

**Appellant  
T ELVIDGE  
Fourth  
EX4  
4 June 2018**

**IN THE WESTMINSTER MAGISTRATES' COURT**

**BETWEEN**

**UBER LONDON LIMITED**

**Appellant**

**– and –**

**TRANSPORT FOR LONDON**

**Respondent**

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**FOURTH WITNESS STATEMENT OF THOMAS ELVIDGE**

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

**A. INTRODUCTION**

1. This is my fourth witness statement in this appeal, and I am authorised to make it on behalf of the Appellant, ULL, in support of its appeal. I do so to update the Court on events that have taken place since my third witness statement of 19 April 2018. As requested by the Chief Magistrate at the pre-trial review on 30 April 2018, I have sought to keep this update as brief as possible. Furthermore, given that request for brevity and also because my fellow executive director, Fred Jones, is currently on shared parental leave, we have agreed that I should provide a full update to the Court in this statement, rather than having separate, additional statements from Mr Jones or Laurel Powers-Freeling.
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 the course of making this statement, I shall refer to a number of documents, a paginated bundle of which is shown to me marked "[EX4]". Unless stated to the contrary, references to documents in this statement refer to this bundle and take the form "[EX4/x/y]", where "x" is the tab number and "y", where relevant, is the page number.

3. In this statement, I have used the same defined terms as in my first witness statement, which are also explained in the updated Glossary.

**B. Governance**

4. We have continued to work on embedding our governance processes and policies, including the Compliance Protocol. In particular:

(a) we have refined the way in which we provide information to the Board in advance of Board meetings to ensure that all members, of whom a majority are now non-executives have the level of detail and context that they need to contribute actively in scrutinising the operation of the business and deciding on the issues put to the Board, particularly as related to safety and regulatory matters;

(b) following a competitive tender process, we have selected an international law firm, Linklaters, to act as the External Assurance Team in the Independent Assurance Procedure described in [Jones2/13-15];

[CB/19/349-350]

(c) we have created and disseminated training materials for the ULL Executive Directors, Chair and Legal Director on the operation of the various governance bodies, key policies and processes, and the Compliance Protocol [EX4/16];

[HB/7/266]

(d) on 17 May 2018, we held a session with our new Non-Executive Directors to bring them up to speed on governance and operations processes;

(e) as part of a broader discussion with Uber's global Executive Leadership Team about the UK business, I explained the Compliance Protocol, how it works, the background to it and why it is of paramount importance; and

(f) we are following Ms Powers-Freeling's recommendation [Powers-Freeling2/16], that we conduct "dummy run" exercises to test how effectively the Compliance Protocol operates in practice. I explain this further immediately below.

[CB/20/364]

5. The first dummy run scenario involved a Potentially Material Event that was reported to the global Chief Operating Officer by a "UK-based investigatory journalist". The second test scenario included a product-related change that was being driven by Uber BV and would impact ULL. The third dummy run will take place soon, and so I am not yet aware of the scenario. However, the first two scenarios have already given us a helpful opportunity to test the understanding, across the global business, of the specific procedures that we have in place for notifying ULL of Potentially Material Events and product changes, as well as ULL's own processes for assessing what action should be taken. The exercises involved all the designated officers under the Compliance Protocol (including our global CEO, Dara Khosrowshahi, our global Chief Operating Officer, Barney Harford, and our global Chief Legal Officer, Tony West), as well as numerous other people within both UTI and ULL.

6. I found the exercises both encouraging and valuable. The way in which those involved responded to the scenarios, and the urgency with which they treated them, showed me how invested our global business is in supporting ULL in complying with its regulatory obligations. For example, the facts in the first scenario were initially relayed to Mr Harford, who contacted the Designated Legal Officer under the Compliance Protocol, as well as me, Mr Khosrowshahi, Mr West and others. As well as the formal lines of communication being followed, I was reassured that Mr Khosrowshahi took it so seriously that his immediate reaction was to want to find out what was going on and what support ULL needed.

7. Following the first two exercises, we concluded that it would make sense to educate the whole of the global Executive Leadership Team about the Compliance Protocol and the way it operates, and to encourage them to disseminate their understanding widely within their teams, rather than just those with designated roles under the Compliance Protocol knowing about it in any detail. This is what prompted the discussion about the Compliance Protocol to which I referred at 4(e) above. Furthermore, I, along with Ms Powers-Freeling and the other Non-Executive Directors, will also be travelling to the Uber headquarters in San Francisco this week to meet with key members of the global Executive Leadership Team and others, and will be taking this opportunity to discuss the Compliance Protocol, its operation and how we can ensure that it is fully embedded in the way we all work. These discussions will include the Chief Legal Officer, the Chief Operating Officer, the Chief People Officer, the UTI Designated Legal and Product Officers under the Compliance Protocol, and the global Heads of Policy, Communications and Product.

