

Appellant  
F JONES  
Second  
EX3  
19 April 2018

IN THE WESTMINSTER MAGISTRATES' COURT

BETWEEN

UBER LONDON LIMITED

Appellant

– and –

TRANSPORT FOR LONDON

Respondent

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SECOND WITNESS STATEMENT OF FRED JONES

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I, Fred Jones, of Uber London Limited (Company Number: 08014782), 1st Floor, Aldgate Tower, 2 Leman Street, London, E1 8FA, WILL SAY AS FOLLOWS

INTRODUCTION

1. This is my second witness statement in this appeal, and I am authorised to make it on behalf of the Appellant, Uber London Limited ("ULL"), in support of its appeal. I do so to respond to specific points made by Helen Kay Chapman in her witness statement given on behalf of the Respondent ("TfL") dated 29 March 2018, as well as to update the Court on progress made on a number of workstreams that I discussed in my first witness statement of 26 February 2018. In relation to the latter, I have particularly focused on developments in ULL's corporate governance and also the way in which we report allegations of criminal behaviour to the police.
2. Except where otherwise stated, the facts and matters set out in this witness statement are within my personal knowledge. Where they are not, I identify the source of my understanding and belief. In particular, I have read in draft the third witness statement of Tom Elvidge and the second witness statement of Laurel Powers-Freeling, and refer to their statements in the format [Elvidge3/x] and [Powers-Freeling2/x], where "x" is the paragraph number. In the course of making this statement I shall refer to a number of documents, a paginated bundle of which is shown to me marked "[EX3]". Unless stated to the contrary, references to documents in this statement refer to this bundle and take the form "[EX3/x/y]", where "x" is the tab number and "y", where relevant, is the page number. I shall also refer to my first witness statement in the format [Jones1/x], where "x" is the paragraph number, and documents

exhibited to my first witness statement in the form "[EX1/x/y/z]", where "x" is the section number, "y" is the tab number and "z", where relevant, is the page number.

3. I shall refer to Ms Chapman's first witness statement in the form [Chapman1/x], where "x" is the paragraph number, and to the exhibit to Ms Chapman's statement in the form [HC-1/x/y/z], where "x" is the volume number, "y" is the tab number and "z", where relevant, is the page number.
4. In this statement, I have used the same defined terms as in my first witness statement, which are also explained in the updated glossary.

#### INITIAL COMMENTS

5. At the outset, I want to note that I have read and agree with Mr Elvidge's acknowledgment [Elvidge3/7] that, in September 2017, given what we now understand we had got wrong, there was not enough evidence of necessary change to satisfy TfL that ULL was fit and proper to hold an operator's licence.
6. We were wrong not to recognise this at the time. Looking back now, I particularly regret our initial public response, which was not the right one. It failed to understand fully the basis of TfL's decision not to renew our licence (the "Decision"), or the fact that TfL had legitimate concerns when making that Decision. However, as Mr Elvidge, Ms Powers-Freeling and I explain in our statements, we have made real progress since then, such that I believe that we can now demonstrate, to TfL's satisfaction, that ULL is fit and proper to hold a PHV operator licence.
7. As Mr Elvidge explains, we nevertheless recognise that rebuilding our relationship of trust with TfL will take time. I have discussed with Mr Elvidge and Ms Powers-Freeling the possibility of suggesting that, rather than asking the Court to grant ULL a five year licence, we accept an 18 month licence up to the end of 2019, and subject to conditions that reflect as appropriate the commitments that we have made. We all agree that this is an appropriate way in which to demonstrate the seriousness with which we take both the Decision and also the task ahead. In this statement, I have covered some of the things that I think we can most usefully do during that period to rebuild trust and a credible track record with TfL.

#### CORPORATE GOVERNANCE DEVELOPMENTS

8. In my previous statement, I explained the changes that had been made to ULL's corporate governance since I became a director. I also talked about changes that we were either part-way through making, or planning to make in future. In this section, I provide an update on our progress.

