

Licence To Operate Private Hire Vehicles

Licence Number 255

Brighton & Hove City Council by virtue of section 55 of the Local Government (Miscellaneous Provisions) Act 1976 hereby licenses the person(s) or company named below to operate private hire vehicles, subject to the conditions attached

Company Uber Britannia Limited
1st Floor
Aldgate Tower
2 Leman Street
E1 8FA

Address(es) Operating From Werkshop30
30 Grand Parade
Brighton
BN2 9QA

Date of commencement of this licence 5 November 2017

Licence to remain in force until 4 May 2018
(unless suspended or revoked)

Date of issue 2 November 2017

Signed *Joanne Player*

(Authorised Officer)

Private Hire Vehicles Operator's 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.

14. Additional Conditions

14.1 Uber Britannia Ltd must not use 'Greyball' technology for the purposes of avoiding regulatory or law enforcement activity in connection with its Brighton & Hove operator licence.

14.2 Uber Britannia Ltd must report to the Council any allegation or complaint relating to certain serious behaviours, specifically:

- *Sexual misconduct*
- *Violence*
- *Discrimination*
- *Wrong driver / vehicle*
- *Theft*
- *Touting*

Upon receiving any allegation or complaint relating to the above serious behaviours the Operator must take reasonable steps to restrict the driver's access to the App within 24 hours and whilst any investigation is ongoing. All complaints will be reported by the Operator to the Council within 1 working day of receiving the complaint.

14.3 When a booking is made under Uber Britannia Ltd's Brighton and Hove operating licence, the booking confirmation and receipt provided to a passenger will identify that the driver is licensed by Brighton & Hove City Council.

14.4 Uber Britannia Limited must ensure that 100% of Brighton & Hove licensed drivers have undergone disability equality training to help them serve disabled people or passengers with an access need.

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