

Luke Catchpole

From: Yvonne O'Donnell
Sent: 11 December 2017 11:21
To: Luke Catchpole
Subject: FW: Re: Application for renewal of private hire operator's licence by Uber
Attachments: LETTER to BHCC - [REDACTED]

From: John Streeter [REDACTED]
Sent: 11 December 2017 11:13
To: Yvonne O'Donnell
Cc: [REDACTED]
Subject: Re: Application for renewal of private hire operator's licence by Uber

Dear Ms O'Donnell

We, the below mentioned companies, are the major licensed Private Hire and Taxi operators in the City of Brighton & Hove. We understand that Cambridge City Council granted an application for a Private Hire Operator's licence to Uber Britannia Ltd, which expires on 20th December next. We believe that the City Council, local licensed Private Hire and Taxi trade, and the residents of Cambridge, have had similar experiences to those that have arisen here in Brighton & Hove as a result of an Operator's licence having been granted to Uber.

In view of the foregoing, we attach a copy of the submissions made by us dated 3rd October, 2017, to Brighton & Hove City Council, in relation to the [then] pending application to renew Uber's Private Hire Operator's licence. We would respectfully submit that the majority of the submissions set out in the attached letter would apply equally to the current consideration of the application to renew Uber's Private Hire Operator's licence before Cambridge City Council. Please confirm the attached letter will be placed before the Officers and Councillors of the Licensing Committee, accordingly.

We anticipate you will be aware that Brighton & Hove City Council decided to renew the Private Hire Operator's licence of Uber for a period only of six months, with conditions attached. However, since doing so, further examples of Uber's conduct have been revealed. We would specifically refer you and the City Council's Licensing Committee to the enormous Data Protection Act breaches by Uber in 2016 and of which no mention was made by Uber in its application to renew its licence to Brighton & Hove City Council. We anticipate that such serious detail may have been omitted by Uber when applying to Cambridge City Council to renew its licence, and which if so we invite be taken into account.

In its application to renew the Operator's licence by Uber in Brighton and Hove, it would appear Uber was economical in relation to disclosing refusals to grant such a licence by other local authorities. In particular in relation to that made to Reading Borough Council, it refused an application for a Private Hire Vehicle Operators Licence for Uber in March 2016 on the ground that the Sub-Committee did not consider the applicant to be a fit and proper person to hold such a licence by reason of:

- a. Not being able to manage the operation within the standard conditions that were attached to Private Hire Vehicle operator's licence;
- b. Not being able to show that they could comply with current conditions that could lead to vehicles not operating according to the Council's Private Hire Operator conditions;
- c. There being insufficient evidence as to the demand for the service in Reading;

- d. There being no clear evidence as to the number of vehicles needed to operate the service;
- e. There being no clear evidence as to how the Uber office was to be manned on a daily basis.

We believe further that Cambridge City Council has been made aware of the questions that have been put to Uber by various other local authorities concerning its operation. Instead of responding to such questions, Uber appears to have withdrawn its application. Please confirm what has colloquially become known as the "Gateshead questions" have been put to Uber by Cambridge City Council and as previously detailed to it in the past by Mr Chris Johnson of the London Taxi Trade.

Most recently, last week, Sheffield City Council refused the application to renew Uber's Private Hire Operator's licence, having apparently been submitted by a former Director. We are sure Cambridge City Council will ensure it has the correct applicant to any renewal application.

If it is proposed by Cambridge City Council to hold a public hearing in relation to Cambridge City Council's consideration of the application to renew Uber's Operator's Licence, please let us know the date, time and venue of such a hearing.

In all of the circumstances we would repeat our views that Uber is not a "fit and proper" person to hold, or have renewed. its Private Hire Operator's licence.

If we can be of further assistance, please let us know.

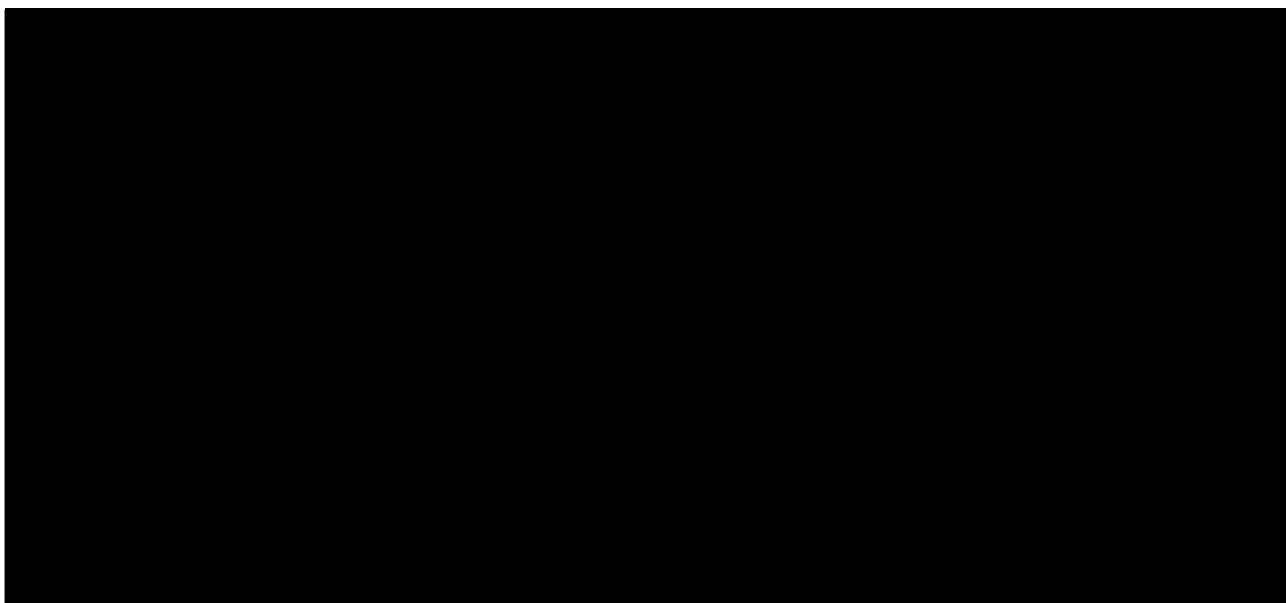
Signed on behalf of

Brighton and Hove Streamline Ltd
Brighton and Hove Radio Cabs Ltd
Southern Taxis [Brighton] Ltd

Best Regards

John Streeter

Vice Chairman
Brighton & Hove Streamline



Brighton, Tuesday 3 October 2017

Jim Whitelegg
Licensing Manager
Hackney Carriage Office
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JE

To be delivered by hand

Dear Mr Whitelegg

Application to Renew Private Hire Operator's Licence by Uber Britannia Ltd

As you are aware from past correspondence, we, the undersigned, represent a long-established group of Taxi and Private Hire operators based in the city of Brighton and Hove.

We write now urging Brighton and Hove City Council ("BHCC") not to grant Uber Britannia Limited ("UBL") a renewed licence ("an Operator's Licence") under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act"). We consider that, for the reasons set out in more detail below, it is now more apparent than ever that UBL is not a fit and proper person to be awarded such a licence.

We have taken time, and incurred expense, by obtaining the assistance of counsel in drafting this letter. The intention is to summarise arguments which have, until now, been contained in a large number of items of correspondence and perhaps to introduce some further arguments which BHCC has not previously considered. We have codified all those arguments into a single letter and we hope that this assists BHCC and identifies the issues which we feel ought to be raised with UBL.