##### **Policies and procedures**

9. At the Board meeting on 27 February 2018, I noted that we would continue to review the effectiveness of our policies and procedures, and we agreed that we should be particularly focused on this, and on making sure the policies worked as well as they possibly could, in the months following their introduction.
10. On 21 March 2018, the Board considered a small number of improvements and operational simplifications to the Change Management Policy, [EX1/D/65] Product Launch Policy, [EX1/D/66] the Governance Framework [EX1/D/53] and Breach Reporting Policy. [EX1/D/59] The Board resolved to make these changes on 18 April 2018. The updated policies are at

[EX3/42-44]. Although most of these changes are relatively minor, it may be helpful to make a couple of points about them.

- (a) The most significant change was the integration of the former Change Management [EX1/D/65] and Product Launch [EX1/D/66] policies into one combined policy called the "Product and Process Change Management Policy", which makes the process for all changes much clearer. The new combined policy is at [EX3/43]. It applies to changes to ULL's regulatory obligations, critical processes, procedures, and policies including any products or software used, or available for use, by the business. In addition, the updates to the policy also: (i) remove duplication in change management governance between product and process changes; (ii) set out the criteria for determining when the new combined policy will apply; and (iii) provide more details regarding the process for escalating matters to the Sub-Committee and the Board.
- (b) We also updated the following underlying documents with respect to the Product and Process Change Management Policy: [EX3/43]
  - (i) the protected operations sheet, which identifies processes, procedures, policies and people that support ULL's operations; [EX3/3] and
  - (ii) the Change Register, which captures in a single place all the most important information about major change initiatives under consideration (and, as such, is highly commercially sensitive). [EX3/4]

11. At [Chapman1/244], Ms Chapman says that she has "*some doubts about how well these evolved processes will work in practice*". I understand that. Indeed, at [Jones1/64], I noted that ensuring that the new policies and procedures are properly embedded into the business is a priority for me and ULL. As such, it is something that we continue to focus on and, as part of that, we have taken the following steps.

- (a) On 14 March 2018, we gave update training to the leaders of the various operational teams (such as our safety team, our regulatory operations team, and the city partnerships team) within ULL. There are approximately 16 of these teams, and their leaders report directly to senior management. As such, the team leaders will be key to widespread adoption of these new ways of working. The training specifically covered the process for managing changes covered by our policies, and the role of Team Leads in ensuring that the process is properly followed. A copy of the training pack is at [EX3/25].
- (b) The policies and supporting documents are now live on our intranet, which means that they are easy to access by all ULL employees. On the intranet we have set out simple step-by-step guides [EX3/49] for ULL employees to follow and refer back to when needed. I emailed all permanent Uber UK staff on 18 April 2017 to tell them about the updates to the policies, and to remind them where to find them. [EX3/46]
- (c) In addition, Mr Elvidge and I are using the LOMC and Safety Steering Group meetings, which are held weekly, as valuable points of oversight to ensure that ULL employees are following the new policies.

12. As a result of the above measures, our corporate governance procedures and processes are already working well. A good illustration of this is the way in which we recently approached a proposed change to the way in which we support drivers by reporting serious allegations made against riders to the Met. Following the Change Management Policy [EX1/D/65] (which was in force at the time, as it had not yet been replaced by the Product and Process Change

Management Policy) was valuable in ensuring that all elements of the change were assessed correctly and key teams and senior management were able to review and input into it. The discussion and review at LOMC was also valuable, and important refinements were made specifically around consent, interaction with the Met and the right protocol for restricting a rider's access to the App. On 17 April 2018, LOMC approved the policy.

