



General Licensing Sub Committee Agenda

9.30 am, Tuesday, 13 August 2024

Council Chamber, Town Hall, Darlington, DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Attendance at Meeting
2. Election of Chair for the purpose of the meeting
3. Declarations of Interest
4. Private Hire Operator Licence –
Report of the Group Director of Services
(Pages 3 - 52)
5. EXCLUSION OF THE PUBLIC AND PRESS –

To consider the exclusion of the Public and Press :-

RECOMMENDED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part I of Schedule 12A of the Act.

PART III

NOT FOR PUBLICATION

6. Private Hire Driver Licence (Exclusion Paragraphs 1 and 7) –

Report of the Group Director of Services
(Pages 53 - 114)

7. SUPPLEMENTARY ITEM(s) (is any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
8. Questions



Luke Swinhoe
Assistant Director Law and Governance

Monday, 5 August 2024

Town Hall
Darlington.

Membership

Councillors Curry, Donoghue, Haszeldine, Kane and Ray.

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Democratic and Elections Officer, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays Email: paul.dalton@darlington.gov.uk or Tel 01325 405805

**GENERAL LICENSING
SUB COMMITTEE
13 August 2024**

PRIVATE HIRE OPERATOR LICENCE

Purpose of Report

1. To invite Members to consider a report in respect of:

The grant of a Private Hire Operators Licence (PHO) out of scope of policy.

2. The schedule attached to this report give details of the application for consideration.
3. Members are requested to consider any appropriate action, which may include the refusal to grant a licence to operate vehicles.

Human Rights Act

4. When considering matters relating to the grant of a licence and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group, or Company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition, consideration must be given to whether the interference is proportionate.

Legal Implications

5. There are no issues that the Assistant Director, Law and Governance, considers need to be brought to the specific attention of Members, other than those highlighted in the report

Crime and Disorder Act 1998 Section 17

6. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Recommendation

7. Members are requested to determine an appropriate course of action in relation to the attached reports and provide reasons for their decision.

Dave Winstanley
Group Director of Services

Background Papers

The Local Government (Miscellaneous Provisions) Act 1976
The Town Police Clauses Act 1847
Darlington Council's Licensing Policy in respect of the Taxi Trade

APPENDIX 1 Application from Uber

Colin Dobson x 5988

GENERAL LICENSING SUB COMMITTEE
13 AUGUST 2024

Ref: 09/24

ITEM FOR DECISION

APPLICANT:

UBER BRITANNIA LTD

ADDRESS:

**STUDIO 10, YARM ROAD BUISNESS PARK, LINGFIELD
WAY, DARLINGTON, DL1 4QZ**

PURPOSE OF REPORT:

GRANT OF PRIVATE HIRE OPERATORS LICENCE

DATE OF APPLICATION:

22 MAY 2024

COMPANY:

UBER

GRANT OF PRIVATE HIRE OPERATORS LICENCE

Purpose of Report

1. To invite Members to consider a report for the grant of a new Private Hire Operator (PHO) licence outside the scope of Darlington Borough Councils (DBC) Private Hire and Hackney Carriage Licensing Policy.

Application Details

2. On 22 May 2024, Neil McGonigle submitted an application for a PHO licence on behalf of Uber Britannica Ltd (Uber), which is at **Appendix 1**. Uber are registered with Companies House and Neil McGonigle is listed as a Director. The applicant wishes to operate from Studio 10, Yarm Road Business Park, Lingfield way, Darlington, DL1 4QZ, which is in the controlled area of DBC. A map of this location is at **Appendix 2**. This is an application for a five year licence.

Information

3. A private hire operator is defined as: *'a person who in the course of business makes provision for the invitation or acceptance of bookings for private hire vehicles.'*
4. The objective in licensing private hire vehicle operators is to protect the public. They are trusted to safely dispatch drivers and vehicles, so it is important for licensing authorities to be sure that those who are granted a PHO licence pose no threat to the public. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed, which will maintain the safety benefits of the driver/vehicle licensing regime.
5. Case law has established that private hire operators may only dispatch vehicles and drivers that are licenced by the same local authority as the operator. This has become known as the 'triple lock licensing rule' or 'trinity of licences.' It has also been established that the operator can use the vehicles within its organisation for journeys both inside and outside of the local authority in which it is licensed, and can use such vehicles and drivers that ultimately have no connection with the area in which they are licensed. Indeed, Uber are already lawfully taking passengers on journeys within Darlington using the 'trinity of licences' rule.
6. A PHOs licence is granted under section 55, Local Government (Miscellaneous Provisions) Act 1976, and required to enable a person to accept or invite bookings for private hire vehicles. In Darlington, applicants are required to operate from a base within the controlled district of Darlington Borough Council and must comply with regulations and conditions before a licence is granted. Those conditions along with associated legislation are at **Appendix 3**. Subject to the provisions of this Act, a Council shall not grant an operator's licence unless they are satisfied that the applicant is a fit and proper person. If granted, the Council may attach conditions they consider reasonably necessary.

7. The fit and proper test is open-ended and what makes someone fit and proper to hold a licence is not set down by statute. Provided that the test is approached by considering the purpose of the legislation; regulatory compliance and public safety, an authority is free to take into account any factor which they consider goes to the driver's or operator's fitness and propriety (Local Government Lawyer article 2018, Philip Kolvin KC).
8. Unlike hackney carriage and private hire drivers, the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 does not apply to private hire operators. It is not possible to obtain an enhanced Disclosure and Barring Service (DBS) check, however they can be asked to obtain a Basic Disclosure. The applicant along with a fellow director have in fact supplied DBC with an enhanced DBS and no issues were identified.
9. There is no requirement within the Act for a consultation to take place in relation to an application for the grant of private hire vehicle, driver or operator licences.
10. In January 2021 DBC's Private Hire and Hackney Carriage Licensing Policy was implemented following approval by Full Council. Within this policy there is a condition that a private hire operator's licence will not be issued unless the applicant operates from a premises within the borough of Darlington and a fixed landline telephone number for bookings must be provided at the premises. This condition has been within the policy for a number of years and was included as a measure to ensure passenger details were recorded through a legitimate operator in Darlington.
11. Although Uber have a business premises located in Darlington with the appropriate planning permission, they do not have a telephone line for bookings to be made. As this falls outside DBC's policy, the decision to grant a PHO's licence is removed from Officers delegated authority and it is for Members to make a determination.
12. It is acknowledged that technology has now progressed and a fixed line telephone at a local office can be immediately diverted to a contact centre outside DBC's area. Indeed app based technology on hand held devices has removed the need for any direct telephone contact when making a booking, whilst still complying with statutory standards for recording details.
13. To reflect these changes in DBC's policy will require an interim review with full public consultation, which will not be reasonably practicable for this application. A full review of the policy will take place in 2025 and the requirement for a fixed landline telephone will be considered in that review.

