

Caroline Pidgeon MBE AM, Chair of the Transport Committee

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Sir Peter Hendy CBE
Commissioner
Transport for London
Windsor House
42-50 Victoria Street
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08 April 2015

Dear Sir Peter,

I am writing following your letter of 10 March regarding legal advice received by TfL concerning Uber London Limited (ULL).

As your letter acknowledges, aspects of Uber London Limited's operating model and the manner in which the licence was granted are issues of considerable concern. This is true not only for the licensed taxi and private hire trades, but for the wider travelling public and for the Transport Committee. There have been reports, both online and in the media, regarding incidents in which passengers have been placed in physical jeopardy or subjected to unwanted sexual advances. The Committee has heard evidence of a number of further issues, including:

- Uber London drivers cancelling scheduled journeys at short notice and charging a cancellation fee to the passenger;
- Passengers being charged high fares for excessively circuitous routes or taken to the wrong destination;
- Uber London drivers touting and forming illegal ranks at locations including Heathrow Airport; and
- Registered Uber London users being charged for journeys they have not undertaken

We are of course aware that there are examples of poor individual practice to be found elsewhere in the private hire industry and in the licensed taxi trade. Nevertheless, the sheer volume of publicly accessible complaints about one specific operator does suggest some wider systemic issues with how this particular business model is operating within London and poses some important questions for how TfL oversees complaints made against operators in general.

We welcome TfL's commitment to review the regulations that govern private hire activity in London. Nevertheless, we are aware that this review process may take some time and that, in the meantime, passengers will continue to face these unacceptable problems.

It seems to us that TfL has contributed to the current situation by failing to fully consider the implications of licensing Uber London without establishing a clear legal grounding for this decision.

Your letter and accompanying documentation indicates that, while Uber London Ltd has been licensed by TfL since 31 May 2012, *'a decision regarding the legality of Uber's operational model was made on 3 July 2014'*, over two years after the licence had been granted. We therefore request

urgent clarification on what, if any, legal advice regarding the legality of Uber's operating model was sought as part of the pre-licensing inspection undertaken in advance of the decision to grant ULL's licence in May 2012.


We would be grateful if you could confirm the date on which ULL's existing licence is due to expire. Please could you also confirm whether ULL's licence was granted with any attached conditions and for the full five year term, as discussed in your operator licensing guidance.

On the issue of taximeters, the relevant section of the legal note which accompanied your letter is a procedural update and explicitly excludes, at point 32, discussion of whether or not Uber London Limited is in breach of Section 11 of the Private Hire Vehicles (London) Act 1998 which precludes private hire vehicles from being 'equipped' with a 'taximeter'. Please could you provide us with a copy of any further submissions that have been made by TfL counsel that address the legal issues relating to Section 11.

Your letter also indicates that the advice given to TfL by Martin Chamberlain QC was given in conference. We would be grateful if you could provide copies of any written documentation of the discussion and of the advice received in conference, including minutes, notes or transcripts of the discussion of Mr Chamberlain's considered position on this case.

TfL as a regulator should take all possible steps to ensure that any licensee is compliant with the legislation as it stands. Where the law is open to alternative interpretations, it is surely in the interests of all concerned to err on the side of caution and ensure that the physical and financial safety of the travelling public is not compromised. We would be grateful if you could reply to the points raised in this letter by 8 May 2015.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Caroline Pidgeon', with a stylized flourish at the end.

Caroline Pidgeon MBE AM
Chair of the Transport Committee