During the preparation of these submissions, Transport for London ("TfL") has decided that Uber London Limited ("ULL"), another company operating under the Uber brand, is not a fit and proper person to be granted a renewed Operator's Licence. For reasons which are set out below, the observations made by TfL in relation to ULL seem to us to apply equally to UBL and we can see no sensible basis for drawing a distinction between the two. As a result, we would encourage BHCC to read and consider the reasons given by TfL in its decision of 22 September 2017.

No Public Hearing

We wish to express our disappointment at the outset that BHCC has elected *not* to hold a Public Hearing for the determination of UBL's renewal application. The critical importance of this decision to UBL, to the wider Trade and to safety and welfare of the people of Brighton is plain and obvious, particularly in light of TfL's decision in respect of ULL. Due to the crystallisation of many issues both locally and nationwide, the need for arguments to be canvassed and, where appropriate, challenged in person, it is more vital even than when UBL first applied for an Operator's Licence in October 2015.

When the Public Hearing was held following UBL's first application for an Operator's Licence, the novel manner in which the service was being provided to customers and the lack of any real evidence about the mechanics of that service-provision resulted in a hearing which was characterised as much by uncertainty as it was by clarity. The understandable result was numerous undertakings were sought by BHCC and provided by UBL, and an Operator's Licence of only one year's duration was granted.

By the time UBL applied to renew its Operator's Licence in October 2016, it had only actually commenced effective operation a few weeks previously. Consequently, there was no real evidence to test the undertakings made publicly and no real customer or trade experience for BHCC to evaluate. In those circumstances, we can understand why the decision to renew UBL's Operator's Licence was then taken in private.

One year on, the position is very different indeed. Given what we have seen and reported to BHCC, coupled with TfL's recent determination, we consider that a decision by BHCC in October 2017 that UBL was a fit and proper person to hold an Operator's Licence would be an error of law and, very probably, irrational. There seems to us a very real risk that a decision to renew UBL's Operator's Licence might well be the subject of a judicial review, whether by us or by some other interested party. This would be a highly-regrettable position and one which neither the trade nor BHCC would welcome. The best way to avoid this outcome would be for all interested parties to be given an opportunity to set out their case in full in a public forum.

We understand that the decision not to grant a public meeting was based, in part, on the fact that no complaints have been received by members of the public (otherwise than those connected with the Trade). Respectfully, we consider this stance to be dangerously complacent. The very nature of Uber's business and service-delivery model means that customers may well be unaware that they have an opportunity to complain to BHCC about their experiences using the Uber App. Most customers recognise Uber to be a global brand and, unlike all established operators, one which has no obvious connection to the area in which the fare begins or ends. Indeed, in light of the matters set out here, there is a considerable possibility that a Brighton resident, using the Uber App to travel across the city, would do so in a vehicle licensed in London and driven by a driver similarly so licensed. That customer would, it seems to us, have no right to complain to BHCC, because the

operator in such a case would be ULL and the licensing authority would be TfL. Perversely, in such a circumstance, BHCC may well have no jurisdiction even to hear such a complaint.

Holding a well-advertised Public Meeting to consider UBL's application for a renewed Operator's Licence may well cause local residents to come forward with their personal experiences of using the Uber App, be those experiences good or bad. They could well inform BHCC's decision whether to renew UBL's Operator's Licence or not.

Why is Uber not a fit and proper person?

We wish to respectfully remind BHCC of the legal test which it is required to apply here. Although the provision is well known to those who will come to make this decision, it is important that it is applied with precision and, respectfully, we fear that a certain amount of ellipsis and/or paraphrasing has crept into its application when issues involving Uber arise.

Section 55(1)(a) of the Act states (emphasis added):

(1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied

(a) that the applicant is a fit and proper person to hold an operator's licence.

We emphasise these words because we consider that the approach BHCC took to the granting of UBL's operator's licence in 2015 failed adequately to take these words into account.

In our view, as a matter of language, a person or company might very well be a 'fit and proper person' in the more general sense of the expression; whilst being a wholly unsuitable person to hold an Operator's Licence. By way of illustration, a person with a long-standing and exemplary record of service to the community, but who has no experience or expertise in the operation of Private Hire vehicle, might well fall into this category.

We would, therefore, urge BHCC properly to consider whether the applicant for this renewal, namely UBL, and not any other company or entity, meets this statutory test. In our view, when the statutory test is correctly applied to UBL, the following conclusions must be reached:

- (1) UBL performs none of the services associated with an operator of Private Hire vehicles. The services are performed either by the drivers themselves (unlawfully), by automated software or by a company or companies based overseas;

- (2) UBL can be shown to have breached undertakings given to BHCC when it first obtained its Operator's Licence in 2015;
- (3) UBL seeks an operator's licence from BHCC only to provide a fig-leaf to give credibility to a nationwide campaign of aggressive anti-competitive practices;
- (4) The proliferation of Uber-registered vehicles in Brighton and Hove is undermining the established regulatory framework put in place by BHCC to protect the safety and welfare of the public;
- (5) The business model by which UBL and the Uber brand operates makes them unwilling or unable to enforce any effective standards of discipline among their fleet of drivers.

We elaborate on the basis for each of those conclusions in the remainder of this letter.

Is UBL actually an operator of Private Hire Vehicles?

Section 46(1)(d) of the Act states:

Except as authorised by this Part of this Act

(d) no person shall in a controlled district operate any vehicle as a private hire vehicle without having a current licence under section 55 of this Act

The term 'operate' in this context refers back to the definition in section 80:

"operate" means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle.

It follows, therefore, that if UBL is properly to be said to be a fit and proper person to hold an Operator's Licence, it ought to be able to demonstrate that it functions as an operator of Private Hire Vehicles. By this definition it must show that, in the course of its business, it makes provision for the invitation or acceptance of bookings for Private Hire vehicles.

We refer to the application form submitted by UBL in March 2015 for an Operator's Licence. This is the most recent application form available to us. The statutory declaration was signed by Ms Karen Walker and Mr Brent Callinicos. Both gave their addresses as being in California, USA. The head office of UBL was listed as an address in Manchester, albeit an address was provided in North Street as the location at which UBL would carry out its activities in Brighton. We do not know what infrastructure existed at the address on North Street or the office subsequently used by you by UBL at Grand Parade, however, we hope and expect that BHCC will investigate this as part of the assessment of UBL's renewal application.

UBL provided with its application a set of terms and conditions dated 8 December 2014 ("the 2014 T&Cs"). For the purposes of the 2014 T&Cs, 'Uber' is defined as being both UBL and another separate private company with a separate company number, namely ULL.

Part 1, Paragraph 2 of the 2014 T&Cs states (emphasis added):

"Pursuant to the Local Government Miscellaneous Provisions Act 1976 and any related government regulations pertaining to the operation of Private Hire Vehicles (together the "Regulations"), a private hire booking made by you must be accepted by a person that holds a relevant PHV operator's licence. Uber is the holder of such a PHV operator licence in each of the jurisdictions in which it operates, and as set out in paragraph 3 below accepts at its registered address and/or operations centre private hire bookings made by you using the Uber App ("Bookings")."

The paragraph 3 to which reference is there made states:

"Uber accepts Bookings acting as disclosed agent for the Transportation Provider (as principal). Such acceptance by Uber as agent for the Transportation Provider gives rise to a contract for the provision to you of transportation services between you and the Transportation Provider...For the avoidance of doubt: Uber does not itself provide transportation services, and Uber is not a Transportation Provider. Uber acts as intermediary between you and the Transportation Provider...Uber accepts your booking as agent for the Transportation Provider, but is not a party to that contract."

