

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 13 March 2018

**PRESENT:** Councillors David Barker (Chair), George Lindars-Hammond and Andy Bainbridge

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#### **1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE**

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Private Hire Operators Licence, made under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (Case No.06/18).

4.2 Present at the meeting were Jay McGarrigle (Regional Lead Officer, Uber), Neil McGonigle (Head of Cities North of England, Uber), Philip Kolvin Q.C. (Barrister acting on behalf of Uber), Ryan Dolby-Stevens (Associate Counsel, Uber), 14 taxi drivers/taxi trade representatives, Steve Lonnia (Chief Licensing Officer and Head of Licensing), Craig Harper and Clive Stephenson (Licensing Strategy and Policy Officers), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Philip Kolvin stated that Uber currently hold a private hire operator's licence in the district of Sheffield under the name of Joanna Bertram, the current General Manager of Northern Europe, but she will be leaving the Company shortly. He added that legislation does not allow for a name transfer on such licence, therefore Uber made a fresh application in the name of Uber Britannia Limited. Mr. Kolvin said that Uber have been based in Sheffield since 2015, with more than 400 private hire drivers operating under the Uber app. Every driver was given a training pack to ensure they were fully compliant with the Council's private hire policy and that weekly meetings were held with the drivers to discuss any problems that had arisen. Mr. Kolvin further stated Uber were raising safety standards in the taxi and private hire industry in that it took around four minutes for passengers to obtain a taxi and the GPS tracking system enabled passengers to see a photograph of their driver before the car arrived and approximately how much the journey would cost. It also allowed passengers to share a real-time map

of the journey with family and friends, thereby making the journey easier, quicker and safer. Mr. Kolvin said that Uber operate in 83 areas in the UK and, when applied for, 35 operator licences have been granted/renewed in the past 12 months. He added that the Chief Executive of Uber, appointed in September, 2017, acknowledged that mistakes had been made on a global scale and there was a commitment to change the way the Company operated, especially in the UK. He outlined Uber's commitment to working beyond its normal remit and forging closer ties with local authorities, specifically Sheffield. He also addressed the wider issues concerning Uber, such as the relationships between driver and rider (the 'contract'), 'Greyball' and the data breach. Uber recognised that each local authority area has its own requirements and the Company reacted to this in order to continue having a good, transparent relationship with local authorities. Mr. Kolvin said that the main objection to the licence being granted was from one of the other main operators in the city and their primary concern was that Uber drivers would be licensed to operate throughout Yorkshire not just in Sheffield and there would be cross-border pick up and drop off, in addition to the threat of competition. It was suggested that the objections were in relation to Uber itself and not Uber's operation within Sheffield, where there have been no reported problems. He added that, from March, 2018, Uber are implementing restrictions on drivers who are licensed by local authorities outside Yorkshire ('Geofencing'). The Company realises this would impact on approximately 100 drivers, the majority of whom live in Sheffield but hold a licence elsewhere. It is intended to support these drivers to enable them to continue to use the Uber app in the city by offering a financial incentive to cover the cost of successful re-licensing with the City Council. Uber have also launched a clean air plan to tackle air pollution in the UK and as part of this plan, it is intended that every vehicle on the app will be a hybrid or fully electric model and are offering grants to drivers to assist them in the transition to low or zero emission vehicles in the not too distant future.

- 4.4 Mr. Kolvin stated that if a customer had a complaint, a 24/7 Incident Support Team would be able to respond to the issue as quickly as possible. Uber also have a Law Enforcement Response Team and an online portal through which the police could submit data requests and believe that these systems show commitment as a licensed operator on compliance and public safety. Mr. Kolvin referred to letters received from Uber drivers, one of whom, a lady, said that she felt safer driving for Uber due to the system capturing and managing digital versions of driver documentation and maintaining a digital record of all bookings and journey information. Mr Kolvin added that the Company attracted drivers who wanted flexibility, security and safety at work.
- 4.5 In response to questions from Members of the Sub-Committee, Neil McGonigle stated that the Company sends an email three times per week to the local authority regarding any complaints that have been received and will conduct their own investigations into the driver's conduct where it is considered appropriate. If a matter needed to be investigated further, the driver's app would be disabled preventing them from taking any more bookings until the matter is resolved. He added that Uber try to maintain a good working relationship with its drivers and appreciate that there are two sides to every story and use specially trained officers to determine the outcome of a complaint. Mr. McGonigle further stated that with regard to the rating and feedback available via the app, if a pattern of complaints

emerged, Uber would contact the driver and suggest improvements. Mr. Kolvin added that sometimes the complainant doesn't want to take the matter any further, but Uber will still report the complaint to the Licensing Authority. With regard to the number of hours that drivers are allowed to work, Mr. McGonigle said that the Company felt that up to 10 hours was a sensible limit, and after 10 hours, the app would be switched off for a period of six hours.

- 4.6 Members asked questions regarding illegal plying for hire, to which Mr Kolvin replied that prosecutions had been brought in other authorities but, as yet, there was still no case to answer. He added that the app can be configured locally to alleviate the concerns of the local authority, and that conditions could be added to the licence by the Licensing Authority. Mr. Kolvin stated that Uber had realised that it needed to develop good relationships globally, that it needed more licenses worldwide and the way forward was to establish good working relationships locally. Mr. Kolvin said that the entire ethos of Uber was to establish good working relationships as well as adhering to the law of the land. It was considered that it wouldn't be feasible to operate within boundaries, that the flexibility to provide a service to customers anywhere in the country wouldn't work if boundaries were set, in addition to the wasted driver time, an increase in emissions, and greater customer waiting time. The Company were looking into harmonising standards between licensing authorities, especially where Geofencing has been implemented. Clarity was given about the issue of plying for hire, in that Uber accepts bookings on behalf of drivers and then passes them on to drivers for them to respond.
- 4.7 Craig Harper outlined the options open to the Sub-Committee.
- 4.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.11 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the application for a Private Hire Operators Licence be granted for the term of five years, as applied for (Ref. No.06/18).

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