

Dear Shawn,

Uber welcomes the opportunity to respond to Birmingham City Licensing's consultation on the future of private hire regulation in Birmingham. Technology and innovation has changed the face of the trade in Birmingham over the last few years. This process is an opportunity for the private hire industry and Birmingham City to work together on a future that works for consumers and drivers and helps Birmingham become a smarter, more connected and less congested city for the 21st Century.

Uber has been embraced in an unprecedented fashion by Birmingham. The basic facts speak for themselves: tens of thousands of customers use Uber every month. They are served by hundreds of drivers: many of whom rely on the platform for their livelihoods. These partners have joined the Uber platform because they value the increased earning power, flexibility and safety we have brought to their lives. We welcome Birmingham City's forward-looking approach to the future of the industry and their commitment to technologically neutral regulation.

Uber's impact on consumers is beyond doubt. But modern, 21st century services like ours also deliver enhanced economic opportunities for drivers and improve core city functions. We bring a number of clear benefits to the markets we operate in:

1. More choice for consumers and drivers;
2. Increased efficiency that allows lower fares - drivers can earn more by being more productive, while consumers pay less;
3. More flexibility for drivers to run their own businesses. That means they can drive with Uber when they want and on a non-exclusive basis;
4. We equip drivers with real time data on demand, so they can make more money and serve customers more effectively

In this submission we have confined ourselves to commenting on areas that we feel are most relevant to us as Birmingham's largest private hire operator and the drivers we represent. We would, of course, be happy to elaborate in any areas that are of further interest to you.

1. **Condition 5:** Requirement for planning permission

We request that Planning permission not be required where the office is used as a B1 office space. As you are aware, app based booking services do not require a "booking office" that have public access. They can and do operate out of a B1 office space like any software business.

2. **Condition 23:** Mobile phones or smartphones are not allowed to be used, installed, fitted to or carried in any private hire vehicle for the purpose of inviting, passing or accepting bookings for that vehicle, except where such a device is installed for the

exclusive purpose of housing a PDA or PDA software for the purposes of dispatch of that PHV.

We welcome the change to allow smartphones to accept bookings. It is a great step towards allowing modern technology to enable an efficient dispatching process. We do not, however, recognise the logic for the retention of a clause restricting the ability of drivers to use their own device in vehicles.

In our experience of the rest of the UK where this practice is permitted - London, Manchester, Leeds, Bristol, Sheffield, Newcastle, Slough - we have seen no evidence of increased levels of adverse outcomes.

For these reasons, we request that the condition be modified as below to reflect the direction of change:

“...where such a device is installed for the exclusive purpose of housing an app or software for the purposes of dispatch of that PHV. Dispatch to a driver’s smartphone through any means other than through the software or app is not permitted.”

We believe that clarifying that the dispatch to a smartphone has to be through the software or app eliminates the risk of touting through doctoring the booking records using an accomplice in the Private Hire Operator base, which as we understand it, is the primary reason for this condition.

It should also be noted that Birmingham City Council has used a Bring Your Own Device scheme for its own employees since 2013. This was implemented with the specific aim of reducing costs for new technology in a rapidly innovating marketplace. We urge you to permit similar flexibility and choice for private hire drivers. We believe that this provision ultimately results in an extra cost to the individuals Birmingham chooses to license.

We would also urge Birmingham to consider extra safety measures to be added here regulating the usage of the devices while on the move. For example, ‘The PDA must always be kept in a holder and never in a driver’s hand while the vehicle is moving’.

3. Conditions 41 to 43: Destination Entry

We believe that mandatory destination entry should not be a requirement in a modern, technology-enabled industry. In a modern GPS facilitated market, the record of actual trips taken is far more valuable to both the customer, operator, regulator and law enforcement than any record of the original booking. The historic intent behind forced destination entry has been both public safety and route efficiency. Neither of these remain compelling in a technology-enabled market since new entrants - like Uber - have vastly improved both.

On public safety, the Uber system records in real-time a level of detail that allows customers, drivers, operators and law enforcement to know the precise timing and details of every single interaction facilitated by the Uber platform.

In terms of efficiency and route taken, meticulous planning before the pickup would now waste time and result in delays for passengers. If Birmingham City Council is concerned about quality of service, it is important to note that the Uber interface gives the passenger a choice over whether to input destination or not.

There has also long been strong anecdotal evidence of private hire operators and taxi drivers effectively screening booking requests to adhere to their own criteria (distance, area of the city etc.). The fact that an Uber partner-driver only receives the destination for a trip fare when the passenger is in the car is a safeguard that ensures that we can provide a reliable service to everyone at all times, whatever their planned journey.

While there may remain a place for fares to pre-agreed destinations for pre-agreed prices, the proliferation of operators in the market means that customers now have a choice about which operator and what type of booking they plan to make. Of course, customers should always be able to receive an accurate fare estimate at the point of booking their journey as an integral part of making sure they are protected at all times throughout the transaction.

We have also seen from the use of our platform over the last three years that many appreciate the flexibility of being able to make multiple stops, change final destination as their plans change or direct the driver themselves. Over 80% of Uber journeys have a destination entered prior to the beginning of a trip.

If Birmingham City's concern main concern here is the prevalence of "As directed" bookings at hotels and other establishments by operators that do not have the traceability that a modern platform allows, we urge that you amend this condition to say that bookings should not be taken unless

1. A destination is passed at the time of booking, OR
2. There is an ability to track the journey from start to finish

This would achieve the objective of public security while allowing innovation in the industry.

We would also point out that as far as we are aware, there is no requirement for mandatory destination entry with any other licensing authority in the UK.

4. **Condition 62:** The specified complaints or allegations are:•of sexual misconduct, sexual harassment or inappropriate sexual attention, racist behaviour, Violence, Dishonesty, Breaches of equality

We fully support Birmingham City Council's effort to make the Private Hire industry as diverse and inclusive as it is possible to be. Uber has a zero tolerance policy to any acts of discrimination.

5. Conditions 54 to 56: 'OUT OF TOWN' HACKNEY CARRIAGES

We understand that these conditions were added to understand the impact of Out of Town hackney carriages operating in Birmingham. As you know, we do not have Out Of Town hackney carriages working on our platform and hence have no comments on the addition of these conditions. We do, however, have a large number of drivers who have signed up to be a partner-driver with Uber in Birmingham and do not have a private hire licence but would like to get one. We also have come across a lot of drivers from outside of Birmingham, who would love to convert to a Birmingham Private Hire Driver.

We believe that there is huge benefit to the licensing department if these drivers were able to secure a Birmingham Private Hire licence. Some councils in the UK have recently removed barriers to securing a licence due to similar issues to those faced in Birmingham. For example, Newcastle-upon-Tyne removed its knowledge test in May 2015. This has been in response to a large number of out-of-town Hackney Carriage drivers plying their trade in the city. They have since seen a sharp rise in applications and the number of new applications that Newcastle Council have been able to process. As a result, they have enforcement authority over more and more drivers working in the city. We welcome the opportunity to work with Birmingham City on getting high quality drivers secure a licence faster.

I hope you will give due consideration to our requests. Please let me know if it would be helpful to discuss any of these and I would be happy to meet at your offices.

I look forward to working with you on bringing these new conditions to market.

Thank you and best regards,

Fouzan