The Transportation Providers referred to in that paragraph are, it is to be remembered, the Uber-registered drivers. It seems highly unlikely that any drivers have Operator's Licences yet whatever steps UBL says it takes, it purports to do so as their agent. On UBL's own description of its working practices, it takes no active steps in its own capacity, but merely acts as an intermediary and agent of its drivers. In light of this, it is hard to fathom on what basis UBL asserted in 2015 and asserts today that it is an operator of Private Hire Vehicles.

The artificiality of the 2014 T&Cs is drawn into focus by considering the evidence filed by Ms Joanna Bertram¹, the Regional General Manager of ULL in the Central London Employment Tribunal hearing of *Aslam v Uber Britannia Limited (and ors)*² at paragraph [60]:

"ULL will receive a booking request from a Passenger. ULL will then make this request visible on the Driver's smartphone, together with the first name and rating of the passenger. It is then the Driver's decision whether or not to confirm their availability and willingness to take the trip. If they do choose to take the trip, they will touch to confirm to ULL that they are available and willing to take the trip. Having done so, ULL will accept and confirm the booking to the passenger on behalf of the Driver, and almost simultaneously and instantaneously allocate the trip to the Driver."

¹ <http://www.uphd.org/wp-content/uploads/2016/11/Jo-Bertram-witness-statement.pdf>

² [2017] I.R.L.R. 4

With respect, this evidence demonstrates the linguistic dexterity required to shoe-horn what happens in practice into the printed Terms and Conditions under which UBL and ULL operate. The only discretionary, indeed the only cerebral, decision taken in respect of the customer's request is taken by the driver of the vehicle swiping his smartphone screen. Once that decision is taken, the software *'accepts and confirms'* the booking both simultaneously and automatically. A process which involves no discretion or indeed any human input cannot, in our view, amount to acting as an operator of Private Hire Vehicles. If such a limited action could be so described, it is difficult to envisage how or why Parliament would have intended it to be a regulated activity.

It would also appear to be wholly contrary to BHCC's own views on the role of a Private Hire Vehicle Operator. In a report dated 19 October 2015, when UBL first applied for an Operator's Licence, the Director of Public Health, Jean Cranford said at paragraphs 3.2 - 3.5:

"So, in simple terms, a private hire operator is the person who takes a booking for a private hire vehicle and then dispatches a PHV driven by a licenced [sic] private hire driver (PHD) to fulfil that booking..."

However, the role goes far beyond simply taking bookings and despatching vehicles. In the course of making a booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information..."

It is therefore vital that PHOs are as trustworthy and reliable as a driver, notwithstanding their slightly remote role."

We entirely endorse these comments and say that they highlight how inappropriate it is, as a matter of language, to describe UBL as an operator of Private Hire Vehicles on the basis of UBL's own evidence and Terms and Conditions.

Furthermore, due to the manner in which the Uber brand operates, in particular, its interpretation of the decision in *Adur D.C. v Fry*³, we do not think it is credible for UBL to assert that it has any direct involvement at all in the acceptance and confirmation of bookings.

It is now apparent that, since UBL started operations in Brighton and Hove, when a customer opened the Uber App in the city and requested a fare, that request was sent to a number of nearby vehicles by the Uber App who could elect whether or not to take the fare. Some of those vehicles were registered in Brighton and Hove under UBL's Operator's Licence granted by BHCC. Others were registered in London under ULL's Operator's Licence granted by TfL. Whether the fare was accepted by a Brighton driver or a London driver was determined by factors such as the proximity of the drivers to the customer and the personal willingness of each driver to accept the fare.

³ [1997] R.T.R. 257

If both Ms Bertram and the published Terms and Conditions of ULL and UBL are to be believed, both ULL and UBL simultaneously sent the one customer's request out to its drivers and, depending upon which driver communicates its acceptance to its related 'operator' first, either UBL or ULL instantaneously accepts and confirms the booking.

With respect this is plainly an entirely artificial construct. In fact, it is clear that the software, in the form of the Uber App, sends the request out both to London registered drivers and Brighton registered drivers, one of whom accepts the request. The Uber App is, according to the Terms and Conditions (Part 2, Paragraph 1), operated by Uber B.V. a company established in the Netherlands. Neither UBL nor ULL has anything to do with the customer's request, at least until such time as the request is accepted by the driver.

Once the reality of the position is set out, it is apparent that the only credible candidates to be operators in relation to use of the Uber App are Uber B.V. and the individual drivers. Neither have applied to BHCC for an operator's licence, only UBL.

The breached undertakings

We wish to remind BHCC of the terms of the Decision Notice of 19 October 2015, pursuant to which UBL's first operator's licence was granted. This Decision Notice was produced following a public meeting at which various representations were made. These representations elicited certain undertakings from UBL and we consider that UBL has failed to meet those undertakings.

At paragraph 7.39 of the Decision Notice, the following comment is made:

"Mr Byrne confirmed in response to questions by Councillor Marsh, the Chair, that Uber would have a dedicated office in Brighton & Hove and that all bookings made in the city would be processed there."

Based on the business model described above, we have great difficulty understanding how this undertaking can have been met. As we have explained, an individual requesting a vehicle using his Uber App in Brighton may connect to a UBL vehicle registered in Brighton (or elsewhere) or a ULL vehicle registered in London. If, by chance, the driver who accepts the booking is registered in London, it would be a clear breach of the principle of the unity of licences if that booking was processed at UBL's office in Brighton. If UBL's position is that such a booking was 'made' in London, we suspect that Councillor Marsh would consider that she received a distinctly misleading answer to her question.

Furthermore, by a letter dated 11 November 2016, we note that Simon Court, Senior Lawyer for BHCC wrote to our then solicitors (referring to the renewal granted in 2016) saying:

"The licence is subject to meeting the requirements set out in the Blue Book, and thus there is a requirement to use only drivers and vehicles licensed by Brighton & Hove City Council. Uber were reminded of their commitment to use Brighton & Hove City Council licensed drivers."

This is consistent with paragraphs 7.34 and 7.64 of the Decision Notice from the previous year. Both Mr Court and the Decision Notice there draw upon an express undertaking given by the legal team who represented UBL at the public hearing in 2015 in the following terms:

"Should Uber be granted a Private Hire Operator's Licence here in the City, they will only use drivers and vehicles licensed by Brighton and Hove City Council."

Even if 'Uber' in this context is taken to mean UBL, it is difficult to see how the undertaking can be successfully complied with within the business model set out above. We are aware that UBL has obtained licences from a range of other licensing authorities, in addition to the licence ULL has obtained from TfL.

By way of illustration, it is apparent that UBL has been granted Operator's Licences by authorities as far afield as Oldham and York. We do not understand how one company can undertake to BHCC that it will use only Brighton & Hove registered drivers when applying for a BHCC licence and also (presumably) represent to York that it will only use York registered drivers when applying to York for a licence.

This is plainly a nonsense and inconsistent with its other undertaking that bookings made in the city would be processed there. Either the Uber model can distinguish which bookings are made in which locality or it cannot.

In our view, a company cannot sensibly be described as a fit and proper person if it gives undertakings to a licensing authority which it knows it is simply incapable of meeting.

Anti-competitive practices

When considering UBL's application to renew its Operator's Licence, it is important to remember the following matters:

1. UBL has Operator's Licences from a number of licensing authorities nationwide;
2. ULL is seeking to appeal TfL's decision not to renew its Operator's Licence in London; and
3. Both UBL and ULL maintain that the effect of the decision in *Adur D.C. v Fry*⁴ is that an Uber-registered vehicle and driver (whether registered in London through ULL or elsewhere through UBL), can pick up and drop off a passenger anywhere in the country.

⁴ Ibid

In light of these positions, one might wonder why UBL seeks to renew its BHCC Operator's Licence at all. As matters stand, Uber asserts that its vehicles can accept fares in Brighton and Hove, whether or not BHCC renews its Operator's Licence, albeit TfL's recent decision plainly impairs this.