### C. Personnel

8. As I mentioned in my previous witness statement [Elvidge3/35], we have recruited a new Head of Compliance. James Heaton-Smith, who has a strong compliance management background in organisations ranging from the British Army to financial institutions and most recently the Bank of England, started in that role today. One of Mr Heaton-Smith's first priorities will be to implement the internal aspects of the Independent Assurance Procedure, in liaison with the External Assurance Team. He will also be building links with colleagues in Uber's global compliance team, and will spend his first week with us attending an internal Uber summit in Seattle on how we can improve our compliance tools and processes globally to ensure compliance with our regulatory obligations in every market. [CB/18/330]
9. In my first statement [Elvidge1/31], I mentioned that Uber was intending to appoint a new Regional General Manager for Northern and Eastern Europe. That appointment has now been made, and Jamie Heywood took up his position last week, on 1 June 2018. I was on the panel that interviewed Mr Heywood, and was impressed by the wealth of his experience, which includes working for international businesses operating in regulated industries. We informed TfL of Mr Heywood's appointment on 10 May 2018. [EX4/4/13] [CB/14/132-133] [HB/7/270/2549]

### D. Corporate responsibility and safety

10. I gave an update in my third witness statement on the inbound voice contact service that we are in the process of launching across the UK. [Elvidge3/53-56] I have since written to TfL [EX4/5] to provide further details about how this service will work for passengers, drivers and members of the public, and the timeframes in which the service will be rolled-out in different regions. As I said in that letter, which was sent on 14 May 2018, the London launch is scheduled for the week commencing 24 September 2018. [CB/18/336-337] [HB/7/271]
11. On 25 May 2018, the Court of Appeal handed down a judgment confirming that TfL's amendment to the 2000 Regulations to require operators to "*make someone available for passengers to speak to during their hours of business and at all times during a journey if passengers want to make a complaint or discuss other matters relating to their booking*" (the "**Voice Contact Requirement**") is lawful. [EX4/13] TfL has since issued a notice specifying that operators should comply with the Voice Contact Requirement by 1 October 2018, but are encouraged to do so sooner if possible [EX4/15]. I wrote to TfL shortly thereafter, on 1 June 2018 [EX4/18], to confirm our understanding that the service we have designed, and our roll-out plan, both comply with the Voice Contact Requirement and inviting TfL to discuss any queries or concerns with us, so that we can address them. [AB/32] [HB/7/281] [HB/7/283]

## **E. Police reporting and historic complaint review**

12. In Mr Jones's second witness statement, he gave an update on the progress that we have made in implementing a new approach to reporting allegations of criminal behaviour to the Met. At that stage, our proposed new policy had been approved by the LOMC. It has now been reviewed by the Board, which signed off on the final version of the policy document on 1 May 2018. [EX4/1] [HB/7/267]
13. Following the Board's approval, we wrote to both the Met [EX4/2] and TfL [EX4/3] to explain the new policy to them. As those letters explain, the new approach involves proactive reporting of all criminal allegations where the Met has told us that that category of offence should be reported. We have also agreed timeframes within which such reports should be made. The new policy is in effect and we have trained all our UKI Safety Liaison Officers and General Managers, who are chiefly responsible for executing the relevant processes under that policy. I am not aware of any other PHV operator having a similar agreement with the Met, or with any police force. I believe that this is a good example of the new ULL leadership team's determination and mandate to do things differently and to reset the standards that we want to apply to our business. [HB/7/268], [HB/7/269]
14. Now that our new reporting approach has been implemented in London, UBL is actively reviewing the approach to reporting potentially criminal behaviour to other police forces in the UK. Our preference would be to standardise our reporting approach across all local authorities where Uber has an operator licence to the equivalent standard that ULL has in London. Given the detailed and considered process that we have been through with the Met in setting the policy in London, I believe that it would be beneficial to roll out that process nationally, if we can. At the moment, however, there are significant differences in the preferences regarding the reporting approach, and the tools used by police forces to report crimes. For example, some do not have the online reporting tool used by the Met, and some will not accept a report without a victim's details being provided up-front. We will therefore need to work closely with a large number of licensing authorities and police forces to achieve a greater consistency of approach. That work has already begun. We have held roundtable discussions with licensing officers in both Birmingham and Manchester to discuss the way in which we handle serious complaints and patterns of behaviour, which have been very helpful in better understanding what support and information they would find valuable. As indicated in our letter to TfL on 25 May 2018, [EX4/14/88] we are planning similar discussions in other areas in the coming weeks. [HB/7/280/2624]
15. As well as updating our approach to police reporting, we have conducted a large-scale review of historic complaints across the whole UK. Our aim in doing this was to ensure that the standards that we, as a leadership team, have decided should be upheld in our business are applied across the board. Mr Jones provided an update on the historic complaint review in his second witness statement. [Jones2/39-45] Since Mr Jones's last statement, we have completed our review and have written to TfL to provide a final update on the results of the review and the actions we have taken. [EX4/14] I can confirm that we have now made all of the reports to the Met referred to in that letter. As our letter also explains, [EX4/14/88] we have also introduced a new tool for assessing patterns of behaviour in relation to dangerous driving and interpersonal conduct. As far as I am aware, again, we are the only PHV operator in the UK that has a tool of this kind. [CB/19/354-356] [HB/7/280] [HB/7/280/2624]

