

Chief Magistrate grants Uber London probationary licence

27/06/2018 (*Public Law*)

The Chief Magistrate (Emma Arbuthnot) yesterday ruled that Uber London Limited (ULL) should be granted a 15 month private hire vehicle operator's licence, subject to strict monitoring and other conditions.

In September 2017 TfL concluded that ULL was not a fit and proper person to hold a licence. It relied on a number of factors including that ULL had provided TfL and the High Court with misleading information about the nature of its booking process in 2014-15; that companies within the Uber Group had made use of 'Greyball' software to evade regulatory and police enforcement in other jurisdictions for which directors of ULL also had responsibility; and that ULL had shown a disregard for public safety by failing to report complaints of criminal behavior made against their drivers and encouraging drivers to make use of an online medical certification service that was obviously flawed.

ULL's initial response was to attack the decision and suggest that TfL had "caved in" to special interest groups. However, by the time of the hearing, ULL withdrew that charge, accepting that TfL had been entirely justified to conclude that it had not been fit and proper in September 2017. ULL's case turned on changes made to its governance processes and personnel since then. In the run-up to the hearing, TfL and ULL agreed a number of strict conditions which could be imposed on the licence if the Chief Magistrate decided, in the light of the new material, that ULL was fit and proper (a question which TfL left to her).

The Chief Magistrate noted the seriousness of ULL's past misconduct but concluded that the changes made by ULL since September 2017 justified the grant of a short licence (15 months rather than the usual 5 years), subject to the strict conditions agreed. She ordered Uber to pay all TfL's costs.

Martin Chamberlain QC and Tim Johnston represented TfL.

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