

TFL BOARD
10 DECEMBER 2014

This might be an opportunity to summarise the position regarding Uber especially following numerous stories in the media about activities worldwide.

Uber remains a licensed PH operator in London, fulfilling the requirements as set out in private hire legislation.

There have been various stories in the media about their activities and the sanctions applied in other countries and other jurisdictions. We note all of these, but the laws in those jurisdictions are different.

In one case, it was reported that Uber had shown, at a public event, the location of a famous personality in an Uber vehicle. This we regarded very seriously as a potential breach of privacy.

We took steps to immediately look into this and Uber London Ltd gave us an absolute assurance that no data about individuals was ever released.

This week there is also a story about a case where an Uber driver in India has been arrested on a charge of rape involving a passenger in his vehicle. As far as we are aware no one has yet been convicted of any offence.

There has been a concern from the taxi trade that individuals could be licensed as drivers from countries where the current DBS checks cannot be obtained. The position regarding drivers who have recently arrived in the UK and apply for a private hire driver's licence remains the same as before. To be licensed, and in the absence of a DBS check, a certificate of good conduct is required from the Embassy of the country of origin. This discloses any offences that have been recorded against the individual.

I should remind Board members this is a long standing requirement which applies to all PH drivers and predates the arrival of Uber in this market. I would also repeat that all PH operators are subject to periodic compliance checks. The last check at Uber was found to be satisfactory but in common with all operators further checks will take place at a time of our choosing.

Lastly, Board Members will recall that there remains the issue of whether or not the smartphone provided by Uber to its drivers is a taximeter as defined in private hire legislation and if it is whether or not Uber private hire vehicles are unlawfully equipped with it. Whilst we have already stated that we do not think it is, we accept that the law is open to a different interpretation having been written well before the advent of such devices.

Because the law is unclear we have said that the appropriate way forward is to seek a declaration from the High Court - which of course we will enforce.

This might well have been concluded by now. However the LTDA chose to bring a private prosecution in the Magistrates' Court against a small number of Uber drivers on the taximeter issue. The High Court does not have jurisdiction to consider applications for a declaration whilst there are ongoing prosecutions in the criminal courts in relation to the same legal issue. Recently the Magistrate dealing with the prosecutions concluded that the

matter was rightly the province of the High Court. However the LTDA did not agree to withdraw the criminal summonses and the case was adjourned indefinitely to allow us to pursue our application to the High Court.

However, since the criminal case remains outstanding, we are of the view that the High Court will still not accept an application for a declaration as we would wish.

For this reason we have written to the LTDA asking them to withdraw their criminal summonses. Unless and until they do so, we will remain in a position where the very concerns of the taxi trade that we are trying to resolve cannot be progressed because of the actions of the LTDA.