Uber

14. Uber is a global company located in more than 10 thousand cities throughout 70 countries. The UK element of their business is based in London with regional Officer's throughout the country to deal with local issues. Their mission statement is at **Appendix 4**.
15. Uber currently hold 68 PHO licences throughout the country. These are listed at **Appendix 5** and five of those licences are in the North East:
 - Newcastle - first issued 2015
 - Sunderland - first issued 2016

- Durham - first issued 2017
- Stockton - first issued 2024
- Middlesbrough - first issued 2024

16. Contrary to recent local media reports, Uber have never applied for a licence in Darlington so we have no licence history to disclose other than that available on open source searches.
17. Over the years Uber has been subject to a great deal of media interest and often mis-information. To be clear, Uber operate within UK licensing framework, with the main difference being that they use app based technology on smart phones, enabling passengers to request their own bookings rather than the passenger calling a private hire operator directly. Once the trip request has been submitted via the app it will be instantly routed to an Uber driver based in their location. Essentially it is an online booking service for private hire vehicles without the need for a centralised booking service. It is also recognised that many other private hire operators are now using app based technology alongside a traditional call centre.
18. DBC's licensing policy provides an option to require sight of an applicant's business plan and any further information as required. Uber have provided information by way of a presentation, which is at **Appendix 6**. This presentation outlines the features of their app and how they operate, along with their complaints procedure.
19. Members may be aware of the high profile Transport for London's (TfL) refusal to renew its licence in September 2017, saying it showed a "lack of corporate responsibility" with "public safety and security implications". Ultimately, to retain its licence and the trust of TfL regulators, Uber had to build a corporate culture fit for its future. This included enhancing governance structures, establishing new communication protocols internally, and with its regulator, create an independent assurance procedure (all making significant changes to Uber's business model). As a result of the changes made within the organisation, Uber maintained its licence with TfL.
20. Members should also be aware that the taxi and private hire trade in London work under a different legislative framework to the rest of the country.
21. A major high profile data breach in 2016 was a factor that led to City of York Council refusing to renew its PHO licence in 2017. Whilst Uber admitted they initially made mistakes in how they handled that incident, they have since made significant changes to how they store data to prevent a recurrence. On 11 June 2024, York's Licensing & Regulatory Committee made a decision to grant Uber a PHO licence ending their hiatus within the city.
22. On request, Uber have provided a list of refused, suspended and revoked licences, which is at **Appendix 7**

Decision

23. Members are aware that they must have regard to the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures.
24. The Council's Licensing Policy advises that in assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits.

25. In applying these guidelines, the Council will consider its responsibility with regard to safeguarding the public and, in particular, children and vulnerable adults. The Council must be confident that the applicant is a fit and proper person.
26. When determining the fitness and propriety of PHOs, to enable consistent and informed decisions to be made it is important to have a working test, which is:
27. *"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?"* (Institute of Licensing guidance published 2018)
28. If the answer to this question is an unqualified yes, then the test is probably satisfied. If, on the balance of probabilities, Members have doubts then further consideration will be given as to whether the individual/company is a fit and proper person.
29. The Council's focus is on the impact the applicant has upon members of the public and does not require any consideration of the personal circumstances of the applicant, which are irrelevant.
30. Therefore, the options available for Members are to:

Grant the licence with standard conditions

Grant the licence with standard conditions and any such conditions considered reasonably necessary

Refuse the licence

A licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as Members think appropriate in the circumstances of the case.

31. In considering their decision, the Committee should be satisfied that any decision approved by this authority is based on the following factors:
 - It is in line with best practice,
 - It is in the interest of public safety,
 - That the applicant is treated fairly and given an opportunity to discuss the matter,
 - That the decision-making process is clear and transparent.
32. If the applicant is aggrieved by the refusal to grant an operator's licence or by any conditions attached to the grant of the licence, they may appeal the decision, under Section 55(4) of the Local Government (Miscellaneous Provisions) Act 1976. The appeal must be made to the Magistrates Court within 21 days of the applicant being informed of the decision.
33. An Uber representative has been invited to attend this meeting.

Human Rights Act

34. Article 1 of Protocol 1 of the European Convention of Human Rights confers on individuals (and companies) the Right to Peaceful Enjoyment of their Possessions and the Protection of Property.
35. Once granted, a Licence is a possession.
36. No one can be deprived of his property or have controls put on his property except where the action is permitted by law and justifiable in the public or general interest.
37. When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition, consideration must be given to whether interference is proportionate.

Legal Implications

38. There are no issues that the Assistant Director, Law and Governance consider needs to be brought to the specific attention of Members, other than those highlighted in the report.

Crime and Disorder Act 1998 Section 17

39. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Recommendation

40. Members are requested to determine an appropriate course of action in relation to the contents of this report and provide reasons for their decision.

Dave Winstanley
Director of Group Services

Contact Officer - Colin Dobson x5988

APPENDIX 1 Application form from Uber

APPENDIX 2 Map showing Uber business premises location

APPENDIX 3 PHO legislation and conditions

APPENDIX 4 Uber mission statement

APPENDIX 5 Presentation from Uber

APPENDIX 6 List of current Uber licences held in the UK

APPENDIX 7 List of refused, suspended and revoked licence history



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Appendix 3

Private Hire Operator Licences Legislation, Policies and Conditions

Section 55 Local Government (Miscellaneous Provisions) Act 1976

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.

In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration status from operating a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State.

- (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.

Authorised Officers (Legislation, Section 73 LG(MP)Act 1976)

766. You must not obstruct any Authorised Officer or police officer. You must provide any assistance or information (s)he may reasonably require.

Criminal Record Check (Policy)

767. If you are not a licensed driver you will be required to produce a basic DBS check within the last month which will be required every year.

Location of Operating Premises (Policy)

768. It is a requirement of licence that the applicant operates vehicles only from premises within the controlled district of the Council. These premises must also have planning permission for private hire use.

