

Licensing Enforcement
Place Directorate
Birmingham City Council
Crystal Court
50 Rocky Lane
Aston
Birmingham
B6 5RQ

Our Ref: DBW / Star Cars
Your Ref: Shawn Woodcock
Date: 7 September 2015
Please ask for: David Wilson

By email only to:
shawn.woodcock@birmingham.gov.uk

Dear Mr Woodcock,

Star Cars – Consultation Response – Private Hire Operator Licence Conditions

I act for Star Cars and would like to take this opportunity to thank you for inviting my client to comment on the proposed new standard conditions to be attached to private hire operator licences.

Rather than provide abstract comment, I have, as far as possible, incorporated suggested changes and comments into the attached tracked MS Word version of your original document. Where it has been possible to make minor changes, tracked changes have been made and a comment added, if the reasons for the suggested change are not self-evident. However, where it is suggested that a whole paragraph or condition should be removed they have been highlighted and a comment added stating the reason for the suggestion.

If it would assist you to appreciate how the final document might look, I would be happy to produce a further document incorporating all the suggested changes, but time constraints (despite your generous extension of time until today) have not permitted that to be done.

The suggested changes and the reasons for them are intended to give effect to the Regulators' Code (BRDO/14/705), a copy of which I attach for your ease of reference.

The Council is respectfully asked to give particular consideration to the foreword and introductory paragraph of the Regulators' Code, as well as paragraphs 1, 1.1, 1.2, 5, 5.1 and 5.2.

As I am sure you appreciate, this is a statutory code to which the Council must have regard.

There remains the recurring issue of licensing or, more particularly, not licensing incorporated bodies (limited companies and limited liability partnerships).

I understand that the Council accepts it could license an incorporated body, but purports to chose not to do so, because of perceived enforcement difficulties.

However, the Council seems not to have given proper consideration to the provisions of sections 72(2) and 44(3) of the Local Government (Miscellaneous Provisions) Act 1976, which permit.

With the very greatest of respect, the Council's current approach is irrational and perverse!

Taking my own clients for example, I have to regard my clients as being both the licensed operator, Mrs Jacqueline Markham and the limited company, Star Cars and Coaches Ltd. Mrs Markham is licensed to make provision in the course of business for the invitation and acceptance of bookings for a private hire vehicle, but in fact does not do so. On the other hand, the limited company does engage in the licensable activity, but does not have a licence permitting it to do so.

We understand the Council also has difficulties taking effective enforcement action against some businesses, because when there are issues, a new seemingly fit and proper person simply applies for an operator's licence to continue the operation of the business. However, if the Council licensed incorporated bodies it would not be as easy for a new operator to obtain a new licence and to take over the running of the business, because the licence would remain in the name of the incorporated body. In similar circumstances, other councils have attached conditions to licences to prohibit certain persons who have previously been engaged in the business and / or not to be a fit and proper person for other reasons to be barred from the premises or being engaged in the management or operation of the business by way of conditions attached to the licence.

Therefore, as well as considering the conditions that should be attached to private hire operator licences, the Council is respectfully asked to again consider whether it is right for it to refuse to licence any applicant that is an incorporated body.

If I can assist any further, please do not hesitate to contact me.

Finally, thank you for extending the time for the making of this response to this morning.

Yours sincerely,



David B Wilson

Licensing Consultant, Mediator and Trainer
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