Nevertheless, a large number of drivers and vehicles are currently licensed by BHCC for Private Hire. Most do not work for UBL but work for the companies of the undersigned. In our view, the primary, possibly the only, motivation behind UBL seeking an Operator's Licence from BHCC is to entice drivers to switch from our companies to Uber.

We believe this is happening nationwide as the global Uber brand and its UK-based companies seek to target the small local operators, to poach their staff and ultimately to drive them out of the market. This is plainly not in the interests of the residents of Brighton and Hove. If BHCC renews UBL's Operator's Licence, it would, in our view, risk being an unwitting facilitator of this aggressive monopolistic conduct.

It goes without saying, in our view, that a company which brazenly seeks to exert monopoly power to drive competitors out of the market is not a fit and proper person to hold an Operator's Licence.

The impact on the effectiveness and relevance of the Blue Book

For some years, residents of Brighton and Hove have enjoyed a superb standard of service when using Private Hire Vehicles. We are very happy to credit BHCC with this and the clear and high standards set in the Blue Book.

By way of illustration, BHCC has imposed upon the undersigned operators a requirement that a proportion of our vehicles are wheelchair-accessible and has imposed a requirement of all Hackney and Private Hire Vehicles that CCTV must be installed in the vehicle.

These requirements are beneficial to the public but are very costly for us. When UBL sought an Operator's Licence in 2015, however, these requirements were effectively dispensed with because Uber's business model made them impossible to be achieved. Not only are we aggrieved that this creates a playing-field which is far from level, we consider it to be a regression, as far as the standards of service provided to residents.

UBL seeks to offer Private Hire Vehicles to members of the public in Brighton and Hove which fail to meet the standards those customers have come to expect. Furthermore, having acquired its Operator's Licence back in 2015, UBL has taken it upon itself to make representations to the Brighton and Hove Hackney Carriage and Private Hire Forum that these established regulatory standards are unnecessary and ought to be reduced or removed. (Please refer to the Minutes of the Taxi Forum dated 2 May 2017.)

When applying the test under section 55 of the Act, BHCC must take a local view, with reference to the circumstances which exist in Brighton and Hove. When one considers the established Private Hire market in the city, it is apparent, in our view, that a company which cannot meet the local standards is not a fit and proper person to hold an Operator's Licence in this locality.

We also fail to understand how a company which, shortly after acquiring an Operator's Licence, lobbies for the diminution of safety standards within the industry can be said to be a fit and proper person to hold such a licence. UBL plainly does not prioritise the safety and welfare of its customers in the way BHCC is entitled to expect of its Private Hire Operators.

The enforcement of standards

In light of the evidence which has come to light now Uber-registered vehicles have been operating in the UK for some time, it is abundantly clear that the observations made above about the business model under which UBL and ULL operate is having a significant impact upon public safety.

In an email dated 11 September 2017, Mr Court wrote to the undersigned as follows:

"So the advice that I have given is that we assess our own local issues and not rely upon newspaper articles of unproven allegations and other assertions. The hard facts are that in relation to Uber as an operator we have had no local complaints other than from the trade or those related to the trade."

In light of the matters set out above, and the clear overlap between the actions of UBL and ULL we consider this advice to be, with respect, quite extraordinary. We wish to make clear that we do not encourage BHCC to determine UBL's renewal application based on unproven newspaper rumours. What we strongly encourage BHCC to do, however, is to consider what TfL has itself determined is the impact of ULL's business model on passenger safety.

The published decision says as follows:

TfL considers that Uber's approach and conduct demonstrate a lack of corporate responsibility in relation to a number of issues which have potential public safety and security implications. These include:

- *Its approach to reporting serious criminal offences.*
- *Its approach to how medical certificates for drivers are obtained.*
- *Its approach to how Enhanced Disclosure and Barring Service (DBS) checks are obtained.*
- *Its approach to explaining the use of Greyball in London - software that could be used to block regulatory bodies from gaining full access to the app and prevent officials from undertaking regulatory or law enforcement duties.*

There is no proper basis for distinguishing the manner in which Uber services are provided by ULL in London from the manner in which they are provided by UBL in Brighton and elsewhere. If BHCC purported to confine its enquiry on this application to proven allegations made in Brighton about Brighton-licensed Uber drivers, it would not only be fettering its discretion unlawfully, it would be displaying an alarming complacency towards the safety and welfare of its residents.

TfL has not, to date, elaborated upon those categories of criticism. With respect, however, they seem to us to be a clear by-product of a business model in which a company is created in order to obtain a licence to perform a regulated activity, whilst that company simultaneously disclaims any liability for the way in which that activity is carried out. We refer in this vein to Part 2, Paragraph 8 of the 2014 T&Cs, those which were in force at the time UBL was first granted an Operator's Licence:

"The quality of the transportation services requested through the use of the Uber App and/or the Services is entirely the responsibility of the Transportation Provider who provides such transportation services to you. Uber under no circumstance accepts liability in connection with and/or arising from the transportation services provided by the Transportation Provider or any acts, actions, behaviour, conduct and/or negligence on the part of the Transportation Provider or its employees. Any complaints about the transportation services provided by the Transportation Provider should be submitted to the Transportation Provider."

The 2014 T&Cs made plain that UBL would, in effect, take no responsibility whatsoever for the actions of its drivers and any complaints were to be made to the driver himself. We fail to understand how this position was ever compatible with paragraph 76 of the Blue Book which states:

76. 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;

76.1 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.

76.2 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.

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

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

76.5 Must provide an equal service for differently abled passengers

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

UBL's Terms and Conditions have been amended since the Operator's Licence was first granted and Part 2, Paragraph 8 no longer exists. Nevertheless, we consider that the new Part 2, Paragraph 5 is similarly at odds with the Blue Book. It states (in block capitals):

"The services are provided "as is" and "as available." Uber disclaims all representations and warranties, express, implied or statutory, not expressly set out in these terms, including the implied warranties of merchantability, fitness for a particular purpose and non-infringement. In addition, Uber makes no representation, warranty, or guarantee regarding the reliability, timeliness, quality, suitability or availability of the services or any services or goods requested through the use of the services, or that the services will be uninterrupted or error-free. Uber does not guarantee the quality, suitability, safety or ability of third party providers. You agree that the entire risk arising out of your use of the services, and any service or good requested in connection therewith, remains solely with you, to the maximum extent permitted under applicable law."

As a result, we say that one need not look to newspaper articles or rumour to discover that UBL's business model represents a threat to passenger safety. Such has already been determined by the largest licensing authority in the country and such is immediately apparent from a perusal of its past and present Terms and Conditions.

UBL is a company which invites BHCC to conclude that it is a fit and proper person to hold an Operator's Licence, yet seeks simultaneously to assert that it has no interest whatsoever in the way in which its Private Hire Vehicles are being operated. Those two things are plainly incompatible.

Conclusion

In our view, there is now an overwhelming body of evidence forming that UBL is not a fit and proper person to be granted an Operator's Licence by BHCC. We have endeavoured to summarise that evidence and the bases on which we make this assertion in the paragraphs above.

For these reasons, we consider that Brighton and Hove City Council now has no option but to deny UBL's application to renew its Operator's Licence.

In that event, we the undersigned licensed operators would offer any Brighton and Hove licensed driver displaced from UBL the opportunity to join one of our operated circuits as we would in no way wish to see any impediment upon the ability to work of any individual locally licensed driver.

Kindly acknowledge receipt. We await hearing from you in response.