## **F. Culture**

16. Since my last witness statement, we have held a series of workshops involving members of the UK leadership team on what our cultural norms mean, in the UK, in practice. Following those workshops, on 18 May 2018, I wrote an email to all employees, outlining the results of those workshops so far. [EX4/8] The email highlighted the [HB/7/274]

progress made and the different aspects of our new cultural norms that were reflected in the input from participants in the workshops, as well as explaining that these were a work in progress, and that we wanted to refine them with a further series of workshops involving volunteers from across all UK teams. Those further workshops are now in progress and aim to help the leadership team to understand what resonates, what doesn't work so well, and how we can improve the results further.

17. Cultural norms have also been covered in recent "all-hands" meetings:
- (a) on 17 May 2018, the non-executive directors spoke to the team about the importance of governance and a healthy regulatory relationship; and
  - (b) also on 17 May 2018, I gave a presentation about the ways in which our cultural norms feed through into who gets recognised, rewarded and promoted. [EX4/7]

[HB/7/273]

#### G. Other developments

18. I should also draw to the Court's attention that UBL recently applied to renew its operating licence in Brighton. The Council officers recommended that the licence be renewed but, on 1 May 2018, the Licensing Panel decided to refuse the application. The Panel gave two reasons for its decision.

- (a) The Licensing Panel's decision states that the 2016 data breach and the failure to report it rendered UBL unfit to hold a licence, and the changes of management made by UBL did not provide sufficient reassurance that there would not be a repeat of the data breach. We disagree with the conclusions of the Licensing Panel, for the reasons that we have given in these proceedings.
- (b) The Licensing Panel's decision states, contrary to the findings of the Council officers' report, that UBL had broken a "commitment" to use only Brighton & Hove-licensed drivers to carry out bookings in Brighton. UBL strongly disputes the facts alleged in this regard, and this is something that will have to be decided as part of UBL's appeal against the Licensing Panel's decision.

UBL has lodged its appeal, which has not yet been listed for a pre-trial review.

19. We are continuing to develop and implement ways in which to support drivers both to comply with their regulatory obligations and to earn a living in a way that works for them.

- (a) On 21 May 2018, we wrote to TfL to tell them about the specific ways in which we are supporting drivers to comply with the new English language requirement. [EX4/9] This support involves two things: making it easier for drivers who use the App to get access to English language training to book tests offered by TfL's approved test providers; and making sure that there would be sufficient capacity at the approved test centres to meet the level of need that we anticipated. On 25 May 2018, TfL responded, raising a number of questions and concerns, [EX4/12] to which we replied on 1 June 2018. [EX4/17] In our reply, I apologised for the fact that TfL had not been notified previously about these arrangements, which were put in place back in June 2017, long before our governance reforms were introduced. I made clear that this is exactly the sort of information that we would now provide to TfL in accordance with those governance processes and confirmed that I have initiated a detailed review of all our pre-existing processes and relationships that relate to regulatory compliance to determine if any of them might similarly warrant notification. For me, this was a real illustration of how, even where we are doing the right thing and seeking to be supportive of

[HB/7/275]


[HB/7/278],  
[HB/7/282]

compliance with regulatory requirements, we must ensure that we provide our regulator with the right information at the right time.

- (b) On 23 May 2018, we announced [EX4/10] an important insurance package for drivers, including maternity and paternity pay, insurance to cover damage to a vehicle and insurance for time spent performing jury duty. [EX4/11] This cover, which is now available to drivers across the UK (and the EU), is being provided at no extra cost to drivers. We wrote to TfL on 15 May 2018 [EX4/6] to provide details of this package of protections, which I believe is a market-leading step consistent with TfL's own policy statement that encourages operators to promote the welfare of drivers [EX1/D/56/928] and our commitment to doing the right thing. [HB/5/224/2133]
- [HB/7/276]  
[HB/7/277]  
[HB/7/272]

#### H. Statement of truth

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

Signed: 

Dated: 4 Jun 2018

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**FOURTH WITNESS STATEMENT OF  
THOMAS ELVIDGE**

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EXHIBIT [EX4]

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This is to confirm that I have seen all of the documents referred to in the Fourth Witness Statement of Thomas Elvidge dated 4 June 2018 in the Exhibit marked "[EX4]".

  
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Thomas Elvidge

Dated 4 JUN 2018  
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