



**Birmingham**  
City Council



## Private Hire Operator Quality Rating Scheme Consultation: Summary report

This report was created on Monday 18 September 2017 at 15:12.

The consultation ran from 11/08/2017 to 15/09/2017.

### Contents

Question 1: What is your name?	1
Name	1
Question 2: What is your email address?	2
Email	2
Question 3: What is your organisation?	2
Organisation	2
Question 4: Are you a?	2
Consultee	2
Question 5: If you are a Private Hire Operator, do you think the introduction of a published QRS will aid to grow your business from a marketing view point?	2
PHO - Aid Business Growth	2
Question 6: If you are a member of the public, would a published QRS influence your choice when ordering a vehicle to take you out/home?	3
Public - Influence Choice	3
Question 7: If you are a driver, would a published QRS influence who you chose to work for?	3
Driver - Influence Employment	3
Question 8: Do you think the introduction of a QRS will help drive up operator standards in Birmingham?	3
QRS Drive up Operator Standards	3
If no, why not	4
Question 9: Are there any specific scoring points you would like to see added?	4
Scoring points would like added	4
Question 10: Are there any specific scoring points you think should be removed?	4
Scoring points should be removed	4
Question 11: Are there any specific scoring points you think should be amended?	4
Scoring points would like amended	4
Question 12: Do you have any further comments you wish to make in regard to the proposed introduction of a published QRS for Private Hire Operators?	4
Additional comments	4
Question 13: What is your religion or belief?	4
Religion/Belief	4
Question 14: How old are you?	5
Age group	5
Question 15: What is your gender?	6
Gender	6
Question 16: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?	6
Please select one	6
Question 17: What is your ethnic group?	7
Ethnicity	7
Question 18: What is your sexual orientation?	7
Sexual orientation	7
Question 19: What is your religion or belief?	8
Religion/Belief	8

### Question 1: What is your name?

#### Name

There were 14 responses to this part of the question.



## Question 2: What is your email address?

### Email

There were 11 responses to this part of the question.

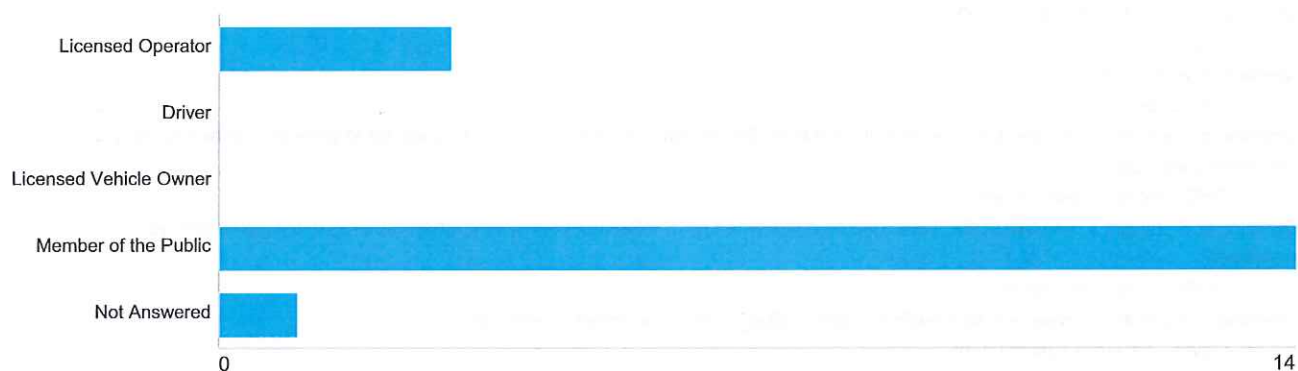
## Question 3: What is your organisation?

### Organisation

There were 9 responses to this part of the question.

## Question 4: Are you a?

### Consultee



Option	Total	Percent
Licensed Operator	3	16.67%
Driver	0	0%
Licensed Vehicle Owner	0	0%
Member of the Public	14	77.78%
Not Answered	1	5.56%

## Question 5: If you are a Private Hire Operator, do you think the introduction of a published QRS will aid to grow your business from a marketing view point?

### PHO - Aid Business Growth



Option	Total	Percent
Yes	2	11.11%
No	2	11.11%
Not Applicable	14	77.78%
Not Answered	0	0%

**Question 6: If you are a member of the public, would a published QRS influence your choice when ordering a vehicle to take you out/home?**

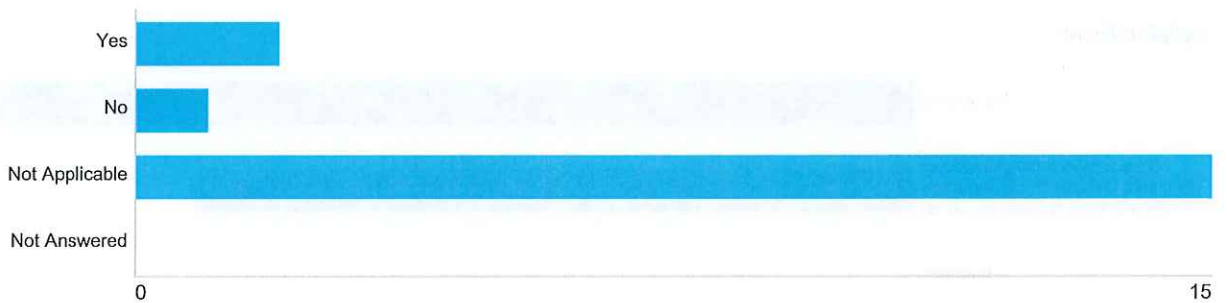
**Public - Influence Choice**



Option	Total	Percent
Yes	14	77.78%
No	2	11.11%
Not Applicable	2	11.11%
Not Answered	0	0%

**Question 7: If you are a driver, would a published QRS influence who you chose to work for?**

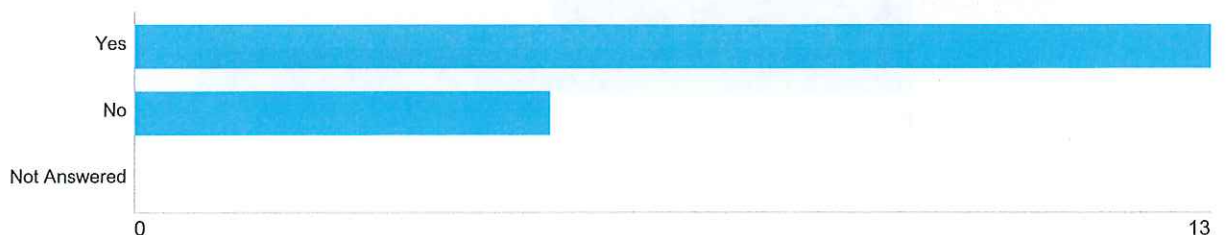
**Driver - Influence Employment**



Option	Total	Percent
Yes	2	11.11%
No	1	5.56%
Not Applicable	15	83.33%
Not Answered	0	0%

**Question 8: Do you think the introduction of a QRS will help drive up operator standards in Birmingham?**

**QRS Drive up Operator Standards**



Option	Total	Percent
Yes	13	72.22%
No	5	27.78%
Not Answered	0	0%

***If no, why not***

There were 7 responses to this part of the question.

**Question 9: Are there any specific scoring points you would like to see added?**

***Scoring points would like added***

There were 12 responses to this part of the question.

**Question 10: Are there any specific scoring points you think should be removed?**

***Scoring points should be removed***

There were 3 responses to this part of the question.

**Question 11: Are there any specific scoring points you think should be amended?**

***Scoring points would like amended***

There were 3 responses to this part of the question.

