

Reference 20___ / ___ / PHO___



**Brighton & Hove
City Council**

APPLICATION FOR A PRIVATE HIRE OPERATOR LICENCE

Please write in Capital letters. Please complete all parts of this form. PLEASE ✓ YES/NO boxes.

1. Type of Licence Required

First Application ☐ Renewal ☒ Current Licence Number 255

Private Hire Operator Licence (1 or 2 vehicles) ☐

Private Hire Operator Licence (More than 2 vehicles) ☒

2. Trading, Person(s) or Limited Company and Telephone Number which it is intended to operate private hire vehicles. This may be made available to the public.

Trading, Person(s) or Limited Company Name UBER BRITANNIA LIMITED

Address(s) from which it is intended to operate private hire vehicles. (Must be located within the City of Brighton & Hove)

WORKSHOP

30 GRAND PARADE

BRIGHTON BN2 9QA

Telephone Number (This must be a landline number which is answered within the City of Brighton & Hove) _____

3. Registered office of limited company if different from above

ALDGATE TOWER - FIRST FLOOR

2 LEMAN STREET

LONDON, E1 8FA

4. Is there a waiting room for the use of the public at that/those address(es)?

YES ☐ NO ☒

5. How many private hire vehicles are you operating from your base which are

a) licensed by Brighton & Hove Council 26

b) licensed by any other Council 0

6. Are the vehicles equipped with two way radio and or data units?

YES ☐ NO ☒

FOR OFFICE USE ONLY

Disability Policies & Procedures YES ☐ NO ☐

Fee £ _____

Licence number _____ Issued on _____ Valid from _____ Until _____

7. If the applicant is a partnership or limited company, give the full names, dates of birth, and addresses of all partners or directors and company secretary

SEE APPENDIX

8. Has any person or company named above ever applied for an Operator's licence before, other than the existing licence which you are applying to renew, to this Council or to any other Council? YES ☒ NO ☐

If YES, when and where was that application made?

SEE APPENDIX

9. Does any person or company named above hold any of the following licences issued by this Council or by any other Council – private hire driver licence; private hire vehicle licence; hackney carriage driver licence; hackney carriage vehicle licence YES ☐ NO ☒

If YES give details:

10. Has any person or company named above ever been refused a private hire driver licence, private hire vehicle licence, private hire operator licence, hackney carriage driver licence; hackney carriage vehicle licence or had such a licence suspended or revoked? YES ☒ NO ☐

If YES give details, including the name of the Council, the date and the licence numbers:

SEE APPENDIX

11. What trade or business has each person named above carried on over the past five years prior to applying for this licence and where?

SEE APPENDIX

12. Is or Has any person named above been a director or company secretary of any other limited company?

YES ☒ NO ☐

If YES give the following information about each of those companies: Company name and registered office; trade or business carried on by each company; all convictions in relation to any offence recorded against any of those companies; whether any of those companies ever applied for a private hire operator licence to this or any other Council; any revocation or suspension of a private hire operator licence issued to any of those companies by this or any other Council.

SEE APPENDIX

13. Are all drivers of wheelchair accessible vehicles that are operated under this licence adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or the Catstream Drivers Disability Awareness Training.

YES ☒ NO ☐

14. Have you made sure that all drivers operated under this licence are aware of their obligations under the Equalities Act 2010?*

YES ☒ NO ☐

15. Declarations

WARNING It is an offence knowingly or recklessly to make a false statement or to omit any material particular:
DISCLOSURE AND BARRING (DBS) Brighton and Hove City Council complies with the DBS Code of Practice. Available on request.

Give details of all Convictions (whether or not spent), Cautions, Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related) recorded against you and any Pending Proceedings.

Note: Failing to disclose cautions / convictions or any of the above will be regarded as a serious breach of the terms of the licence and action will normally take place. An applicant's failure to disclose any of the above will be taken into consideration when assessing their propriety to become a licenced driver. See guidance on page 5.

Criminal Convictions/Cautions

Please give details of all Criminal Convictions/Cautions (if none write none)

Date of Conviction	Court	Offence	Penalty
NONE			

Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related)

Please give details of all as above (if none write none)

Date	Court	Type of Record	Penalty / Action
NONE			

Pending Court/Criminal Proceedings

Please give details of all Pending Proceedings (if none write none)

Date of Conviction	Court	Offence	Penalty
NONE			

Motoring Convictions

Please give details of all Motoring Convictions accrued in last 4 years (if none write none)

Date of Conviction	Court	Offence	Penalty
NONE			

16. You are required to have a document setting out their policies and procedures in relation to those with a disability.

Please provide a copy of your policies and procedures

SEE APPENDIX

YES ☒ NO ☐

Your Declaration, All applicants - read this section and sign the declaration below

"The information you have provided will be used for the purposes of licensing private hire operators licence, the details of which may be made public, but it may be used for other Council purposes where this is permitted by law. The Council is registered under the Data Protection Act 1998 for these purposes. This Authority is under a duty to protect the public funds it administers. We may check information that you provide, or information provided by a third party, with other information we hold, such as Council Tax and Housing Benefit, to check the accuracy of information; to prevent or detect crime; and to protect public funds in other ways as permitted by law. We may also share this information with other public bodies administering public funds for these purposes, the Police, Revenue and Customs, UK Border Agency and the Department for Work and Pensions (DWP). These may include government departments and other local authorities. We will not disclose information about you to anyone, unless the law permits us to. The Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about the information we have about you, or the way we use your information, please write to the Council's Data Protection Officer, King's House, Grand Avenue, Hove"

I hereby consent to the use of such material for such purposes.

Declaration Please issue me with the licence I have applied for on this form. I declare that to the best of my knowledge and belief the statements made on this form are true and correct and that no material particular has been omitted.

Signed  Date 15 / FEB / 2018

Signed _____ Date _____ / _____ / _____

Signed _____ Date _____ / _____ / _____

Signed _____ Date _____ / _____ / _____

WARNING: You will be liable to prosecution if you knowingly give false information in order to obtain a Licence.

If you require any help filling in this form please telephone (01273) 294429

GUIDELINES RELATING TO THE RELEVANCE OF CAUTIONS AND CONVICTIONS, CRIMINAL BEHAVIOURAL ORDERS, INJUNCTIONS TO PREVENT NUISANCE AND ANNOYANCE, COUNTY COURT AND HIGH COURT JUDGMENTS AND FIXED PENALTY NOTICES WHEN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES.

The council is empowered in law to check for the existence and content of any criminal record held in respect of an applicant for a hackney carriage or private hire vehicle, driver or operator licence so when submitting an application for such a licence an applicant is required to declare all convictions (whether or not spent), Cautions, Conditional Cautions, Community Resolutions, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related), they have recorded against them, and any pending proceedings.

Note: Failing to disclose cautions / convictions or any of the above will be regarded as a serious breach of the terms of the license and action will normally take place. An applicant's failure to disclose any of the above will be taken into consideration when assessing their propriety to become a licensed driver.

As the idea of what "Fit and Proper" means, has not been defined, it will be at the officers discretion to decide what is relevant information and from what source it can be obtained. To be relevant, evidence has to be more than mere suspicion or innuendo. Public protection is an important function and as such all information that may mean that a person or persons are not fit and proper will be considered.

Where there are aggravating factors such as hate crime (homophobia; racism and so on), this will be taken into account.

In making its decision the council will consider the nature of the information, its own guidelines on the relevance of Cautions, Convictions, Conditional Cautions, Community Resolutions Anti-Social Behaviour Orders, Criminal Behaviour Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court Judgments and Fixed Penalty Notices (personally or business related), in the licensing process and any other factors which may be relevant. These guidelines will also be taken into account in relation to renewal applications, and decisions to suspend, revoke or not to renew a licence.

- Each case will be decided on its own merits with the overriding objective of protecting the public. • A person with a conviction for a crime need not be permanently barred from obtaining a licence but should be expected to remain free of any conviction for, at least 3 to 5 years, before any application is entertained. The nature of the offence will be taken into account when deciding on the period that they should be offence free. However, persons with convictions for sexual offences of any nature or any offences related to children, vulnerable adults or other serious crime will not normally be issued with a licence. Persons subject to pending proceedings for such offences will be properly investigated and if appropriate will have any licence suspended pending the outcome of the hearing of the case at court. If they are subsequently convicted then the matter will be reviewed again.
- Some discretion may be appropriate if the serious offence is historic, isolated and there are exceptional mitigating circumstances. However, as stated above, the overriding consideration must be the protection of the public. Hackney carriage and private hire drivers are classed as 'regulated occupations' by the Rehabilitation of Offenders Act 1974 (exemption order as amended) which means that the Rehabilitation of Offenders Act 1974 does not apply to them (and thus their convictions are never spent). Furthermore, in respect of applications or renewals for Hackney Carriage Proprietor or Private Hire Operators Licences, the Council as a judicial authority under the Rehabilitation of Offenders Act 1974 may take into account spent convictions involving serious offences, (e.g. Death by Dangerous Driving, Drug Offences, Offences of Violence, Sexual offences, Dishonesty Offences or offences of an habitual nature).
- Cautions require an admission of guilt and are never spent. The Council must therefore treat a caution as an admission of guilt and cannot be required to go behind the decision of the police or enforcing body. The age and gravity of the offence for which the caution has been accepted be taken into account as for convictions.
- Fixed penalty notices and Community Resolutions are now used in relation to a range of offences and they will be taken into consideration depending upon their number, the nature of the offence and all the circumstances including the applicant's lack of compliance.
- Civil actions including injunctions are also a relevant factor where it has an impact on the driver being fit and proper. These will be assessed on a case by case basis.

Note: Suspension and Revocation

The authority has the power to use its discretion to suspend or revoke or refuse to renew a drivers' licence depending on the seriousness of any established misbehaviour. Since the 2012 case of Singh v Cardiff City Council it has been ruled that an Authority cannot impose an interim suspension so the decision to suspend, revoke or refuse to renew must be a final one made after a considered determination of all the facts in a particular case. This will include the driver having an opportunity to put their case in person to an officer in the spirit of natural justice.

Fresh case law and or government guidance may change this position.

Immediate Suspension

The Council in determining its powers of immediate suspension or immediate revocation, will consider each case according to its merits. Where, after investigation, it is satisfied that the interests of public safety require such a course of action or an offence is committed of such a serious nature as to warrant such action, the decision will normally be to suspend or revoke with immediate effect. For the purpose of these guidelines, cautions will be treated as convictions.