13. Notwithstanding all of the above, there remains a necessary focus on ensuring that the new policies are followed consistently and thoroughly as various teams become accustomed to this new way of working. Assessing the effectiveness of the changes we are making and how we have implemented them is also important, and it is something that we want to ensure is done systematically. On 18 April 2018, the Board resolved to implement an "**Independent Assurance Procedure**" to review and validate for the Board the effectiveness of the systems, process, procedures, oversight and compliance mechanisms that ULL has put in place to ensure that it meets its regulatory obligations and that any regulatory issues are addressed and resolved appropriately. Under this procedure:
- (a) an externally-verified initial report will be prepared for the Board by 30 September 2018;
  - (b) the internal assurance team will prepare draft reports every quarter for the Board;
  - (c) the external assurance team will prepare an annual report for the Board, which will, in addition to amending the quarterly draft reports prepared by the internal assurance team, contain commentary or recommendations on the work of the internal assurance team; and
  - (d) the results of these reviews and any actions we propose to take in response to them will be shared with TfL on a quarterly and annual basis.
14. This proposal was put to the Board in a paper which is at [EX3/41]. The Board paper explained the purpose of the proposal as follows.

*Uber has established "First Line" and "Second Line" systems, process, procedures, oversight and compliance mechanisms to ensure that it meets its regulatory obligations and that any regulatory issues are addressed and resolved appropriately.*

*The role of the Independent Assurance Procedure is to review and validate for the Board the effectiveness of the First Line and Second Line systems. To provide additional visibility for the Board the Independent Assurance Procedure will operate on an enhanced basis during the first year of operation; after that the procedure will operate annually.*

15. The paper then went on to explain how this would work.

*Third line assurance will be undertaken by a combination of an "Internal Assurance Team" led by the Head of Compliance and an "External Assurance Team". The External Assurance Team will be a law firm, accountancy or other professional services firm engaged by the Board to validate the Third Line Assurance work. This will provide the Board with additional assurance by ensuring that the Independent [Assurance] Procedure operates objectively, transparently and with the benefit of an external perspective.*

*To provide a baseline for future assurance and to validate the process, the Independent Assurance Procedure will be operated as described above to provide an*

*Assurance Report to the Board not later than 30 September 2018. That initial report will contain any recommendations from the External Assurance Team as to refinements of the Independent Assurance Procedure (see Step 2A) and will document the Independent Assurance Procedure for future purposes. After that, the Internal Assurance Team will undertake Steps 1-6 below quarterly (i.e. presenting their report to the Board by 31 December, 31 March, 30 June and 30 September in each year). The Independent Assurance Procedure will be operated in full as at 30 September each year (and more often if required by the Board).*

16. Finally, on the subject of policies, I note that Ms Chapman criticises the breach reporting policy for including a large amount of discretion as to when the regulator shall be notified. **[Chapman1/242]** There are two things that I would like to clarify in response to that.
- (a) First, the breach reporting policy requires the LOMC to take into account the "Requirements Codification" document, **[EX1/D/66A]** which incorporates TfL's notification requirements. For the avoidance of doubt, I can confirm that we will report all matters that we are obliged to report to TfL, and no question of exercising any discretion will arise in those circumstances.
  - (b) Secondly, the policy is intended to help us to decide what other breaches we believe we should report to TfL in circumstances where there is no regulatory obligation to report a regulatory breach to TfL. The intent is to report more, not less, and I want to be clear that the policy requires that any breach that is considered to be a risk to public safety will be notified to the compliance and legal teams as soon as possible, and they will consider whether ULL should report the breach to TfL. In addition, the LOMC meets weekly and considers, in respect of every single breach recorded on the breach register, whether a report should be made to TfL. According to the breach register, as at 18 April 2018, we have in fact reported every breach of a TfL regulated requirement to TfL (regardless of the fact that there is no obligation to do so), other than in the following two cases.
    - (i) We have not reported six cases of PHV/105s being sent to TfL after the 14 day deadline. We considered this category of breach in an LOMC meeting, and decided that, given that TfL would know that the PHV/105 had been reported to them late, there was no need to notify them of that fact again. If TfL would like us to report such incidents to them, we would be very happy to do so.
    - (ii) We did not report a case where a driver had been using the App even though he appeared to have a condition on his licence that prohibited self-employment. Upon further investigation by the legal team, it turned out that, in fact, this condition had been applied to the driver's licence in error, and so there was no breach. We therefore did not report it to TfL.