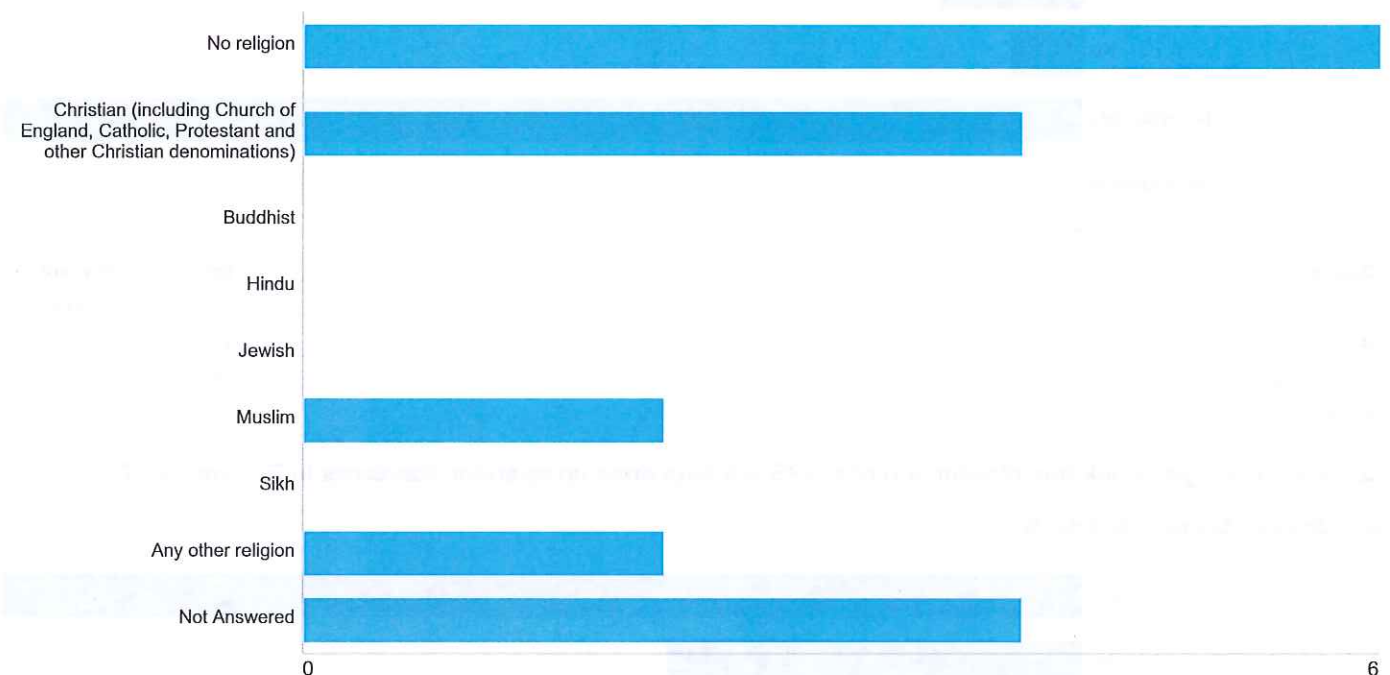
**Question 12: Do you have any further comments you wish to make in regard to the proposed introduction of a published QRS for Private Hire Operators?**

***Additional comments***

There were 11 responses to this part of the question.

**Question 13: What is your religion or belief?**

***Religion/Belief***



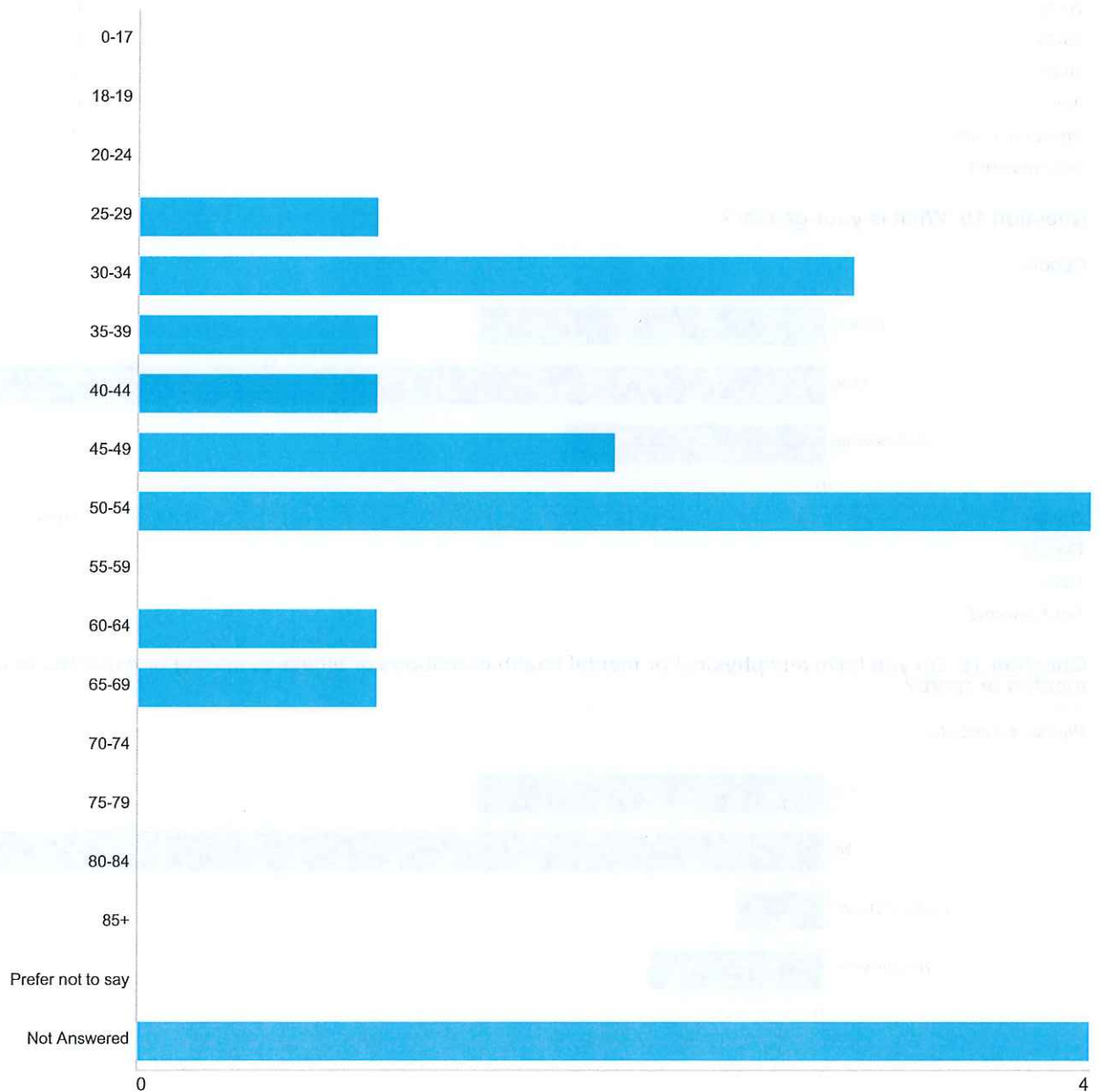




Option	Total	Percent
No religion	6	33.33%
Christian (including Church of England, Catholic, Protestant and other Christian denominations)	4	22.22%
Buddhist	0	0%
Hindu	0	0%
Jewish	0	0%
Muslim	2	11.11%
Sikh	0	0%
Any other religion	2	11.11%
Not Answered	4	22.22%

