

15<sup>th</sup> January 2020

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Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant  
Hampshire  
PO9 2AX

Our ref      Ola Havant

Dear Sir/Madam,

**Town & Country Planning Act 1990 (as amended)**  
**Certificate of Lawful Proposed Use or Development**  
**Arena Business Centre, Langstone Gate, Solent Road, Havant, PO9 1TR**

I write on behalf of our client, Ola UK Private Limited ('Ola' or 'the applicant'), a technology company operating Private Hire Vehicles (PHVs).

Introduction

Ola was founded in India in 2010 and has become one of India's largest 'ride hailing' platforms with a presence in more than 110 cities across India based on over 800,000 driver partners operating 700,000 vehicles delivering more than a million rides every day.

After establishing itself as India's leading online transportation network company, Ola is seeking to draw on the expertise gained in the complex Indian market by exploring overseas opportunities. Having recently successfully launched in Australia, the company, through its UK subsidiary Ola UK Private Limited, has commenced operations in the UK. Ola decided to launch the UK operation in Greater Manchester, followed by other key markets.

Ola are seeking a Certificate of Lawfulness for a Proposed Use permitting the occupation of the above premises which falls within Use Class B1 (office) for the purpose of undertaking the administrative functions of an 'app-based' Private Hire Vehicle operator.

In support of this application, submitted today via the Planning Portal (ref: PP-08406064) please find enclosed:

- Application form for Application for a Lawful Development Certificate for a Proposed Use or Development;
- Initial LPA email;
- Site Location Plan;
- Floor Plan; and
- The planning fee of £231.00 equating to half the normal planning fee for a change of use application (as set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended))

The landowner has been notified in writing, as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### Rationale for Application

Ola are seeking to open their UK operation in Havant. A licencing application must be supported by an appropriate premises within each council area from which the PHV company will operate. 'Traditional' PHV operators require a despatch office to accommodate a call handler to take bookings, a despatcher to despatch drivers to booked jobs and a public-facing area for members of the public to request cars in person.

As Ola operate an app-based booking system, the requirement for a call-handler, despatcher and publicly accessible office are negated and thus it is the position of our client that a B1 Office premises would be appropriate for their needs, would be appropriate to support a licencing application and would be compatible with the proposed use. Ola are proposing operating from serviced offices in the various other locations throughout the UK. In order to provide comfort to the licencing authority and planning authority, Ola have been advised to seek a Lawful Development Certificate from the planning authority for the proposed use of the B1 office location for the administrative premises of a Private Hire Vehicle Operator.

### Legal Context

Section 192(1) of the Town & Country Planning Act 1990 states that *'If any person wishes to ascertain whether any proposed use of buildings or other land...would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question'*.

Section 192(2) adds that *'If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application'*.

The Act goes on to outline the necessary supporting information required for an application for a Certificate of Lawfulness to be considered by a Local Planning Authority, including submission of an appropriate plan, supporting information and an application form.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 provides further guidance regarding the information required to determine an application for Certificate of Lawfulness at Section 39 and outlines that an application should be determined within eight weeks unless an extension is agreed in writing by the applicant.

Guidance on Lawful Development Certificates is provided in the online Planning Practice Guidance at [www.gov.uk/guidance/lawful-development-certificates](http://www.gov.uk/guidance/lawful-development-certificates). The guidance outlines the key issue to be considered by Local Planning Authorities as follows:

*'A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.'*

*In determining an application for a prospective development under section 192 a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"'*

The guidance also provides useful information on 'lawfulness' and summarises that *'lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required'*.

### The Application Site

The proposed office suite is located within the Arena Business Centre, Langstone Gate, Solent Road, Havant, PO9 1TR. The office accommodation is in B1 use and occupies a highly accessible location within Havant, conveniently located next to the A27 (Havant Bypass) and situated to the south west of Havant Town Centre.

