



Response to Request for Information

Reference FOI 001670
Date 08 November 2017

Uber Private Hire Operators License

Request:

UBER Britannia Ltd (UBER) applied to Wolverhampton Council (the Council) for a private hire operator's licence.

In the course of determining such an application, a council is entitled, pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, to ask for such information as it may reasonably require to enable it to determine the application.

Can you please answer the following questions:

- (1) Did the Council exercise its right to ask UBER questions? [The Council discussed the application with Uber to ensure the Council was satisfied that Uber were fit and proper to hold an Operator's licence.](#)
- (2) If the answer to question (1) is 'yes', please advise what questions were asked. [There was not a set list of questions asked, they completed our standard Operators application form and questions were asked to ensure they met our standard Operators conditions.](#)

For the avoidance of doubt, I appreciate the answers to such questions may be regarded as being commercially sensitive, so I do not ask for the answers given by UBER to any questions that may have been asked by the Council.

I do not ask for copies of correspondence passing between the Council and UBER, because I am not concerned with who was corresponding with whom or when. In the circumstances, all I ask for is a list of all the questions asked and am not concerned as to whether they were asked all at once or whether questions initially asked resulted in the posing of further questions. If, however, it is easier to the Council to provide a suitably redacted copy of the correspondence it sent posing such questions, I would be happy to receive the requested information in that format.

I appreciate that such questions may have been asked wholly or in part as a result of legal advice received by the Council, but in precisely the same way that such questions would have ceased to be subject to legal professional privilege when they were asked of UBER, I do not consider that such questions

could be exempt from disclosure under the legal professional privilege exemption.

I confirm that neither do I do seek to see a copy of any legal advice that may have been received by the Council in relation to any questions that may have been asked of UBER by the Council.

3. Can UBER provide details of their 'zonal' system. [This question needs to be asked of UBER.](#)
4. Does the UBER App differentiate between vehicles licensed by different Licensing authorities? [This question needs to be asked of UBER.](#)
5. Do customers using the UBER App to book a vehicle have a choice of which Licensing Authority that vehicle is licensed with? [This question needs to be asked of UBER.](#)
6. Can UBER explain how these bookings are allocated and recorded? [This question needs to be asked of UBER.](#)
7. Are these bookings recorded with each individual private hire operator? [This question needs to be asked of UBER.](#)
8. Is there a maximum range that an operator in a particular Licensing Authority can despatch a booking to? [This question needs to be asked of UBER. We do not restrict it by condition.](#)
9. We understand that the Uber system accepts a booking from a passenger via the smartphone application which is then routed via Uber operator's servers to the nearest available driver based upon the location of the passenger. Can you confirm that the booking is first received within the premises stated on your application as the registered operating office for Uber associated with the councils Operators License? [Uber has complied with our conditions.](#)
10. Will there be a server or other device located permanently in the premises specified in the application capable of receiving, recording and despatching a booking, (i.e. at the office registered on the Operators License)? [Yes](#)
11. A search of the Data Protection Public Register reveals that Uber London Ltd is registered but there does not appear to be any registration for Uber Britannia Ltd. Can this be explained please? [This question needs to be asked of UBER.](#)
12. The Equality Act 2010 requires that a private hire operator must not discriminate against a person requiring a wheelchair accessible vehicle (WAV) by not providing such a vehicle.
As well as being prohibited from discriminating by not providing the service, a service provider has a duty to make reasonable adjustments and it could be argued that a large private hire operator ought to be able to provide WAV's. Could you advise whether or not Uber can offer this service? [Yes, they have WAV's](#)