Police Bail

Hackney Carriage and Private Hire Drivers are expected to adhere to this Policy's definition of "fit & proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on Bail, depending upon the nature of the alleged offence, can expect action to be a possibility. Where Suspension is put in place, normally the suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts. The matter will then be reviewed.

Police Recommendation

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect action by the Director of Public Health. Any suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts

Offences or allegations involving an element of sexual exploitation or violence against children or vulnerable persons

Except in the most exceptional of cases an existing driver or applicant that is charged, cautioned or convicted of offences that fall into the above category will have his/her licence suspended, revoked, refused or not renewed

Child Protection and Safeguarding

When considering whether an applicant or driver is fit and proper and moreover what risk the driver presents to others, the authority will take into consideration all information that represents more than gossip, speculation and unsubstantiated innuendo.

In making its enquiries the authority will rely on all relevant information provided by other departments of the council. This will include information provided by Children's Services and the Local Authority Designated Officer (LADO) responsible for child protection. Issues raised on any DBS check will also be pursued and may be relevant evidence even where no charge follows. Enquiries will be made of the Police.

Where the authority has reasonable cause for concern based on the information from these and other relevant sources it will act appropriately to safeguard children and young persons. As the prevention of child sexual abuse is such an important issue, there will be a presumption in favour of protective measures. This also extends to other vulnerable groups who may be at risk of exploitation such as vulnerable adults. This may mean that based on this information an applicant will not be allowed to proceed or an existing driver may have his/her licence suspended, revoked or not renewed.

Drugs

An applicant or existing driver with a caution / conviction for a drug related offence should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained or a minimum of three years after detoxification treatment if applicant was drug dependent. Where there is evidence of prohibited drug use the applicant or existing driver will be expected to produce medical evidence to confirm to the Council's satisfaction that they are free of illegal substances. The Council reserves the option to seek its own expert medical evidence where necessary.

Violence

As hackney carriage and private hire drivers maintain close contact with the public, a grave view will be taken with applicants who have cautions / convictions for grievous bodily harm, wounding, assault causing ABH, assault PC or common assault. Dependent on the nature of the assault a minimum of three years free of cautions / convictions should be shown before an application is entertained and even then a strict warning will be administered. An existing licence holder could expect his licence to be suspended or revoked if convicted of these offences. The same applies where evidence of violent behaviour has been adduced before the civil courts.

Criminal Damage

As this offence covers a wide range of behaviours each case will be judged on its own merits. A serious view will be taken if the offence involves deliberate fire setting, the offence was committed in a group, the damage caused was of high value or the offence had a clear racial/ religious or homophobic motivation. An applicant with this type of more serious conviction/caution should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained. Existing drivers convicted or cautioned for these types of serious criminal damage offences could normally expect to have their licence revoked.

Dishonesty

Licence holders are expected to be person of trust. The widespread practice of deliveries for companies, taking children to school and families on holiday shows this trust. It is easy for dishonest drivers to defraud foreign visitors when giving change, or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. For these reasons a serious view will be taken of any cautions / convictions involving dishonesty. In general, a period of at least three years free of any cautions / convictions will be required before entertaining an application for a hackney carriage or private hire drivers licence by the Council. Any existing driver convicted of offences involving dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a hackney carriage or private hire driver's licence for three year period at minimum after conviction. The same applies where evidence of dishonest behaviour is adduced before the civil courts.

Discrimination / Hate Offences

An applicant with a caution / conviction or legal findings against them in the civil courts for a discrimination related offence should be required to show a period of at least three years free of any caution / convictions before any application is entertained.

Minor Road Traffic Offences

Isolated convictions or fixed penalty notices for minor traffic offences should not prevent a person from proceeding with an application. Any new applicant must have held a full drivers licence as issued by DVLA for a period of twelve months without any period of suspension during those twelve months. Licence holders convicted during the period of licence of such an offence may be warned as to future conduct, and that any disqualification from holding a full DVLA licence will lead to revocation of any hackney carriage or private hire licence held with the Council.

Major Road Traffic Offences

Where there is an isolated historic conviction for reckless driving, dangerous driving or driving without due care and attention and similar offences, these will merit for new applicants at least a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers. However, for applicants with more serious offences such as convictions for causing death by dangerous/careless driving a licence will not normally be granted. Existing drivers can expect their licence to be revoked and no further application will normally be considered until a period of at least three years free from convictions has elapsed.

Drunkenness

- With a motor vehicle.

A serious view will be taken of cautions / convictions for driving or being in charge of a vehicle whilst under the influence of drink or failing to provide an evidential specimen. An isolated and historic incident will not necessarily debar an applicant provided they have been at least three years free of cautions / convictions after the restoration of their full DVLA licence but strict warnings will be given as to future behaviour. More than one caution / conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire drivers' licence. At least one year should elapse (after the restoration of the full DVLA driving licence), before an applicant is considered for a hackney carriage or private hire driver's licence. If the applicant is found to be alcohol dependent a minimum period of five years should elapse after treatment is completed before a licence application is considered.

- A driver found guilty of driving passengers for hire and reward whilst under the influence of alcohol will normally have his hackney carriage or private hire drivers licence revoked immediately and be banned from holding a hackney carriage or private hire drivers licence with the Council for a minimum period of three years after the restoration of their full DVLA licence.
- Drunk but not in a motor vehicle.

An isolated caution / conviction for drunkenness need not debar an applicant from obtaining a licence, however, a number of cautions / convictions for drunkenness could indicate alcohol dependency necessitating a medical examination.

Insurance Offences

- With a motor vehicle.

A serious view will be taken of any caution / convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily debar an applicant provided he has been three years free of any caution / conviction, but strict warning will be given as to future behaviour. More than one caution / conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire licence.

- A driver found guilty of driving passengers for hire and reward whilst without insurance will normally have his hackney carriage or private hire driver's licence revoked immediately and be banned from holding a hackney carriage or private hire driver's licence with the Council for a minimum of five years.
- Any applicant with three insurance offences or more will not normally be considered fit and proper to hold a hackney carriage or private hire licence with the Council.

Breaches of Licensing Conditions, other Local Authority Offences and Fire Authority Offences

Isolated convictions / cautions for breach of licensing conditions or other local authority offences should not prevent a person from proceeding with an application but these offences may be considered when determining if an applicant should be granted a licence. Licence holders committing offences during the period of licence may be warned as to future conduct and may lead to revocation of any hackney carriage or private hire licence held with the Council.

Criminal Behaviour Orders / Injunctions or any other order under the Anti-Social Behaviour and Policing Act 2014

Criminal Behaviour Orders / Injunctions to prevent nuisance and annoyance during their current term or within three years of their final date should not prevent any person from proceeding with an application, but it will be considered, taking into account all the circumstances, and severity of the behaviour, when determining if an applicant should be granted a licence.

County/High Court Injunctions

Any Court injunction and / or order relating to anti-social behaviour especially those for harassment or violence (including domestic violence) within the last three years should not prevent any applicant from proceeding with an application, but will be considered when determining if an applicant should be granted a licence, taking into consideration the nature and severity of the behaviour and all relevant circumstances.

Scanners

Anyone convicted of the use of a radio scanner will normally be banned from holding any licence for a minimum of a five-year period.

Notes

Any information disclosed to the Council will be kept in strict confidence and will only be taken into account in relation to the application and will be retained no longer than necessary. It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence, punishable by up to seven years imprisonment upon conviction.

Procedure for Licensing a Private Hire Operator.

1. General

1.1 Operators must be licensed in the same district as the district in which they have their office, and only make use of drivers and vehicles that are also licensed in the same district for which they hold a licence.

1.2 Anyone who makes provision for the invitation or acceptance of bookings for a private hire vehicle must hold an operator's licence, (with the exception of those who only operate vehicles covered by section 75 of the Act of 1976). This means that any individual (group or company) which advertises the services of any private hire vehicle with the services of a driver for hire and reward, or has a mobile telephone, smart phone app or pager which is carried within a licensed vehicle then that driver and vehicle have made provision for the acceptance of bookings for hire and reward and will be required to hold a private hire operator's licence.

1.3 Brighton and Hove City Council are subject to duties under the Equalities Act 2010 which includes the duties to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

In relation to the Hackney and Private Hire as the licensing authority we are wishing to ensure that the needs and requirements of those with a disability are being acknowledged and met.

Primary issues for the Council to take note of are:

- Mobility - this is being addressed by the introduction of wheelchair accessible cabs. It is noted that certain service users who may have mobility issues still prefer old style saloon cars. An Operator should be able to respond as appropriate where a particular type is requested.
- Visual impairment - drivers to be aware that greater assistance will be required. As per the detail already included in this document.
- Hearing impaired - note should be taken that those with hearing difficulties should wherever possible be provided with a text service.
- Awareness of those with mental health issues.
- Awareness of those with learning disabilities.
- Training for drivers on disability awareness for instance not assuming that because someone has slurred speech that they are drunk as opposed to having neurological disorder.

1.4 To ensure disabled passengers in wheelchairs receive an equal service any Operator operating 100 or more vehicles must ensure that at least 20% of their vehicles are wheelchair accessible.

1.5 It is a requirement that the operators can on request provide monitoring information. What is required are figures on the numbers of journeys undertaken by those with an obvious disability or where one has been declared - personal information is not required. In addition where there has been an issue around a disability the details of that issue and what if any steps were taken to address that and prevent its reoccurrence.

This information will be required to be provided annually. Failure to do so may result in an Operators Licence being suspended or revoked

2. The Operator

2.1 The application form must be complete and returned to the Taxi Licensing Office.

2.2 Every applicant will be checked to ensure that they are a fit and proper person to hold a private hire operators licence.

2.3 The applicant is required to provide proof of holding a radio transmission licence (and planning permission for any aerial if required) if such radios are used by the operator.

2.4 In the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure compliance with the following;

2.4.1 clean, adequately heated, ventilated and lit, both for bookings and waiting,

2.4.2 if required waiting area has adequate seating facilities.

2.5 The operator premises to be licensed must be situated within the district of Brighton & Hove.

2.6 The operator may only utilise drivers and vehicles also licensed by Brighton & Hove City Council.

2.7 All operators premises to which the public have access must be covered by public liability insurance to cover all risks.