#### Question 14: How old are you?

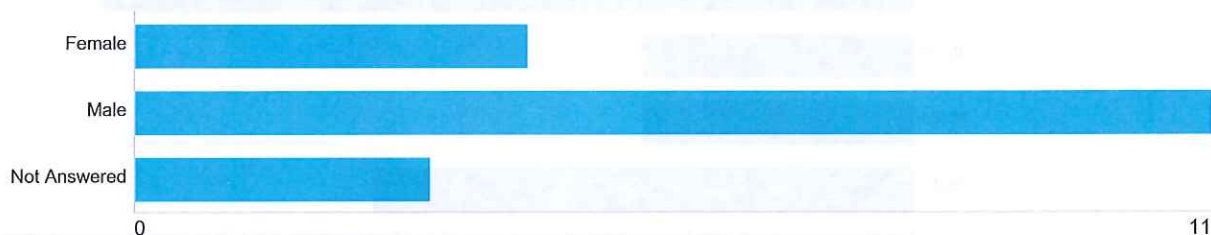
##### Age group



Option	Total	Percent
0-17	0	0%
18-19	0	0%
20-24	0	0%
25-29	1	5.56%
30-34	3	16.67%
35-39	1	5.56%
40-44	1	5.56%
45-49	2	11.11%
50-54	4	22.22%
55-59	0	0%
60-64	1	5.56%
65-69	1	5.56%
70-74	0	0%
75-79	0	0%
80-84	0	0%
85+	0	0%
Prefer not to say	0	0%
Not Answered	4	22.22%

#### Question 15: What is your gender?

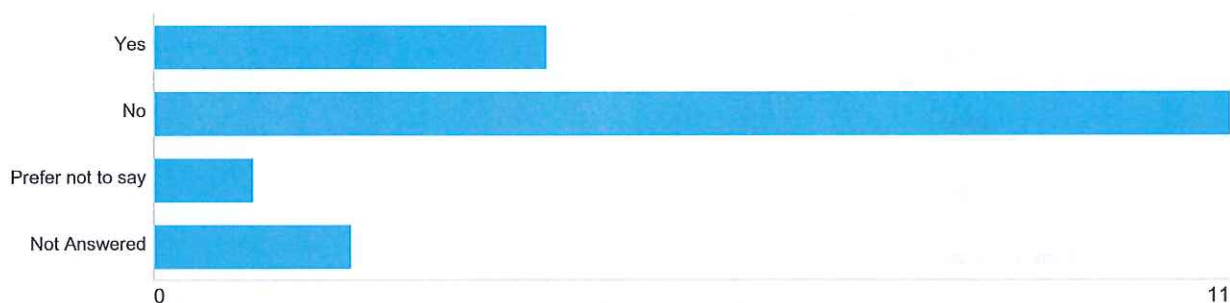
Gender



Option	Total	Percent
Female	4	22.22%
Male	11	61.11%
Not Answered	3	16.67%

#### Question 16: Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?

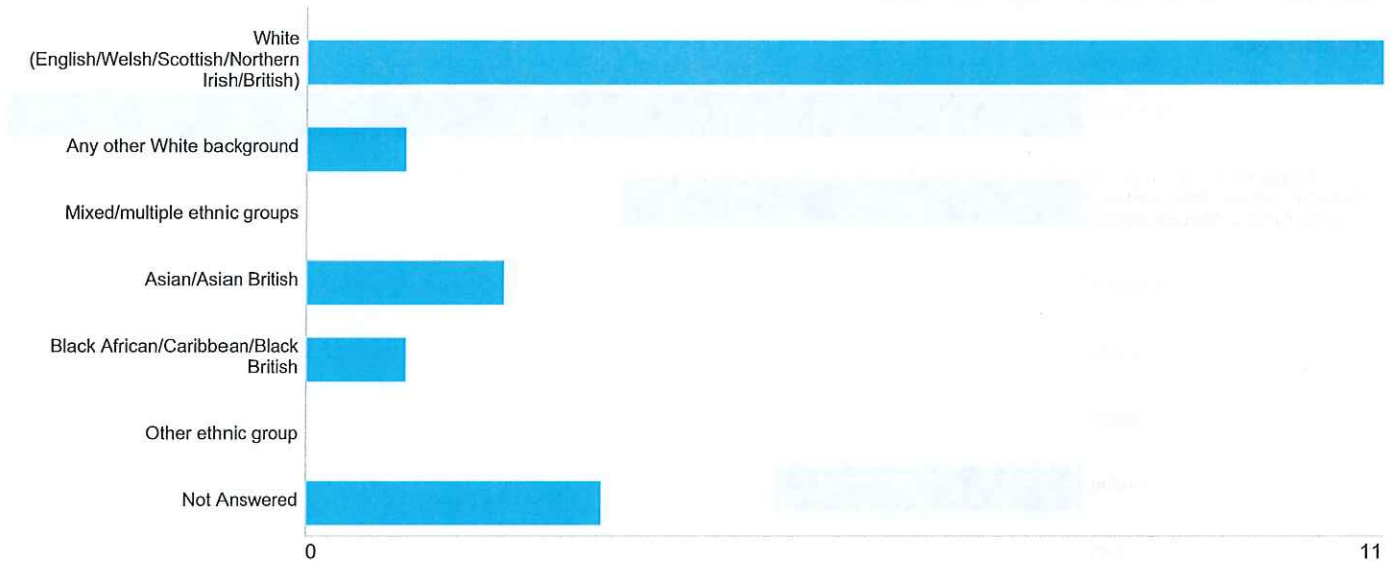
Please select one



Option	Total	Percent
Yes	4	22.22%
No	11	61.11%
Prefer not to say	1	5.56%
Not Answered	2	11.11%

### Question 17: What is your ethnic group?

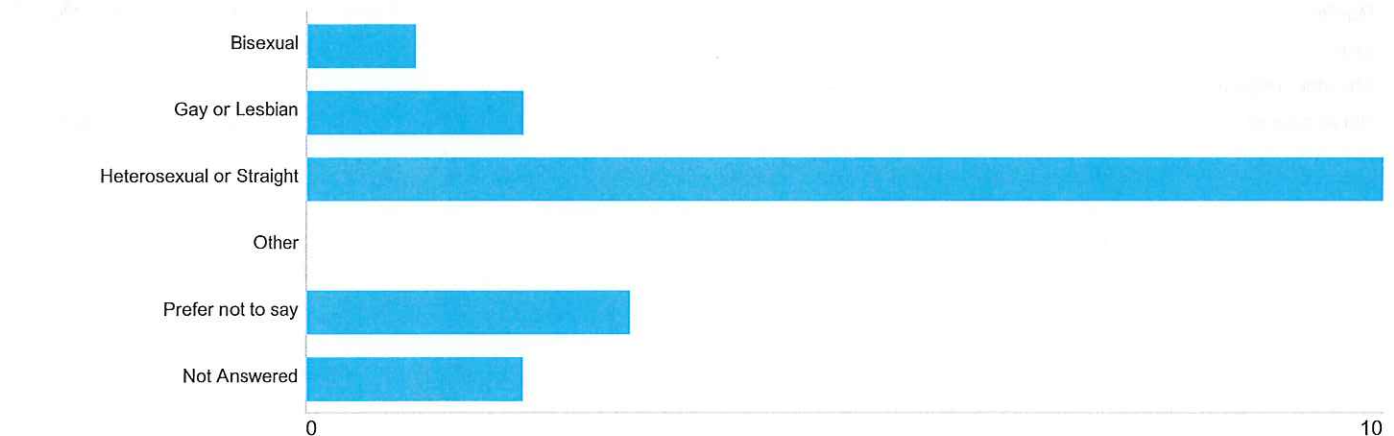
#### Ethnicity



Option	Total	Percent
White (English/Welsh/Scottish/Northern Irish/British)	11	61.11%
Any other White background	1	5.56%
Mixed/multiple ethnic groups	0	0%
Asian/Asian British	2	11.11%
Black African/Caribbean/Black British	1	5.56%
Other ethnic group	0	0%
Not Answered	3	16.67%

