

Subject:	Application for the renewal of Private Hire Operator Licence		
Applicant:	Uber Britannia Ltd		
Date of Meeting:	23 April 2018		
Report of:	Executive Director of Neighbourhoods Community and Housing		
Contact Officer:	Name: Jim Whitelegg, Regulatory Services Manager		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for the renewal of a Private Hire Operators Licence under the Taxi and Private Hire Vehicle (PHV) legislation: which has been made under Section 55, Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act), in respect of Uber Britannia Limited (UBL) to operate from Workshop 30, 30 Grand Parade, Brighton, BN2 9QA,
- 1.2 UBL is a registered company. Their head office is located at Aldgate Tower, First Floor, 2 Lemn Street, London, E1 8FA. A full copy of the application and written submission can be found at Appendix A.
- 1.3 Each licencing authority is empowered to set its own licensing objectives as long as they are reasonable. Brighton & Hove City Council's licensing objectives are set out as follows:
- 1.4 'The council will adopt and carry out its Hackney Carriage and private hire licensing functions with a view to promoting the following licensing objectives:-
 - The prevention of crime and disorder, safeguarding of children & the vulnerable and the protection of the public.
 - The safety and health of the public and drivers.
 - Vehicle safety, comfort and access.
 - Encouraging environmental sustainability.
- 1.5 In promoting these licensing objectives, the council will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the council in the four licensing objectives and the objectives will be taken into account by the council when making decisions.'

2. RECOMMENDATIONS:

2.1 That the Sub-Committee determine an application for the renewal of a Private Hire Operators (PHO) Licence under the Taxi and Private Hire Vehicle (PHV) legislation: namely, Section 55, Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act).

2.2 Options

The Sub-Committee may:

- Renew the Operator's licence for a 5 year period.
- Renew the Operator's licence for a limited duration up to 5 years.
- Renew the Operator's licence with such additional conditions as the Panel consider reasonably necessary.
- Refuse the renewal. This carries a Right of Appeal to Magistrates Court

If the Sub-Committee chooses option 4 they must be satisfied that UBL are no longer a "fit and proper person" to hold an Operator's licence (as set out in ss55 and s62 of the 1976 Act) and give their reasons for the decision reached.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

3.1 Uber Britannia Ltd private hire operator licence history in Brighton & Hove

3.1.1 UBL was issued a private hire operator's licence by the Council for the first time on the 5th November 2015. This licence expired on the 4th November 2016. The first licence was issued for a period of 12 months as this was a new operator and the application was received prior to the introduction of the Deregulation Act 2015, which allowed for the issue of 5 year licences for operators.

3.1.2 UBL submitted an application to renew their first licence on 28 October 2016. Despite the issue of the licence on 5th November 2015, Uber had not operated in the city until October 2016. Therefore the decision was taken by officers that circumstances had not changed since the issue of the first licence in November 2015 and that the same potential concerns and issues prevailed. The decision was therefore to grant a renewal of UBL's licence for a period of one year from the 4th November 2016. The licence was subject to the Applicant meeting the general principles, requirements and conditions set out in the current and any future revised edition of the 'Brighton and Hove Blue Handbook for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators.'

3.1.3 UBL submitted a further application to renew their licence on 9 October 2017 which was granted for a period of 6 months. The time limitation was imposed in order to ensure ongoing dialogue with UBL regarding conditions, for changes to be made to the App and to monitor that progress. It also enabled the council to monitor the outcome of Court proceedings involving TfL. However, it should be noted that TfL made their decision under relevant London legislation which is not applicable outside of London and the decision is subject to appeal.

3.1.4 The November 2017 renewal licence was granted with the addition of 4 conditions as follows:

1. 'Uber Britannia Ltd must not use Greyball technology for the purposes of avoiding regulatory or law enforcement activity in connection with its BHCC operator licence.
2. Uber Britannia Ltd must report to the Council any allegation or complaint relating to certain serious behaviours, specifically:
 - Sexual misconduct
 - Violence
 - Discrimination
 - Wrong driver/vehicle
 - Theft
 - Touting

Upon receiving any allegation or complaint relating to the above serious behaviours the Operator must take reasonable steps to restrict the driver's access to the App within 24 hours and whilst any investigation is ongoing. All complaints will be reported by the operator to the Council within 72 hours of receiving the complaint.

