



PANTHER TAXIS LTD

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

20th November 2017

Dear Yvonne,

Re: Renewal of Uber Operators Licence

As you will be aware Panther Taxis Ltd have held an operator's licence in Cambridge for over 25 years, during this time we have seen many significant changes to the way the trade operates in Cambridge and nationally.

With the advancements in technology that have taken place our modus operandi has change dramatically, the days of drivers returning to the operating base or calling from a telephone box to be given their next booking are a distant memory.

Customers' expectations have also changed dramatically, they expect their vehicle to arrive quickly or if pre-booked be on time and to know the details of the vehicle that has been dispatched to them, in many cases to track the progress of their vehicle on their smart phone or computer terminal. Furthermore, their understanding of licensing of Hackney Carriages Vehicles (HCV) and Private Hire Vehicles (PHV) is more prevalent among the general public; they understand that a driver is required to hold a licence to drive these vehicles, that the vehicle is required to be licenced and insurance needs to be specific for the work undertaken.

However, I do not believe that customers understand the differences in licensing conditions and requirements of the various licensing authorities be that Cambridge City Council (CCC), South Cambridgeshire District Council (SCDC) or indeed Transport for London (TfL). The assumption of the general public is that if a driver is licensed in Cambridge he would be expected to have gone through the same processes as if he were licensed in Liverpool.

Currently we dispatch work to drivers on a zonal queue basis. To explain in briefest terms; a driver drops a customer off at Addenbrookes hospital, once he has dropped the customer off he enters the "Addenbrookes" zone and joins the queue of other available drivers. The Addenbrookes zone is broadly the area within the hospital site, along Hills Road to Cherry Hinton Road and then from Mowbray Road to the hospital. This allows a driver to easily disperse from the drop off point – which is invariably a busy location – to a more suitable area to wait for his next booking.

Once the driver has dropped off he will then join the queue in that area for his next booking, naturally the driver at the top of the queue is offered the next booking, then the driver who is second becomes top and so on. This system is used for two specific reasons, one is fairness towards every driver and importantly it encourages the drivers to move to a more appropriate waiting area rather than an area where the most future customers are concentrated.

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Technology is now available for a customer to open an App on their device, see the availability of the closest vehicle and the expected eta of that vehicle. We ourselves have seen over the last two years an incredible increase of bookings made via such "automation" from less than 5% of our total bookings to around 45% of our bookings. We fully expect this percentage to increase and are seeking levels of around 60% within the next 18 months.

The demographic of those customers who favour booking a vehicle by this means, sits firmly in the under 40 year old bracket, as we are sure you will appreciate this demographic tends to be more active at particular times of the week and in particular areas, for example on a Friday or Saturday evening within the core City Centre. Because of the way we dispatch the bookings outlined as above, drivers, be that HCV or PHV, do not necessarily converge on specific areas, but wait away from high demand in areas such as Jesus Lane, Victoria Avenue or Gonville Place knowing that when the next booking request is received they will be top of the queue and realise that they do not to be 'on top' of the work to be offered their next booking.

To deter drivers who drop at certain areas of the City Centre and other popular locations from remaining in particularly busy areas such the Regal Public House and Station Square, we have created exclusion zones, which effectively will not allow them to join the queue in that area until they exit the exclusion zone. This encourages them to move on quickly avoiding congestion building in these busy areas and reduces any suggestion by other members of the trade or the temptation for PHV's to wait in areas that could encourage approaches from members of the public who have not booked a vehicle. I believe we are the only operator locally who takes these steps to protect the public and reduce the friction between the HCV and PHV drivers.

The dispatching of bookings to drivers on the Uber platform does not use a zonal dispatch method, my understanding is that the Uber system matches the closest car to the customer's location. Therefore, a driver is actively encouraged to wait for their next booking in the immediate vicinity of the most likely location of their next booking. On occasions that I myself have been in locations of high demand, I have seen many vehicles on the Uber platform waiting in high demand areas for their next request.

As highlighted earlier, the customers who tend to use an App to book a vehicle are more likely to make a request from one of the popular locations, as more people book a vehicle through an App they will open our booking App to see a vehicle can be at their location is say seven minutes, this is because of the restriction we deliberately place on areas that drivers are likely to wait, but if they then open the Uber App and see a car less than a minute away they will no doubt choose the quicker option.

This clearly leaves us in a disadvantaged position and over time will affect our ability to provide drivers with adequate work, this will either result in drivers deciding to place themselves in an 'advantageous' position within the popular areas or we will lose drivers from our platform to Uber, which would then ultimately have an effect on the 70+ local people we employ at our offices.

We have not yet seen any adverse effects of Uber operating in Cambridge, but as a business if we found ourselves losing ground to any operator we would need to react in such a way to protect our business, maintain the earnings of the self-employed drivers and the employment of our staff.

CCC have introduced a condition for all PHV and HCV drivers to undertake Safe Guarding training, as an operator we believe that this is a step forward for the trade and offers the general public peace of mind that drivers are aware of their responsibilities and portrays a more professional standard amongst drivers. SCDC are currently reviewing their policy and I believe that in light of the recommendations from the Local Government Association this will most likely come into their new policy. I understand that the direction of other licensing authorities is not within the control of CCC, but it seems quite ludicrous that the Council allow an operator licenced by them under the guise of Uber Britannia Ltd or Uber London Ltd to utilise drivers where there are no requirements for safe guarding training.