#### **Non-executive directors**

17. At **[Jones1/64]**, I explained that we were in the process of interviewing additional non-executive director candidates.
18. As Ms Powers-Freeling says in her statement, **[Powers-Freeling2/8, 11]** we have recruited two extremely strong individuals, Roger Parry and Susan Hooper, as non-executive directors. They were appointed on the 18 April 2018 and will formally attend their first Board meeting on

24 April 2018. I agree with everything that Ms Powers-Freeling says about the contribution that they will make, [Powers-Freeling2/9-10] and look forward to working with them both.

#### **Compliance Protocol**

19. At the meeting on 21 March 2018, the Board formally acknowledged the appointment by UTI of Mike Shoemaker to the position of Designated Technical Officer and Todd Hamblett, to the position of Designated Legal Officer, respectively, for the purposes of the Compliance Protocol. [EX1/D/54] The fact that these individuals were appointed by UTI so quickly after the Compliance Protocol was agreed shows how seriously UTI takes the Compliance Protocol.
20. Also on 21 March 2018, the Board also formally acknowledged the appointment of Pierre-Dimitri Gore-Coty to the position of the Designated UBV Representative.
21. In addition, the Board resolved to appoint our Legal Director, Helen Hayes, to act as ULL's Compliance Officer, with the responsibilities set out in the Compliance Protocol and approved the establishment of the Compliance Working Group, the Compliance Steering Group and the Compliance Supervisory Group.
22. The Compliance Working Group held its first meeting on 10 April 2018 (and Ms Hayes's email to the Board about that meeting is at [EX3/39]) and the next meetings of the Compliance Steering Group and Compliance Supervisory Group have been scheduled.

#### **Compliance**

23. At [Jones1/64], I noted that we were in the final stages of hiring a UK Head of Compliance. This is something that we told TfL that we would do. [EX1/B/101/584]
24. I am pleased to say that we have now appointed someone to fill this role. The individual impressed at every interview round, including in interviews with Mr West (UTI Chief Legal Officer) and Ms Powers-Freeling, who both have extensive experience working with compliance professionals. The individual's previous experience was felt to be particularly valuable, as it strongly matches the regulatory complexity, geographic dispersion and stakeholder management that the role requires. He is also very operationally 'hands on', which was a must-have quality from the perspective of ULL's senior management.
25. Until the new Head of Compliance formally starts, Ms Hayes has been acting as interim Head of Compliance.

#### **The Board and committees**

26. The LOMC continues to meet, and to be a useful forum for discussion between all of those who are responsible for the business's licensed operations. For me, this has been an incredibly valuable addition to our governance. This is for a number of reasons; it provides me with visibility of multiple parts of the business for which I do not have direct line management responsibility; it is a great forcing mechanism to retain oversight of operational performance and change; and finally the fact that it is now part of the regular weekly rhythm of the business has enabled me to improve project management of important projects. I note that Ms Chapman states at [Chapman1/231] that the LOMC meets monthly and, at [Chapman1/242], that it is chaired by a Non-Executive Director. I wanted to confirm, as I said in my first statement, that it meets weekly and is chaired by me or Tom Elvidge, although in practice I attend the vast majority of them.
27. The Sub-Committee and Board have each had three further meetings. In these meetings I have provided regular updates on the major change projects that impact our licensed

operations. These include, for example, specific GDPR readiness projects. Our Chair and interim Head of Compliance have used the Sub-Committee to provide constructive challenge to me, for example on what data they need and how they want it presented to enable the Board to provide effective oversight.