Subcontracting Private Hire Bookings (Section 55 A and B)

769. The Deregulation Act 2015 inserts two new sections into Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 in relation to the sub-contracting of bookings from one private hire vehicle operator to another. It applies in England and Wales, but not in London or in Plymouth where different legislation applies.

770. In accordance with the new provisions an operator who accepts a booking for a private hire vehicle can sub-contract it to four types of operator:

- (a) an operator licensed and located in the same district as the initial operator;
- (b) an operator licensed and located in a different district from the initial operator
(a different district but one which is still governed by the same legislation – in practice this means a district in England or Wales but outside London or Plymouth);
- (c) an operator licensed and located in London; or
- (d) a person located in Scotland.

771. It is already lawful for a private hire vehicle operator to sub-contract a booking to another operator licensed in the same licensing district, it has been included within the new Act because it is not currently expressly stated within the Act of 1976.

772. Subsection (2) of new section 55A clarifies that the new provision affects the legal position in respect of PHV operation under the 1976 Act; it is immaterial if the agreement between the passenger making the booking and the initial operator permits sub-contracting.

773. The purpose of subsections (3), (4) and (5) of new section 55A is to cover the scenario of a private hire vehicle operator who is licensed under section 55 of the 1976 but also holds a private hire vehicle operator licence in a different district or operates in a different area. This could happen where, for example, a company operates in a number of different areas.

774. Subsection (3) covers the scenario where an operator holds licences under section 55 of the 1976 Act for more than one licensing district. Subsection (4) covers the scenario where an operator holds a licence under section 55 of the 1976 Act and also holds a private hire vehicle operator licence issued by Transport for London in respect of London.

775. Subsection (5) covers the scenario where an operator holds a licence under section 55 of the 1976 Act and also operates private hire cars or taxis in Scotland. Together, these subsections clarify that operators may sub-contract bookings effectively to themselves in the other districts or areas in exactly the same way that an operator can sub-contract to different operators by virtue of subsection (1).

776. Subsection (6) provides that the terms “London PHV operator” and “operating centre” mean exactly the same as when they are used in the legislation which regulates private hire vehicles in London.

777. The new section 55B deals with operator liability in connection with subcontracting. Subsection (1) simply draws a distinction between the operator who accepts the original booking and the operator who accepts the sub-contract (labelling them the first operator and the second operator respectively).

778. Subsection (2) of new section 55B establishes that an initial operator who subcontracts a booking to an operator based in a different district or area in accordance with section 55A(1) does not breach the requirement in section 46(1)(e) of the 1976 Act (the requirement being that the driver and vehicle used to fulfil the booking must be licensed by the same licensing authority as granted the operator's licence).

779. Subsection (3) applies to an operator licensed under section 55 of the 1976 Act who sub-contracts to an operator also licensed under section 55 of the 1976 Act (whether in the same or a different district). The subsection introduces criminal liability for the first operator if the second operator breaches the requirement in section 46(1)(e) in relation to the booking and the first operator knew the second operator would do so (i.e. knew the second operator would use a driver or vehicle that was not licensed in the same district as the second operator).

780. The section forms part of the law of England and Wales. It applies in England and Wales except in London or Plymouth where different legislation applies (although it does permit the sub-contracting of bookings to London operators).

781. Where a private hire vehicle is subcontracted the Private Hire Operator is obliged to keep a record of the subcontract.

Production of Licence (Legislation Section 56(4) LG(MP)Act 1976)

782. You must produce your Private Hire Operator Licence when asked to do so by an Authorised Officer or Police Officer.

Touting (Legislation – Section 167 Criminal Justice and Public Order Act 1994)

783. The operator and/or his employees shall not:

(a) tout or solicit on a road or other public place any person to hire or be carried out for hire in any private hire vehicle; or

(b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.

("road" in the above means any highway and any other road to which the public has access, including bridges over which a road passes).

Vehicle and Drivers Licences (Legislation – Section 46 LG(MP)Act 1976)

784. The Operator and/his employees shall not operate any private hire vehicle or driver if a current licence issued by the Council is not:

(a) in force for the vehicle under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976; and

(b) held by the driver under Section 51 of the said Act.

Private Hire Operator Conditions

PO1. Booking Records (Legislation Section 56 (2)-(4) LG(MP)Act 1976 and Condition PO1)

785. Operators are required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff to ensure that any individuals added to the register are compatible with their policy on employing ex-offenders.

786. Every licensed private hire operator must keep a record of every booking of every private hire vehicle operated by him/her and of every sub-contract made with the operator or arranged by the operator. The records must be continuous, chronological records.

787. There must be only one set of records: cash and credit account bookings can be separately identified but must not be in separate sets of records.

788. The record must be kept in the form described in the following condition:

(a) records must be kept in a suitable form in a continuous, chronological order, approved by the Council the pages of which are consecutively numbered, or

(b) on a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper. Records must not be capable of retrospective alteration or amendment, and;

(c) the operator or his/her agent/employee must enter, before the commencement of each journey, the following particulars of every booking of every private hire vehicle operated by him/her, the:

- name and address of the hirer;
- date, time and pickup point of the booking;
- destination;
- number of passengers to be carried;
- when and how the booking was made i.e. telephone, personal call;
- registration and plate number of the vehicle allocated;
- name of the driver allocated to the booking and call sign of the vehicle;
- amount to be charged; (where applicable);

- name of the person who took the booking;
- name of the person who dispatched the vehicle;
- details of any sub-contract arrangement;
- remarks.

(d) You must also keep records of the particulars of all private hire vehicles and drivers operated by you. These must include the owner of the vehicle, registration number, private hire vehicle licence number, any radio call sign used and all driver licence numbers.

(e) All records are to be kept for a period of not less than 12 months following the date of the last entry and to be produced for inspection on the request of an Authorised Officer of the Council or a Police Officer.

(f) You must not enter into your booking records details of any fare that has not been pre-booked by the hirer through your operating base, either by telephone or personal caller (NB It is an offence to enter details of any illegal plying for hire in an attempt to make such activity appear to be a legitimate booking).

PO2. Booking Records – Hackney Carriages

789. Where a licensed Private Hire operator accepts bookings for hackney carriages a record must be kept of each booking in the same format as all private hire bookings and this record must be produced on the request of an Authorised Officer of the Council or a Police Officer.