2.8 Planning permission for operating purposes maybe required and it is the operator's responsibility to ensure any permission required is granted and produced to an authorised officer at the time of application.

2.9 All operators will be required to have a document setting out their policies and procedures in relation to those with a disability. They will also be required to undertake monitoring of use of their service by those with a disability and provide a summary of monitoring in a format as required by the Director of Public Health annually. Failure to do so may result in the suspension or revocation of an Operators Licence.

2.10 All operators must ensure that all drivers of wheelchair accessible vehicles are trained and have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test or the Catstream Drivers Disability Awareness Training

2.11 All operators must ensure that all drivers do not work excessive hours and have adequate breaks between shifts

2.12 All operators must ensure that all Brighton & Hove Vehicles operated under the licence comply with the current Brighton & Hove CCTV conditions.

2.13 No licence will be issued until all licence requirements are met to the satisfaction of the authorised officer and the appropriate fee has been paid.

3. Notes

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Case law has shown that anyone making provision for the acceptance of bookings for private hire must be licensed in the District where such provision is made (this includes such things as mobile telephones, pagers and redirected calls by any electronic means) and such bookings must be fulfilled by drivers and vehicles licensed in the same district as which the operator holds his licence. So if an operator accepts a booking a mobile telephone in a district other than the one in which he is licensed he will commit an offence of operating in an un-licensed manner.

Private Hire Vehicle Operators Licence conditions made under the Local Government (Miscellaneous Provisions) Act 1976.

1. Interpretation

1.1 In these conditions;

1.1.1 "the Council" means 'Brighton & Hove City Council.'

1.1.2 "the operator" means the person to whom the Council has granted the Private Hire Operator's Licence to which these conditions apply. In the case of a partnership to each of the partners and in the case of a company to each of the company directors.

1.2 Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

1.3 Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

2. The records to be kept by the Operator

2.1 The records required to be kept by the operator under Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder, computer system or other means approved by the Authorised Officer, and produced for his examination on demand.

2.2 The operator shall enter in the recording system (book folder or other means) before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him;

2.2.1 the time and date of the booking.

2.2.2 the name where possible and pick up point of the hirer.

2.2.3 the time and date of pick up and call sign of the vehicle used.

2.2.4 how the booking was made (e.g. by telephone, personal call, or via a mobile app).

2.2.5 where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking and notes must be included: including the name of the sub-contractor and contact information.

2.3 the records of bookings shall be maintained and kept up to date at all times and shall be made available for inspection at all reasonable times without notice by any duly Authorised Officer of the Council or any Police Officer. Such Officers shall be empowered to photograph and/or remove such records howsoever kept from the premises as so required

2.4 The operator shall keep records of all private hire vehicles operated by him, which will include details of the owner, registration numbers and drivers of such vehicles, together with any radio call sign used.

2.5 The operator shall keep records of all driver training.

2.6 The operator shall keep all records for a period of not less than six months following the date of last entry.

3. The standard of service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, and for this purpose shall in particular;

3.1 ensure that when a private hire vehicle has been booked that the driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.

3.2 keep clean, adequately heated, ventilated and lit premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.

3.3 ensure that any waiting area provided has adequate seating facilities.

3.4 keep a summary of all complaints received regarding service provided or about drivers

3.5 Must provide an equal service for differently abled passengers

3.6 Any operator operating more than 100 vehicles must ensure that 20% of their fleet is Wheelchair Accessible.

4. Provisions regulating signs on vehicles

The proprietor of a private hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the words "taxi" or "cab", whether in the singular or plural, or those words of similar meaning or appearance to either of those words, whether alone or as part of another word.

5. Provisions regulating the conduct of the operator

5.1 The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness / condition of a vehicle.

5.2 The operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change.

5.3 No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.

5.4 The operator shall within seven days disclose to the Council in writing details of any convictions (motoring or otherwise) imposed upon him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

5.5 the operator shall not, by him/herself, his agents, or any other person importune, or cause or permit to be importuned any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control

5.6 the operator shall not cause or permit the private hire vehicle licence plate or any notices that are required to be displayed on the inside or outside of a private hire vehicle to be:-

- Concealed from public view
- Defaced
- Disfigured

The operator shall also ensure that the licence plate and notices are always legible and displayed in accordance with the conditions of the private hire vehicle licence

5.7 The operator must notify the Council as soon as practicable and in any case within 72 hours of the occurrence thereof, of any accident to any vehicles working for that company, causing damage

6. Provisions regulating the conduct of the operators drivers

6.1 The operator must inform the Council in writing within 7 days the details of any driver removed from the operator's circuit giving the reasons for removing that driver

6.2 The operator shall keep records of all driver training.

6.3 The operator must ensure that all drivers of wheelchair accessible vehicles that are operated under this licence are adequately trained in the safe carriage of passengers in wheelchairs and that drivers have passed the Driver and Vehicle Standards Agency (DVSA) taxi wheelchair exercise test.

6.4 The operator shall take all necessary measures including those of requested by an Authorised Officer of the Council or Police Officer to prevent vehicles in its employment from parking or congregating in such a manner as to cause a nuisance to any reasonable person

6.5 The Operator shall bring to the attention of all drivers their legal obligations regarding the use of seat belts by both adults and children under 14 years of age.

6.6 The operator shall bring to the attention of all drivers their legal obligation regarding no smoking in vehicles under the Health Act 2006

6.7 The Operator shall ensure that all licensed drivers who carry out work on behalf of their company have an up to date Enhanced Disclosure and Barring Service check Certificate.

6.8 The Operator shall ensure that all licensed drivers who carry out work on behalf of their company act in a civil and orderly manner both towards customers and any other member of the public.

6.9 The Operator must ensure that all drivers who carryout work on behalf of the operator do not work excessive hours and have adequate breaks between shifts.

6.10 The Operator shall ensure that all drivers are aware of their obligations under the Equalities Act 2010 which are:-

Section165 - Duty on a driver of a designated wheelchair accessible vehicle to:-

- Carry the passenger whilst in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required

Unless a driver has an exemption under Section 166 which states that he/she is unable to assist passengers in wheelchairs on medical grounds or because the drivers physical condition makes it impossible or unreasonably difficult to comply.

Section 168 to 171 (previously Disability Discrimination Act 1995):-

Duty to carry Assistance Dogs unless an exemption is held on medical grounds.

7. Emergency call sign

All operators using a radio network must have in place an emergency call sign. When this call sign is used the operator and / or other cars will render all assistance possible to the caller. The use of the call sign in a frivolous manner could result in suspension of licence. On hearing the call sign all other vehicles will maintain radio silence until advised that the situation is resolved. The call sign should only be used when a person is at risk, (e.g. need for police, fire or ambulance assistance). The call should be changed at regular intervals to avoid misuse. All drivers must be aware of the call sign currently in use by the operator. Each operator is responsible to ensure compliance. Whilst this will complement the "Police Link" it is not voluntary but a condition of the operators licence in the interests of the safety of drivers and passengers.

8. Operator office location

The office must be located within Brighton & Hove City to enable any Authorized Officer access to the premises or any records as required by statutes or conditions. If unable to fulfill a booking they may only pass these to another licensed operator whose drivers who carry out work on behalf of that operator have an up to date Enhanced Disclosure and Barring Service check Certificate.

9. Deposit of driver and vehicle licences

9.1 Any operator who employs or permits anyone to drive any licensed vehicle owned by them will ensure that a copy of the drivers licence is deposited with them during the period that the driver is employed or permitted to drive, the licence must be returned to the driver at the end of that period.

9.2 Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his vehicle is so employed. The operator must return the licence to the vehicle proprietor at the end of the period.

9.3 The Operator must ensure that every proprietor of a Private Hire Vehicle operating under the licence is acquainted with, understands and observes the conditions attached to a Private Hire Vehicle Licence.

10. Private Hire Operator Association

10.1 Operators may form an association and must give a copy of the constitution of that Association to the Licensing Officer.

10.2 The Association must keep the Authorised Officer informed in writing of the offices and members of the Association.

10.3 Only vehicles being operated through members of the Association may display signs as approved by an Authorised Officer.

11. Confidentiality

Due the nature of enforcement work undertaken by authorised officers, operators are expected not to disclose/broadcast to drivers or proprietors the whereabouts of authorised officers or any other enforcement agencies as this may jeopardise any enforcement actions being undertaken at the time. Failure to comply with this requirement may result in suspension of licence.

12. Police Safety Schemes

All operators and drivers should assist in any schemes that assist the police. The main purposes are:

12.1 To alert radio controlled vehicles as to missing or suspicious persons or vehicles etc.

12.2 To alert Sussex Police of any criminal activities observed.

12.3 To create a safer environment for all hackney carriage and private hire drivers.

Drivers should report through the operator to the police and the police will use the scheme to advise drivers of incidents or help required.