Yours sincerely



John Streeter, Brighton & Hove Streamline Vice-Chairman

Signed on behalf of:

**Brighton and Hove Streamline Ltd
Brighton and Hove Radio Cabs Ltd
Southern Taxis [Brighton] Ltd**

Update to Hearing Report of First Renewal of Operator Licence

Since the report has been published there have been further decisions made by Local Authorities in regards to Uber. This is an update to paragraphs 3.10 and 3.11.

Sheffield City Council suspended the Operator's licence held by Uber on 29th November 2017 giving the following statement:

"Uber's licence was suspended last Friday (29 November) after the current licence holder failed to respond to requests, made by our licensing team, about the management of Uber.

"It is legally allowed to operate up to 18 December, and if it chooses to appeal this suspension it can continue to operate until the appeal is heard. If it decides against an appeal the suspension will come into force.

"We received a new application, for a licence to operate taxis in Sheffield, from Uber Britannia Limited, on 18 October 2017 which we are currently processing.

"Any new application is dealt with by the Licensing department who will decide if those applying for the licence meet the criteria. It will only be referred to the licensing sub-committee if a decision by the committee is required.

"The legislation does not allow for the transfer of an operator's licence."

On 13th December 2017, the suspension was lifted and the following statement made by Sheffield City Council:

The suspension of Uber's operating licence, which was announced by Sheffield City Council on Friday 29 November, has been lifted today.

This decision follows productive discussions between Uber and Sheffield City Council.

Uber provided satisfactory replies to the questions asked by Sheffield City Council about the management of Uber.

The new application, made by Uber in October, to operate private hire cars in Sheffield is being considered and a decision will be made in early 2018.

On 12th December 2017, the City of York Council refused to renew the operator's licence held by Uber Britannia Ltd. The following reasons were given:

"The application by Uber Britannia Ltd to renew its private hire operator's licence in York has been considered by City of York Council's Gambling, Licensing and Regulatory Committee tonight.

Applying the legislation, the committee has decided to refuse the application having concerns about a data breach currently under investigation and the number of complaints received."

14th December 2017

Dear Ms Jackson,

We, the combined Cambridge Taxi and Private Hire Associations are writing to formally object to the re-licensing of Uber to operate within Cambridge City on the 20th December 2017. We are laying out our reasons for our objection below and wish to advise you that should our appeal be unsuccessful that we will be pursuing this objection through the courts system with funds we have already raised within the trade for this purpose. We have identified Mr Tim Norris of Ashtons solicitors to act on our behalf.

We very much see the re-licensing review as a welcome opportunity to revisit the operating practices of Uber especially in light of their own submissions in recent court cases, verified press reports over the last years and the recent refusal of Transport for London for their renewal.

Our motivation for this is not commercial but through a genuine concern for public safety which is also the primary role of local Licensing. Frankly, we do not feel it is appropriate that a self funded Trade Association should be pursuing this matter and would hope that the points laid out below are sufficient grounds for your offices to uphold our objection.

Most recently, Brighton Council only agreed to permit a license to Uber for a period of six months with strict restrictions pending the outcome of the TfL case in early December. Whilst welcoming this we feel that there is sufficient grounds for a full denial of license in Cambridge.

On 12th December, York took the decision not to allow Uber to renew their license on the grounds of 'fit and proper'. The same arguments used in York apply equally and we applaud the councillors in York who saw through the platitudes offered by Uber and now hope that Uber respect their decision.

Uber trade under three separate entities in the UK - Uber London, Uber Britannia and Uber BV. These are the same management, key staff, app, addresses, software and ethos. Councillors should not allow Uber's corporate structure to confuse the licensing issues here, the complexity of the structure is smoke and mirrors to assist in their goal to pay minimal tax whilst operating on the very edge of legality. Further proof of this can be seen with a simple search of the ICO office where only Uber London is a registered holder of customer information - unless Uber Britannia do not have passengers or riders ?

1. Corporate responsibility

Extremely damning news broke recently when Uber admitted to covering up a huge data breach, including 2.7 million UK passengers. To compound their folly, it was revealed that they subsequently bribed the hackers \$100,000 to delete the stolen data and then made them sign an NDA to seal up the deceit. The new CEO Dara Khorsrowshahi visited TfL in early October to assure regulators that things would be 'different' under his reign - but he knew then about the data breach and did not disclose. Further, they deemed it acceptable to tell investors prior to regulators - again unforgivable.

As a company, Uber Britannia channel all their journey transactions fees through the Bahamas, they then move these funds via The Netherlands to the UK where they eventually pay Corporation Tax at a rate of 1.7% of disclosed turnover.

Because Uber claim they are not a 'transportation provider' they exempt themselves for VAT purposes. The estimated shortfall in Value Added and Corporation tax is multiple 100's of millions of pounds which would be of huge benefit to Austerity Britain. There is an ongoing court case relating to this.

Uber subsidise the cost of every journey to the value of 41 pence in the pound, as Uber are not profitable globally, this subsidy is paid for from funds raised from investors. This process is known as 'predatory pricing' and is illegal practice in the UK.

Uber state in this pack that they have not been refused a License previously - this is not true as in May 2016 Reading refused their application, further refusals occurred in North Tyneside and Cardiff.

2. Transport for London

TfL have refused to renew the Operating License of Uber in London on the following grounds which we believe are valid here in Cambridge. Whilst there is an ongoing appeal, the points raised do have validity within 'fit and proper' parameters locally.

- i. Not informing the Police of instances of assault, both physical and sexual upon passengers by Uber drivers.
- ii. Dishonest approach to obtaining medical certificates for their drivers.
- iii. The obtaining of 13,000 DBS certificates for their drivers through an invalid agency.
- iv. The usage of 'Greyball' technology to disrupt authorities.

It has been proven that serious complaints made to Uber through their own platform have not been processed as would be expected of a fit and proper organisation and subsequently relevant authorities have not been informed. The most shocking of these is the case of a woman who complained of inappropriate touching from a driver during a journey, no disciplinary action was taken against the driver who went on to commit a far more severe attack a few weeks later. This matter was highlighted in a letter from inspector Neil Billany of the Metropolitan Police to TfL which is attached as Appendix 1 and clearly displays MPS frustration at Ubers' arrogance and fear of reputational damage over public safety. Uber have made assurances that they are now addressing these issues but we believe that historical malpractice is inexcusable.

A national newspaper 'sting' proved that Uber drivers were being sent to a number of medical practitioners who knowingly supplied false medical certificates to facilitate TfL driver license applications.

It has been proven that Uber sourced DBS certificates for 13,000 of their drivers through an agency which was not subsequently approved by TfL and those certificates have been deemed to be invalid. We realise that this would never happen in Cambridge, TfL conceded that those drivers could continue to work provided they reapplied through a valid provider within 28 days. This happened over three months ago yet less than 3,000 have reapplied, the remaining 10,000+ continue to operate for Uber despite not having a valid DBS and clearly breaching the 28 day deadline. These drivers could be working in Cambridge today and Uber have no means of guaranteeing that journeys being undertaken

in Cambridge are not being made by drivers who have invalid DBS certificates. This cannot be deemed acceptable under any circumstances.

Uber have admitted that Greyball technology has been used to restrict access to vehicles by licensing officers in the USA, we do not know of any such instances here in the UK. However if TfL have cited this it is fair to assume they have further proof upon which they can call on in court.

There has been a fifty percent increase year on year in the number of reported sexual assaults on passengers within the TfL reporting area for 2015, figures just released for 2016 have shown another rise of twenty percent, currently on average there is a sexual assault by an Uber driver on their passenger every nine days. I am sure you can see our concerns as the majority of Ubers' drivers in Cambridge are licensed by TfL.