PO3. Change of Home Address

790. You must notify the Council, in writing (or electronically), within 7 days of any change of your personal address.

PO4. Change of Business Address

791. A Private Hire Operator licence is granted to you for the premises detailed at the time of application. It is not transferable to other persons or premises. Any change from the original application will be dealt with as a new application. You will be required to make a new application accordingly.

PO5. Complaints

792. You must notify the Council, in writing (or electronically), within 7 days of any complaints concerning a contract for hire or intended contract for hire relating to or resulting from his business and of the action (if any), which you have taken or propose to take.

793. Where a complaint is investigated by an Authorised Officer of the Council you shall comply with any reasonable directions of the Officer in respect of that complaint.

PO6. Convictions

794. If you are cautioned for or convicted of any motoring or criminal offence you must notify the Council, in writing (or electronically), within 7 days. If the licence is in the name of a Company or Partnership the cautions/convictions of any Directors or Partners must be disclosed.

PO7. Display of Licence

795. If the public has access to your operating premises you are required to display your Private Hire operator Licence in your operating premises together with a copy of your licence conditions and the Local Government (Miscellaneous Provisions) Act 1976.

PO8. Radio Licences

796. If you have two-way radios fitted to the vehicles you operate you must produce evidence of an Ofcom Licence to the Council and provide all details of radio frequencies, together with call signs/numbers of all vehicles using two –way radios.

PO9. Use of passenger carrying vehicles (PCV) licensed drivers

797. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking will not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

798. Where a private hire vehicle is unsuitable, the booker must be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

PO10. Equal Opportunities

799. You must at all times treat your passengers or any potential passenger with courtesy and respect. You and your employees must not discriminate against any person with a protected characteristic of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex.

PO11. Facilities for Passengers

800. You must ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room. Where a waiting area or room is provided for the use of passengers or prospective passengers you shall:

(a) provide adequate seating for the use of those passengers or prospective passengers; and

(b) ensure that such room or area is kept clean, adequately heated, ventilated and lit; and

(c) ensure that the interior and exterior of the premises is kept in good repair, to the satisfaction of the Council.

PO12. Fares

801. The fare charged by you shall be agreed with the hirer at the time of booking.

PO13. Parking

802. Where adequate off street parking is not available at the operating address specified on the licence you shall inform the Council, in writing all locations where vehicles will be parked when waiting for bookings.

PO14. Planning and Permission

803. You must have Planning permission for private hire use at your operating premises. You must comply in every respect with the requirements of the current planning legislation.

PO15. Right of Access

804. You must permit any Authorised Officer of the Council onto your operating premises at all times when acting as a Private Hire Operator and provide him/her with access to all records which (s)he may reasonably require.

PO16. Standard of Service

805. You must provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must, in particular:

(a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless preventable matter, attend at the appointed time and place.

(b) Keep clean, adequately heated, ventilated and lit any premises which you provide and to which the public have access, whether for the purpose of booking or waiting.

(c) Ensure that any telephone facilities and radio equipment provided are, at all times, kept in good working order and that any defects are repaired promptly.

(d) Ensure that you do not describe the private hire service offered by the use of advertising signs, printed words, broadcasts or by any other media which use the words "Hackney Carriage" or "Taxi".

PO17. Taximeters

806. When taximeters are used you must notify the Council of the fare rate and any subsequent changes made to that fare rate during the period of your Operator licence. Where any vehicle operated is fitted with an approved taximeter you shall ensure that the

taximeter is set to the fare rate notified to the Council and properly sealed in accordance with Council regulations.

PO18. Vehicles to be used

807. It shall be a requirement that hackney carriage and private hire vehicles and drivers that have been licensed by Darlington Council shall be used within the controlled district of Darlington unless it is necessary to sub-contract a booking. In this case the operator must ensure that the same standard of vehicle and driver is provided by the sub-contractor. This is to ensure that the travelling public of Darlington are provided with a consistent standard of service.

PO19. Absence

808. If you are to be absent for 15 days or more you must notify the Council in writing, prior to the absence. A responsible person should be nominated to take responsibility of the business during your absence. Contact details of this person must be provided, in writing to the Council. You will still be responsible for all activities relating to the operation of the business.

Licence Duration (Policy)

272. New applicants and applicants for renewal of licence be offered the opportunity to make an application for a 5 year licence in those cases where there are no issues concerning the application.

Appendix 4

Mission statement

We are Uber. The go-getters. The kind of people who are relentless about our mission to help people go anywhere and get anything and earn their way. Movement is what we power. It's our lifeblood. It runs through our veins. It's what gets us out of bed each morning. It pushes us to constantly reimagine how we can move better. For you. For all the places you want to go. For all the things you want to get. For all the ways you want to earn. Across the entire world. In real time. At the incredible speed of now.

We are a tech company that connects the physical and digital worlds to help make movement happen at the tap of a button. Because we believe in a world where movement should be accessible. So you can move and earn safely. In a way that's sustainable for our planet. And regardless of your gender, race, religion, abilities or sexual orientation, we champion your right to move and earn freely and without fear. Of course, we haven't always got it right. But we're not afraid of failure, because it makes us better, wiser and stronger. And it makes us even more committed to do the right thing by our customers, local communities and cities, and our incredibly diverse set of international partners.

The idea for Uber was born on a snowy night in Paris in 2008, and ever since then, our DNA of reimagination and reinvention carries on. We've grown into a global platform powering flexible earnings and the movement of people and things in ever expanding ways. We've gone from connecting trips on 4 wheels to 2 wheels to 18-wheel freight deliveries. From takeaway meals to daily essentials to prescription drugs to just about anything you need at any time and earning your way. From drivers with background checks to real-time verification, safety is a top priority every single day. At Uber, the pursuit of reimagination is never finished, never stops, and is always just beginning.

