit consent obtained.

# Appendix 11 Hackney Carriage Fare Table

BIRMINGHAM CITY COUNCIL HACKNEY CARRIAGE - TABLE of FARES				
It is a criminal offence NOT TO PAY THE TAXI FARE, which is covered by The Theft Act 1968, The Theft Act 1978 and The Fraud Act 2006.				
The taximeter is programmed to select the correct tariff automatically, from the tariffs as detailed below, depending on the date, day and time of day that the Hackney Carriage is being hired using real time clock tariff changes in hired mode.				
<b>TARIFF ONE: STANDARD DAY RATE</b> Applicable Monday to Friday From 04.00hrs to 22.00hrs AND on Saturday - From 07.00hrs to 22.00hrs (EXCEPT for those days and times as specified in Tariffs Two, Three and Four)		<b>TARIFF TWO: WEEKDAY NIGHT RATE</b> Applicable Sunday to Thursday – From 22.00hrs to 04.00hrs the next day AND on Sunday - From 07.00hrs to 22.00hrs AND All Bank Holidays - From 00.00hrs to 22.00hrs. (EXCEPT for those days and times as specified in Tariffs Three & Four)		
<b>TARIFF THREE: WEEKEND NIGHT RATE</b> Applicable Friday and Saturday – From 22.00hrs to 07.00hrs the next day AND on Boxing Day - From 00.00hrs to 24.00hrs AND on Christmas Eve - From 19.00hrs to 24.00hrs AND on New Year's Eve - From 19.00hrs to 24.00hrs		<b>TARIFF FOUR: CHRISTMAS &amp; NEW YEAR SEASON</b> Applicable on Christmas Day and New Year's Day On Christmas Day - From 00.00hrs to 24.00hrs A N D On New Year's Day - From 00.00hrs to 07.00hrs		
<b>INITIAL CHARGES:</b> A charge of For the first or part thereof <b>MILEAGE CHARGES:</b> A charge of For each subsequent or part thereof until have been travelled. Thereafter: A charge of For each subsequent or part thereof Equivalent to a rate per mile of <b>WAITING &amp; TIME CHARGES:</b> A charge of For each or part thereof Equivalent to an hourly rate of <b>SOILAGE CHARGES:</b> An additional charge may be made in the event of SOILAGE OR FOULING OF THE VEHICLE		<b>TARIFF ONE</b>	<b>TARIFF TWO</b>	<b>TARIFF THREE</b>
		£3.20 187.5 yards	£3.20 195.6 yards	£3.20 180.5 yards
		20p 125.0 yards 1062.5 yards	20p 97.8 yards 684.6 yards	20p 90.3 yards 632 yards
		20p 183.3 yards	20p 172.5 yards	30p 176 yards
		£1.92	£2.04	£2.21
		20p 42.8 secs	20p 40.0 secs	30p 45.0 secs
		£16.82	£18.00	£19.50
		£40.00	£40.00	£40.00
				£60.00
<b>EXTRA CHARGES:</b> For every person in excess of one For every article of luggage carried outside the passenger compartment Any road toll or barrier charge incurred in the execution of the hiring				
<b>COMPLAINTS</b> Any complaint of overcharging, or about this taxi or taxi driver, should be sent in writing to The Enforcement Section, Birmingham City Council, Phoenix House, Garretts Green Trading Estate, Valepits Road Birmingham B33 0TD, or by telephoning 0121 303 9611, quoting the number of the taxi and the number of the driver's badge. Enquiries regarding property accidentally left in a taxi should be made at the nearest West Midlands Police Station.				
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Birmingham Fare Table 30/09/2022

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