3. Operational Practices

During the most recent failed appeal in the disingenuous case whereby Uber claim their drivers are completely autonomous and have no rights whatsoever, Ubers' counsel stated in court that drivers on the Uber system accept bookings directly from their passengers. Whether there is a near instantaneous 'backfill' or not, the driver is directly involved in the acceptance of a booking and is in direct contact with the passenger. Clearly this would require those drivers to have and maintain an Operators License for the area in which they are working - this is not the case and is in direct contravention of the 1976 Licensing Act. A clear reason to refuse a license as per the LGA Taxi and PHV Councillors Handbook linked here - see Pages 36 & 37 <https://www.local.gov.uk/sites/default/files/documents/taxi-and-phv-licensing-co-d6b.pdf>

There is no facility to pre book an Uber vehicle, thus we see Uber vehicles regularly parking as close to the train station pedestrian exit as possible, the photograph in Appendix B shows a vehicle which straddles disabled bays outside the train station for 40 minutes on 14/11/2017. Not only is this morally wrong, it shows conclusively that due to their being visible on an app to a potential passenger exiting the station that they are 'plying for trade', a further licensing offense. This happens constantly during peak times and shows a contempt for local licensing and regulation.

A Cambridge City licensing officer whilst working on a complaint regarding a SCDC & TfL dual licensed vehicle commented that Uber's vehicles should not be using disabled parking bays at the train station - a regular event. By way of attempting to appease Uber placed a 'geofence' around the station precluding their cars from being able to be immediately visible to passengers. Their plan was to have their cars wait and pick up from Warren Close off Station Road. Unfortunately due to their arrogance and limited local knowledge, Uber didn't care or realise that Warren Close is private land managed by Encore Estate Management. We contacted Encore on 13/12/2017 who denied knowing about this and made it clear they would never give approval and shortly after this Uber started reappearing at the station. The results can be seen in the following photographs including the Uber app running on Station Square.



During geofencing....



....and after



App running
16:30 13 Dec

Drivers in Cambridge are proud to maintain a high standard and yet we regularly see Uber drivers 'dressing down', the driver in the photograph in Appendix C also had to be asked to move his vehicle from the Taxi Rank where he had parked, again we believe to increase his visibility on the app thus 'plying for trade'

Uber operate no vehicles for passengers with disabilities in Cambridge. Whilst we accept there are only two PHV vehicles licensed to Cambridge City Council, their operational fleet is often over forty vehicles.

Ubers' Cambridge fleet is predominately made up of TfL drivers whom have been aggressive toward local drivers and have no regard for local sensibilities - such as disabled bays as per previous.

The practice of 'surging' whereby at times of peak demand the prices of Uber cars multiply is completely immoral and prejudicial. Further, it has been shown that Uber drivers conspire with their peers to 'log off' until demand increases and then take advantage of artificial surging which they have created to their personal gain, we believe this is fraudulent and shows that even Uber's drivers are not 'fit and proper'. The image in Appendix 4 is a screenshot from an Uber drivers' chatroom.

4 Local malpractices

We have repeatedly reported vehicles to SCDC, Wolverhampton, Birmingham, Calderdale and City Licensing including some which have been illegally dual licensed (TfL and SCDC). These have been operating whilst dual licensed and we have been advised by doing this they are uninsured, some of these we have reported to the police. Also repeated use of 'executive' plate exempt vehicles which lose their privileges if working for Uber. This has been going on for months yet still continues today. There have also been reports of vehicles working in Cambridge for Uber with no license shown notably from Luton, Wolverhampton and Birmingham.

Uber have no operational local office and have no landline which is a Licensing requirement for more traditional booking companies. Their office in Histon is only used for driver recruitment and communications with SCDC and CamCity. We have been there after normal office hours and the building is quiet and locked - security staff tell us the Uber staff never work beyond 6pm. Complaints to Uber are routed through their app or Twitter neither of which is satisfactorily transparent to Local Enforcement Officers, local companies take great pride in having good customer services and find telephone calls are the most effective form of complaint management.

The Uber system uses 'Waze' mapping software which will not route drivers through Cambridge's 'bollard zones'. Those many drivers who visit Cambridge to work the Uber platform from across the country clearly have no local knowledge and blindly follow their satnav devices through our narrow streets. There is a clear and present danger to this for our extremely vulnerable cycling community. Consideration please also for the passengers of Uber vehicles whom have been unnecessarily overcharged and held up in their journeys through our city, this goes contrary to the understanding that a journey in a private hire vehicle should take the most appropriate route. For example, a journey from the Round Church to Shire Hall will be routed along Jesus Lane, Victoria Avenue, Chesterton Road then Castle Street rather than Bridge Street to Castle Street.

Whilst we acknowledge the passenger complaint figures supplied by Cambridge City Council within this pack, it would be useful to point out that Uber only operate two City Council P/H vehicles on an intermittent basis whilst their standard fleet normally runs at 40 vehicles. Thus 24 complaints for two cars over twelve months gives you an annual complaint figure for forty cars of around 480.

We thank you for your consideration of the above points and look forward to your reply.

Yours sincerely

CCLT
CHPHA

Appendix A - Letter from Met Police to TfL

“Dear Helen,
Concerns with Uber not reporting Serious Crimes to Police.

On the 4 March 2017 Uber have had contact from a passenger informing them of a serious incident involving an Uber (and TfL Licensed PHV) driver. The nature of the allegation was that during a booked journey a road rage incident has developed between the driver and another road user. During this incident the driver has taken what the passenger believed to be a handgun from the glovebox and left the vehicle to pursue the other party on foot. At this point the passenger has fled the vehicle in fear.

On becoming aware of this incident Uber have spoken to the driver and ascertained that it was in fact pepper spray he had taken from the glovebox and not a handgun. Pepper spray is legally classified as a firearm and every weapon carried on the street represents a threat to public safety.

At this point Uber have dismissed the driver and made LTPH Licensing aware. On becoming aware of this on the 10 April 2017 the MPS have opened an investigation into what clearly appears to be a criminal offence.

Further contact has taken place between the MPS and Uber in an attempt to identify the passenger (a significant witness) and also to find out why Uber haven't reported this directly to police. Uber have stated to the MPS that they are not obliged to report this, or similar matters, and are only required to notify TfL as per regulations. Uber have refused to provide any further information unless a formal request under the Data Protection Act is submitted.

Another more worrying case took place last year. The facts are that on the 30 January 2016 a female was sexually assaulted by an Uber driver. From what we can ascertain Uber have spoken to the driver who denied the offence. Uber have continued to employ the driver and have done nothing more. While Uber did not say they would contact the police the victim believed that they would inform the police on her behalf.

On the 10 May 2016 the same driver has committed a second more serious sexual assault against a different passenger. Again Uber haven't said to this victim they would contact the police, but she was, to use her words, “strongly under the impression” that they would.

On the 13 May 2016 Uber have finally acted and dismissed the driver,

notifying LTPH Licensing who have passed the information to the MPS. The second offence of the two was more serious in its nature. Had Uber notified police after the first offence it would be right to assume that the second would have been prevented. It is also worth noting that once Uber supplied police with the victim's details both have welcomed us contacting them and have fully assisted with the prosecutions. Both cases were charged as sexual assaults and are at court next week for hearing [sic].

“Uber hold a position not to report crime on the basis that it may breach the rights of the passenger. When asked what the position would be in the hypothetical case of a driver who commits a serious sexual assault against a passenger they confirmed that they would dismiss the driver and report to TfL, but not inform the police. While the process for sharing information between LTPH Licensing and the MPS works this clearly represents a further risk as it is reliant on more links in a chain.

