

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 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.

To ensure the licensing office is aware of who to contact on a day to day basis

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

So the Licensing service can be confident that those managing the operator's licence remain fit and proper

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.

So that a proper assessment of fitness can be made

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.

This replaces the previous condition for notification with an up to date list every time a driver leaves or a new driver starts. Additionally inspections aren't as frequent as in previous years and so this will aid in identifying where drivers work in the event of complaints.

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

So that a proper record can be kept

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.

In order to provide transparency for members of the public as to conditions you must comply with

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.

In order to provide transparency for members of the public as to conditions you must comply with

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

In order to provide transparency for members of the public as to conditions you must comply with

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.

So as not to put operator personal safety at risk

STAFF

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

In order to ensure the business is operated by fit and proper persons

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

To demonstrate compliance with 10 above and demonstrate that persons engaged in private hire have a 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.

So that should emergency suspensions/revocations of drivers be necessary this can be done

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.

To ensure compliance with these conditions at all times and provide relevant information whenever necessary

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.

To enable officers to establish those present at premises are fit and proper and employed at the business

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

To avoid confusion with other licensed operators

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.

To avoid confusion with other licensed operators

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.

To avoid confusion with licensed hackney carriages

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

To avoid confusion with other licensed operators

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.

So that passengers have a record of their journey if required

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.

It is an offence to operate private hire drivers not licensed by Birmingham City Council.

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.

In order to prevent drivers from making and accepting bookings direct from passengers

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.

To ensure that those carried in private hire vehicles are not overcharged

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.

As a general rule the route taken shall be the shortest. However new technology can provide benefits to customers, in terms of cost, where journeys are calculated including a time element. The journey undertaken should be that which provides the greatest benefit to the passenger in terms of price unless specifically told to do otherwise by the passenger.

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.

So that vehicles operated by you are readily identifiable by both customers and regulators.

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

To avoid confusion with other licensed operators

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.

To avoid confusion with other licensed operators

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.

Because the Act requires operators to keep records of journeys in a form prescribed by the Council

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

So that the records can be read and to prevent records being post populated with unbooked journeys

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

So that the Licensing Service can ensure that the system you propose is suitable and can provide the records in the necessary format if and when required. This is not intended to include systems updates/upgrades from the provider of the system.

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.

So that copies can be produced in evidence if necessary when prosecuting offences

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
- a ii) The code for the person making the record - Computerised system only
- b) The date on which the booking is made and, if different, the date of the proposed journey
- c) The name of the person for whom the booking is made or, 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.

In order to protect both driver and passenger safety; prevent potential public order; and assist in the prosecution of offences at a later date if necessary.

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.

To assist drivers in planning routes and assist in the prosecution of offences at a later date if necessary.

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).

To enable drivers to be able to correctly identify their passenger, turn up on time and comply with their conditions of licence.

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

To prevent drivers from making and accepting bookings direct from passengers i.e. operating, to reduce touting and assist in the reduction of plying for hire.

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.

To assist in the apprehension of offenders; this is not restricted to licensing offences hence the requirement for 12 months.

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

To ensure that vehicles and drivers operated by you are properly licensed and insured.

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.

To assist in the apprehension of offenders; this is not restricted to licensing offences hence the requirement for 12 months.

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.

It is good practice and beneficial to customer service to have a well-documented complaints procedure. This also assists the Licensing Service in following up complaints made about drivers

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.

To assist in the protection of the safety of the public by allowing the Licensing Service to investigate specific complaints that go to the fitness of the driver/operator in question.

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.

To assist in the apprehension of offenders; this is not restricted to licensing offences hence the requirement for 12 months.

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.

In order to prevent as far as practicable, those deemed to not be 'fit and proper' from carrying out private hire bookings.