### Question 18: What is your sexual orientation?

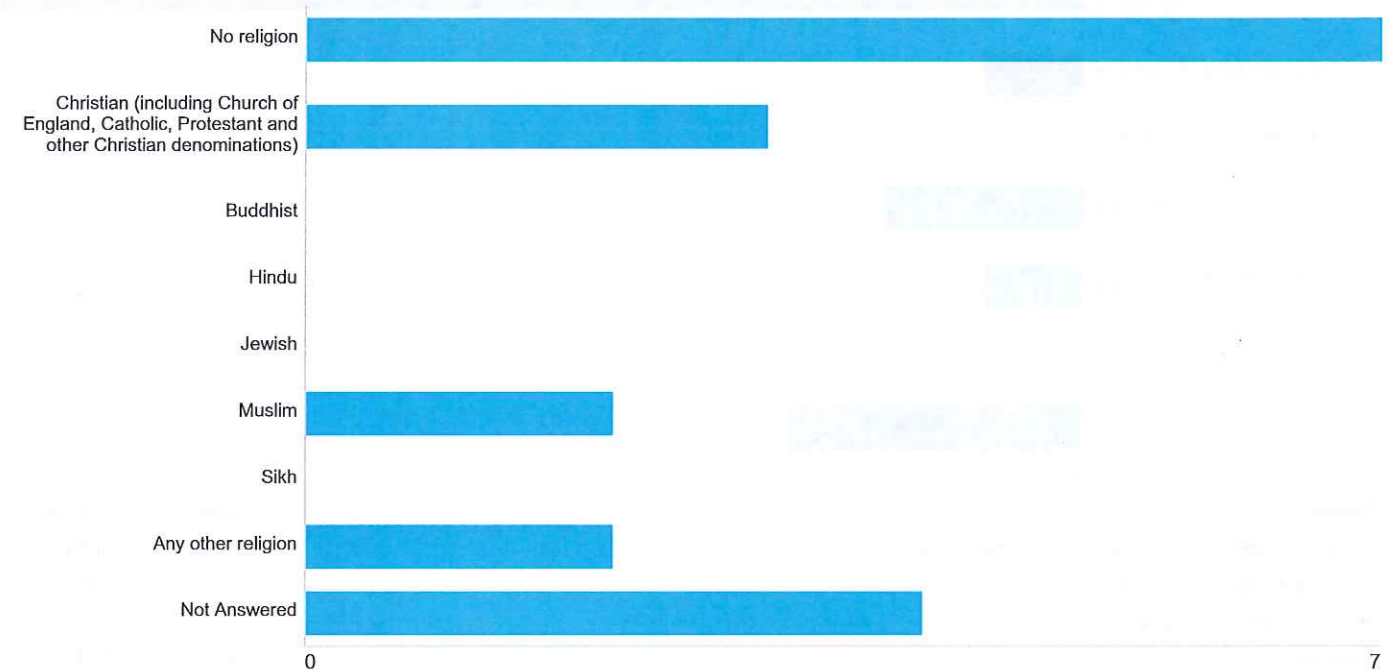
#### Sexual orientation



Option	Total	Percent
Bisexual	1	5.56%
Gay or Lesbian	2	11.11%
Heterosexual or Straight	10	55.56%
Other	0	0%
Prefer not to say	3	16.67%
Not Answered	2	11.11%

### Question 19: What is your religion or belief?

#### Religion/Belief



Option	Total	Percent
No religion	7	38.89%
Christian (including Church of England, Catholic, Protestant and other Christian denominations)	3	16.67%
Buddhist	0	0%
Hindu	0	0%
Jewish	0	0%
Muslim	2	11.11%
Sikh	0	0%
Any other religion	2	11.11%
Not Answered	4	22.22%



## Written responses to Questions 8b, 9 – 12.

### **8b. Do you think the introduction of a QRS will help drive up operator standards in Birmingham? - If no, why not**

The bases already have to comply with operator conditions of licence ( most it from an Enforcement point of view )

The best bases already have things in place

Vehicle age restriction

Dress code

Enough drivers ( so passengers are not kept waiting )

Ring back

I am not sure the additional bonus points will make much difference to the general public when deciding when they make a booking

They normally go with local firm they have used before

*The introduction of the Deregulation Act has dramatically changed the way in which the private hire trade operates across the country.*

*Companies now hold multiple operators licences across the West Midlands and are no longer constrained by a 'controlled district' as they are effectively able to operate one multi licensed homogenous fleet and sub-contract to their various licensed offices around the region/country. Customers tend to use the same familiar company or companies local to their area - customer loyalty. Their concerns are how long they will need to wait for a vehicle, if the vehicle is clean and safe and whether the driver knows how to get to their requested destination.*

*Customers using a regular company are familiar with the fare rates, they recognise regular drivers etc. They already effectively rate good private hire companies, they remain loyal customers only whilst they continue to receive a good level of service.*

*The younger tech savvy generation have embraced and utilise booking apps and often have accounts with a company. Companies who use these apps often encouraged customers to rate drivers performance as a means incentivise driver and improve drivers performance.*

*Customers have very little contact with private hire bases or the staff who work there, the main point of contact is with the drivers who carry out their booking, this is the standard of service which customers recognise and rate.*

*The records maintained by licensed private hire operators is already regulated by conditions attached to licences granted. - why the duplication.*

Because things never change. And whilst companies can still have drivers from other councils working for them I don't think much will change. The quality of vehicles now are shocking. When I became a driver back in 1998 the minimum size vehicle was the equivalent size to a Ford Mondeo, now I've seen VW Golfs and Ford Focus being used. How can these types of cars be comfortable enough for customers. Surely there is a safety issue with these types of cars as they are still licensed to carry 4 passengers.

*I don't understand how the criteria translates to great customer service. It seems plausible from the info published that an operator can be a low or medium rated operator, having failed to achieve the*

*minimum requirements to be a bonafide operator. I also understand that most drivers are self-employed, though no explanation is provided so I can see how an Operator has a level of control over a driver if, for example, he or she can be registered for working for both a traditional operator and Uber at the same time. I mean, how does one operator control a drivers working hours if he or she can work for someone else once his time is up? If a driver breaks the law, how can any operator be accountable for the actions of someone else? It's not at all explained in the proposals here.*

if it isnt well publicised it wont make any difference and it must be independent..... is bcc independant? Will it be well publicised?

*I'm disabled, and TOA taxi driver don't like picking up disabled people, and the never carry the correct equipment for your safety , i.e. Sit belts or flat ramp when requested. I feel things would be so beneficial for the customer as ones I got into a black cab in town outside John Lewis bullring and the driver told me he wasn't a real taxi driver. I only notice this when I looked at his badge and it was a different person, he told me he has the same name as his uncle and the share the taxi, I then pray I arrived home safely to myself at the back of the taxis, Über taxi driver have manners to all the customers as they know they are being rated by their customers not their management Committee*

I represent the hospitality industry in Birmingham and the West Midlands as we are charged with managing the visitor economy and delivering marketing to attract national and international visitors to the city. The first experience many visitors will have of the city is via our front-line service industry - and private hire operators form an important part of this experience. Their friendliness, professionalism and kindness to visitors goes a long way in presenting the city and region in a positive way.



## **9. Are there any specific scoring points you would like to see added? -**

### **Scoring points would like added**

Bases should lose points for operating "out of towners" Example - 5 points for every driver & vehicle the operate over 25- 50 ( bases wont be bothered because they only interested in the rent money they get from drivers, don't care about public safety )

UBER for example have over 1000 drivers in Birmingham but there business model allows other UBER drivers & vehicles to flood into Birmingham and work

( not helped by the De-Regulation Act)

This is causing a big impact on BCC licensed drivers making a living

*A good command of English.*

- Being clear about the cost of a journey at the outset. (Many private hire drivers only reveal their cost in negotiation at the end of the journey.)
- Keeping within the speed limit. (I have felt it necessary to advise drivers to slow down, particularly in 20mph zones)

*Cleanliness.*

*Pollution rating of vehicle*

I would like the Operators services to form part of the rating too.