In 2016 the MPS were made aware of 6 sexual assaults, 2 public order offences and 1 assault which were first reported to Uber and then subsequently to LTPH Licensing. The delay in the offence occurring and a report coming to the attention of police ranged from a matter of weeks to 7 months. The two public order offences mentioned above are subject to a 6 month prosecution time limit so subsequently both were taken no further as by the time we became aware of the offence we had no power to proceed, despite both having clear evidence of an offence taking place.

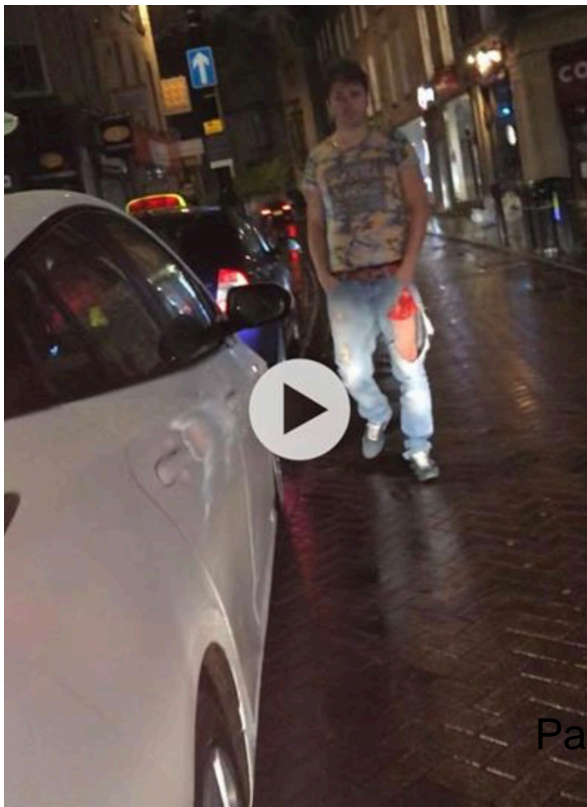
The significant concern I am raising is that Uber have been made aware of criminal activity and yet haven't informed the police. Uber are however proactive in reporting lower level document frauds to both the MPS and LTPH. My concern is twofold, firstly it seems they are deciding what to report (less serious matters/ less damaging to reputation over serious offences) and secondly by not reporting to police promptly they are allowing situations to develop that clearly affect the safety and security of the public.

Yours sincerely,
Neil Billany”

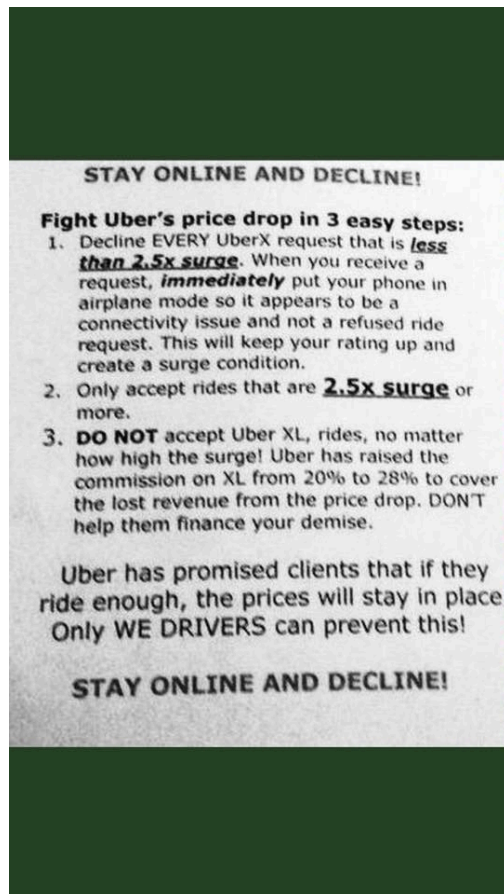
Appendix B - Uber vehicle which waited on disabled bays for 40 minutes 'plying for trade' Picture taken 14/11/2017



Appendix C - Uber driver 'dressing down' & parked on Taxi Rank



Appendix D - Screenshot from Uber 'chatroom'



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SC&O36 – Met Intelligence

[REDACTED]

Our ref: UBER London Ltd
6th October 2017

Dear Jon,

I am writing in response to your email dated 22nd September 2017 regarding UBER London Ltd and information requests from the Metropolitan Police Service (MPS).

SC&O36 – Met Intelligence has been working with UBER on behalf of the MPS since February 2017. As technology develops, most businesses operate wholly or substantially with digital record keeping. In response to demand from law enforcement investigators for driver and rider information, UBER developed an on-line portal, where law enforcement agencies can request journey information 24/7.

Digital information acquisition is a great opportunity for investigators, but also a challenge for law enforcement agencies; not least to make sure data acquisition for policing purposes remains lawful and ethical. The MPS use of the UBER portal has been developed in line with recommendations made by the MPS Information Assurance and Security Board.

Investigators can only apply for UBER information through a trained SPOC. This ensures there is a consistent level of scrutiny for each application and any information obtained is handled in accordance with Management of Police Information (MoPI) guidelines. There is currently 149 MPS trained SPOCs using the UBER law enforcement portal.

Initial discussions between UBER EMEA Security Manager and the MPS indicates that UBER recognises the need to develop a process for both driver and rider using the UBER platform, to report crime and intelligence. These are general discussions with no agreed strategy or action plan at this time.

Yours sincerely,

██████████

Detective Chief Inspector
SC&O36 – Met Intelligence



PANTHER TAXIS LTD



Yvonne O'Donnell
Environmental Health Manager
Cambridge City Council
Mandela House
Regent Street
Cambridge
CB2 1BY

13th December 2017

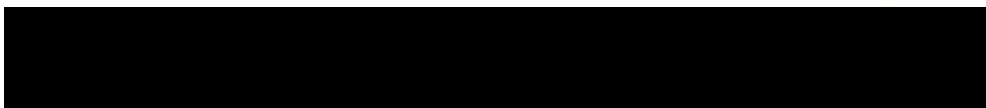
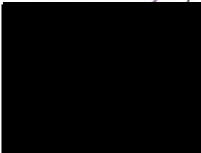
Dear Yvonne,

Re: Renewal of Uber Operators Licence

Further to our letter dated 20th November 2017 and the recent decision made by City of York council regarding Uber's Operator licence there, we would like it to be known that Panther Taxis Ltd would be willing to accept any drivers currently operating under the Cambridge City Council operator's licence for Uber onto the Panther fleet providing they have not previously been asked to leave our radio circuit on the basis of poor behaviour, and also that they successfully complete our in-house driver training programme.

Please be absolutely aware that the explicit and only intention of this correspondence, and the offer for such drivers to be permitted to join our radio circuit, is so that all parties can be assured that these licensed drivers may continue to be able to maintain a living, regardless of the decision of the Cambridge city licensing committee meeting scheduled for 18th December to discuss Uber's licence renewal and should in no way be misinterpreted as commercially driven or having a commercial overtone, it is purely a gesture of assistance if the need arises.

Yours sincerely



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Agenda Item 10

During the recent public hearing of Uber Britannia Ltd.'s (UBL) license renewal in York, it was discussed who accepts the booking, the driver or UBL.

Neil McGonigle, who is the head of Cities, North of England stated that UBL absolutely accepted the booking and that there were two contracts involved.

The contract for booking services, which was between UBL and the passenger. This contract was because of the provisions of the LGMPA 1976 which meant that they were responsible for maintaining records and dealing with lost property, he didn't explain how the booking was actually accepted.

The other contract was the contract for transportation, which is a contract between the driver and the customer. There is nothing in the Private hire legislation that refers to a contract between a customer and a driver, only a contract between a customer and the person who accepts the booking, which should be the licensed operator.