#### CRIMINAL ALLEGATION REPORTING

28. At [Jones1/34-62], I discussed our past approach to reporting criminal allegations to the Met. There are five points that I would like to make about this approach in response to Ms Chapman's statement on this subject. I make these points not in any way to diminish our acknowledgment of the need to do better, or our commitment to that, but to address specific points of fact that HC raises.
- (a) Ms Chapman states at [Chapman1/172] that TfL had not been aware of ULL's approach to police reporting until it was alerted to that approach by the Billany Letter. [EX1/B/31] I did not realise that TfL were unclear of our policy, and would have been happy to explain it had I known. In fact, I had assumed that TfL did know about our policy, not least because, from 15 September 2016 to 21 August 2017, we included the words "*We can confirm that this has been reported to the police*" or "*To our knowledge this was not reported to the police*" in the "reason for deactivation" section of all PHV105s that we sent to TfL. [EX3/5] From 21 August 2017, the wording of the first option changed to "*To our knowledge this has been reported to the police*". I would have thought that this wording indicated that it was our policy not to make police reports ourselves, but I acknowledge I did not check that this was the case. In addition, in response to the Billany Letter (which we received on 28 July 2017, [EX1/B/44] although it had been sent to TfL on 12 April 2017 [EX1/B/31]), we explained our previous policy in detail to Ms Chapman. [EX1/B/48] We did not receive a response to that letter. However, I recognise the importance of keeping TfL up-to-date on all changes that we make to our police reporting policy, and will be sure that we do so in the future.
  - (b) At [Chapman1/174], Ms Chapman refers to "*the obligation on an operator to forward relevant information about a serious crime to the police*", even though there is no such obligation imposed on operators generally, or on ULL specifically.
  - (c) Again in [Chapman1/174], Ms Chapman says that the possibility that the police might not follow up on information reported to them is not a reason not to report a crime. I agree that this should not be a factor in determining whether or not to report a crime. However, that is not the point that I was trying to make in my first statement, which was instead that I did not agree with the implication in the Billany Letter that, if we had reported an incident where a driver had asked a passenger for a hug and then waited outside her house, the driver would inevitably have been prevented from going on to touch another passenger's thigh: while that was one possible outcome, it seems to me that there are other possible outcomes too (including - but of course not limited to - the police deciding not to follow up on the first incident).
  - (d) Also in [Chapman1/174], Ms Chapman suggests that I had tried to claim in my first statement that ULL is somehow analogous to Victim Support. For the avoidance of doubt, I was not seeking to suggest that, and I apologise if my statement was unclear on this point. All I was trying to show was that it is widely recognised that the question of whether to make a police report is often a difficult one, and that ULL was not the only entity that took the view that the decision on whether to report a crime to the police is best made by the victim or reporter.