3. 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.
4. Uber Britannia Ltd must ensure that 100% of Brighton & Hove licensed drivers have undergone disability equality training to help them serve disabled people or passengers with an access need.'

Condition 2 was subsequently amended to "one working day" replacing the "within 72 hours". The current licence is attached at Appendix B.

- 3.1.5 In addition to the above conditions, UBL put forward on a voluntary basis a Memorandum of Understanding regarding out of town drivers. As part of the Memorandum of Understanding a 24/7 hotline has been established. UBL have made a commitment that Uber will restrict access to the App for any licensed driver alleged to have been involved in a serious criminal offence and to restrict a driver's access to the App whilst BHCC and /or the police undertake an investigation into the allegation.

4. **Current Renewal application (March 2018)**

- 4.1 UBL submitted an application to renew their current licence on the 9th March 2018. Due to the level of public interest that has arisen regarding Uber vehicles operating in Brighton & Hove, the decision was taken to determine the application in public by the Licensing (Non Licensing Act 2003) sub-committee, known as the Licensing Panel.
- 4.2 The legislation does not mandate the need for consultation in relation to the application for the renewal of a private hire operator's licence. However, the Licensing Authority allowed for a period 4 weeks for written representations.

Supportive representations - 33 were received, including 26 from residents/businesses and 7 from taxi drivers.

Opposing representations - 274 were received, including

- CAUTION (Campaign Against Unlawful Taxis in Our Nation Ltd)
- GMB Southern Region Brighton & Hove Taxi Section (Andy Peters)

- Independent Taxi Drivers Association (George Beresford)
- Unite Union SE Region (Cab Section) – Sean Ridley
- Brighton & Hove Private Hire Association (Mark Durell)
- Brighton and Hove Streamline Ltd & Brighton & Hove Radio Cabs Ltd & The Southern Taxis Group Ltd, including 227 letters signed by taxi drivers for Streamline and Radio Cabs.
- United Taxi Driver’s Association
- 40 letters from taxi drivers

A copy of these representations can be found in Appendix C (which has been circulated as a separate supplement).

In addition the Uber Britannia Ltd written submission is attached in Appendix A

4.3 Identity of the Applicant

4.3.1 The Applicant is Uber Britannia Limited (UBL) which is a fully self-contained legal entity.

4.3.2 UBL is a separate legal entity from any international Uber company. UBL is also legally separate from any other Uber company based in the UK notably Uber London Limited.

4.3.3 Specific DBS checks were supplied for the listed directors for UBL. These were updated when notification of change of directors was received.

5.0 **Inspections and complaints**

5.1 The licensing service has inspected UBL’s Brighton & Hove offices on two occasions in 2017 and 2018, and found compliance with all licence conditions and no concerns were raised.

5.2 Since UBL launched in Brighton & Hove in October 2016 the council has received a number of enquiries regarding its operation in the city and how the App works. One complaint has been received from a member of the public regarding an Uber driver running a red light in November 2016 and this was referred to Operation Crackdown as a motoring offence. The council has also received 72 complaints from the local taxi trade regarding Uber, relating to issues such as “out of district” Uber vehicles operating in the city, “out of district” Uber vehicles sitting on ranks, general conduct issues, alleged “flipping” and traffic offences. Those complaints which related to “out of district” licensed vehicles were referred to the relevant Licensing Authorities. Warning letters were sent to drivers where there was evidence of private hire vehicles sitting on a rank.

5.3 Details of service requests received by the Taxi Licensing Team between the launch of UBL on the 28th October 2016 and 27th March 2018 can be found in Appendix D.

5.4 UBL co-operated fully with any request for information and investigation carried out in relation to the complaints outlined above.