The issue was raised that the Uber booking platform which is licensed by Uber B.V is similar to that of another well-known platform named iCabbi. While both platforms do work similar the iCabbi system was developed in Ireland to work within the regulations set by the LGMPA 1976, the Uber platform was not, and it was developed as a peer to peer (P2P) system in the USA where legislation is completely different.

There are various sets of information available to show that it is the driver who accepts the booking and not UBL on record, a Canadian Court Case where Uber did not want to be classified as a taxi company, the equivalent of out Private Hire Operator, and also in the recent UK workers' rights tribunal. In both instances Uber stated that the booking is logged and recorded almost immediately after the driver accepts.

Further evidence of who accepts the booking is shown by Ubers surge pricing, where at busy times that customers are opening the App to book a journey, they are advised that the cost will be higher at that time. The algorithm for this can only engage while looking at customers opening the App, it cannot accept a booking and then change the price on it.

A customer that opens the App and there are no cars available cannot make a request, they are informed to try again later, again reliance on the driver being in the area to accept the requested booking.

The App has in some cities an option to make a scheduled request, notice they do not say an advance booking, where you input the time you wish to travel and this is stored in the App to make the request at that time. This request is also subject to surge pricing and a driver available to accept the request.

While at York it was advised that the App does not add to the question of UBL being fit and proper, I must argue against. It is a platform that does not sit within the regulatory framework of the UK and is being used by UBL knowing this.

If a driver was reported for using red diesel, the diesel would be a factor on that driver being fit and proper, even if the diesel is similar to standard diesel.

If an operator booked a job into the system that a driver had agreed to take with the public, which would be illegal and no different from how UBL log journeys against a driver in their system. It is still the process of how the booking is accepted after all.

UBL have two directors that are also directors of Uber London Limited (ULL) which has been refused a license for also not being fit and proper, this now makes four areas where they have been deemed as such, London, Reading, York and North Tyneside and Swansea

They have walked away from their applications in Crawley, Conway, Gateshead, Harrogate, Oxford, Preston, Wokingham, Sandwell and Worcester simply because they have been asked to explain in detail on who accepts the booking.

Uber were hacked some 13 month ago of 57 million user and driver accounts, of which 2.7 million were in the UK. While legally obligated to report this breach to the ICO within 72 hours, they instead chose to track down the hacker(s) and pay them \$100,000 and sign a disclosure agreement. To this day UBL are not registered with the ICO, should they say they are registered through ULL then everything else associated with ULL should be taken into account, including the 13,000 drivers that used the Uber ignition scheme and only receive a standard DBS certificate, the knowledge that TfL didn't notice this error is irrelevant to the company being involved in the level of the DBS obtained.

The application to renew states that the premises are for office use and not for that of a Licensed Private Hire Operator, this shows that they do not operate from Cambridge but are there to simply tick a box and as a drop in centre for drivers that are working in the area and not just for Cambridge Licensed drivers working on their platform.

Section 6 (a) of the application states that a customer can request a Wheelchair Access Vehicle, but when checked on the booking App this option is not available for customers. This is shown in Appendix A from the Uber screen shots.

Section 6 (c) asks if bookings can be made in advance, this has been explained previously in this document that they are not actually accepted by UBL in advance, merely stored within the users App. If the users mobile was to run out of battery or service coverage then this booking request would not be made.

Section 7 Mr Elridge has stated that he does not have any pending court cases, it is common knowledge that he along with ULL are involved in several court cases, those being appeals against ULL having its license renewal refused by TfL and Uber appealing the workers rights decision.

Mr Elridge states that he has not had a license refused, Reading and North Tyneside and Swansea would beg to differ.

Appendix A page 38 Uber explains that surge pricing works where high demand of customer requests and limited vehicles occur, how does a higher surge cost of a journey enable a reliable and quick if no vehicles are available?

How is a booking given to a driver? The response was , the Uber system identifies the best placed licensed partner-driver for the rider. When an available licensed partner-driver and vehicle has been identified, UBL accepts the booking, logs the booking on the system and allocates the booking to that partner-driver.

How is the partner vehicle identified, is it not by the driver accepting the request of the customer through the P2P platform and then as explained in court, the system then almost simultaneously records the details.?

Without fear or favour is how the committee must approach this hearing and its decision today and I trust that you will.

Soft evidence is only required, not hard evidence as a court of law would work on and that you only have to have reasonable doubt to make your decision.

Lee Ward

ALPHA Chairman



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Uber UK | 2017 License grant / renewals

Uber in the UK has 28 licences granted (inc. renewals) in 2017. Every licensing authority has reviewed our operations, business practices and (where applicable) assessed our compliance record to date and deemed us 'fit and proper'.

2017 Licensing Authority:

Birmingham City Council
City of Wolverhampton Council
Walsall Council
Brighton & Hove City Council
Lewes District Council
South Cambridgeshire District Council
National Transport Authority (Dublin)
Edinburgh City Council
West Lothian Council
North Lanarkshire Council
Renfrewshire Council
Bradford Metropolitan Borough Council
Calderdale Council
Leeds City Council
Guildford Borough Council
Reigate and Banstead Borough Council
Woking Borough Council
Metropolitan Borough of Bury
Rochdale Borough Council
Tameside Metropolitan Borough Council
Cheshire West & Chester
Durham County Council
Rotherham Borough Council
Christchurch Borough Council
Borough of Poole
South Gloucestershire Council
Swindon Borough Council
Guildford Borough Council



House of Commons
London SW1A 0AA

Cambridge City Council
The Guildhall
Market Square
Cambridge
CB2 3QJ

Our Ref: ZA66047

14 December 2017

To the Members of the Licensing Committee

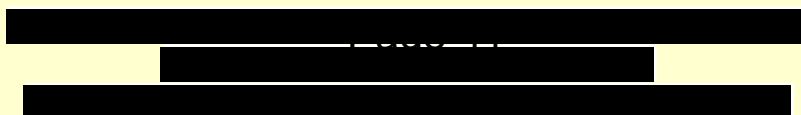
I am contacting you ahead of the licensing subcommittee hearing where the re-licensing of operator Uber will be reviewed by Cambridge City Council. I would like to raise several concerns I have relating to Uber, which I hope will be taken into consideration when making your decision.

As you may be aware, I am very engaged in taxi and private hire licensing laws both in our city and across the country through my capacity as a Member of Parliament and Member of the Transport Select Committee. In the New Year I will be presenting a Private Members Bill entitled the Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill 2017-19, with the hope that this will improve safety standards across the country.

Over the last two and a half years as the MP for Cambridge, I have spoken with many stakeholders in the taxi and private hire industry, including drivers, users, operators and transport regulators, many of whom have explained the problems with the current state of the licensing laws, which have been weakened since the Deregulation Act 2015, and have not kept up with changing technologies. Thanks to previous decisions taken by the Council, the safety and operating standards in Cambridge are very high, and I would like to see these maintained.

I do have concerns about Uber. Their technology is transformative, but some of their operating standards and some elements of their business model cause me to question whether they are an appropriate operator to be licensed in Cambridge. The decision by TfL not to renew their license in London has particularly highlighted the firm's ethics as an employer. The recent disclosure that Uber scandalously disregarded the rights of millions of people who entrusted them with their personal data gives considerable cause for concern. Their tax arrangements are, in the eyes of many, not designed to contribute to the UK economy.

DANIEL ZEICHNER
Member of Parliament for Cambridge



It is also significant that Uber's response to the court decision that they must uphold workers' rights, respecting the minimum wage, holiday pay and pension contributions, has been to proceed down the appeal process. The company will doubtless contest many of these points, but I believe that they must respond much more positively if they are to continue to be licensed in cities like Cambridge where we seek the highest standards.

Yours sincerely



Daniel Zeichner MP