- (e) I am aware, from discussions that I have had with people at the Met, that a PHV operator to whom TfL has recently granted an 18 month licence for the first time, ViaVan, does not have any arrangements with the Met on making reports to them. Indeed, as far as I am aware, based on the many discussions that I have had with the Met Taxi and Private Hire Unit as well as the response to a FOIA request that was submitted in February 2018, [EX3/19] we are the only operator to have any formal arrangement, and dedicated points of contact, established with the Met in relation to police reporting.
29. At [Jones1/59-60], I described the approach that we were taking at the time of my first statement. Essentially, this involved reporting all serious offences to the police, without driver details, or complainant details where we could not get their consent for making the report. This approach was launched in close collaboration with the Met, and we both agreed that we needed to assess how effective it was in raising the right incidents with the police in the right ways and timeframes. Although TfL had indicated to me that we should report everything that could possibly be interpreted as being a criminal offence, the Met had concerns about the volume of information that they would receive from ULL and the risk of missing the wood for the trees. It was also based on ULL's own concerns about how to address questions of consent and privacy if we followed TfL's preferred approach.
30. Following the introduction of the above approach, initial reporting volumes were 15-20 incidents per week and, by 12th April 2018, 231 incidents had been reported to the Met during a period where over [REDACTED] trips had been taken on the App in London. Passengers gave consent to report their complaint and include their details in approximately 25% of cases during this period. In cases where passengers did not give consent, the Met asked for further details in approximately 50% of cases, such that those details were provided to the Met anyway.
31. As I said at [Jones1/61], we were planning to meet TfL and the Met together at the end of February 2018. That meeting took place on 28 February 2018. [HC-1/B/36] The meeting included a review of challenges that had arisen so far. [EX3/1] As these slides show, in the run up to this meeting ULL and the Met had worked closely together to think about ways to refine many aspects of the reporting process but, even with the narrower focus on reporting serious incidents, the Met were still concerned at the volume of reports that ULL was making that they did not feel represented a criminal activity.
32. We also discussed ways in which we might improve the implementation of the policy by better clarifying what offences should always be reported to the Met, what offences should only be reported with consent, and how quickly those reports should be made to be as helpful as possible.
33. On 4 April 2018, I met again with the Met. I should perhaps mention, because there are references to it elsewhere as being scheduled for 3 April 2018, that the meeting had been postponed by a day. At the meeting, the Met suggested that we refine our implementation by adopting the following approach.
- (a) Improving definitions of the most serious offences that we report to the police in every case, but continuing to report without complainant details where we cannot get their consent for making the report.
- (b) Not reporting less serious allegations to the police unless we can get the complainant's consent within seven days.



- (c) Agreeing a way forward for sharing personal details of riders and drivers in a more efficient and proportionate way, balancing operational and data privacy needs.
34. I sent a follow-up email to the Met on 10 April 2018, setting out my understanding of what they had asked us to do, and explaining that we now needed to go through our internal processes before we could implement any new approach. **[EX3/37]**
35. The proposed new approach was discussed by the LOMC on 17 April 2018. At that meeting we agreed to approve the revised policy but, given its importance, to refer it to the Sub-Committee for final approval when they next met on the 24 April 2018. At the LOMC we also agreed that, if the Sub-Committee approves the approach, we will formally notify TfL and DCI Will Young at the Met before we take final steps to implement the new approach. Those steps will involve developing and rolling out training to the IRT on the new approach, with support from the Met. We also plan to have a discussion with the ICO about possible ways of facilitating the sharing of driver information with the Met. **[EX3/45]**
36. I note that Ms Chapman has concluded, in her statement of 29 March 2018, that our current policy on reporting criminal allegations to the police is consistent with the approach and conduct that TfL expects of a responsible operator. **[Chapman1/271]** I am encouraged to hear that ULL has addressed the concerns of TfL with regards to this matter. However, we will continue to work closely with the Met and respond to their feedback to continue to improve how we implement this policy.

#### **RELATIONSHIP WITH TfL**

37. As Mr Elvidge says at **[Elvidge1/98]**, we are expanding our regulatory relationships team. Since Mr Elvidge's first statement, I have recruited four individuals into this team, which reports directly to me. This team interacts regularly with our licensing authorities across the UK (some of whom, of course, are responsible only for a very small number of drivers), responding to their questions and updating them on Uber developments locally. They are already establishing good relationships at both local and regional level. This has freed up my time to focus on supporting TfL, and means that we have much more frequent dialogue, that we get regular feedback on the way that we work with them, and I can better adapt our approach to make our processes as useful as possible for both us and TfL.
38. I have also taken responsibility for liaising directly with Graham Robison, the Interim General Manager, London Taxi and Private Hire at TfL on regulatory matters in London. I have found our working relationship highly constructive, with effective two-way communication that has ultimately enabled me to better understand how ULL can meet TfL's expectations of a PHV operator. In the following paragraphs I describe some of the initiatives that we are currently working on in close liaison with TfL.