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Licence Holder:	Matthew Freckelton		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Ipswich Borough Council	13/05/2024	13/05/2024	30/04/2029
Bath and North East Somerset Council	01/11/2015	31/01/2023	30/09/2027

Licence Holder:	Uber Ireland Technologies		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
National Transport Authority	25/06/2014	01/07/2024	01/07/2025

Licence Holder:	Uber Scot Ltd.		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Edinburgh City Council	20/03/2015	29/05/2023	25/07/2024
Glasgow City Council	27/05/2015	01/03/2024	28/02/2029

Licence Holder:	Neil McGonigle		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Leeds City Council	09/11/2014	13/05/2021	12/05/2026
Wakefield Council	20/02/2015	05/06/2020	04/06/2025
Bradford Metropolitan Borough Council	01/05/2015	24/06/2020	23/06/2025
Calderdale Council	14/03/2016	11/06/2020	10/06/2025
Stockport Metropolitan Borough Council	14/06/2014	01/12/2021	30/11/2026
St Helens Council	05/01/2016	04/01/2021	04/01/2026
Havant Borough Council	19/01/2016	19/01/2021	18/01/2026

Licence Holder:	Uber London Ltd.		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Transport for London	31/05/2012	28/03/2022	27/09/2024

Licence Holder:	Uber Britannia Ltd. Neil McGonigle Andrew Brem		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Cheshire West & Chester Borough Council	30/05/2017	19/04/2024	19/04/2029

Licence Holder:	Shammi Raichura		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Nottingham City Council	01/11/2015	16/06/2021	30/07/2026

Licence Holder:	Uber NIR Ltd.		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Belfast Driver & Vehicle Agency	02/12/2015	24/11/2020	01/12/2025

Licence Holder:	Uber Britannia Ltd.		
Licensing Authority	First Licence Issue Date	Current Licence Issue Date	Current Licence Expiry Date
Birmingham City Council	06/02/2015	29/01/2021	31/01/2026
Solihull Metropolitan Borough Council	12/05/2015	10/03/2021	11/05/2026
Walsall Council	26/11/2015	13/11/2023	12/11/2028
Dudley Metropolitan Borough Council	20/02/2016	29/01/2024	28/01/2029
City of Wolverhampton Council	11/05/2016	14/05/2021	13/05/2026
Brighton & Hove City Council	05/11/2015	11/12/2023	10/12/2028
Chichester District Council	14/12/2016	14/12/2021	13/12/2026
Lewes District Council	13/02/2017	20/09/2023	12/02/2027
South Cambridgeshire District Council	09/12/2015	17/11/2021	08/12/2026
Cambridge City Council	21/12/2015	21/12/2021	20/12/2027
Colchester City Council	04/04/2024	04/04/2024	03/04/2029
Peterborough City Council	16/05/2024	16/05/2024	15/05/2029
The City of Cardiff Council	23/12/2015	07/12/2020	22/12/2025
Newport City Council	16/08/2016	16/08/2021	15/08/2026
Neath Port Talbot Council	08/05/2024	08/05/2024	07/05/2029
Swansea Council	12/01/2024	12/01/2024	31/12/2028
Hull City Council	12/02/2024	12/02/2024	31/10/2028
Kirklees Metropolitan Borough Council	03/02/2015	17/08/2021	16/08/2026
Leicester City Council	02/04/2015	15/12/2022	14/12/2027
Manchester City Council	01/02/2014	07/07/2022	31/07/2026
Salford City Council	16/10/2014	28/10/2021	28/11/2028
Trafford Council	01/11/2014	22/09/2023	01/01/2025
Bury, Metropolitan Borough of	07/03/2015	23/03/2024	22/03/2025
Oldham Council	25/03/2015	25/03/2021	24/03/2026
Bolton Metropolitan Borough Council	26/03/2015	26/03/2024	25/03/2025
Rochdale Borough Council	26/04/2015	14/09/2023	25/04/2028
Tameside Metropolitan Borough Council	15/09/2015	31/08/2023	30/08/2028
Wigan Council	14/10/2015	07/09/2023	06/09/2028
Rossendale Borough Council	08/12/2015	24/01/2023	23/01/2028
Sefton Council	19/06/2015	19/06/2021	18/06/2026
Knowsley Metropolitan Borough Council	21/10/2015	04/11/2021	03/11/2026
Wirral Council	26/11/2015	26/11/2020	25/11/2025
Liverpool City Council	24/11/2016	23/05/2024	23/11/2026
West Northamptonshire	13/03/2024	13/03/2024	12/03/2029
Newcastle City Council	24/02/2015	04/02/2021	23/02/2026
Sunderland City Council	22/03/2016	01/03/2021	28/03/2026
Durham County Council	05/01/2017	05/01/2022	08/01/2027
Stockton-on-Tees Borough Council	22/01/2024	22/01/2024	30/11/2028
Middlesbrough	24/06/2024	24/06/2024	31/05/2029
Derby City Council	13/12/2016	14/12/2021	13/12/2026
Sheffield City Council	12/12/2014	01/03/2023	29/02/2028
Rotherham Borough Council	23/10/2015	23/10/2023	22/10/2024
Portsmouth City Council	18/01/2015	25/01/2021	31/01/2026
Fareham Borough Council	16/12/2015	20/04/2020	30/04/2025
Southampton City Council	01/02/2016	01/01/2022	31/12/2026
New Forest District Council	12/05/2016	01/05/2021	30/04/2026
Bristol City Council	03/01/2015	03/01/2021	02/01/2026
Gloucester City Council	17/04/2024	17/04/2024	16/04/2029
South Gloucestershire Council	22/06/2015	06/07/2022	22/07/2027
North Somerset Council	12/10/2015	12/10/2021	11/10/2024
Stoke-on-Trent City Council	14/08/2015	09/02/2022	08/02/2027
Newcastle-Under-Lyme Borough Council	22/02/2016	16/02/2024	15/02/2029

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Darlington Borough Council

Uber Private Hire Operator Licence Application - Licensing Committee Presentation

Agenda

- 01** UK Footprint
- 02** Uber Rider App
- 03** Safety Features
- 04** Driver and Vehicle Onboarding
- 05** Booking Records
- 06** Safety Complaints Process
- 07** Law Enforcement Liaison
- 08** Enhanced Pick up and Drop off
- 09** EV and Net Zero
- 10** Uber and GMB
- 11** Driving with Uber

UK Footprint

Uber

67

Towns and Cities

100,000+

Drivers

5m+

Active Riders

1B+

Completed Trips

£5bn

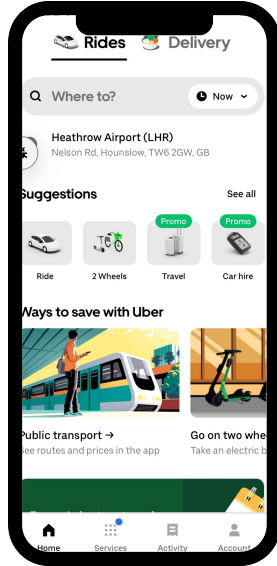
Economic activity unlocked
in the UK in 2022