13. Under the Deregulation Act 2015 bookings can be sub-contracted between operators in different licensed districts. In such cases the booking must be recorded by each operator prior to despatch to the driver. Can you confirm this is the case with the Uber App? [Uber say they do not 'sub-contract', inspection of their records has not given rise to any concerns. This question needs to be asked of UBER.](#)
14. Where a booking is offered to, and declined by, a driver licensed with one authority, and which is then offered to and accepted by another driver who is licensed with a different authority, then sub-contracting would result. Can Uber explain how this process works on their platform? [Uber say they do not sub-contract. This question needs to be asked of UBER.](#)
15. What provision does Uber propose to make in the licensed area of Wolverhampton for the invitation or acceptance of bookings for a private hire vehicle? [This question needs to be asked of UBER](#)
16. It would appear from my consideration of the latest iteration of Uber's terms and conditions (11 January 2016, <https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.uber.com%2Flegal%2Fgbr%2Fterms&data=02%7C01%7Cfoi%40wolverhampton.gov.uk%7C0ae14fbe3fd24711546508d526a47f5c%7C07ebc6c370744387a625b9d918ba4a97%7C0%7C0%7C636457410322629031&sdata=Bx4TrK4SfdJ4kgN%2FjAnKE6mjQ6rgc4OuWwIOAcwQ5Ps%3D&reserved=0>) ("the Terms and Conditions") that UBL has no role in the provision of the Uber Rider App to potential passengers. This appears to be a service provided by Uber BV ("UBV") in accordance with Part 2, paragraph 2. Am I correct? [This question needs to be asked of UBER](#)
17. Where is the "Uber system" referred to, and which Uber entity operates it? [This question needs to be asked of UBER](#)
18. What is meant by "the criteria set by the local operator through the use of its dispatch tools"? [This question needs to be asked of UBER](#)
19. Is the system checking to see which partner-driver is nearest to the passenger and is available to conduct a trip a task which is undertaken automatically and without intervention from UBL.? [This question needs to be asked of UBER](#)
20. What input, if any, does UBL have in this process? How, does the relevant operator "accept the booking on behalf of the partner-driver"? [This question needs to be asked of UBER](#)
21. What input does UBL have in the process – 'The nearest driver accepts the request via the smartphone app'? [This question needs to be asked of UBER](#)
22. In what sense is there a "dispatch" of a vehicle "from" UBL, given that UBL is the agent of the driver for the booking services and asserts it does not provide

transportation services (Part 1, paragraph 3 of the Terms of Conditions)? [This question needs to be asked of UBER](#)

23. Please particularise the equipment proposed to be contained in the Operating Base. [Other than that required by condition i.e. register, then this question needs to be asked of UBER](#)
24. Can I assume that, in general, the process of inviting and accepting bookings will be conducted entirely automatically by the Uber system? [This question needs to be asked of UBER](#)
25. Can I assume that the software tools permitting the monitoring of vehicles (location, status and journey details), communication with drivers and amendment of allocation criteria are tools that UBL may choose to access from time to time, but do not have to be actively operated for any given booking to be invited and accepted? [This question needs to be asked of UBER](#)
26. Please clarify the basis on which it is asserted that the Uber systems are “managed, monitored, and, ultimately, controlled by UBL staff”? [This question needs to be asked of UBER](#)
27. If UBL makes provision for the invitation or acceptance of bookings for private hire vehicles merely as agent for each proprietor/driver, then in what sense are those proprietor/driver principals themselves not making provision? [This question needs to be asked of UBER](#)
28. What do you suggest are the “limited purposes” of Part II of the 1976 Act for which the deeming provision takes effect? [No response.](#)
29. Please clarify whether it is UBL’s position that, if licensed as an operator by this Authority and functioning as such, it does not propose to accept any contractual liability to passengers in respect of bookings for the hire of a private hire vehicle with a driver, where both the vehicle and the driver are licensed by this Authority? [This question needs to be asked of UBER](#)
30. Please Confirm whether or not “out of town” hackney carriages are now operating on the Uber platform, and, if so, when this practice commenced. [This question needs to be asked of UBER](#)
31. For the purposes of its application to this Authority, does UBL intend to amend the Representations and if so in what form? [This question needs to be asked of UBER](#)
32. What contractual provisions prevail for customers whose journeys are provided by “out of town” hackney carriages? [This question needs to be asked of UBER](#)
33. Do “out of town” hackney carriages operate surge pricing when on the platform? If so, what if any steps have been taken to ensure that the fares so charged do not contravene the provisions of s.67 of the 1976 Act? [This question needs to be asked of UBER](#)

34. What address was supplied by the applicant for the Operators License as the registered place that it will operate from?
[Part Ground Floor](#)
[Unit 2 St Davids Court](#)
[Union Street](#)
[Wolverhampton](#)
[WV1 3JE](#)
35. What conditions have been placed on the Operators License issued by the council to Uber? [Standard Operator Conditions for Wolverhampton.](#)
36. Has Uber changed the operating address registered with the council over the past 3 years? [No](#)
37. What exemptions have been given to Uber by the council in regards to the Operators License granted? [None](#)