#### **Historic Complaint Review**

39. As I said at **[Jones1/62]**, we have been reviewing historic complaints received by ULL. This is something that TfL asked us to do during a meeting on 13 February 2018, as I said in my first statement. **[Jones1/62]**
40. In advance of the review, we established guidelines for helping ULL employees to assess complaints to a consistently high standard when making a recommendation on whether or not to deactivate drivers' accounts. These were intended to assist ULL employees in coming to an initial decision which would then be sent for second-level review with a senior member of ULL

management. We provided our staff who conducted the review with training on the guidelines. [EX3/35]

41. On 26 March 2018, we wrote to TfL setting out the preliminary conclusions of that review. [HC-1/A/19]
42. Ms Chapman says at [Chapman1/271], which was drafted after the 23 March 2018 letter, that *"the results provided to date give TfL some concern that due to the lack of a robust reporting procedure previously, it has led to potentially further offences being committed"*. I do not think that I can say confidently one way or the other what might have happened if ULL had adopted a different approach to police reporting in the past, although I do not agree that the results so far (which I have summarised at paragraph 44 below) show that we lacked a robust reporting procedure.
43. On 10 April 2018, I suggested in my email to the Met that it would be helpful to meet them to discuss the cases where we had identified potential criminal behaviour. We are currently in the process of fixing a date for that meeting.
44. Having told TfL that I would update them again in mid-April, on 19 April 2018, we wrote a further letter to TfL, setting out our latest findings. [EX3/48] The letter explains the following points about our approach to the review and its outcomes.
  - (a) We categorised historic complaints into "Category A", which are the most serious complaints, and "Category B", which covers drivers about whom multiple lower level complaints have been made that could, taken together, indicate a pattern of behaviour that is not consistent with the standards that we expect drivers using our App to meet.
  - (b) The scope of the review was [REDACTED] driver accounts dating back to 2015.
  - (c) Of the [REDACTED] driver accounts, 1,148 driver accounts were flagged as Category A complaints requiring manual review.
  - (d) Of the Category A complaints, we decided to deactivate 251 driver accounts, of which:
    - (i) 71 had been suspended from the App since the initial allegation was received, but had not been permanently deactivated;
    - (ii) 8 were not previously deactivated as a result of our not correctly applying our previous policy; and
    - (iii) 243 were deactivated as a result of the application of our new approach to dealing with an allegation by a passenger that is denied by the driver where there is no other evidence to support either side of the story. It is difficult to describe in simple terms a standardised approach to these situations, as they always require a case-by-case assessment (which considers, for example, previous complaints made by the passenger and previous complaints made against the driver). However, for the purposes of the review, and in circumstances where it was a case of one person's word against another's, we sought to give far higher credibility to passenger complaints about conduct falling into Category A. This shift in approach reflects the learning from empathy training delivered to management on 1 November 2017 by our Safety Advisory Board.
  - (e) We separately reviewed 1,402 Category B complaints in relation to two separate patterns of behaviour: dangerous driving and interpersonal conduct. We have

completed our review of the complaints to see whether they show a pattern of dangerous driving, and are currently working on the review in relation to interpersonal conduct. We have so far decided to deactivate 83 driver accounts. We have not previously had a policy of restricting drivers from using the App for patterns of behaviour, other than where there was a particularly high number of incidents in the same category (e.g. five or more complaints that the driver's vehicle was unsafe).