6.0 **Relevant Legislation for grant / renewal of an Operators Licence**

Local Government (Miscellaneous Provisions) Act 1976 (The 1976 Act) provides:-

6.1 **s55. Licensing of operators of private hire vehicles.**

'(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; and

(b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.

(2) [Subject to section 55ZA, every] licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.

(3) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

(4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court.'

6.2 The Council thus has a statutory duty to grant the licence unless it considers that the applicant is not a fit and proper person to hold a licence.

6.3 The licence should be granted for a five year period unless there are specific reasons in the particular circumstances of the case that justify granting the licence for a shorter period.

6.4 As this is an application for renewal (the current licence still being in force and due to expire on 4th May 2018), S.62 of the 1976 Act applies, and provides:

'(1) Notwithstanding anything in this Part of this Act a district council may suspend or revoke, or (on application therefor under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds:—

(a) any offence under, or non-compliance with, the provisions of this Part of this Act;

(b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;

(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; [...]

(ca) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or

(d) any other reasonable cause.

(2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the operator notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal.

(3) Any operator aggrieved by a decision of a district council under this section may appeal to a magistrates' court.'

- 6.5 Section 80 of the 1976 Act defines "operate" as follows:- "Operate means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle"
- 6.6 Section 46(1)(d) makes it clear that anyone acting as an operator must have an operators licence: "(d) no person shall in a controlled district operate any vehicle as a private hire vehicle without having a current licence under S55 of this Act" and a local authority cannot grant a licence (s55(1)) "unless they are satisfied that the applicant is a fit and proper person to hold an operators licence".
- 6.7 A private hire operator (PHO) is the person who takes a booking for a private hire vehicle (PHV) and then dispatches a PHV driven by a licenced private hire driver (PHD) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority.

COMMENTARY ON THE TAXI LICENSING POLICY

7.0 Fit and proper in the Context of an Operator

- 7.1 The underlying purpose of this regulatory regime is "... to provide protection to members of the public who wish to be conveyed as passengers in a motor car provided by a private hire organisation with a driver" (St Albans District Council v Taylor [1991] RTR 400 at page 403A-B per Russell LJ).

S55 of the 1976 Act (set out at paragraph 6.1 above) states that an operator must be fit and proper.

PHV operator responsibilities

- 7.2 PHV operators have a key role in ensuring that the drivers they employ are fit and proper persons, and are properly trained in their roles.
- 7.3 As a Licensing Authority, Brighton & Hove City Council requires operators to demonstrate what steps they are taking to ensure that their drivers are fit and proper persons, as well as appropriately trained.
- 7.4 The operators' role goes 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.
- 7.5 It is therefore vital that PHOs are as trustworthy and reliable as a driver.

- 7.6. Unlike hackney carriage and private hire drivers, the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 does not cover PHOs. This means that convictions become spent in relation to a PHO. However, the ruling of the High Court in *Adamson v Waveney District Council* means that local authorities can take spent convictions into account when determining the suitability for a licence. The fact that the role of the PHO is not an exempt occupation for the 1974 Act means that it is not possible to obtain an Enhanced DBS check, but they can be asked to obtain a Basic Disclosure. This can be combined with a statutory declaration as part of the application process requiring the applicant to list all previous convictions, together with other material information in a similar fashion to taxi drivers.
- 7.7 A working test of fitness and propriety for PHOs is “would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”
- 7.8 A licence is granted to the PHO on the basis of their fitness and propriety but there is no overt mechanism to consider the suitability of those who work for the PHO. There is no reason why a condition cannot be imposed on the PHO licence requiring them to undertake checks (for instance enhanced DBS checks and training) on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task, and retain that information that they obtain to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement or act upon information that they obtain (therefore allowing unsuitable staff to work in positions of trust) would then have serious implications on the continuing fitness and propriety of the PHO.

8.0 COMMENT ON ISSUES RAISED IN REPRESENTATIONS

List of Issues:

The following list has been extracted from the representations made opposing the renewal of the licence. This is a summary and analysis of what the Council considers to be the main themes that have been raised, with the full text of the objections being appended at Appendix C.