13. Appeals

13.1 The applicant / licence holder may appeal against all or any of these conditions.

13.2 Any appeals must be made within 21 days of the grant of the licence.

13.3 Appeals must be made to the Magistrates Court - contact: the Clerk to the Justices, The Law Courts, Edward Street Brighton

Directors of Uber Britannia Limited (08823469):

1. Tom Elvidge - 6 April 1981 - 71 Aden Grove, London, N16 9NP
2. Frederick Jones - 8 December 1982 - Flat 41 Artesian House, 98 Alscot Road, London, SE1 3GG
3. Laurel Powers-Freeling - 16 May 1957 - Kings Mill House, Kings Mill Lane, Great Shelford, Cambridge CB22 5EN

Licence Holder:	Uber Britannia Ltd.		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Birmingham City Council	06/02/2015	01/02/2017	05/02/2018
City of Wolverhampton Council	11/05/2016	11/05/2017	10/05/2022
Solihull Metropolitan Borough Council	12/05/2015	12/05/2015	11/05/2021
Brighton & Hove City Council	05/11/2015	05/11/2017	04/05/2018
Chichester District Council	14/12/2016	14/12/2016	13/12/2021
Lewes District Council	01/02/2017	13/02/2017	12/02/2022
Cambridge City Council	21/12/2015	21/12/2017	20/12/2022
South Cambridgeshire District Council	09/12/2015	19/10/2017	08/12/2021
Newport City Council	16/08/2016	16/08/2016	15/08/2021
The City of Cardiff Council	23/12/2015	19/09/2016	22/12/2020
Edinburgh City Council	07/03/2016	24/03/2017	19/03/2018
Glasgow City Council	27/05/2015	01/06/2016	31/05/2019
City of York Council	23/12/2015	24/12/2016	23/12/2017
Guildford Borough Council	06/07/2017	06/07/2017	05/07/2022
Reigate and Banstead Borough Council	30/05/2015	30/04/2017	29/04/2018
Slough Borough Council	27/04/2015	27/04/2016	26/04/2021
Uttlesford District Council	21/12/2015	21/12/2015	30/11/2020
Bolton Metropolitan Borough Council	26/03/2015	26/03/2015	25/03/2021
Bury, Metropolitan Borough of	07/03/2015	23/03/2017	22/03/2018
Cheshire East Council	25/11/2015	05/02/2018	05/02/2023
Manchester City Council	01/02/2014	27/08/2016	31/07/2021
Oldham Council	25/03/2015	25/03/2016	24/03/2021
Rochdale Borough Council	26/04/2015	13/10/2017	25/04/2021
Rossendale Borough Council	08/12/2015	24/01/2018	23/01/2023
Tameside Metropolitan Borough Council	15/09/2015	01/09/2017	31/08/2018
Trafford Council	01/11/2014	01/11/2015	31/10/2020
Wigan Council	14/10/2015	14/10/2015	13/10/2020
Cheshire West & Chester	30/05/2017	30/05/2017	29/05/2022
Knowsley Metropolitan Borough Council	21/10/2015	21/10/2016	04/11/2021
Liverpool City Council	24/11/2016	21/12/2017	23/11/2021
Sefton Council	19/06/2015	19/06/2016	18/06/2021
Wirral Council	26/11/2015	26/11/2015	25/11/2020
Durham County Council	09/01/2017	09/01/2017	08/01/2022
Newcastle City Council	24/02/2015	24/02/2016	23/02/2021
Sunderland City Council	22/03/2016	22/03/2016	21/03/2021
Derby City Council	13/12/2016	13/12/2016	13/12/2021
Rotherham Borough Council	23/10/2015	23/10/2017	22/10/2018
Fareham Borough Council	16/12/2015	16/12/2015	30/04/2020
Portsmouth City Council	18/01/2015	18/01/2016	31/01/2021
Southampton City Council	01/02/2016	01/02/2016	31/12/2021
Bristol City Council	03/01/2015	03/01/2016	02/01/2021
Swindon Borough Council	25/11/2016	26/11/2017	25/11/2018
Newcastle-Under-Lyme Borough Council	22/02/2016	22/02/2016	21/02/2019
Stoke-on-Trent City Council	14/08/2015	14/08/2015	13/08/2018

Licence Holder:	Tom Elvidge		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Kirklees Metropolitan Borough Council	03/02/2015	10/02/2016	03/03/2022
Leeds City Council	09/11/2014	08/11/2017	12/11/2018
Wakefield Council	20/02/2015	20/02/2016	19/02/2021
Aylesbury Vale District Council	18/05/2016	18/05/2016	17/05/2021
Luton Borough Council	17/06/2015	12/04/2016	31/03/2021
Windsor and Maidenhead, The Royal Borough of	30/03/2015	30/03/2016	29/03/2021
Wycombe District Council	08/03/2016	30/06/2016	30/04/2021
Salford City Council	16/10/2014	16/10/2015	28/11/2020

Licence Holder:	Fred Jones		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Bradford Metropolitan Borough Council	01/05/2015	24/10/2017	25/10/2022
Calderdale Council	14/03/2016	15/03/2017	14/03/2022
Woking Borough Council	16/02/2016	16/02/2018	16/02/2019
Salford City Council	16/10/2014	16/10/2015	28/11/2020
Stockport Metropolitan Borough Council	14/06/2014	01/12/2016	30/11/2021
Nottingham City Council	01/11/2015	01/02/2018	30/07/2021
Christchurch Borough Council	01/06/2017	25/05/2017	24/05/2022
Gosport Borough Council	24/12/2015	21/12/2017	23/12/2020
Havant Borough Council	19/01/2016	19/01/2016	18/01/2021
New Forest District Council	12/05/2016	12/05/2016	30/04/2021
Borough of Poole	01/06/2017	21/06/2017	30/06/2022
Bath and North East Somerset Council	01/11/2015	01/11/2016	31/10/2021
North Somerset Council	12/10/2015	12/10/2015	11/10/2018
South Gloucestershire Council	22/06/2015	21/07/2017	22/07/2022

Appendix - Suspended/Revoked/Refused Licences

Uber Britannia Ltd's application for an operator licence was refused by Reading Borough Council (RBC) in March 2016. The reasons given were not relevant to this current application, being related to peculiar requirements in RBC's local licence conditions and other irrelevant concerns around local demand and the number of vehicles that will be operated in that area.

Uber Britannia Ltd's application for an operator licence with Swansea City & County Council (SCCC) was made alongside a request for an exemption to one of the conditions. Condition 22 requires the operator to check all vehicles before the start of each shift. Uber do not assign shifts to licensed private hire drivers who use our app. As independent contractors, partner-drivers who use the app have the flexibility to switch the app on/off as they see fit, with many enjoying the flexibility of having no set shifts or minimum hours. It was also put forward by the Team Leader of the Swansea Licensing team that the purpose of this requirement is already adequately met by the driver's licence conditions. The exemption was not granted by the Licensing committee and in September 2017 the application was subsequently not successful.

TfL refused Uber London Limited's application to renew its PHO licence - this decision is currently under appeal.

The City of York Council refused Uber Britannia Limited's application to renew its PHO licence in December 2017, based on concerns about a data breach currently under investigation and the number of complaints received. No evidence was considered by the council in relation to the first ground and subsequent FOIA enquiry revealed that 83% of complaints were submitted by the York taxi trade.

Recent Employment History - Tom Elvidge:

- Sept 2015 - Present - General Manager - Uber - London
- Sept 2014 - Sept 2015 - General Manager - Uber - Leeds & Newcastle
- Sept 2013 - Sept 2014 - Vice President - Goldman Sachs - New York, USA
- Mar 2008 - Sept 2013 - Principal - Moorhouse Consulting - New York, USA

Recent Employment History - Fred Jones:

- May 2015 - Present - Head of Cities - Uber - UK & Ireland
- Jan 2006 - April 2015 - Director - Accenture Strategy

Recent Employment History - Laurel Powers-Freeling:

- February 2018 - Present - Chairman - Cambridge University Health Partners Limited - Cambridge, UK
- October 2017 - Present - Chairman - Uber London Limited & Uber Britannia Limited - London, UK
- September 2015 - Present - Chairman - Sumitomo Mitsui Banking Corporation Europe - London, UK
- November 2016 - Present - Non-Executive Board Member - Majid Al Futtaim Ventures - United Arab Emirates
- July 2015 - Present - Senior Independent Non-Executive Director - Atom Bank - Durham, UK
- December 2013 - October 2017 - Non-Executive Director, Audit and Risk Committee Chairman - Call Credit Information Group - Leeds, UK
- December 2010 - October 2017 - Non-Executive Director - C Hoare & Co - London, UK
- April 2010 - October 2015 - Non-Executive Director - Bank of Ireland - London, UK
- May 2012 - July 2015 - Non-Executive Director - ACE Group - London, UK
- September 2010 - July 2014 - Non-Executive Director - Findel PLC - London, UK

Current Directorships Held - Tom Elvidge:

- Uber London Limited (08014782) - Company Director
- Uber Britannia Limited (08823469) - Company Director
- Uber Scot Limited (SC531141) - Company Director
- Uber NIR Limited (09783280) - Company Director

Current Directorships Held - Fred Jones:

- Uber London Limited (08014782) - Company Director
- Uber Britannia Limited (08823469) - Company Director
- Uber Scot Limited (SC531141) - Company Director
- Uber NIR Limited (09783280) - Company Director

Current Directorships Held - Laurel Powers-Freeling:

- Uber London Limited (08014782) - Company Director & Chairman
- Uber Britannia Limited (08823469) - Company Director & Chairman
- Atom Bank PLC (08632552) - Senior Independent Non-Executive Director
- Sumitomo Mitsui Banking Corporation Europe Ltd (04684034) - Chairman
- Majid Al Futtaim Ventures (UAE) - Non-Executive Board Member
- Cambridge University Health Partners Limited (07015773) - Chairman

In recognition of the Equalities Act 2010, we want to ensure that the needs and requirements of those with a disability are being acknowledged and met, and that our disabled users can move around their city as safely and easily as anyone else. We have a number of products and features that allow us to provide an excellent service for our disabled passengers.

UberASSIST / UberACCESS

Users with a disability that wish to use the Uber app have the option to use our UberACCESS or UberASSIST products:

UberACCESS is our forward-facing wheelchair accessible product which is currently available in London, Manchester, Birmingham, Wolverhampton, Merseyside, Leeds and Newcastle, but continues to be launched across the UK. This product aims to provide excellent customer service for wheelchair and mobility scooter users through the use of specialised vehicles that allow them to be transported easily and safely:

- UberACCESS vehicles are rear-entry, which means that riders face forward when they are travelling, unlike other wheelchair-accessible vehicles which require riders to face sideways or backwards.
- All UberACCESS vehicles have four-point tie-down straps, which are used to secure the wheelchair to the floor to ensure it stays put during the trip.

UberASSIST, which available across the UK, is an option for those who require additional assistance – such as seniors and people with disabilities, including those who may just feel more comfortable with extra assistance when getting from door-to-door. UberASSIST vehicles accommodate most foldable wheelchairs.

Other in-app safety features such as sharing your ETA and allowing friends and family to follow your trip remotely are all features that can help these users feel more in control.

Both UberACCESS and UberASSIST partner-drivers are top-rated partners who have received comprehensive in-person Disability Equality Training from our partners, TFA (Transport for All) and UKGRS (UK Global Road Safety). This training, which is always given by a presenter who has a disability themselves, covers the following topics:

- Understanding the medical and social models of disability and wider equality and access issues
- Challenging assumptions about disability
- Understanding barriers present for those with disabilities
- Understanding different types of wheelchair
- How to interact with customers with disabilities
- Understanding how language is important, and further tips on communication
- Guidance on practical assistance

Uber prices are set by and paid through the Uber app. The technology in the app makes sure that those who use UberACCESS and UberASSIST are always charged the same as a non-disabled user that uses the UberX product- a feature that has won Uber an award. What also makes these products different for users is that the journey only begins once they are safely secured in the vehicle – meaning that they can spend the time they need getting into the vehicle without worrying about the fare piling up.

