

BIRMINGHAM CITY COUNCIL

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

12 JULY 2017

ALL WARDS

**PROPOSAL TO INTRODUCE QUALITY RATING SYSTEM
FOR PRIVATE HIRE OPERATORS**

1. Summary

- 1.1 A report was presented to this Committee in October 2014 to consider the development of a scheme to 'score' Private Hire Operators on their level of compliance with licence conditions and provide positive encouragement to improve standards. Consultation was arranged with the trade to discuss the proposals.
- 1.2 It is proposed that a quality rating, similar to that of Food Hygiene Rating Scheme from the Food Standards Agency, to be published on the Birmingham City Council website allowing members of the public to make informed choices.
- 1.3 The aim of the scheme is to promote the private hire trade within Birmingham and attempt to drive up service standards; making operators more accountable for the actions of their drivers.
- 1.4 It is anticipated that by publicising the rating of operators assessed under the scheme would give customers greater confidence in their choice of operator, hence increasing competition and driving up standards across the trade.
- 1.5 Your Committee resolved in July 2016 (Minute 699) that further consultation be held with the trade and the wider public prior to the introduction of any such scheme.
- 1.6 As the Quality Rating Scheme for private hire operators is dependent on the conditions of licence for private hire operators, which were only approved in April 2017, it was thought prudent to bring an amended scheme back to Committee prior to any further wider consultation.

2. Recommendation

- 2.1 If Committee approve the proposed Quality Rating Scheme for private hire operators in principle; then Officers will carry out a final consultation with the trade, with responses to that consultation to be reported to this Committee in September with a view to implement the scheme from October 2017.

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3. Background

- 3.1 The Food Hygiene Rating Scheme is operated by over 300 Local Authorities in England and evidence suggests that publicising food hygiene scores has brought about improvement in levels of hygiene.
- 3.2 It is anticipated that publicising compliance with Private Hire Operator Conditions would increase compliance and, in turn, increase safety standards for members of the public.

4. Proposal

- 4.1 The proposed scheme will cover all licensed Private Hire Operators, within Birmingham, and the scoring of the business will be based on compliance with the indicators listed on the assessment form, attached as appendix 1.
- 4.2 There are 47 items on which each operator will be assessed. One point will be allocated for compliance with all aspects of each item.
- 4.3 In an attempt to make operators more accountable for their drivers, 5 points will be deducted if a driver representing their company is cautioned or prosecuted for plying for hire.
- 4.4 There will be 2 types of indicator on which the assessments will be based.
Essential criteria: based on the new proposed conditions approved in April 2017 and which will be attached to each operator licence; and
Bonus criteria: evidence of written policies and procedures to demonstrate best practice, support of their own staff through training and implementing measures to enhance the consumer experience and safety.
- 4.5 There are 28 Essential criteria and 19 Bonus items.
- 4.6 Each operator will then be allocated a quality rating based on their score:
 - ≤10 points– Licensed.
 - 11 - 20 points – Bronze.
 - 21 - 30 points – Silver.
 - 30 - 45 points – Gold.
 - >45 – Platinum.
- 4.7 It is anticipated that assessments will be on an annual basis, conducted during routine inspections. If an operator wishes to make improvements and apply for a secondary inspection, they may do so on payment of a fee, which has yet to be determined, but will be set in order to recover costs.
- 4.8 The results of the quality rating will be published on the City Council website and individual operators will be able to advertise their own score to promote their own company.
- 4.9 The current Conditions of Licence for Private Hire Operators is attached as Appendix 2 for information.

5. Consultation

- 5.1 The proposal to introduce a rating scheme was discussed at an open forum meeting in the Council Chamber on 12 February 2015 to which all private hire operators were invited.
- 5.2 The event was attended by 12 people representing eight operators.
- 5.3 A small number of operators accepted the idea of a scheme in principle; however, the majority of those attending were strongly opposed to the idea.
- 5.4 All agreed that before any such scheme could be implemented then the conditions of licence should be reviewed first as they were “not fit for purpose”, according to the operators that were present.
- 5.5 As a result of this consultation the private hire operator’s conditions have been reviewed and new draft conditions were presented to and approved subject to minor amendments by this committee in April 2017.
- 5.6 Other questions raised in 2015 included
- Exemptions for those operators doing contract work only.
 - What systems are in place to identify a need for a scheme, and
 - The introduction of a Policy to deal with Plyers

6. Implications for Resources

- 6.1 At this stage there are no implications for resources; assessments would be conducted alongside routine operator inspections requiring minimal extra time. Current licensing fees cover the costs of these inspections. However, it will be necessary to set a fee to recover the cost of rescoring an operator who asks for this to be done.