Challenge to Hearing procedure

- 8.1 There is not a prescribed Hearing process for a renewal application contained in legislation and therefore general public administrative law principles have been applied by the council to ensure a fair process. The Local Government (Miscellaneous Provisions) Act 1976 legislation does not mandate the need for consultation in relation to the application for the renewal of a private hire operators licence. However, the Licensing Authority has allowed for a period of 4 weeks for written representations. Any objectors to the process have the remedy of a Judicial review.

Is UBL an Operator?

- 8.2 UBL meets the definition of an operator and this has been supported by case law. There has been no successful challenge to the status of UBL as an operator.
- 8.3 “Operate”, for the purposes of section 55, has been considered in a series of cases, including *Britain v ABC Cabs* [1981] RTR 395, *Windsor and Maidenhead Royal*

Borough Council v Khan [1994] RTR 87, Adur District Council v Fry [1997] RTR 257 and Bromsgrove District Council v Powers (Unreported) (16 July 1998). These cases establish that, in this context, “operate” does not have its common meaning. Rather, it is a term defined strictly by section 80(1) as meaning “in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle”. Therefore, as Dyson J said in Powers:

“... [T]he definition of the word ‘operate’ focuses on the arrangements pursuant to which a private hire vehicle is provided and not the provision of the vehicle itself.... [T]he word ‘operate’ is not to be equated with, or taken as including, the providing of the vehicle, but refers to the antecedent arrangements.”

Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepts the booking for that vehicle whether or not he himself provides the vehicle.

- 8.4 The use of the Uber App was scrutinised in the TFL v Uber and others (October 2015) and the working of the App was explained as follows:

“When booking, the customer can choose a particular type of vehicle. The nearest vehicle of that type available for hire will be shown on the smartphone screen. The customer then indicates precisely where they want to be picked up and clicks “request” to make the booking. Uber accepts the booking and Uber’s servers in the US locate the nearest available vehicle of the type requested by the customer. The servers then send the accepted booking to the smartphone of the nearest driver who has 15 seconds to accept the booking. If he does not accept it, the server sends the booking to the smartphone of the driver of the next nearest vehicle to the customer. When the driver takes on the booking, he is sent all the relevant details including the location. He can contact the customer via the driver App but not via the customer’s mobile number. The customer is sent also by the customer App details of the driver, car and estimated time of arrival”.

The contract is deemed under the Act (Section 56 (1)) to be between the operator and the customer, not the driver and customer. Without the App there would be no connection and no contract. The App makes provision for the invitation and acceptance of bookings.

- 8.5 There has been a succession of cases culminating in Milton Keynes v Skyline Taxis and Private Hire Limited Case No CO/3499/2017 which looked at the operation of Apps in relation to sub-contracted bookings. The Courts have not raised concerns regarding the App based system meeting the S80 definition of an operator.

TfL appeal

- 8.6 This appeal has not been concluded. It should be noted that the legislation applicable to licence applications in London is different to that which applies in Brighton & Hove. For instance, the operator condition set out above (which applies to B&H) is different for London. Under the 1998 Act, which covers London, a private hire operator must make provision for the invitation or acceptance of bookings and accept bookings at the licensed operating centre.

TfL have said that they are minded not to agree that Uber London Limited are an operator. They do so against a different legislative background and the case has not concluded.

DBS checks

- 8.7 DBS checks are a critical part of managing drivers. Brighton and Hove require drivers to provide DBS checks.

Medical checks

- 8.8 BHCC have in place a process for obtaining medical checks from the driver's GP.