### Operation and Justification

As detailed above, Ola offer an app-based ride hailing service for Private Hire Vehicles. The operation of the service is detailed as follows:

- A user downloads the smartphone app and sets up an account using a debit or credit card.
- The user enters their trip details and reviews the fee quotations provided based on the proposed route and type of vehicle.
- Once a quotation is accepted, the trip is confirmed by a driver. No manual intervention from the driver or passenger is required with the exception of each party accepting the fare quotation or ride request. Unlike in traditional PHV operations, no 'despatching' is required from a call handler or coordinator by virtue of Ola's servers and the apps used by driver and passenger.
- The driver's app guides the driver to the collection point by GPS.
- The passenger enters the vehicle and is taken to their end destination.
- On completion of the trip, the fare is automatically deducted from the customer's credit / debit card.

The above operation does not require the input of any third parties. A traditional PHV operation requires a despatch office within which a call handler takes calls from members of the public and despatches cars to carry out pre-booked rides. Many such offices also include a public-facing office into which members of the public can visit in order to book trips on an ad hoc basis. To facilitate this, PHVs generally congregate at or in the area around these offices so as to be in a position to accept rides booked at short notice from members of the public.

The Ola model does not require a physical presence in which to house a call handler as all journey are booked via Ola's app. Similarly, drivers are routed to customers via the app. Drivers do not congregate at a despatch office in order to accept ad hoc bookings as customers are not able to access a booking office and all bookings are taken through an app. Occupation of the premises will be within normal office business hours of approximately 8am to 6pm Monday to Friday.

Ola require an office at Arena Business Park, Havant for two reasons as detailed below.

### *1. Administrative Function*

Ola require a B1 business premises from which to carry out business support functions including:

- Record Keeping – Ola are required to keep records of all bookings and journeys made for administrative, monitoring and legal purposes.
- Marketing – Ola require a presence in all regions in order to prepare and action local and regional marketing strategies.
- General Administration – various 'back of house' tasks required in the day to day operation of any business.
- One Off Meetings – new drivers with Ola may be required to participate in interviews and or training with Ola representatives by means of pre-existing appointments. In such an instance, Ola would carry out this work within their office suite or make use of existing conferencing facilities within the business centre.

There would be no requirement for drivers to visit the premises on a regular basis. New drivers would visit the site on a one-off basis by means of appointments, the frequency and intensity of which would be ancillary to the main use of the premises as a B1 office use. The frequency and intensity of visits would be in line with and proportionate to the normal operation of a B1 office which may include the interviewing of staff, business meetings and staff training.

### *2. Licencing Function*

In order to support a licencing application, each authority requires that the licence is issued to a relevant business address within the city. A traditional PHV operation would use the despatch office as the licenced location. As detailed above however, Ola will not operate a despatch office. Licencing Officers within each authority must be satisfied that the address included in the licensing application is appropriate and as such Ola have been advised to seek confirmation that their proposed use is lawful by means of a Certificate of Lawfulness of a Proposed Use.

### Conclusion

Ola UK Private Limited propose operating an app-based Private Hire Vehicle hailing service. The business model allows customers to book rides with drivers through an app. Traditional PHV operators rely on a despatcher to field calls from customers and despatch drivers to jobs. The use of the app, combined with GPS, negate this need.

Ola propose occupying a suite within the Arena Business Centre serviced office. Ola's primary use of the premises will be for back of house functions such as administration, marketing and record keeping. New drivers will also attend the office on a one-off basis in order to undertake an interview and introductory training. These visits would be carried out during office hours and would be ancillary to the main use of the office as an administrative base within Havant. The principle of such an operation has been accepted by Planning Authorities elsewhere within the UK.

Ola require a business premises within Havant from which to support a licencing application. A traditional PHV operator would require a despatch office and would be able to use this office as their licenced premises. As Ola will not be operating a PHV despatch office, the Licencing Authority require confirmation that Ola may lawfully operate from the application site.

I trust that the information contained within this submission is sufficient to determine this application, however should you require any further information, please do not hesitate to contact me.

Your faithfully,



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