7. Implications for Policy Priorities

- 7.1 The activity described in this report contributes to the key aim of your Committee to improve standards of licensed people, premises and vehicles in the City.
- 7.2 In addition to helping to drive up private hire operator standards in Birmingham, the quality rating scheme allows members of the public to make informed choices about which businesses they wish to give their custom to. Both of these outcomes support the City Council’s strategic objective ‘Stay Safe in a Clean, Green City’.

8. Public Sector Equality Duty

- 8.1 No specific implications have been identified. The Quality Rating Scheme will relate to managerial processes at each private hire operator business, not to individual people and every operator will be subject to it.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

APPENDIX 1

Scoring System E – Essential criteria B – Bonus criteria

SECTION & CONDITION NUMBER OR BONUS POINT	INDICATOR	TICK TO AWARD POINT	E or B
STAFF			
12, 13	Responsible Person on site and fully aware of conditions of licence		E
B	Is this documented? (if 'yes' award point)		B
11	Staff Register		E
11	Supporting documents		E
B	Is there a documented Management rota? (if 'yes' award point)		B
B	Documented Staff Training in respect of how to answer calls and dealing with complaints		B
B	Written staff disciplinary procedure		B
DRIVERS & VEHICLES			
B or N/A	Operating out of town vehicles? Checks made with relevant licensing authority and insurance companies to verify documentation & advising them that vehicle being operated within Birmingham. This must be evidenced by way of letter/e-mail from insurer and local authority.		B
B	Routine, documented, vehicle checks conducted (inc. price lists displayed prominently)		B
B	Receipts issued to all customers as a matter of course identifying driver		B
B	Written contract between operator and driver outlining dress code, code of conduct, issue of receipts		B
B	Written driver disciplinary procedure		B
RECORD OF BOOKINGS			
30	Able to print out records from computer system at all times		E
31 (ai) or (a ii)	Name & Signature or Code of person making record		E
31b	Time & date of booking		E
31c	Name of Hirer (not 'see staff' or 'as directed')		E
31d	Time & pick up point		E
31e	Place of destination (not 'as directed' or 'local')		E
31f	Time vehicle allocated to booking		E
31g	Driver call sign or registration number of vehicle allocated to booking		E
31i	If applicable, the name of the other operator from whom a booking was received and / or to whom the booking was subcontracted.		E
32	Destinations recorded properly		E
35	Records kept for 12 months and readily available for inspection		E
DOCUMENTS TO BE KEPT BY THE OPERATOR			
6, 7, 8	Copy of licence on display or available for inspection		E
36	Up to date driver & vehicle list with all required information (inc start & finish dates)		E
4	List forwarded to Licensing Monthly		E
37a	No PHD licences missing		E
37b	No PHV licences missing		E
37c	No MOT missing		E
37d	No insurance missing		E
38	Documents kept for 12 months and available for inspection		E

E – Essential criteria **B** – Bonus criteria

SECTION & CONDITION NUMBER OR BONUS POINT	INDICATOR	TICK TO AWARD POINT	E or B
ASSISTANCE DOGS & WHEELCHAIR USERS			
B	Written policy		B
B	Documented staff training		B
B	Wheelchair accessible vehicle on fleet		B
COMPLAINTS			
39	Evidence of a complaints procedure		E
39a	Name, contact details of complainant and date received		E
39b	Date, time and details/nature of complaint		E
39c	Name of driver (and badge number) or member of staff, to which the complaint relates		E
39d	Details of action taken		E
B	Is complaints procedure documented?		B
41	Records kept for 12 months and available for inspection		E
B	Documented staff training on procedure		B
EXTRAS			
B	Customer informed of type of vehicle being despatched to booking		B
B	Basic 'ring back' that vehicle arrived		B
B	Child car seats available for driver use if requested by customer		B
B	Driver uniform/Dress code		B
B	First Aid Training for drivers		B
SCORE			
NEGATIVE POINTS (-5 points)	Driver representing company cautioned or prosecuted for plying for hire		
FINAL SCORE			

PRIVATE HIRE OPERATORS 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 of any of the conditions below, please let the Licensing Office know immediately so that arrangements can be made to assist you in that respect.

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 AND 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 publicwithout 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 AND 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:
 - a) 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.