£686m

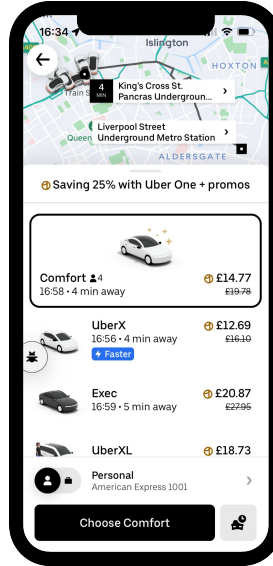
Night time economy activity
enabled

Uber Rider App

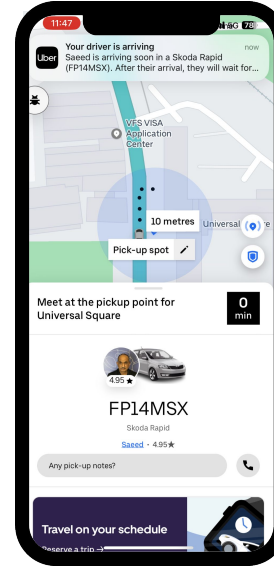
Open



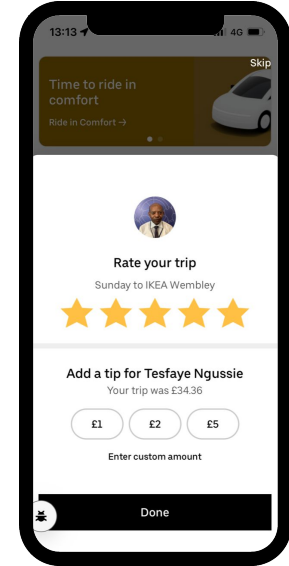
Book



Ride



Rate



Page 38

GPS identifies location and riders enter a destination.

Riders see an upfront price (UPF) and click to book their ride.

Riders know exactly who is picking them up and what car they are in, and can track progress.

Provide feedback after every trip. Payment is made and an email receipt sent.

Safety Features

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Before Trip



Drivers and vehicles are fully licensed



Technology-assisted checks to verify drivers identity



The rider knows the partner-driver is picking them up and can use PIN verification



Anonymised calls and chat between riders and drivers

During Trip



Uber tracks all trips on GPS to keep a record of the ride



Riders and Drivers can share their estimated time of arrival, which is tracked by a live GPS so loved ones can follow their route throughout the trip.



You can use the in-app emergency button to call the authorities. The app displays your location and trip details.



RideCheck can help detect if a trip has an unexpected long stop or a possible crash has occurred.

After Trip



1 - 5 star feedback rating on each trip



Fast response to issues and a rigorous approach to dealing with complaints



The system can prevent certain riders and drivers being matched on future bookings

Driver and Vehicle Onboarding

Page 4

Greenlight Hubs

Uber currently has over 100,000 active drivers across the UK who have successfully completed our onboarding processes.

Our Greenlight Hubs have on average 14k individual interactions with drivers each month.

In Person ID Check

Drivers attend an in person ID check at one of our Greenlight Hubs. An Uber team member will take a photograph of the driver which then appears in the app.

Document Upload

Driver and vehicle documents are uploaded remotely by the driver via the Uber app. Information on the documents are transcribed into Uber systems. E.g. expiry dates.

Document Checking

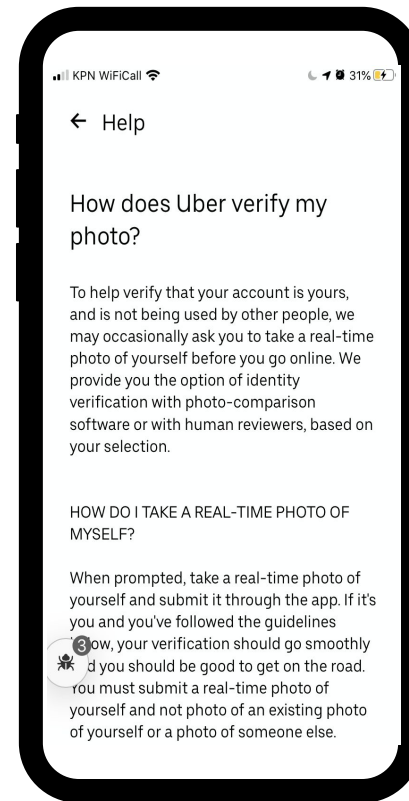
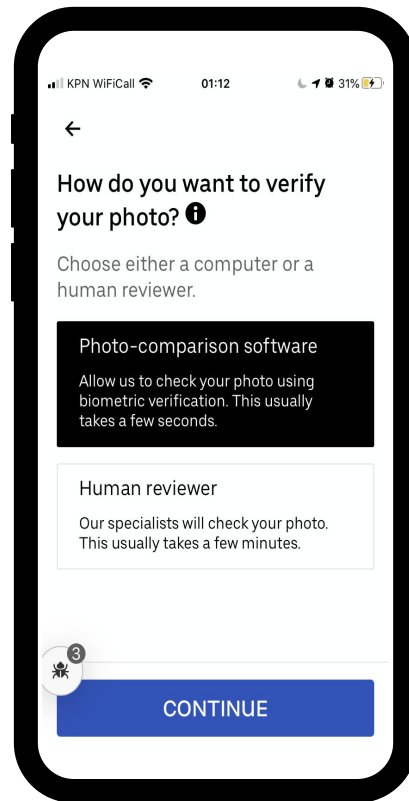
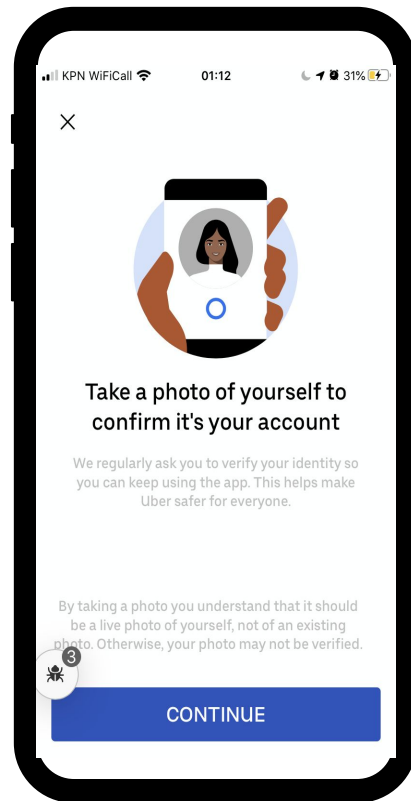
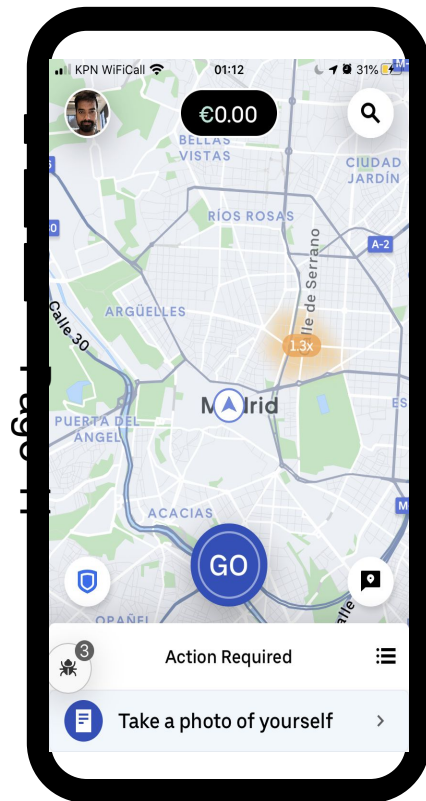
Documents are then checked against template versions received from the Council to identify potential fraudulent documents. Through API integrations with certain insurance companies, vehicle insurance documents are then checked with the insurer for their validity. If a Public Register is provided by the Council then that is also checked.