Failure to report incidents of allegations of sexual assault and other matters

- 8.9 This objection relates to a letter from a Police officer disclosed as part of the TfL disclosure relating to ULL (Uber London). It has been raised by several objectors as relevant to the renewal of UBL's licence in Brighton and Hove. The letter from the Police officer relates to two TfL licenced drivers, driving for ULL, and three 'sexual' incidents and other incidents listed. We do not have the specific details of the incidents. The following points are relevant:-

- The Blue Book Page 44 states: "The Standards Expected of an Operator include: Report Any Driver Offences". The above requirement has been clarified with UBL under its extra conditions and the memorandum of understanding to make explicit their obligation to report a defined list of offences.
- In addition to the B&H condition to make explicit the operator's obligation to report a defined list of offences, the victims could be reasonably expected to report offences to the Police.
- The objections relate to ULL (Uber London) which is a separate legal entity to UBL, although it does share a number of features. In Brighton & Hove there is an agreed reporting and response system in place with the Police.

The Panel may wish to explore with UBL the context and their duties under the London Licence and then decide what weight if any to give the concerns and objections relating to the London ULL operation.

Data Breach

- 8.10 The concerns are that the data storage and processing which UBL utilise have been compromised by hackers. The failure to report the breach of data security by the US Uber company has implications for Brighton and Hove residents, who may have had their personal data stolen.
- 8.11 The ICO has not yet reported on this matter. The National Cyber Security centre have said

“We assess that the stolen information does not pose a direct threat to people or allow direct financial crime. Indications are that the breach involved user names, email addresses and mobile phone numbers.”

UBL have informed officers:

- They were not aware of the breach themselves till November 2017.
- That steps have been taken to limit this being able to happen again.
- A formal apology has been issued.
- That the new US senior management structure would not allow this to happen again.

8.12 The Panel may wish to explore these concerns regarding data protection with UBL and decide what weight, if any, to give to the data breach and response.

Cross border issues

8.13 The App use as configured is not to be confused with sub-contracting. The App is configured in a way that bookings are processed ensuring that the triple lock remains in place. Cross border use of vehicles as long as the triple lock exists (driver, vehicle and operator all licenced in the same area) is lawful. See also 8.16 below.

Undertaking to use only B&H drivers under their B&H Uber licence

8.14 UBL have complied with this undertaking. However, Uber vehicles are operating in Brighton & Hove that are not licensed by Brighton & Hove.

8.15 The Panel may wish to explore with UBL any concerns regarding non Brighton & Hove licensed drivers operating in the city but not being subject to the Blue Book standards.

Bluebook

8.16 Properly licensed vehicles from other authorities can legally operate in B&H. They have been doing so since before UBL applied for its initial licence and have formed the basis for complaints prior to the arrival of UBL. Non-B&H licenced drivers will not be bound by the Blue Book. The Blue Book conditions and local enhancements aim to raise standards at a local level for the benefit of drivers and, most importantly, passengers. The same conditions apply to B&H Uber drivers as any other B&H licensed driver. UBL must comply with the Blue Book in relation to Brighton & Hove licensed drivers, including wheelchair accessibility requirements. In addition, the UBL operator’s licence has additional conditions.

CCTV

- 8.17 Uber have expressed a preference not to have CCTV. However, all Brighton & Hove licensed drivers have CCTV in their vehicles, as required by the Blue Book. Out of City vehicles are not covered by the Blue Book requirement to have CCTV.
- 8.18 The Panel may wish to explore with UBL any concerns regarding non Brighton & Hove licensed drivers operating in the city but not being subject to the Blue Book standards.

Sexual assault

- 8.19 The objections received refer to a newspaper article and several on line sources. The incidents reported relate to incidents in the US. It will be a matter for the Panel to decide what weight if any they give to this matter. It is a matter for Councillors to consider whether the newspaper and online reports demonstrate a pattern of behaviour which is relevant.

Greyball technology / Ripley technology

- 8.20 There is no evidence that this has been used to detrimental effect in the UK. In addition, it is a condition on UBL's current licence that Greyball technology must not be used for the purposes of avoiding regulatory or law enforcement activity in connection with its licence.
- 8.21 Ripley technology refers to the alleged ability for Uber headquarters to cancel all access to a regional office. The example given is that it was used to prevent Canadian Tax authorities accessing Uber systems. UBL may wish to explain its use and relevance, but there is no evidence it has been used in the UK and/or Brighton and Hove. It is noted that this was a national law issue (tax) and not a local enforcement issue.

