

Mr M Seymour
Hackney Carriage Officer
Taxi Licensing Office
Brighton & Hove City Council
Room 212
Hove Town Hall
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East Sussex BN3 3DQ

21st April 2015

By email only

Dear Martin

Re: Objection to application for Operator's Licence by UBER

As Chairman of Brighton and Hove Streamline, I would respectfully submit that the application by UBER for a Private Hire Vehicle Operator's Licence should not be granted by the City Council. I would respectfully submit and would hope that the City Council would agree that UBER is not a fit and proper "person" within the meaning of the Licensing Legislation.

As you are of course fully aware, Private Hire Vehicle Operator's Licences are regulated in the United Kingdom to protect and benefit the public and to ensure their safety. In turn the public relies upon the Licensing authorities such as that of Brighton & Hove City Council to provide safety and protection by looking at and considering all applications for a Private Hire Vehicle Operator's Licence. I would reiterate and draw to your immediate attention matters which are already well documented with regard to the concerns of operations already undertaken by UBER and in doing so will say how Streamline and its members consider these are relevant factors in assessing whether UBER is a fit and proper person and the tests that the City Council is bound to apply.

- (a) UBER is an IT provider, not a vehicle hire operator. In deciding whether or not an applicant is a fit and proper person to hold an operator's licence you must, if you are to discharge your duty properly, necessarily consider the nature of the skill and experience in vehicle hire operations that the applicant possesses or is likely to develop. Someone with IT skills that consist of developing and marketing an IT application, as is the case with UBER does not give any reason to believe that they possess or intend to gain the type of skills that make a person fit and proper to hold a private hire operator's license.
- (b) UBER vehicles do not carry any livery – livery is intended to serve an important purpose by enabling ready identification. It is there to protect the public. I would also take the opportunity of reminding the City Council that when Brighton Streamline and Hove Streamline merged in 2008 both having been successful in their own rights. Following the merger, despite wishing to use both of the telephone contact numbers of the former individual companies, permission was refused by the City Council save for a second telephone number to be displayed on the rear of the roof sign. The foregoing was based upon licensing policy

relating to the livery of vehicles which it would appear the Council is proposing to waive/change for the benefit of UBER which is inexplicable.

- (c) There is no way of ensuring compliance by UBER drivers with equality/disability requirements – the equality/disability laws have been a proud advance in our treatment of an important section of the public whose requirements had previously been ignored for too long: it would be a backward step to license an operator who is not bound by these requirements. Furthermore, Brighton & Hove City Council has required the operators' fleet to be by way of wheelchair accessible vehicles and which it would appear UBER is failing to do so.
- (d) There are concerns about data protection and as to the data supplied by consumers and again in maintaining their safety bearing in mind the storage of such sensitive information by UBER.
- (e) There are concerns about criminal background checks for licensed drivers to be operated by UBER. Again Streamline has already put in place measures to ensure that all Hackney and Private Hire drivers who are new to Streamline must have held a UK driving license for five years and have a satisfactory DBS check.

UBER is aware of these concerns about its operations. It must be aware that the purpose of regulation is to protect and benefit the public and especially those more vulnerable and following on from the Rotherham and Oxford cases. Yet it makes no attempt to address these concerns or to offer any assurances with regard to these concerns. A fit and proper person would recognize its lack of operating expertise and would engage people with the necessary level of expertise. Similarly, a fit and proper person would recognize the role of livery, the need to comply with equality/disability requirements, data protection and criminal checks and would explain to you how they have dealt with or intend to deal with such issues. UBER has not confronted these concerns and cannot answer these criticisms. If they are unaware of these concerns or have chosen to ignore these concerns, they are not a fit or proper person to hold an operator's licence.

I would further refer you to the Blue Book and the City Council's conditions for operators and of their required policy and procedures (Section 147.10). I trust that the City Council has satisfied itself that UBER does have in place all of the requisite policy and procedures and in default that the same will be required together with the steps that have or will be taken with regard to the monitoring of such policy and procedures, before any application for an operator's licence can be considered further.

It would appear that there are a number of outstanding complaints relating to UBER Worldwide with several European cities banning them altogether. In the circumstances I trust that UBER have complied with the requirement to give full details of all complaints received during the previous 12 months (whether upheld or not) with their application (Section 147.11 of the Blue Book).

You will appreciate the limited time that I have had available to respond to the consideration of the application for an operator's licence by UBER having only received your notification ("briefing document") yesterday. However, there are already a number of articles and concerns expressed relating to UBER's unfair business practices as well as public safety. No doubt if you consider it appropriate you would undertake further research in this respect and as I will try to do so in the meantime as well. Presumably from the application by UBER the full details of that company is set out and as to whether it is a UK registered company as if it is not I would further question whether that may be an additional ground by which this company should not be considered as being

a fit and proper person to hold an operator's licence.

If, notwithstanding the foregoing, the City Council considers UBER is a fit and proper person to hold a Private Hire Vehicle Operator's Licence, I would respectfully suggest further that the Council should in granting any such licence consider applying the points set out in paragraphs (a) – (e) by way of conditions to any such operator's licence. The City Council does of course have more than adequate statutory power to do so and, in view of the recent events in Rotherham, must be certain that all new licenses must only be issued to both individuals and companies who meet all the right criteria.

If as I hope will be the case that it is accepted that current UBER does not satisfy the requirement to establish it is a fit and proper person to have an operator's licence granted at this stage, the Council can seek additional information to enable it to consider more fully the application currently being made not least again upon the grounds set out above in paragraphs (a) to (e). Any decision then to be made by the Council could quite properly be postponed until the appropriate subsequent Licensing Committee Meeting.

It is in all of the foregoing circumstances that at this stage the application for an Operator's Licence by UBER should be refused. In your briefing document yesterday you suggested that the financial clout of UBER could result in expensive litigation but at that stage you should get legal advice and until such application is determined the Magistrates Court to which UBER would need to appeal should be a no costs forum.

I would be grateful if you would acknowledge immediate receipt of this letter and upon which I look forward to hearing from you. I am also taking the opportunity to circulate a copy of this letter to Tim Nichols, Simon Court and all City Councillors.

Yours sincerely

Dave Smith
Chairman
Brighton and Hove Streamline