If they have an app, they get a point. A website that customers can book on; another point; a telephone operator, more points, ability to book by text message, another point. Able to visit the office and book. Another point.

Also, the features available to notify customers that their driver is due to arrive, or has arrived. This could be by text, by email, by push notification if in an app; a tracking feature; and the ability to speak to the driver if he or she is lost or cannot find me.

I think the Operator should be registered to process information in accordance with the Data Protection Act. They should be on the register of the Information Commissioner, and they should keep records only as appropriate under Data Protection Law.

I think the Council AND the operator should know if a driver is working at one base, or at several, and if at several, should have an ability to know when and where the driver is working at any given time.

*i would like to see members of the public allowed to comment and cab companies able to respond like on trip advisor. Things like courtesy, cleanliness, comfort, timeliness , route knowledge, would be important.... and equally the cabbie to comment back as i know some have a rough time from yobbish customers and drunks etc.*

*secondly in these days of budget tightening how do bcc propose to pay for this administration? is this a good use of public funds?*

Not added, but wheelchair accessible vehicles should be essential criteria

*I would like all drivers rated like Über driver as standard  
Some taxis are dirty and uncared for yet the passenger still has to pay for the journey.  
I have also taken taxis often and it smells of BO, And at that point I can't get out the taxi any quicker  
As a wheelchair user, it's very difficult to get out ones inside the taxis, Most of the time the driver is nice, but I feel the only way to get rid of the drivers who are very picky is to rate them. As it must be a stressful job for them at times but so driver, do this line of work for how many passages they can pick up in one hour, And that's the reason it rules out disability passages*

Does the driver have a good knowledge of routes around Birmingham? Often they don't know where they are going.

Do they speak intelligible English?

Can we be certain that they are not sharing licences with others?

*1. there is no focus at all on customer satisfaction - this doesn't have to be onerous or costly, but the drivers are in a service industry and many are naturally hospitable and like to give a great service. Some aren't. If the fleet company makes customer service a priority, then this will give our visitors a better experience too. There is a tourist industry customer service course called Welcome Host which can be accessed by private hire and taxi companies.*

*2. Prices must be displayed so that customers from outside the city and country have confidence in the service they get from their private hire vehicle. Too often when you ask for the fare, the response is 'what would you usually pay?' A visitor cannot answer this question, as they have never made the journey before, so they immediately feel as if they are going to be taken advantage of. It leaves them feeling vulnerable and unwelcome.*

It is essential that the scoring system addresses the air-quality issues that taxis contribute to. This basically comes down to old, inefficient vehicles, poorly maintained vehicles, vehicle fuel type and idling. Some scoring points along the lines of:

*Proportion of fleet compliant with the latest emissions standards (i.e. Euro 6) - bonus points scale with proportion.*

*Proportion of fleet that is diesel - - bonus points scale inversely with proportion.*

*Proportion of fleet that is tailpipe-emission free - bonus points scale with proportion.*

*Commitment not to idle while parked up.*

You should look to make maximum compliance with latest EURO standards on emissions or a fleet free of old engine types, and diesels an essential requirement within 10 years.



## **10. Are there any specific scoring points you think should be removed? -**

### **Scoring points should be removed**

I don't think the operator can be responsible for the action or inaction of a third party.

I don't think an operator can be marked down for not having a disciplinary or grievance procedure if his or her drivers are self employed.

*Uniform or dress code*

No.

If a driver has a disability and are unable to help disabled passengers, I feel this should be displayed, so disabled passengers can see this and not be offended

## **11. Are there any specific scoring points you think should be amended? -**

### **Scoring points would like amended**

I think the minimum LICENSED award should be given to an operator that can achieve all the measures.

Extra points could then be awarded if the Operator exceeds the minimum amount required to be licensed.

*1. It is illegal to offer a service that discriminates against disabled people.*

*2. While an individual driver who is self-employed may not be able to afford a ramp / car for wheelchair users, every car can take assistance dogs.*

*3. Every fleet must have an accessible car available for wheelchair users.*

*These are not bonus marks; this must be essential.*

Please read above

## **12. Do you have any further comments you wish to make in regard to the proposed introduction of a published QRS for Private Hire Operators? -**

### **Additional comments**

General Public can already read reviews on social media

I do not think this drive up standards ( It did not happen for example in the "best bar none" scheme - the same premises won most years - the ones who are interested

What happens when a driver assaults / rapes a passengers and BCC licensing have given them a 5 star rating ? The bases will say the driver is self employed.

Base can sack drivers and they just go and work for another base / local authority

*Private hire operators are well aware if they wish to be successful they have to continue to meet customers expectations. Market forces and competition from other rival companies naturally drive up standards, encourage financial investment in new innovations and technologies and improvements to fleets etc.*

The introduction of the Deregulation Act has dramatically changed the way in which the private hire trade operates across the country. Companies now hold multiple operators licences across the West



Midlands and are no longer constrained by a 'controlled district'. They now effectively operate one homogenous fleet (driver/vehicle licensed by other LA's) and 'cross boarder sub-contract' to their other offices. This growing trend and is clearly reflected in the ever increasing number of drivers and vehicles licensed by other LA's regularly seen working in Birmingham.

The proposed rating scheme has no relevance given these changing trade trends, how will the scheme influence customer choice ?

What evidence is there to indicate it will drive up standards of service provided to member of the public ?

The proposed scheme does not consider the standards of the fleet of drivers and vehicles being operated by a private hire operator ?

A proportion of the private hire booking are being carried out by drivers/vehicles licensed by other LA's ?

*if all operators are licensed and regulated by the council then should they not be all be up to the same standard?*

Feedback from customer experiences could be gathered through a simple online app and form part of the QRS.

*Ensure stickers are mandatory, not just a website entry of ratings, like the food hygiene scheme.*

Can't see how this would work and I think it's a waste of time.

I think that companies should be named and shamed if there drivers are caught bilking, overcharging or any driver that gets suspended by yourselves. Drivers represent companies and that's how reputations are built.

Not on a points system.

*I would like to know who the council will tell the public about the scheme. How will it be publicised, and does the council think that people will use this measure to choose an operator over those of Google or Facebook? If not, is it really just a "nice to have" rather than a benefit to customers?*

No and again why don't you as organised mystery shop taxi and maybe you may get a good idea into my world. Not always now and again. This can be done online, face to face or over the phone, try booking as a disabled person.

Also I feel anyone can be very vulnerable when entering a taxis, late at night, so I'm such these individuals will welcome this also

*I would like a private hire service that is honest about their Estimated Time of Arrival; Transparent about charges; DBS checked drivers who care about the safety and vulnerability of passengers.*

Mr Shawn Woodcock  
Licensing Operations Manager  
Birmingham City Council  
PO Box 17013  
Birmingham  
B6 9ES

Our Ref:  
Your Ref:  
Date: 15<sup>th</sup> September 2017  
Please ask for: Giles Bridge

Sent by email only to:  
[chris.neville@birmingham.gov.uk](mailto:chris.neville@birmingham.gov.uk)  
[shawn.woodcock@birmingham.gov.uk](mailto:shawn.woodcock@birmingham.gov.uk)

Dear Mr Woodcock,

As you are aware I am instructed by 24/7 Carz. They have instructed me to make the following submissions on the consultation on the Quality Rating Scheme.

### **Submissions to Birmingham City Council on Quality Rating Scheme**

24/7 Carz do not believe that a Quality Rating Scheme will have much, if any effect, in raising standards across the trade. 24/7 Carz believes the operation of the market and effective regulatory activity will have more impact in raising standards. For the reasons set out below, 24/7 Carz believes that the scheme as proposed have no impact upon improving standards.