Policies and procedures for people with a disability?

Anyone over the age of 18 is allowed to use the Uber app. If any complaint is received about any form of discrimination by a driver using the Uber platform, our local team investigates each case and takes the necessary action.

Type of complaint	Wheelchair User	Disability (if known)	Complaint Upheld	Outcome
Person in wheelchair refused	Yes	N/A	Yes	Partnership with driver ended
Refused service animal	No	Many possibilities including blindness	Yes	Partnership with driver ended
Driver assumed passenger was intoxicated	No	Parkinsons or other	Yes	Driver placed under investigation

We are proud to say that the Uber App provides industry-leading accessibility options for the visually or hearing impaired that make it easy from them to book an Uber. Users with visual or hearing impairments can use accessibility features such as VoiceOver on iOS. VoiceOver can be used in connection with a wireless braille display, and is available in all Uber cities and languages.

How do you monitor use of service by those with a disability?

We make it very easy for all users to provide feedback to us directly: they can write comments in the app immediately after their trip; they can email us directly or by replying to their emailed receipt; or they can use Twitter or other social media channels. Any complaint made regarding discrimination of someone with a disability is taken extremely seriously as we want our service to be as accessible to all.

Uber Britannia Limited | Private Hire Operator Licence Renewal May 2018

Introduction

We believe innovation and technology have the potential to transform Brighton & Hove for the better. Our mission is to ensure everyone has access to safe, affordable and reliable transport at the touch of a button and we are determined to serve the cities within which we operate as best we can.

This document supports our case for the renewal of our private hire operator licence in Brighton & Hove, explains how we are changing our business for the better and answers questions raised as part of our licence renewal process.

In this submission we wanted to highlight the key facts about Uber in Brighton & Hove:

- Popular service with residents and local business
- Good public safety record in Brighton & Hove
- Provides flexible earning opportunities for locals
- Track record of raising standards in Brighton & Hove Private Hire industry
- Positive working relationship with the Council
- Leader in improving local air quality
- Making the necessary changes to act in a responsible way

In addition, we recognise that Uber is not above criticism and so we have sought to address questions and concerns raised in a full and transparent manner. This includes the range of issues that have been raised by the local Trade with regards to Uber's presence in the city. Whilst we have addressed the salient points in this submission, we will address each point in detail during the Committee hearing along with any further questions members may have.

Finally, for completeness in Appendix A we have included the information provided to BHCC as part of our last licence renewal in November 2017 as some of these topics have been raised by third parties again.

Uber in Brighton & Hove

Uber is a popular service with residents and local business

We have been proud to call Brighton & Hove home for approximately 18 months, helping residents to get from A to B and offering licensed drivers the flexibility to be their own boss, driving when and where they wish. The Uber app (the "App") is available in the whole of Brighton & Hove - not just in the city centre but also in the outskirts less well served by traditional taxi or by public transport.

On average it takes under four minutes for someone in Brighton & Hove to push a button on their smartphone and be picked up by a fully licensed driver and vehicle. This means less time waiting for a car

at night, fewer people unable to find a car to get home, and a convenient and reliable alternative to privately-owned cars.

Since we launched, well over 200,000 people have used the service in Brighton & Hove - Uber has become part of daily life for many locals in the city and an essential way visitors get around the city. Uber is particularly valued by international visitors to the area, with riders from almost 100 countries using the App in Brighton & Hove in the past three months alone.

A good public safety record in Brighton & Hove

Safety is of paramount importance and we want to ensure that we far exceed the Council's minimum expectations of an Operator. We take public safety extremely seriously and our record stands testament to this, namely:

- We have been fully compliant with our operator conditions;
- We are not been made aware of any complaints from members of the public to BHCC regarding our service (in the context of over one million trips on the App in Brighton & Hove since our launch); and
- We have passed any inspections and satisfied any compliance questions raised.

We very much hope we can continue to support Brighton & Hove over the coming years, helping locals and tourists to travel safely, affordably and conveniently around the city.

Offering a flexible earning opportunity for locals

With Uber, partner-drivers are in control, choosing whether, where and when to drive. Every day tens of thousands of people in the UK use the Uber app to earn a livelihood and work in a way that fits around their lives. Indeed, the vast majority signed up in the first place because of the freedom and flexibility on offer - and we think it is important that private hire drivers in the Greater Brighton area are able to enjoy these opportunities. With over 3 in 4 partner-drivers that use the App to predominantly drive in the city living in the Greater Brighton area, Uber makes it easy for local people to make money on their own terms and on their own schedule. Over the past three months average fares for partner-drivers (after Uber's service fee) were over £18.15 per hour.

We have worked hard over the past year to offer partner-drivers the protections they want while maintaining the flexibility and control they value so much, for example:

Savings & pensions. Uber partners with online investment provider [Moneyfarm](#) to offer discounted products from ISAs to pensions, to help individuals prepare for the future. This offering also comes with enhanced access to financial education.

Free skills courses. Uber gives partner-drivers free access to online skills courses with [FutureLearn](#). This supports individual learning and development along with improved access to jobs in new industries or sectors which the driver may wish to work in.

Illness and injury cover. Uber have partnered with the Association of Independent Professionals and the Self-Employed (IPSE), giving partner-drivers access to a range of benefits and protections including heavily discounted illness and injury cover.

Helping partner-drivers earn more. Uber has developed a 'destinations' feature, meaning several times per day partner-drivers can opt only for trips going in a certain direction to make it easier to make money on their way home or to an appointment - and in-app tipping enables passengers to tip partner-drivers for their service through the app. Earnings advice sessions are available to all and offer advice, including from other partner-drivers, about how to maximise their time - and the money they make - on the app.

Offering a greater voice in our decision making processes. Uber recently launched the UberENGAGE programme as part of our commitment to improving the partner-driver experience. The programme will see UberENGAGE Advisory Groups set up in cities across the UK, made up of at least five partner-drivers per city. This programme is being piloted in five cities including Brighton. As well as giving partner-drivers a greater voice in the business, this programme will provide a formal outlet for their feedback and suggestions.

Demonstrating we can raise standards in Brighton & Hove Private Hire industry

It is clear that BHCC is dedicated to ensuring that residents have access to safe transport options. We want to support this goal and are committed to working with the Council to improve public safety in the City.

In November 2017, when our licence was last renewed we made a tangible demonstration of this commitment by voluntarily accepting additional conditions onto our Operator Licence and adopting new ways of working with the Council, specifically related to improving public safety. We believe this set new standards for the industry, including:

Enhanced Complaint Reporting

We recognised BHCC wanted to improve oversight of issues in Brighton & Hove. To this end, we accepted an additional operator condition to report serious incidents to the Council. When Uber receives an allegation of a serious incident we take steps to restrict partner-drivers' and/or riders' access to the App within 24 hours and notify the Council of the incident.

Displaying the driver's licensing authority in the app and receipt

We understood the importance to the Council of giving users of the App greater transparency of which local authority licensed the driver undertaking their booking. Therefore we proposed and accepted an additional condition on our licence that made it clear to the individual booking a trip via the App whether the driver and vehicle is licensed by Brighton & Hove.

Equality and accessibility

We understand how difficult it can be for some people to get around and are committed to increasing access to safe, affordable and reliable transport. We therefore welcomed a new condition on our licence which promotes this goal. This condition mandated that 100% of Brighton & Hove Uber partner-drivers

receive specifically-designed Disability Equality Training from a third party organization and qualify as UberASSIST partner-drivers. The UberASSIST option provides access to transport for disabled people who have an access need but are not an electric wheelchair user.¹ The App is also fully compatible with VoiceOver iOS, TalkBack, and voice-activated technology which makes UberASSIST easy to use for people with a variety of different access needs. UberASSIST fares always equal UberX and all payments are made via the App - safeguarding against any form of overcharging and complying with Section 165 of the Equality Act 2010.

By increasing numbers of UberASSIST partners we have widened the overall access to private hire services in the city.

24/7 Emergency App Restrictions

BHCC has always been able to alert Uber to a serious allegation or incident involving a BHCC licensed driver at any time. In these instances, Uber restricts that driver's access to the App until the Council, the police and/or Uber (as appropriate) have determined the appropriate action. Uber implements the same robust process for reports from any individual, licensing authority or police force in respect of any driver or rider.

In November 2017 we went further as a demonstration of our desire to raise standards and provided Brighton & Hove licensing team with access to a '24/7 hotline'. The Council can now use this phone line to alert Uber to any allegation or incident relating to a serious criminal offence which it reasonably believes poses an immediate threat to public safety, including but not limited to sexual misconduct and violence. Upon receipt Uber will restrict access to the App for any licensed driver alleged to be involved in a serious criminal offence and restrict a driver's access to the app whilst BHCC and/or the police undertake an investigation into the allegation.

Driver hours policy

In January 2018 Uber became the first private hire operator to introduce a cap on the number of hours a private hire driver can drive on the Uber app. While licensed partner-drivers who use our app really value the freedom and flexibility to choose if, when and where they work, and while partner-drivers only spend an average of 30 hours a week logged into our app, we want to do our part to ensure they don't drive tired.

This policy means that a driver on the app must take an uninterrupted 6 hour break from the app after 10 hours of time on trips with passengers or on their way to pick up a passenger. Partner-drivers who do not take a long enough break from using the app will not be able to log in and take trips.

On top of features like GPS tracking of every trip it's another example of how Uber uses technology to help enhance driver and passenger safety.

¹According to the Papworth Trust, a charity supporting disabled people, 88% of disabled people are not wheelchair users.

A good working relationship with the Council.

Safety is an integral part of the App, for drivers and passengers. Uber has used technology to pioneer many safety features in the industry such as GPS tracking for all trips, driver and vehicle pictures and cashless payments. We have been committed to working with the Council to improve public safety over the past 12 months. Some recent examples include:

Local cross-border collaboration.

We have worked with with BHCC in respect to investigating alleged offences relating partner-drivers picking-up / dropping-off within Brighton & Hove.

Cross-border restrictions and incentivising local licensing.