Furthermore, customers of the Uber App in Cambridge are completely unaware that a driver licensed by TfL may not have undertaken safe guarding training or have a correctly obtained enhanced DBS through a recognised provider.

We understand that the current legislation pertaining to cross boarder hiring allows for an operator to sub contract to another operator lawfully, although this is appreciated and understood, the customer is never told that this is taking place, as such a registered Uber user could request a journey through the App in Cambridge and a vehicle licenced by CCC, SCDC or indeed Luton, Birmingham or Wolverhampton could be dispatched. At no point is the customer made aware of this sub-contracting as the only information given by Uber is the name of the driver and his vehicle details.

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There has been significant media attention in recent months regarding Uber's inability to disclose complaints to the relevant Constabularies where an allegation of a criminal offence has been committed, to the extent that a senior officer from the Metropolitan Police had cause to write to TfL regarding non-disclosure of allegations from passengers.

Unlike locally operated Private Hire Operators, Uber do not have a telephone number for customers to contact them. Therefore, to make a complaint regarding a driver the customer is required to contact Uber support via email, which is not necessarily practicable in every situation and given that customer support is outsourced to a company in the Philippines, the chances of a complaint being directed to the correct licencing authority seems unlikely.

A further area of concern to us is the routes taken by drivers on the Uber platform who are reliant on Satnav, as is widely known by us all, a HCV or PHV is allowed to use the traffic managed City Centre areas. Panther Taxis have an expectation that drivers should know the City well enough to not have need of a Satnav, there are several reasons behind this but one of them is that a Satnav will not guide a driver through the central traffic managed areas, so if a journey is travelling across the City, to a driver who has local knowledge he will know that the shortest route is through the centre of Cambridge, whereas a driver who has limited local knowledge and is reliant on Satnav will use a route provided that is appropriate for a vehicle that cannot use Emmanuel Road, Silver Street, Bridge Street or Regent Street/St Andrews Street, thus invariably making the journey longer and more expensive.

We realise that the CCC cannot be responsible for the routes taken by Private Hire Drivers (PHD), but a customer has a right to know who a complaint should be made to rather than having UBL or ULL as the only recourse. All vehicles on the Panther Taxis circuit display a fare card, the fare card identifies to whom complaints should be directed. Furthermore, CCC are in the process of introducing internal signage that identifies the vehicle is licenced by CCC, the licence number and to whom complaints should be made to.

We are aware that Brighton and Hove City Council (BHCC) have recently imposed several conditions on UBL (Copy Appendix A) one of which is that the emailed journey receipt should contain the following information;

'When a booking is made under Uber Britannia Limited'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.'

This is an entirely sensible requirement and permits the consumer to know the authority whom licence the driver, but to enhance the public's safety even further and to give them the information that they need if they have cause to complain about the drivers conduct or behaviour, Uber should identify clearly on the driver details confirmation shown in App and on every journey receipt the licencing authority of the vehicle and driver that is carrying out the booking for every journey requested within the CCC boundary.

By introducing a condition on the renewal of UBL's licence, with a condition that disclosure be given to the customer at the time of acceptance (which is a moot point when one considers the arguments by Uber's Barrister in recent Employment Tribunal hearings, that the driver accepts the booking not UBL or ULL) and at the end of the journey the receipt clearly identifies the drivers providence so that a customer has a clear and unobstructed path to the authority who have autonomy over the driver, rather than what seems to be a rather inept and blasé attitude towards customer safety.

We respectfully request that the points contained within this letter be considered at renewal for UBL in Cambridge, we are rightly proud of our City and wish to see the standards of customer safety maintained for the general public rather than a dilution in what a customer should expect from any transport provider.

Yours sincerely


John B. Anham

Director


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21st November 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.

1. Corporate responsibility

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.

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.

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. 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.

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 Ubers' 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 and City Licensing 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 which 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.

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. We reported an incidence of this to the Council in July and are awaiting a reasonable reply.

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.

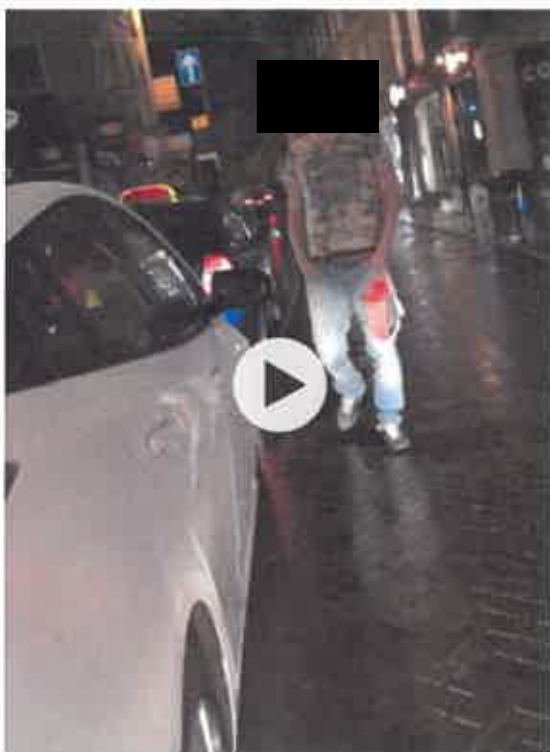
Yours sincerely,

A black rectangular redaction box covering the signature of the sender.

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'