Green Light

Drivers are only eligible for dispatch when all required documentation is approved/checked and the onboarding session is completed.

Real Time Hybrid ID Check

Commercial in confidence



Booking Records

Every trip is logged in the Uber database, even if the trip is subsequently cancelled.

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Trip information is immediately available in case of any incident.
The trip log will show us:

- The exact route of the trip
- The timings of booking, arrival, trip commencing, trip ending
- Details of rider, driver and vehicle
- Price of trip
- Fare quote provided to the customer before the trip

Commercial in confidence

Dedicated 24/7 email

Dedicated 24/7
Regulatory Phone Line

In person inspections /
prints at licenced office

Safety Complaints Process

Intake	Triage	Reporting	Investigation	Outcome
<p>Riders can contact rider support via:</p> <ul style="list-style-type: none">-24/7 Phone line-In-app help centre-Web: help.uber.com <p>We also respond to complaints directed at us on social media</p>	<p>We automatically route complaints to the appropriate agent based on the type of complaint.</p> <p>If appropriate, we suspend users access to the app while we investigate.</p>	<p>In line with regulatory requirements, we will report specific complaints to the local authority.</p> <p>We also report complaints to the relevant police force, in line with our agreed police reporting processes.</p>	<p>As appropriate, our Support Agents will reach out to impacted parties to gain their perspective, as well as reviewing any applicable records.</p>	<p>Our Safety Liaison Officers will make an outcome determination on the case.</p> <p>All records retained inline with conditions.</p>

Enhanced Pick up and Drop off

Allows Uber to create geofences and set pick up and drop off points within in a mapping tool.

Riders requesting a trip to or from a location within the geofence will be automatically routed to the set pick up or drop off point.

This tool is useful for:

- Large and complex venues like airports, football stadiums and racecourses
- Music festivals
- Pedestrianised Streets
- Hackney Ranks
- Railway Stations

Example: York City Centre. Pick up and drop off points outside of the new barrier entrances. The geofence is timed to turn on and off in sync with the new barriers.



Law Enforcement Liaison

As part of Uber's commitment to safety, we have a dedicated team that responds to requests for information from law enforcement and public health officials.

This support team is available everywhere we operate, 24 hours a day.

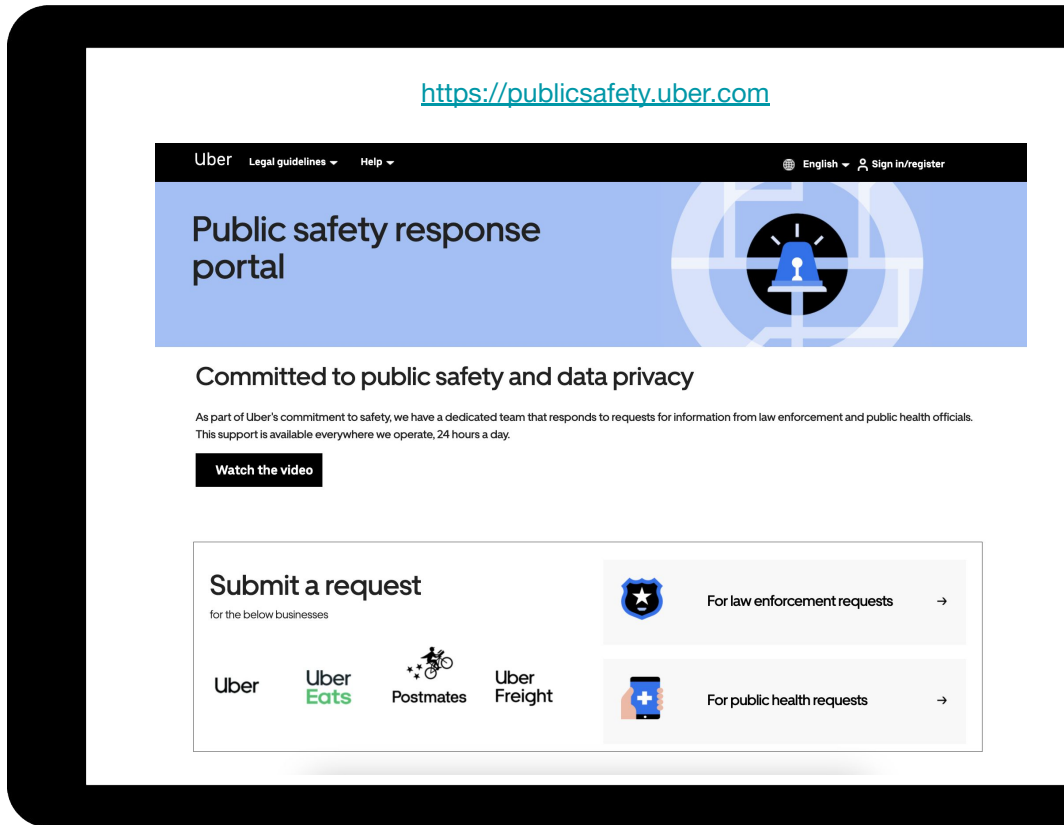
In line with Uber's Global Data Sharing Policy requests must be legal, proportionate & necessary and linked to an active investigation.