### **Problems with the point scheme as proposed**

There are 28 essential criteria, which are based upon licensing conditions. These criteria are essential requirements to operate under the terms of the Birmingham City Council licence. Therefore, all operators ought to be able to show that they meet all 28 essential criteria, if they cannot, then presumably Licensing Officers will be looking to take some form of regulatory action.

The proposed grading system is as follows:

***"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."***

All operators, if they are complying with the terms of their licence, would be rated at least silver. In reality, all operators with minimal additional work would be rated gold, by obtaining 3 bonus points.



Some of the bonus points are very easily obtained, for instance documenting that there is a responsible manager on duty or having a written complaints policy.

It is submitted that the scheme as currently framed will not have the effect desired of improving standards across the private hire trade. Nor will the scheme act as an incentive to the trade to improve standards. The reasons for this are as follows:

- 1) On the scheme as proposed an operator can fail to achieve 7 of the 28 essential criteria, which are conditions of their licence: yet still be rated as being 'silver'. If an operator cannot comply with 7 conditions of their licence, then presumably the local authority would be considering requiring improvements to a specified timetable or considering taking regulatory action against the operator.
- 2) The scheme as set up makes it relatively easy to obtain a gold standard, yet very difficult to obtain the top platinum rating. All operators ought to be capable of being rated at gold. In those circumstances, there is little incentive to operators to improve their standards to obtain the platinum rating

### **Suggested points scheme**

The Council is asked to only award a 'licensed' grade to an operator who scores at least 25 points in relation to the essential requirements. Bonus points should only be available to be counted if the Operator obtains at least 25 points on the Essential criteria. The categories would then be as follows: a bronze (for 29-33 points), silver (for 34-38 points), gold (for 39-43 points) or platinum (for 44-47 points) grade. An operator that scores less than 25 points in relation to the essential requirements should be assessed as 'ungraded'.

### **Suggestions re Bonus points**

It is submitted that the bonus point for issuing a receipt for all journeys is not necessary and can only be fulfilled by app only operators who only take card payments, when an electronic receipt is issued to all customers. Many customers do not require or even want a receipt. Customers who rely upon private hire vehicles the most, are those like low paid shift workers. Such customers often do not have access to electronic banking and want to pay by cash.

Private hire operators who take payment through a number of means ought to be encouraged by the award of a bonus point, rather than those who limit themselves to cashless only transactions. So, a bonus point ought to be awarded for an operator who takes payments by: cash, account, online payment and card payment. Such operators are providing the most flexible service, which meets the needs of all customers.

A bonus point to be awarded for those operators who keep a register of lost and found property. An additional bonus point where the company has a scheme by which property is returned. As that way, the company has a scheme by which property can be returned.

A bonus point to be awarded to operators who can show that they have made provision for drivers to receive customer care training.

### **Points reduction for driver being prosecuted for plying for hire**

Docking any operator 5 points who has a driver convicted of plying for hire has a number of difficulties. Drivers increasingly work for more than one operator. Birmingham City Council's conditions allow for drivers to work for more than one operator. Driver often work with a traditional operator and also an app based platform. In those circumstances will both operators be docked points? Or just the one with whom the driver was most recently working?

There is a real difficulty for operators in policing their drivers all the time. If a driver intends to ply for hire there is little if anything that an operator can do to stop it before it happens, other than educate drivers that to do so is against the law. Docking an operator 5 points for a driver being convicted of plying for hire, would create a disincentive to the operator to: 1) report such drivers to the council, or 2) assist the council in an investigation into plying for hire.

A better solution would be that bonus points be given for a robust disciplinary policy which is backed up by training to drivers on their obligations under licence conditions and the law. Which are covered by bonus points as proposed.

On behalf of 24/7 Carz can I thank the Council, in advance, for considering these submissions.

Yours sincerely,

**Giles Bridge**

Barrister & Licensing Consultant

Email: giles.bridge@a2zlicensing.co.uk

Mobile: 07866 520457

THIS PAGE IS BLANK



Mr Shawn Woodcock  
Licensing Manager  
Birmingham City Council  
PO Box 17013  
Birmingham  
B6 9ES

Our Ref: CW/ELITE  
Your Ref:  
Date: 14 September 2017  
Please ask for: Chris Woodrow

Sent by email only to  
[shawn.woodcock@birmingham.gov.uk](mailto:shawn.woodcock@birmingham.gov.uk)

Dear Mr Woodcock,

**Elite Radio Cars, 894A Bristol Road South, Birmingham**  
**Response to consultation on proposed private hire operator quality rating scheme**

I represent the above named client and would like to respond to the consultation on a proposed private hire operator quality operating scheme.

Before I do so, I would like to point out that there are three separate individuals operating as a2z Licensing – one being me representing Elite Radio Cars, one being David Wilson representing Star Cars and the other being Giles Bridge representing 24/7. As a result you may receive conflicting responses to this consultation from three separate identities within the a2z Licensing brand, each representing a different operator with different views.

My client supports the general idea of improving the quality of private hire operations in the city and giving customers an informed choice. However, it is respectfully submitted that the proposed scheme will not achieve this aim.

The scheme proposes to penalise an operator if one of its drivers commits an offence such as unlawfully plying for hire. In reality an operator has little control over the actions of an individual. At present operators are in the position where should they have concerns that a driver is committing an offence they can investigate the matter and, if necessary, involve the council in such an investigation. This may result in a driver who commits an offence being disciplined by the Council. Under the proposed scheme, there is a disincentive to police or investigate conduct of this nature: the operator who adopts a professional approach and tries to highlight any driver committing such an offence will be penalised by losing 5 points on the quality scheme. Surely discouraging reporting of this nature cannot achieve any aim of improving overall quality. Operators who root out drivers

who commit offences and are pro-active in training drivers in doing the job well, within the law, should receive bonus points instead of a penalty.

Furthermore, because drivers are permitted to work for more than one operator at any given time, there is the question of identifying which operator to score. If a private hire driver that works for two different operators were to be caught plying for hire, would one or both of the operators he works for be penalised?

My client respectfully submits that for such a scheme to work, conditions must first be introduced that restrict drivers to working for one operator only. Obviously drivers are free to move between operators but they should only be able to work for one operator at a time. This could be achieved by requiring the driver to lodge the paper driver licence with the operator they are working for and an operator to be prohibited from using a driver unless they have that original paper driving licence.

Finally, the point system suggested seems to largely revolve around meeting criteria which are already conditions of licence. In other words, if an operator were not to meet the 28 essential criteria necessary to achieve Silver status then they would presumably already be subject to some form of action from the Council for failing to comply with their existing conditions of licence.

I hope that you will find these comments in response to the consultation both helpful and constructive. If I can be of help in any way or if you require further information, please do not hesitate to contact me.

Yours sincerely,



**Christopher Woodrow**  
Licensing Consultant

Email: [chris.woodrow@a2zlicensing.co.uk](mailto:chris.woodrow@a2zlicensing.co.uk)  
Mobile: 07931 633200





3 Biddick Hall Cottages, Lambton Park, Chester-le-Street DH3 4PH  
Tel: 0191 2449638 / 0191 3857313 / 07794 776383  
Fax: 0191 2475855

Specialist licensing advice, assistance and representation ■ taxis ■ alcohol and entertainment ■ wedding venues ■ gambling

Shawn Woodcock  
Licensing Operations Manager  
Regulatory Services  
Birmingham City Council  
1-3 Ahsted Lock  
Aston  
Birmingham  
B7 4AZ

Our Ref: DBW / Star  
Your Ref:  
Date: 15 September 2017  
Please ask for: David Wilson

**Sent by email only to:**  
**shawn.woodcock@birmingham.gov.uk**

Dear Mr Woodcock,

**Consultation response of Star Cars and Coaches Ltd  
Private Hire Operator Quality Rating Scheme**

I represent Star Cars and respond to the above consultation on my client's behalf.