45. We have considered whether, in light of the review so far, we should make any changes to the way that we handle complaints. We have concluded that we should make further improvements. The improvements that we have decided to make are summarised in the letter that I sent to TfL earlier today. [EX3/48]

#### **TfL notifications**

46. Following our meeting with TfL and the Met on 28 February 2018 [HC-1/B/36], at which we had discussed ways in which to share our data with TfL and the Met in a way that was most helpful to them, I emailed Graham Robinson on 9 March 2018 to propose an approach that we might take to this. [EX3/29/158]
47. Shortly after that, on 15 March 2018, we noticed that TfL had made a change to their guidance on PHV/105s (TfL usually send us a notification about regulatory changes that they make, but do not seem to have done so on this occasion). [EX3/2] The new guidance suggested that TfL now wanted PHV operators to:

*notify us of any serious complaints that you receive about a driver that is currently working for or has worked for you. [EX3/2/26]*

48. This seemed to us to be a departure from the previous position. [EX3/6] I therefore phoned Graham Robinson at TfL to ask him what this meant. He said that it meant that TfL want PHV operators to notify TfL about any reports that we have made to the police, and before we make a decision about whether to deactivate the driver account. This aligned to our previous discussions related to police reporting and the proposal that I sent on 9 March 2018 for how we could operationalise this. I sent him a follow-up email on 27 March 2018 [EX3/29] to confirm what we had discussed. I expect to discuss this further with Mr Robinson in the coming weeks.

#### **SUMMARY OF CURRENT POSITION**

49. The change that ULL has made in a short period of time has been significant. The new oversight bodies, policies and processes in place have resulted in ULL operating in a way that it has never done in the past.
50. But adopting leading governance is not something that can be done overnight. We have the structures in place and we have refined them to ensure that they work in practice and that this is not just an academic exercise.
51. To get the whole company used to new ways of working will take time, but there are already tangible examples of progress that give me confidence that we are firmly on the right track. Specific examples include the following.
- (a) Appointment of new non-executive directors, which is bringing industry-leading and highly valuable expertise to ULL and driving the right tone and processes from the top. A good example of this is the creation and implementation of the Compliance Protocol,

which clearly established roles, responsibilities and communication channels between UTI and ULL.

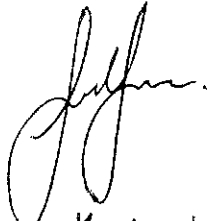
- (b) Control around the launch of new product features is vastly improved. This is best demonstrated by our ability to notify TfL in advance of upcoming changes along with full impact assessments, which Ms Chapman confirmed on 6 April 2018 was useful and provided the right level of information. [EX3/36]
- (c) The LOMC and Sub-Committee are fully embedded and providing effective oversight of day-to-day operations to senior management, for example in reviewing each week Regulatory Operations Management Information and the Breach Register allowing resolutions to be tracked to completion and acting as a decision point to sign-off all proposed products, process and policy changes and regulatory notifications.
- (d) The development, implementation and refinement of our improved processes for reporting serious incidents to the Met. This has demonstrated close collaboration with both the police and TfL, along with careful and deliberate impact assessment to deliver a policy that carefully balances the needs of different stakeholder groups and enhances public safety.

52. I am confident that the changes outlined above have moved ULL to a new place, and I believe that the pace at which we have got there is in itself a testament to the commitment to change and the culture shift in working with regulators and cities.

**STATEMENT OF TRUTH**

I believe that the facts stated in this witness statement are true.

Signed:



Dated:

19<sup>th</sup> April 2018

**Appendix**

I set out below a correction to an inadvertent error in a reference to Exhibit EX1 in my first witness statement.

Paragraph	Reference to Exhibit EX1	Correct reference
Jones1/32(b)	[EX1/D/53/857-858]	[EX1/D/65]

A rectifying amendment was made to my first witness statement prior to service on the LTDA on 16 April 2018.

Appellant  
F JONES  
Second  
EX3  
19 April 2018

IN THE WESTMINSTER MAGISTRATES' COURT

BETWEEN

UBER LONDON LIMITED

Appellant

- and -

TRANSPORT FOR LONDON

Defendant


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EXHIBIT "[EX3]"

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This is to confirm that I have seen all of the documents referred to in the Second Witness Statement of Fred Jones dated 19 April 2018 in the Exhibit marked "[EX3]".

.....  
Fred Jones



Dated 19<sup>th</sup> April 2018