All requests are subject to a legality, proportionality & necessity (Privacy Focused) assessment.

A valid and sufficient legal process is required for disclosure of business records regarding customers or trips (IPA/MLAR/MLAT).

- Submit legal process
- Make emergency requests
- Request direct liaison
- Check ongoing requests
- Submit Common Law Police Disclosures

Video for more information: <https://youtu.be/gkjbXTxwTP8>



Electrification and Net Zero

We're committed to changing the way the world moves forward.

That's why we're aiming to be a zero-emission mobility platform across the UK by the end 2030.



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Active EVs

13.5k Active EVs in October 2023. By the end of 2025 we aim to have 100% electric vehicles in London with and the rest of the UK by the end of 2030.

Charging Incentives

Uber Pro account users can save on their monthly BP Pulse Subscription and access exclusive Uber charging points and reduced kWh rates.

EV Fund

Up to £150m fund for drivers to access to help them move to an EV vehicle.

Uber and GMB

In 2021, Uber and GMB signed the first national union recognition agreement ever in the gig economy.



Driver Casework

Over 1,000 drivers have been helped with Uber and GMB working together on casework to resolve driver issues.



Joint Training

We have designed and launched de-escalation training for drivers to support them in handling difficult interactions out on the road.



Driver Campaigning

Drivers should be free to work for multiple operators. All drivers should have worker protections including minimum earnings, pension and holiday pay. Ensuring where possible that drivers are seen as a key profession that keep communities and cities moving.

Driving with Uber

As workers; Uber drivers are entitled to the National Minimum Living Wage, Holiday Pay and access to a Pension.



Minimum Earnings Guaranteed

A guarantee to earn at least the National Living Wage while you're on Uber trips after expenses. This is a minimum amount, not a maximum, and you will continue to have the opportunity to earn more.

Holiday Pay

Drivers receive holiday pay. You will receive an additional 12.07% of your weekly earnings (after expenses) to reflect statutory holiday pay, making it easier to plan some much-needed downtime with family and friends.

Pension Plan

You will have access to a pension plan that will include contributions from you and Uber, helping you plan ahead and build a nest egg for the future.



Uber

End of Presentation

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Reading Borough Council

Uber Britannia Ltd's application for an operator licence was refused by Reading Borough Council (RBC) in March 2016. The reasons given were not relevant to this current application, being related to particular requirements in RBC's local licence conditions and concerns around local demand and the number of vehicles that will be operated in that area.

Swansea City & County Council

Uber Britannia Ltd's application for an operator licence with Swansea City & County Council (SCCC) was made alongside a request for an exemption to one of the conditions. Condition 22 requires the operator to check all vehicles before the start of each shift. Uber does not assign shifts to licensed private hire drivers who use our app. As independent contractors, drivers who use the app have the flexibility to switch the app on/off as they see fit, with many enjoying the flexibility of having no set shifts or minimum hours. It is felt that the purpose of this requirement is already adequately met by the driver and vehicle licence conditions and our ability to suspend those not in compliance where this is necessary. The exemption was not granted by the Licensing committee and in September 2017 the application was subsequently not successful. On 8 December 2024 Uber Britannia Ltd applied again for an Operator Licence with Swansea Council alongside another exemption request to Condition 22. This was granted as of 12 January 2024.

The City of York Council

The City of York Council refused Uber Britannia Limited's application to renew its PHO licence on 12 December 2017. This decision was made on two bases - Firstly, there had been a failure on Uber's part to inform the relevant authorities, including the Council, of a 2016 data breach in a timely manner. With respect to the first ground, Uber in 2017 was unequivocal in stating that the handling of the data breach in 2016 was wrong, and decisive in following through on that conclusion. The ICO's 2018 Penalty Notice in respect of that breach noted that "Uber has taken substantial and prompt remedial action to prevent a recurrence of this type of incident". Secondly, there had been an increase in complaints received by the Council regarding private hire vehicles driving in York which had been operated by Uber. With respect to the second ground, a subsequent FOIA enquiry revealed that 83% of the complaints in question had been submitted by the York taxi trade. On 27 March 2024 Uber Britannia Ltd applied again for an Operator Licence with The City of York Council, which was granted on 11 June 2024.

Transport for London

TfL refused Uber London Limited's application to renew its PHO licence in September 2017. The decision was appealed, and ULL was found to be fit and proper in June 2018, and the licence was renewed for 15 months. TfL refused Uber London Limited's application to renew its PHO licence in November 2019. On 28 September 2020 Westminster Magistrates' Court granted Uber a TfL operators licence for 18 months. On 28 March 2022, TfL granted Uber London Limited a 30 month PHO licence.

Sheffield City Council

On 29 November 2017, Uber Britannia Limited was issued a suspension notice by Sheffield City Council, due to a perceived failure to respond to a Section 73 request for information. However, due to a clerical error by the council, the request was posted to an address that did not exist. Once the situation came to light, Uber Britannia Limited was able to respond promptly and answer all of the questions within the Section 73 request. The issue was fully resolved within a matter of days, and the suspension notice was lifted before the suspension actually took effect.

Glasgow City Council

On 28 March 2018, a sub-committee for Glasgow City Council refused an application by Uber Scot Ltd. for a temporary licence at a new booking office address. The concerns cited at this time related to the day-to-day manager residing outside of Scotland as well as Uber's lack of phone contact for their Glasgow office. Following this, a new day-to-day manager was assigned to Glasgow and Uber was later granted a renewed 3 year licence for its updated booking office address on 18 April 2018.

Brighton and Hove City Council

Brighton and Hove City Council refused Uber Britannia Limited's application to renew its PHO licence in May 2018. The decision was appealed, and UBL was found to be fit and proper in December 2018, and the licence was renewed for five years. Following this, on 11 December 2023, Brighton and Hove City Council granted Uber Britannia Ltd a renewed 5 year PHO licence.

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of the Local Government Act 1972.

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