Before I do so, I would like to point out that there are three separate individuals operating as a2z Licensing – one being me representing Star Cars, one being Chris Woodrow representing Elite Radio Cars and the other being Giles Bridge representing 24/7. As a result, you may receive conflicting responses to this consultation from the three separate identities within the a2z licensing brand, each representing a different operator with different views.

As far as possible, I will seek to address the issues as logically as possible under separate headings. My client's comments are as follows:

**Applicability of the Quality Rating Scheme to old (current) and new  
(proposed) standard conditions attached to private hire operator licences**

Whilst my client supports this proposal (and has always done so), it is a matter of great concern that, more than two and a half years after my former colleague impressed upon the Council that it would face considerable difficulties in introducing the Quality Rating Scheme (QRS), if it were not introduced before 1 October 2015 (when the Council, became obliged to issue 5 year operator licences), it could now take up to 5 years for all operators to be subject to the same standard conditions of licence.

**Website:**  
[www.a2zlicensing.co.uk](http://www.a2zlicensing.co.uk)

**Email:**  
[david.wilson@a2zlicensing.co.uk](mailto:david.wilson@a2zlicensing.co.uk)

**Proprietor:**  
David B Wilson Cert HELL, MLoL, MBII.tp  
owns and independently operates a franchise of a2z Licensing (UK) Ltd.  
a2z Licensing and the logo are trademarks of a2z Licensing (UK) Ltd.

In the circumstances, it seems the first obstacle the Council is going to face with the QRS is to make sure it works equally well whether an operator is subject to the old (current) standard conditions of licence or the new (proposed) standard conditions of licence.

### **Scores and Grading**

My client is concerned as to the scores attributed to each of the five grades (licensed, bronze, silver, gold and platinum) because an operator who scores zero (ie fails to meet any of the 28 essential requirements of their licence or to receive bonus points for exceeding the essential requirements) will be graded as 'licensed'.

If an operator were to score less than 25 out of the 28 essential criteria, my client would suggest that questions ought to be asked as to whether the operator remains a fit and proper person to be so licensed.

Similarly, an operator who only meets 21 to 28 of the essential requirements of their licence would currently be graded as 'silver', despite the impression being given by the grading that such an operator had significantly exceeded the Council's minimum licensing requirements.

As an operator would seem to only need to score 3 points more than the 28 points that ought to be awarded to all reputable operators for complying with the essential requirements of their licence and the highest 'platinum' grade is only to be awarded to those with the top three scores of 46, 47 and 48, the vast majority of operators ought to be graded as 'gold'.

If that were the result, the scheme would seem unlikely to achieve anything, because every operator ought to be able to score at least 31 points and be awarded a 'gold' grade and there would be little likelihood of the majority being awarded at least a further 15 bonus points to achieve a score of at least 46 points to secure the top 'platinum' grade.

It is suggested that, unless an operator were to score at least 25 points in respect of the essential requirements, they should not be awarded any points in relation to the bonus criteria and only be awarded a 'licensed' grading, because to do otherwise gives the false impression that, at the very least, an operator is fulfilling the minimum requirements of their licence when that would not necessarily be the case.

At present, an operator who scored only 10 points in relation to the essential requirements and 1 point in relation to the bonus criteria would also be awarded a 'silver' grade, despite failing to meet 18 essential requirements of their licence.

In the circumstances, the Council is asked to only award a 'licensed' grade to an operator who scores at least 25 points in relation to the essential requirements and to only then assess whether an operator meets any of the bonus criteria and, if they do, to then award a bronze (for 29-33 points), silver (for 34-38 points), gold (for 39-43 points) and platinum (for 44-47 points) grade. An operator that scores less than 25 points in relation to the essential requirements should be assessed as 'ungraded' or 'unclassified'.



## **Consistency between QRS criteria and conditions of licence**

The QRS criteria must accurately reflect the conditions of licence. For example, the very first criteria on the QRS checklist wrongly asserts that it is a requirement of Conditions 12 & 13 for the "Responsible Person [to be] on site and fully aware of conditions of licence".

Condition 12 actually requires "Either you or a Responsible Person ... must be in charge of the operation and immediately contactable by an authorised officer or a police constable at any time during the hours of operation" and Condition 13 provides 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."

In the circumstances, perhaps to accommodate the arrangements of UBER Britannia Ltd and in acknowledgment that, as long as a Responsible Person need not be at the licensed premises to be able to be contacted by an authorised officer or a police constable and / or to produce records, neither condition actually requires a Responsible Person to be on site.

The second part of the QRS criteria is that the Responsible Person is "fully aware of [the] conditions of licence".

Bearing in mind that there is only one point to be awarded here, if a Responsible Person is present, but does not know the conditions of licence, which would potentially mean they are not in fact a Responsible Person, would they be awarded a point or half of point for being present?

How are officers going to assess whether the Responsible Person present at the time of their inspection is "fully aware of [the] conditions of licence"? Will there be a test and, if so, what will be its form and the pass mark? If not, how will this be assessed?

A bonus point is available if this is documented. But what is "this"? The aforementioned first criteria purports to require a Responsible Person to be on the premises and they either are or are not. Would this criterion be met by displaying a notice listing all Responsible Persons or would it require a notice stating who is then the duty Responsible Person? Or would either justify the award of a bonus point? On the other hand, is this criterion looking for the operator to have documentary evidence to show that the Responsible Person is "fully aware of [the] conditions of licence" by means of some form of internal test managed by the operator? Could this result in two bonus points being awarded or would there only be half a point for each potential half of the criterion.

The fourth criterion provides a possible bonus point for having a "documented Management rota". Is this the same as the above bonus criterion for having "this" (whatever "this" is) documented, because a documented management rota would show when each of the Responsible Persons were to be on site and / or on call to be able to comply with the essential requirements of Condition 12.



### **Some items included in the bonus criteria should be conditions of licence and attract points as essential items**

Whilst my client has, of course, already responded to consultations in relation to the proposed changes to the standard conditions of licence, it now seems that, as a result of the inclusion of some items as attracting bonus points, they should be included as conditions of licence and attract essential points under the QRS criteria.

For example, in relation to "Staff", if the Council considers the four bonus criterion listed there to be important there is no reason why they should not all be included as conditions of licence, if drafted clearly to make clear what the Council actually expects and requires.

Likewise, if the Council considers it desirable (and my client would say it is essential for operators with larger fleets) to have wheelchair accessible vehicles on their fleet, it should be a condition of licence and compliance with the condition should attract one essential point. It might then be appropriate to award an additional bonus point if an operator exceeds the minimum requirements.

As for what should be the minimum level of provision, my client would suggest one per cent of an operator's fleet should be wheelchair accessible, subject to operators with a fleet under a specified size being exempted from the requirements, because it could place too great a burden on those operators.

### **Opportunity for all to be awarded all bonus points**

Under the next subheading of "Drivers and Vehicles", the first criterion concerns "operating out of town vehicles". Firstly, it is not clear whether "vehicles" is supposed to be a reference to hackney carriage, private hire vehicles or both.

Interestingly, as a matter of strict law, a private hire operator can never operate hackney carriages, because the definition of 'operate' provided by section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 refers only to private hire vehicles, which position was also confirmed by a powerful Divisional Court in *Stockton-on-Tees Borough Council v Fidler & Ors* [2010] EWHC 2430 (Admin).

On the other hand, if this is intended to refer to private hire vehicles operated by another operator (or even the same operator) in another district (or even in the same district), the operator licensed by Birmingham City Council does not operate out of town private hire vehicles. If an operator were to do so, they would be liable to prosecution, although the criterion seems to provide that, as long as an operator acting illegally kept records of those out of town private hire vehicles it operated, they would be awarded a bonus point.