We understand the challenges cross-border driving presents the local licensing team. This was particularly relevant with TfL licensed partner-drivers picking up in the City. That is why we have restricted any private hire vehicle outside the South East of the UK (including London) from completing trips in the city. We have offered £1,000 and 250 trips 'service fee-free' to any driver impacted by this change to re-license with BHCC.

Enforcement Intelligence Report.

We understand that the BHCC enforcement team has been resource-constrained in 2018. To support the Council in maintaining effective oversight of vehicles on the app and report any issues during this period, we developed an 'intelligence report' using aggregated data to them know when/where to best observe cars on the Uber app. This helps enforcement officers use limited time more effectively and we are looking forward to receiving feedback from the Council to make it even more useful.

Helping prevent illegal use of hackney carriage ranks.

In response to allegations of private hire cars parking on specific hackney carriage ranks in the city, Uber worked with the BHCC licensing department to implement bespoke technical measures to address this issue.

Support Counter Terrorism Prevent initiatives.

Uber's Law Enforcement Outreach attended the Prevent Community Round Table In Brighton & Hove, organised by Brighton and Hove council in partnership with the Home Office of Security and Counter Terrorism Prevent. We engaged with the Council, Home Office experts and the Police including the Counter Terrorism Unit Prevent lead and as a result facilitated the local Police in Brighton and Sussex being given access to the 24/7 Uber Law Enforcement Response Team. The roll-out and training to the Police in Brighton is set for 19-20 April to allow the Police quicker and more comprehensive support from Uber to their local investigations.

Suggestions on best practice licensing processes.

Our experience across over 80 jurisdictions in the UK indicates that one of the key deciding factors in where a driver chooses to get licensed is related to the time and cost of the licensing process. Councils with a modern streamlined process typically have the lowest incidence of cross-border driving. To assist Brighton & Hove continue to raised standards in modern and streamlined licensing processes, Uber submitted a short discussion paper to the Taxi Forum. We would welcome the opportunity to discuss these recommendations further.

We hope that this demonstrates that Uber is not just behaving in a compliant manner in Brighton & Hove, but that we are trying to push the boundaries of how the Council as regulator can work with Uber as a regulated entity to improve safety standards and protections for the benefit of all. We are very grateful to BHCC officers for their constructive engagement on these matters.

Being a leader in improving local air quality

Poor air quality is one of the biggest challenges facing UK cities. Uber recognises this and is already taking the lead in addressing this challenge. Since our launch, over 750,000 miles have been driven on the App in Brighton & Hove in hybrid vehicles.

We know, however, that we must go further. Uber has therefore also announced the launch of our Clean Air Plan - a bold and ambitious plan to tackle air pollution in the UK. As part of this plan, by 2020, every 4-seat (uberX) TfL-licensed vehicle on the App will be a hybrid or fully electric model. Uber will achieve this same standard across the UK - including Brighton & Hove - by 2022 at the latest. Uber is also committing to working with our partner-drivers to remove all 6-seat diesel vehicles from the app by the same date.

In order to meet this goal, Uber's Clean Air Plan will allow partner-drivers to access grants of approximately £5,000 to help them transition to low or zero emission vehicles. Uber is also working closely with charging network providers, global Original Equipment Manufacturers (OEMs) and other key players to deliver this change and looks forward to supporting Brighton & Hove's efforts to increase zero-emission vehicle adoption and improve air quality. We anticipate the Clean Air Plan going live in Brighton & Hove later this year.

In the past 6 months the Council has also began investigating how it can encourage electric vehicle adoption amongst the Taxi and Private Hire Trade. We are supportive of these efforts, and have made various submissions on how the Trade can accelerate electric vehicle adoption in the city. These submissions have made clear that it is our ambition to lead in this area and we have offered to share specific insights from our existing work on EV adoption - such as possible optimal locations for electric vehicle charging stations.

In future, we look forward to continuing to work with the Council to address the challenge of poor air quality in parts of Brighton and Hove.

Acting on the need to change the way Uber operates

As a global entity, Uber has not always got everything right, and mistakes have been made around the world. The arrival of our new global CEO Dara Khosrowshahi last autumn has signalled a significant

change in the company. He has committed Uber to pursue its business with humility and integrity and, where there is justified criticism, to deal with it promptly and cooperatively.

The changes at a global level in Uber have been mirrored with significant change at a local level in the UK. Recognising the importance of local UK regulations and those in Brighton & Hove Uber has appointed two Executive Directors with a sole focus on the UK business - Tom Elvidge and Fred Jones - as well as establishing an independent UK Board chaired by Laurel Powers-Freeling.

Ms Powers-Freeling has previously worked as a senior adviser to the Bank of England and as chief executive at Marks & Spencer Money, as well as a number of other directorships and advisory roles including chair for the National Joint Registry for the UK Department of Health and the Sumitomo Mitsui Banking Corporation, and worked or held directorships for Lloyds TSB, Prudential, and Atom Bank. This appointment brings a wide range of experience in business and public service to Uber in the UK. With this new position she will help us with the next phase of changes we want to make to our UK business.

I can assure you that we take our obligations for the performance of our licensed activities most seriously and I hope I have demonstrated personally to you, in these recent months, my own commitment to getting it right in Brighton & Hove. In addition to focussing heavily on the governance changes taking place within Uber UK, I should note that there are also a number of governance enhancements at the UTI Board level. These include a number of new independent seats on the Board, including a new independent chairperson. In addition, the voting rights have been changed so that every shareholder has one-vote per share to prevent stockholders have outsized voting power and is a very serious demonstration of the changes to both people and processes being made at the most senior level of the global business.

Addressing concerns and questions raised

Uber is not above criticism and scrutiny, and so in this submission we are very keen to address the specific concerns raised as part of the renewal.

We provided responses to questions raised at Uber's last license renewal in November 2017, and for completeness we have included these again here in Appendix A.

Representations made by the local Trade have been shared with Uber and we have endeavored to address some of the points raised here. We will address the more specific issues raised in turn during the Committee hearing along with further questions the Council may have.

It appears that the primary concerns raised by the local Trade in their submission related to;

- The disclosure of the 2016 Data Breach
- How our App works in relation to issues TfL expressed in their Decision Letter
- Recent licensing decisions across the UK, specifically York.
- The regions by which we now restrict drivers to operate in.

For all of these points we have already provided detailed information and answers to questions raised by BHCC at the time. We believe that the information we provided was satisfactory, but have summarised this information again in this submission for transparency and completeness.

2016 Data Breach

As elaborated on below, Uber took the decision to notify the public, BHCC and other relevant authorities of the data breach and circumstances surrounding it as soon as the facts of the situation were confirmed by Uber's new leadership.

We made the disclosures when we did as we wanted to be open and transparent with Brighton & Hove, relevant authorities and our customers.

Executives and management at Uber deeply regret that this incident occurred and that Uber did not publicly disclose it when it occurred. The fact that Uber is now doing so, as well as its termination of two of the individuals who led the handling of the incident in the fall of 2016, is a clear example of the path being charted by the current leadership. As the new CEO stated in his blog post announcing this incident, "None of this should have happened, and I will not make excuses for it. While I can't erase the past, I can commit on behalf of every Uber employee that we will learn from our mistakes. We are changing the way we do business, putting integrity at the core of every decision we make and working hard to earn the trust of our customers." See <https://www.uber.com/newsroom/2016-data-incident/>.

How Uber UK became aware of the data breach

I can confirm categorically that the UK was not aware of the data breach or the circumstances surrounding it in 2016. Uber UK only learned about the breach in November 2017.

Uber's new CEO, Dara Khosrowshahi, was informed in mid-September 2017 that there had been some type of data incident involving a payment, but he did not receive many details regarding the incident and directed that a thorough investigation be conducted into the circumstances surrounding the incident, including whether it should have been previously disclosed. Once the initial forensic investigation was completed and the relevant people at UTI believed they had sufficient facts, they moved quickly to notify Uber subsidiaries, regulators, and the public as well as take the appropriate personnel actions to ensure accountability.

Two of the individuals responsible for handling the breach in 2016 were Uber's former Chief Security Officer Joe Sullivan and a lawyer on the security team. Although they mitigated damage precipitated by the breach, they failed to timely disclose the incident to the appropriate parties. Uber does not know why these individuals failed to discharge properly their responsibility, but they were terminated as a result. If positives can be taken from this event, it is that its public disclosure is a reflection of the company-wide shift in approach and commitment to cultural change, which includes being upfront and honest about past mistakes.

Who is effected & what is the nature of the breach?

In November 2016, Uber was contacted by an individual who claimed he had accessed Uber user information.

Uber investigated the claim and determined that the individual and another person working with him had obtained access to and downloaded certain archived driver and rider data stored in a cloud-based service used by Uber (Amazon Web Services). The incident did not breach any corporate systems or

infrastructure.

Uber determined the means of access, shut down a compromised credential, and took other steps intended to confirm that the individuals had destroyed and would not use or further disseminate the information. Uber also implemented additional measures to improve its security posture.

To the best of Uber's knowledge, the unauthorised access to this data began on 13 October 2016, and there was no further access to Uber's data after 15 November 2016.

Mandiant, an independent cyber security forensics company, was retained to analyse the data that was downloaded. They found that it included Information pertaining to approximately 57 million users (both riders and drivers) worldwide, including approximately 7.7 million drivers. Of this, approximately 32 million of these individuals are outside the United States, including approximately 3.6 million drivers. In the UK, as we have publicly explained this includes approximately 2.7 million user accounts in the UK were affected.

The files that were accessed contained user information that we used to operate our services, and for nearly all users this included name, email address, and mobile phone number and in some cases other account information. Our outside forensic expert has not seen any indication that it includes trip location history, credit card numbers, bank account numbers, or dates of birth.

There are no actions that the UK need to take to inform users; however we have shared the NCSC guidance and as noted above, Uber has tagged affected accounts for heightened fraud protection.

Actions taken in relation to the data breach

Uber has publicly stated that it was wrong not to disclose the breach earlier. However, I am confident that the disclosure of this event now, and the removal of senior employees involved in handling the breach, represents the cultural change being driven across the global business.

Uber's security team obtained assurances from the individuals that they had destroyed and would not use or further disseminate the downloaded information, and to the best of Uber's knowledge, such materials were destroyed. In addition to the steps taken to confirm the data taken had been destroyed, Uber has not seen evidence of fraud or misuse tied to the incident and we are now monitoring the affected accounts and have flagged them for additional fraud protection.