Routes

- 8.22 The issue raised in objections is that drivers using the App do not follow the correct route and so potentially increase the fare. There have been no complaints made to BHCC by passengers in relation to this.

Lack of Insurance

- 8.23 Officers have reviewed and are satisfied with UBL's policy and procedures regarding insurance cover.

Drivers Sleeping in their Vehicles

- 8.24 Officers are have reviewed and satisfied with UBL's policy and procedures. The relevant section of the Blue Book is 72.11 which states that Operators must ensure that

all drivers do not work excessive hours and have adequate breaks between shifts. The Blue Book does not prescribe the times.

Geofence areas

- 8.25 The objection raised is that UBL said they would Geofence areas and have not done so. Geofencing technology would restrict the use of the App in specified areas. This is not a requirement or related to a “fit and proper” assessment. However, the Panel may wish to explore with UBL their position and any proposals they have in relation to the use of Geofence technology in Brighton & Hove.

Reporting of incidents

- 8.26 UBL have co-operated fully with any request for information and have agreed to the additional condition regarding reporting serious incidents. No reports have been made to the council by passengers or the Police in relation to Brighton & Hove UBL drivers operating in the City.

Working Conditions

- 8.27 The actual terms and conditions of employer – employee relations are dealt with by the Employment Tribunal. While parliament has given local authorities the power to introduce relevant local considerations it has not indicated that this will include the management of workers conditions.

Wheelchair accessibility

- 8.28 UBL are not in breach of the Blue Book requirement which makes provision for a percentage of vehicles within a fleet over a specified size to be wheelchair accessible. The UBL fleet of Brighton & Hove licensed drivers is not of the size that would be caught by the Blue Book requirement in this regard. It is argued that because of the overall number of Uber vehicles (including those registered outside of B&H) operating in the city, that this should trigger the requirement regarding wheelchair accessibility. However, as the out of city vehicles are not registered under the Brighton & Hove licence, they are not covered by the Blue Book requirement.
- 8.29 Equalities Legislation makes limited provision about the obligations of drivers. The council has a duty under the Equalities Act 2010 s149 to have regard to the need to:-
- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act;
 - Advance equality of opportunity between people who share a characteristic and those who don't;
 - Foster good relations between people who share a characteristic and those who don't.
- 8.30 Councillors may therefore wish to explore UBL’s position in relation to the wheelchair accessibility of its vehicles. UBL’s policies and procedures in relation to equalities will be relevant to an assessment by the Panel as to whether the operator is fit and proper.

9. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 9.1. There are no direct financial implications arising from the recommendation made in this report.

Finance Officer Consulted Michael Bentley

Date: 09/04/18

Legal Implications:

- 9.2 These are dealt with in the body of the report

Lawyer Consulted: Simon Court

Date: 03/04/18

Equalities Implications:

- 9.3 The primary issue is in relation to disability. There does not appear to be any issues raised around the other protected characteristics as contained within the Equality Act 2010. The report contains specific references to the local authority's duties under the Act and the local requirements under the 'Blue Book' (wheelchair accessible vehicles and wider duties). It is for the members to ask for any such information that they consider would assist them to meet the duties as contained within the Act and the Blue Book in so far as they apply to the licensing requirements.

Sustainability Implications:

- 9.4 There are no direct sustainability implications.

SUPPORTING DOCUMENTATION

Appendices:

Appendix A – Uber Application form and written submission

Appendix B – Current PHO Licence

Appendix C – Representations – supportive and against (circulated as separate supplement)

Appendix D – Details of service requests/complaints

Documents in Members' Rooms

The Blue Handbook for Hackney Carriage and Private Hire Drivers, Vehicles and Operators (The Blue Book).

Background Documents

The Blue Handbook for Hackney Carriage and Private Hire Drivers, Vehicles and Operators (The Blue Book).