If an operator were not to use "out of town vehicles", would they be awarded a bonus point or would it only be an operator who did use out of town vehicles and who kept the specified records that would be awarded a bonus point?

It would seem that if, as indicated, this criterion could be "N/A", operators who do not "operate out of town vehicles" would always be deprived of an opportunity to secure a bonus point, it would seem the Council is encouraging operators to

“operate out of town vehicles”, which is at odds with what my client understood to be the attitude of Members and the Council.

### **Uber bonus point**

The third criterion under the “Drivers and Vehicles” heading is only realistically capable of being awarded to an operator that only accepts bookings that are made and paid for electronically, ie Uber which only accepts bookings by app and payment by a pre-registered debit or credit card.

This is preposterous, because the QRS would be rewarding an operator that provides the most restrictive and exclusionary means for customers to pay. Surely the Council’s intention with the QRS was to help to identify for the public those operators that provide the best customer service, but instead this criterion will penalise them.

Traditional operators, if I may refer to them as such in contrast to app only companies, whose arrangements are not necessarily legal, always permit customers to pay the driver in cash, but may also be able to take card payment in car, by phone, website or app and will also generally open customer accounts, which may provide the customer with credit / a period in which to pay, but may also allow customers to make a payment on account of future travel costs, ie a pre-paid debit account. The QRS does not encourage operators to provide customers with various ways to pay.

As for the issuing of receipts, a traditional operator who wanted to secure the Uber bonus point, could issue every customer with a paper receipt, whether the customer wanted a receipt or not. Unfortunately, this would probably result in lots of paper receipts being dropped in the streets, becoming nothing more than litter. Not to mention that vehicles would have to remain stationary for longer whilst the driver wrote out the receipt, potentially obstructing other traffic and certainly contributing a little more to pollution.

### **Exemptions in relation to standard conditions of licence**

What is to be the position in relation to operators who have been granted an exemption in relation to a condition of licence that is included as an essential criterion in the QRS checklist?

For example, my client has an exemption in relation to the recording of a passenger’s destination at the time of booking, if the booking is made using the IVR automated telephone system.

This particular criterion seems, somewhat perversely, to attract two points, because it is included as a requirement in relation to Condition 31(e), but also separately Condition 32, even though Condition 32 does no more than to explain what the Council requires to satisfy Condition 31(e).

Will my client be awarded the point(s) for complying with Condition 31(e), save for the bookings to which the exemption relates, or will my client not be awarded this essential point(s), because they do not always comply with that condition?



### **Are some criterions necessary?**

Is there anything to be gained by an operator having a written policy that simply asserts they will comply with the law?

For example, under the heading "Assistance Dogs & Wheelchair Users", a bonus point will be awarded if the operator has a written policy.

Is it not more important, if not potentially essential and another criterion that should be a condition of licence, that an operator provides training to staff and drivers (and not just staff as currently proposed by the QRS checklist)?

### **Negative points for a driver illegally plying for hire**

Whilst my client appreciates that the Council wishes to discourage illegal plying for hire by private hire vehicles / drivers, my client is vehemently opposed to operators being punished for the actions of an errant driver who choses to act illegally when not actually undertaking bookings for the operator.

The proposal is no different to proposing that councillors should have votes deducted at an election if any council officer or employee who lives in their ward is convicted or cautioned for a criminal or motoring offence during their previous term as a councillor.

If, which is hopefully rare, an operator colludes in some way to assist, facilitate or in an attempt to conceal the illegal plying for hire of a driver, my client does not consider that points should be deducted from the operator, but that the Council should revoke the operator's licence for no longer being a fit and proper person to hold such a licence.

In the past, on the very rare occasions my client has become aware of one of its drivers illegally plying for hire, my client has reported this to the Council and assisted the Council to take whatever action it considered to be appropriate against the driver. Rather than rewarding my client and other similarly responsible operators, the proposed QRS checklist will punish my client if any such incidents were reported in the future. Surely the Council wants to encourage operators to be responsible and to report drivers illegally plying for hire.

Additionally, as the Council allows private hire vehicles / drivers to work for more than one operator, how would the Council know with which one of possibly several operators a driver is considered to be working for?

If the negative five points were to be applied to every operator a driver was considered to be working for, UBER would very quickly have a total negative score, because they have many more drivers than any other operator and many drivers work for UBER and another operator. If an operator were to have a total negative score, would the Council revoke the operator's licence?

If points are to be deducted, should they not be deducted for failings that are directly attributable to the operator, such as refusing to accept a booking that would

involve carrying a guide / assistance dog, overcharging a wheelchair passenger, failing to investigate a customer complaint or such like?

**Operator name**

When initially proposed, the quality rating scheme was referred to as a star rating scheme, but that name was quickly abandoned, because of its potential association with my client, Star Cars.

What, if anything, is the Council going to do to stop an operator trading under a name that could be favourably associated with the QRS, such as Platinum Cars?

Despite the great amount of time and effort that has been put into developing the QRS, might it not now be the case that the objective of this scheme has been rendered unnecessary, because its need has been eroded by:

- the proposed changes to the operator conditions that are intend to raise standards;
- changes to the law in relation to discrimination; and
- the forthcoming introduction of the CAZ (Clean Air Zone) that means there is no need to award bonus point(s) to operators with low emission fleets of vehicles.

If the new operator conditions include everything the Council wants operators to conform with, there is so little left in respect of which operators could be awarded bonus points that it is then going to be extremely difficult, if not impossible, to genuinely differentiate between the levels of service provided by each operator, rendering the QRS as meaningless and pointless.

If my client and I can assist you further in connection with this matter, please do not hesitate to contact me

Yours sincerely,



**David B Wilson**

Licensing Consultant, Mediator and Trainer  
Consulting Editor, Paterson's Licensing Acts 2015-18  
Contributing Author, LexisPSL

Email: david.wilson@a2zlicensing.co.uk  
Mobile: 07794 776383

THIS PAGE IS BLANK



To,  
**SHAWN WOODCOCK**  
Licensing Operations Manager  
Regulatory Services  
Licensing Section  
1-3 Ahsted Lock  
Aston, Birmingham  
B7 4AZ

08th September 2017

*Re: Private Hire Operator Quality Rating Scheme*

Hello Mr Shawn,

We have received a letter from you regarding Quality Rating Scheme to be introduced. We are sorry for the delay in reply but lucky to reply within the time period.

According to our deep consideration as a Management of MY CAR, we believe it is best to introduce a service like Quality Rating. It will help everyone to chose the right standard without any worry but I will request few things to be check with the company before scoring them. Those few points are as follow;

1. Operator's office must be visited to check the level of customer services they are providing to the customers.
2. Operator's Dispatch System must be checked to know about what type of service they are providing while using it and how accurate it is with the location, mileage and price quotations.
3. Price must be quoted perfectly according to the set formula of a company and there should not be any over charged quotation by any mean.
4. Driver details are kept up to date in order to maintain records or to help Police and Council when required.
5. Managers or other staff members are trained to deal with Driver Emergencies and dealing with Emergency Services such as Police, Ambulance or Fire Brigade effectively.
6. Driver's PDA or APP should have Fare Meter service for accuracy of the price charged by customer if customer is not on the set route informed before.
7. Complaints and Lost Property Reports must be registered in a file and must have a Reference Number to it.

We can provide quality services only if we want to serve a quality to the customers instead of quantity. There are number of driver's who are over charging, not returning customer's belongings, plying jobs and all this is happening with the poor standards of operation set by Operator itself.

We will be happy to work along with Council to promote this Scheme and would love to work hard to gain Platinum Certificate for our Quality Service.

For any further information, please do not hesitate to contact us.

Thank you.

**Mohammad A Asif**  
Manager  
MY CAR  
01210001000

THIS PAGE IS BLANK