Immediately after the incident was discovered, Uber's security team instituted multifactor authentication on Github. The team then subsequently ceased using GitHub except for items like open source code. As to AWS, Uber was already using multi-factor authentication for individual access accounts—which the outside actors did not compromise. After the incident Uber's security team expanded the use of multifactor authentication protocols for AWS service accounts using techniques such as IP restrictions, commonly referred to as "white listing." The security team has also taken other steps to enhance security for AWS data storage, such as refining Identity & Assessment Management permissions, improving our ability to authenticate someone before granting access to these systems and to confirm whether they are authorized to access them. Uber's security team also added auto-expiring credentials to protect further against attacks using exposed, lost, or shared credentials. The team continues to look to Amazon's evolving best practices and guidance to protect our AWS system.

Wider improvements to Uber data security

In addition to the specific remedial actions it took in response to this incident, Uber's commitment to data security is shown through company-wide data security initiatives, many instituted before this incident, which include a host of technical, administrative, and physical safeguards. For example, Uber stores certain particularly sensitive information in a special encrypted storage location; uses multi-factor authentication for employee and contractor access to internal tools, as well as for access to Uber's production infrastructure; has a secure software development policy; and its engineering team has developed systems to identify and combat fraud.

TfL Operating Model Concern

We wanted to provide you some clarity on the relevance of TfL's position regarding our process surrounding the acceptance of bookings as a licensed operator to our Brighton and Hove Private Hire operations and how our booking process works in the jurisdiction.

Background

In its decision letter regarding the renewal of Uber London Ltd's ("ULL") operator licence (which is the subject of an ongoing appeal), Transport for London ("TfL") makes reference to concerns that ULL's model may not be compliant with the relevant legislation in relation to the way in which it accepts bookings.

Relevance of TfL's position to local operations

TfL is considering ULL's operating model under a statutory regime which only applies in London, the Private Hire Vehicles (London) Act 1998 (the "1998 Act"). As we explain below, the uncertainties expressed by TfL in relation to the model's compliance with that regime cannot arise under the different regime that applies in Brighton and Hove, i.e. the Local Government (Miscellaneous Provisions) Act 1976 (the "1976 Act").

TfL's concerns relate to the sequence in which various system steps involved in the processing of bookings take place, which it says is relevant to the question of who accepts the booking. That question is potentially relevant because accepting bookings is itself a regulated activity in London. However, as you will be aware this is not the position in the rest of England and Wales (Scotland and Northern Ireland have their own regimes).

- Under the 1998 Act, which covers London, a private hire operator must make provision for the invitation or acceptance of bookings and accept bookings at the licensed operating centre.
- Under the 1976 Act, which covers everywhere in England and Wales outside London, a private hire operator is only required to make provision for the invitation or acceptance of bookings with an operator's licence. Acceptance is not regulated, nor is an operator required to accept at an operating centre.

It is important that the operator makes provision for the invitation or acceptance of bookings so that Brighton & Hove Council (the regulatory authority) is certain of who is responsible for complying with the regulatory obligations such as provision of booking record, complaint handling, etc.

In Brighton and Hove it is clear that Uber Britannia is making provision for the invitation and acceptance of bookings, and not partner-drivers. Uber Britannia ensures that Brighton and Hove partner-drivers are registered to use the app and confirms that partner-drivers available for bookings are properly licensed and insured. It promotes the Uber app, sets the criteria for the identification of available drivers in relation to trip requests, and has put in place the infrastructure for carrying out the regulated activities of an operator (e.g. record keeping, complaints handling and dealing with lost property). In the event of any issue or query about a booking, BHCC or the police know exactly where to go to obtain all relevant information from the operator. It is clear therefore that Uber Britannia complies with the 1976 Act and the sequencing of the steps involved in processing bookings is in fact irrelevant.

For the avoidance of doubt, Uber Britannia's position is that it does accept bookings for the purposes of the relevant regulations, in accordance with our rider Terms.

Uber Britannia bookings process

Uber's technology has streamlined the process for a passenger to book a licensed private hire vehicle significantly. What used to take many minutes can now happen in seconds. For transparency we thought it would be helpful to explain the booking process and how the technology works.

Once a customer has requested a trip using the Uber app, Uber identifies a driver who is willing and able to carry out the trip, accepts the booking and communicates the trip details (including details of the driver) to the customer. In each case it does so pursuant to the operator licence that it holds corresponding to the licensing authority area in which the driver and vehicle are licensed.

In Brighton and Hove (and across England and Wales), the way in which bookings are made is set out below. We have compared this against how a 'traditional booking process' might work for clarity:

Step	Uber	Traditional Operator
1	The customer requests a trip via the Uber app providing a preferred location	The customer makes phone calls to the Operators requesting pickup at a set time/location
2	Uber identifies most appropriate driver for the booking request and checks driver's availability via the app	Operators review available drivers and select most appropriate. Operator radios/calls nearest driver and confirms availability to take the trip request
3	Driver confirms he/she is able and willing to provide the transport services by tapping the driver app	Driver verifies by radio/phone he/she is willing to provide the transport services
4	When an available partner-driver and vehicle have been identified Uber accepts the booking and provides the customer's details to the driver and the driver's details to the customer	The Operator accepts the booking and confirms verbally the booking details to both rider and driver
5	Rider completes trip. The full booking record is stored in accordance to the conditions of the relevant operator license	Rider completes the trip and the Operator writes down the booking details in their relevant Operator booking log

Uber Britannia is also responsible for dealing with any complaints and lost property in respect of that booking.

As is clear from the Rider terms and conditions (available [here](#)), Uber Britannia provides booking services to riders but is not a party to the underlying transportation contract between the driver and the rider. Once a driver has indicated that they are willing to provide the transport services, Uber Britannia concludes the transportation contract between driver and rider (acting as the driver's agent) by communicating the driver's details and willingness to provide transportation services to the rider. The terms of that agreement are agreed between driver and passenger and are not part of the Rider terms and conditions.

Until a booking has been accepted by Uber Britannia, neither the rider or driver have each other's details or a communication channel - once a booking has been accepted they can contact each other through the app.

Licensing Decisions across the UK

Since TfL refused Uber's operator license renewal on 22nd September 2017 there has been, understandably a lot of interest in our other license renewals across the UK. Since this date Uber has had 20 operator licenses granted or renewed in the UK and one refusal by the City of York Council.

We were disappointed to not having our operator's licence renewed by City of York Council at a public hearing of the Gambling, Licensing & Regulatory Committee in December, especially as the Council's own licensing team had conducted a detailed investigation and advised that there was no evidence that indicates that Uber is not fit and proper. The Committee cited two reasons for its refusal: the volume of complaints regarding Uber and the 2016 Data Breach, despite having very limited information on both matters at that time and we were not permitted to provide the Committee information regarding the Data Breach during the hearing.

Since we initially appealed, one of the key components of the decision not to renew Uber's license - the volume of public complaints made against Uber - has [come under scrutiny](#). An FOI request revealed that more than 83% of the complaints made actually came from the local trade. This added weight to our concern that opposition to our licence renewal is being driven by those who oppose customer choice and competition, and who would clearly benefit if Uber's operations in the City were restricted.

Following very careful consideration, we took the decision to withdraw the Appeal. Since the York refusal alone Uber has had 10 licenses renewed including for example, Cambridge, Nottingham, Leicester and the decision was taken to grant Uber a 5 year licence by Sheffield City Council most recently on 13th March 2018. All of these local authorities made their decision after careful consideration of similar issues including assessing the full facts surrounding the Data Breach in 2016. We therefore no longer considered that it was necessary for any of our other UK operations for the Court to determine the issues relied on by York in its refusal decision.

Taking these factors into account, we did not wish to take up the court's or councils valuable time with this appeal and withdrew our appeal. We hope to be able to work constructively with York in the coming months, allay any remaining concerns it has, and then reapply for a new licence in due course.

The regions which Uber now restrict partner-drivers to operate within

As recently as February 2018 a private hire driver's 'right to roam' (i.e. complete bookings anywhere in England and Wales) was validated by the High Court (*Delta Merseyside and Uber Britannia Ltd v Knowsley Metropolitan Borough Council* [2018] EWHC) and so the concerns from the Trade of drivers and vehicles licensed by other local authorities picking up and dropping off in the city is not a question of whether an operator is 'fit and proper'.

However, we wanted to be transparent about the substantive steps Uber has taken to address unease around cross-border driving. Partner-drivers will only be able to use our app within the region they are licensed. For example, a private hire driver licensed by Brighton and Hove City Council would still be able to do trips with Uber in the South East, but not in London or anywhere outside the South East region.

In making changes to the way the app works we were mindful to preserve the right balance for drivers and passengers and maintain the benefits that regional cross-border driving brings. It is important that passengers can still take affordable long-distance trips - such as to and from airports, neighbouring cities and hospitals, and back home late at night from city centres - and that drivers can carry out those trips without being forced to drive back without a fare-paying passenger. This brings economic gains of higher driver utilisation and earnings as well as the environmental benefits of less 'dead mileage' from empty journeys.

Indeed, our initial internal analysis points to the detrimental impact of ending cross-border driving outright, when compared to the regional restrictions we have implemented. Taking the North West as an example, if cross-border driving were restricted to drivers only taking trips starting and ending in the local authority which licensed them, we anticipate a 35% fall in the earnings of Manchester City Council (MCC) drivers, an extra 3.4 million 'empty' miles would have been driven by MCC drivers in 2017 - resulting in over 700,000kg more CO2 - and 20-30% more vehicles would be required on the road to meet current passenger demand. In addition, 30% of all Greater Manchester trips would be significantly more expensive and/or at risk of destination discrimination, and surrounding local economies which currently thrive at night would suffer.

It is reasonable to assume that the detrimental impacts of restricting all cross-border trips in the the South East and Brighton would be just as acute. Reducing congestion and pollution, improving economic prosperity and the availability of flexible and good work are all is important to the residents of Brighton & Hove, and Uber wants to make a positive contribution to the city in these respects.

Allied to our restriction on cross-border driving we are making it easier for passengers to know which authority licensed the driver - showing in-app the driver's licence number and their licensing authority, and displaying on the e-receipt the driver's licence number, as well as information on which licensing authority to contact to raise a complaint. Whilst this has been a condition of our Operator License since our renewal in November 2017 for Brighton & Hove bookings, we have now voluntarily rolled out this feature nationally. We have also introduced an improved process for managing complaints against 'out of town' vehicles. All local councils - both those where Uber holds an operator licence and those where we do not - will have access to a dedicated email address to contact us, which enforcement officials can use to report concerns or complaints about partner-drivers to the Uber team, whether licensed by their own authority or elsewhere.

While we will keep everything under review, we believe that our changes, in addition to a proposed national database of licence refusals and revocations, and greater delegated enforcement powers among local authorities - both of which we support - should answer concerns about cross-border driving while maintaining the important benefits of the practice on a regional basis.

Conclusion

I hope that this document makes it clear the positive contribution that Uber is, and can make in service to the city of Brighton & Hove. I also hope that our track record in the city and information provided here on broader reforms in our business gives comfort to how we are changing for the better and that we are a 'fit and proper' private hire operator.

We hope we have addressed any questions or concerns the Council may have and look forward to discussing any outstanding points in detail during the Committee hearing.



Fred Jones

Uber | Head of Cities, United Kingdom and Ireland

APPENDIX A: Select answers to questions raised by third party submissions at our November 2017 License Renewal

Uber's services and contracts

The Terms relating to the use of app are set out clearly. Uber BV provides the App to users, whereas the booking services are provided by Uber UK. Uber BV is the data controller for all users and is registered with the relevant Dutch data protection agency; therefore Uber Britannia Limited is not registered with the ICO.

As explained above, the booking is accepted by Uber London or Uber Britannia Limited as appropriate. It is not necessary for either entity to be a party to the transportation contract in order to accept bookings as a private hire operator, a principle which is well founded in case law.

Uber's operating centre

Uber's Brighton & Hove operating centre is based at 30 Grand Parade, Brighton. Our offices are staffed full time 9am-5pm Monday to Friday.

We have had a number of base inspections over the past year where the BHCC Licensing Department has inspected how we make provision for the invitation and acceptance of bookings and audited our compliance with the relevant Operator Conditions. These visits have included an inspection of our facilities, the equipment used to configure the system locally, the control we have over the access of partner-drivers to the App and our system for creating, storing and accessing booking records. We understand that all audits / inspections were passed with no issues but would be happy to arrange a further inspection if that would be valuable to BHCC.

We are aware of questions from third parties challenging whether there is a server in an operating centre. For the avoidance of doubt, there is no requirement in the Local Government (Miscellaneous Provisions) Act 1976 for the booking to be accepted in any particular geographic location, or for a booking to 'land' at the licensed premises within the district.

Wheelchair Accessible Vehicles

Uber is dedicated to facilitating reliable transport everywhere, for everyone. As explained earlier in this document, our UberASSIST option offers partner-drivers who have received in-person Disability Equality Training. UberASSIST launched in Brighton & Hove in August 2017. Currently just over one third of BHCC licensed partner-drivers on the App are trained to provide this service and we have additional training sessions organised to increase the number of trained partner-drivers on the App to improve reliability.

In future, we look forward to adding wheelchair accessible vehicles to the app when possible - and replicating the high quality service UberACCESS already offers wheelchair users in some of the UK's biggest cities. In London, for example, UberACCESS serves hundreds of wheelchair users a week with an average wait time for a car of under 15 minutes.

We strongly believe that the overall accessibility of a service is best judged through an assessment of the full range of options offered for disabled people - and the availability, accessibility and quality of those services. We look forward to continuing to engage with the Council on how we can help make high quality, affordable and safe private hire services accessible to all and adhering to the same operator conditions regarding Wheelchair Accessible vehicle provision as other Brighton & Hove Operators.

Uber account holder policy

As a matter of policy, Uber does not permit those under the age of 18 to create an account to use the App. This is entirely within Uber's commercial discretion but, by way of brief context, the reasons include contractual capacity, and issues relating to payment methods and fraud prevention. Those under the age of 18 are not prevented from traveling in private hire vehicles on the App, but it is a condition of the Terms & Conditions for users of the App that the account holder (who must be 18+) should accompany any person under 18 years of age.

Working with the Metropolitan Police Service

One of the contributing factors to Transport for London's (TfL) decision not to renew our operator licence was a report of a letter from a Metropolitan Police officer to Transport for London earlier this year. While we were surprised by this letter - as we do not feel it reflects the good working relationship we have with the police and the extensive support we provide - we welcome the opportunity to further collaborate with the police and to establish how we can strengthen our existing processes.

For information, we have provided below more detail about how Uber works with the police.

Our UK-based team includes experienced former Metropolitan Police officers who work closely with the police and act quickly to respond to complaints on the rare occasions they arise. This team is focused solely on working with the police and law enforcement authorities both on specific investigations and longer-term collaboration. There are many examples where our collaboration and technology have been able to prevent serious crimes and bring perpetrators to justice.

Over the last six months, in an extensive partnership with the Metropolitan Police, we have made a significant investment in creating a dedicated Uber Law Enforcement Portal - a website where police can quickly and securely request trip data and other information that may be critical to solving cases. Uber keeps detailed records of all bookings, licensed partner-drivers and vehicles, as well as details of all complaints, and these are all available upon request from any police officer (in accordance with the relevant data protection legislation). Confirmation of this collaboration can be seen in the attached letter from DCI Barry Loader, SC&O36 - Met Intelligence. DCI Loader chaired a working group, which both Uber and the Met Police's Taxi and Private Hire Unit sat on that devised the standards and mechanisms for Uber to report and make available data to the Metropolitan Police.

Some recent examples of where Uber has worked closely and collaboratively with the police include:

- **Routine investigations:** Uber works closely with the Police when they request information during routine investigations. These requests cover a wide range of police investigations which do not necessarily relate directly to journeys booked through the App, such as missing persons enquiries and offences alleged to have taken place immediately before or after trips made through the App. We seek to support all police enquiries and where necessary attend court to give evidence in

support of prosecutions. Specific case details are confidential; however, recent examples include helping to identify the movements and identity of suspects fleeing crime scenes, identifying the suspects and witnesses to both on and off App offences and providing technical evidence to high-level fraud investigations.

- **Counter-terrorism:** Uber liaised directly with investigative teams during both the Westminster and London Bridge terror incidents, implementing messaging and technical measures to direct vehicles and customers away from the scene. Subsequently Uber worked to actively identify 'tier one' witnesses, including two significant witnesses, and carried out appeals for information and dash camera footage from thousands of partner-drivers in the area. We recently hosted a training session from the MPS Counter Terrorism unit on counter terrorism awareness for licensed private hire drivers who use our app.
- **Serious crime:** Uber regularly provides direct support to proactive investigations of serious crime and have helped support a number of convictions. We have also worked with the MPS sexual offences, gangs and homicide teams, supporting investigations and providing technical training to a cohort of specialists and digital investigators. Police previously lacked in-depth understanding of the technical characteristics of the App and this training has led to a significant increase in the identification of obscure but vital lines of enquiry. For more complex cases, our highly-trained investigations team will offer direct support to investigators helping to conduct in-depth enquiries of our data to identify suspects and behaviour.

In response to the specific issues raised by the Metropolitan Police we have already set up a joint working group, which is meeting regularly with a view to further improving Uber's processes and working relationship with law enforcement.

Our willingness and ability to support Licensing and the Police with official enquiries has been evidenced in Brighton & Hove in the past year. Members of our Law Enforcement Response Team (LERT) have met the Licensing Team and also trained Sussex Police on how to use the dedicated LERT Portal to request and access information.

As outlined above, Uber remains open to suggestions of further ways to improve our complaint and incident reporting processes and we would welcome a licence condition requiring Uber (and/or other private hire operators if BHCC chooses) proactively to report a broader range of incidents that occur in vehicles licensed by BHCC.

Greyball technology

For the avoidance of doubt Uber has never misused Greyball technology in the UK. We have provided BHCC evidence of the conclusions of an independent investigation into this matter. In November 2017 Uber voluntarily accepted a new condition on its license expressly forbidding this as a measure of our commitment that this will never be used in the UK.

Use of BHCC vehicles and drivers

When Uber Britannia Limited was granted a private hire operator licence by BHCC in 2015 we confirmed that, in accordance with Local Government (Miscellaneous Provisions) Act 1976, we would only dispatch Brighton & Hove licensed drivers and vehicles through our BHCC operator licence. We provided further clarity to BHCC on this point in writing on renewal: *"I can confirm that in accordance with Local*

Government (Miscellaneous Provisions) Act 1976 and the wishes of the council we will only dispatch Brighton & Hove licensed drivers and vehicles through our Brighton & Hove operator licence." Email to Jim Whitelegg from Fred Jones, 2nd Nov 2016. This was always our commitment and we have fully complied with this at all times since launching in Brighton & Hove.

As the Council is aware, cross-border driving has been common practice in the industry for many years (since long before Uber launched its service in the UK), and we are aware of other Brighton & Hove licensed operators which have sub-contracted trips to Lewes licensed private hire drivers and vehicles within the Brighton & Hove council boundary.

Uber does however acknowledge the Council's desire to have predominantly locally licensed drivers operating in Brighton & Hove and has demonstrated this with a number of investments to reflect and support this since launch.

- **Driver incentives.** To attract locally licensed drivers to the App and incentivise those looking to get a private hire driver licence to choose a Brighton & Hove badge, since we launched 18 months ago we have offered a range of financial incentives to locally licensed drivers only. These included minimum fare guarantees and a £1,000 joining reward.
- **Local knowledge test training.** Uber has promoted the Brighton & Hove licence to prospective drivers, sharing information on the application process and offering financial rewards for those completing the process. This included sharing information contained in the Blue Book regarding local schools that run courses to teach the local Knowledge Test. However, following licence applicants that wished to drive with Uber being banned from local Knowledge Test schools and Uber receiving a threat of legal action for promoting the schools named in the Blue Book, we have partnered with a new organisation (the Private Hire Academy) to offer courses to potential partner-drivers.
- **Badge switch campaign.** To celebrate the launch of our partnership with the Private Hire Academy we ran a promotional campaign offering drivers that live locally, but who had chosen to obtain a private hire licence elsewhere, £1,200 if they switched their badge to a Brighton & Hove licence by Christmas 2017.