

Respondent
H Chapman
HC2
9 September 2020

IN THE WESTMINSTER MAGISTRATES' COURT

**IN THE MATTER OF AN APPEAL UNDER THE PRIVATE HIRE VEHICLES
(LONDON) ACT 1998**

B E T W E E N:

UBER LONDON LIMITED

Appellant

-and-

TRANSPORT FOR LONDON

Respondent

-and-

LICENSED TAXI DRIVERS ASSOCIATION

Interested Party

SECOND WITNESS STATEMENT OF HELEN CHAPMAN

I, **HELEN CHAPMAN**, of Transport for London ('**TfL**'), 5 Endeavour Square, London, E20 1JN, will say as follows:

1. This is my second statement in this appeal. I make this statement to respond to specific points made by Uber London Limited ("ULL"), the Appellant, in the third witness statement of James Heywood.
2. The facts and matters in this witness statement are within my own knowledge, except where I indicate otherwise. In such cases, I indicate the source of my belief and understanding and I believe the facts and matters stated to be true. I

am duly authorised to make this witness statement for TfL as the Respondent in these proceedings. At various points in this statement I set out the corporate views of TfL as a whole, which accord with my own views.

3. There is now produced and shown to me a bundle of documents marked "HC2", containing the documents to which I refer in this witness statement. I refer to these documents in the format [HC2/x], where 'x' is the tab number.
4. I have read the third witness statement of James Heywood and respond to the issues referred to in that statement. I refer to the third witness statement of James Heywood in the format "[Heywood3 ¶x]" where "x" is the paragraph number in Mr Heywood's third witness statement. I refer to the exhibit to that statement in the format [EX3/x/y/z], where "x" is the section, "y" is the tab number and, where relevant, "z" is the page number.

AUGUST 2020 ASSURANCE REPORT

5. ULL sent the August 2020 Assurance Report to TfL on 31 August 2020, covering the period between 1 May 2020 and 31 July 2020. ULL also sent a letter on the same day headed "Breach-Impacted Trips". I deal with both these documents below.
6. TfL has considered the contents of the August 2020 Assurance Report. In total ULL reported 73 breaches in this Assurance Report of which 66 were insurance-related breaches that ULL say arose as a result of the Instadoc improvements. ULL say the remaining 7 breaches demonstrates a reduction in breaches compared with the last Assurance Report. Of the breaches reported in the August 2020 Assurance Report, there were 5 breaches that occurred in a previous reporting period.
7. I have already explained in my First Witness Statement that TfL has some concerns about the reliability of the material set out in ULL's Assurance Reports. In particular, the fact that, in each report, there have been a number of breaches that relate to (or occurred in) previous reporting periods. This means that TfL cannot be assured as to the level of breaches that occur in any one reporting

period until a later date when a subsequent Assurance Report is provided. On that basis, it is fair to say that the totality of the breaches that occurred during the period covered by the August 2020 Assurance Report may only become clear at a later date.

BREACH-IMPACTED TRIPS

8. As set out above, **[Heywood3 ¶5]** refers to a letter dated 31 August 2020 from ULL to TfL concerning Breach-Impacted Trips **[EX3/1]**. The letter describes a review that ULL has carried out of its policies on the collection and collation of trip data. It explains that, in the course of that review, ULL identified a gap in the way that it had been reporting the number of trips that had been affected by breaches.
9. It appears, from the explanation given in the letter, that ULL had not reported trips that had started (i.e. the passenger had entered the vehicle) but were then cancelled as breach-impacted trips in any of: (a) the Assurance Reports; (b) the suspension notices; (c) weekly emails to TfL; (d) PHV105s (where relevant) and (e) booking records produced. ULL said it was working urgently to correct the gap and to make changes to its systems in order to ensure that this does not happen again. It also said it would provide an addendum to the August 2020 Assurance Report so that updated breach-impacted trip numbers would be provided.
10. TfL found the explanation in the letter somewhat vague. On 3 September 2020 **[HC2/1]**, TfL wrote to ULL to seek further information and clarity about this issue. TfL asked ULL to provide full information on the specific reasons why this has happened, and have only now come to light, and what impact it has had on ULL's complaint handling and reporting processes. TfL also noted that it was unclear, from the letter: (a) how many trips had been overlooked; (b) whether any passenger-related complaints were made to ULL in relation to those trips; and (c) whether ULL has taken appropriate action in relation to any such incidents. TfL requested confirmation as to whether this oversight has, and/or could have, led to safety-related instances not being reported to TfL in the various formats

set out above. At the date of this statement, ULL's response has not been received and therefore cannot be fully considered for the purposes of this statement.

11. ULL provided TfL with an addendum to its August 2020 Assurance Report late on 3 September. The addendum includes an amended list of breach-impacted trips that occurred outside the reporting period. The addendum notes that the trip data of one driver (who we understand was involved in the driver photo fraud issue), changed from 123 trips to 79. The explanation provided in the addendum is that an employee had previously included, in error, cancellations where the passenger had not entered the vehicle.
12. The overall outcome, as I understand it, is that:
 - (a) The total number of breach-impacted trips that occurred outside of the reporting period are overall lower than originally stated; but
 - (b) There is an increase in the number of breach-impacted trips that gave rise to safety-related complaints; and
 - (c) Over 100 more trips were affected by breaches involving driver/vehicle proprietor PHV insurance.
13. The addendum (which was received after TfL sent its letter to ULL) does not give any explanation about the reasons for the inaccuracies and how the issues were identified, as well as the action taken to ensure that it does not happen again (in its covering email to TfL attaching the addendum, ULL confirmed that it would come back on the queries raised in TfL's letter). It is frustrating that we are having to probe this issue further.
14. I note that ULL has made TfL aware of this issue as soon as possible and that it confirms that this issue:
 - (a) "has not, and could not have, led to safety-related instances not being reported to TfL in ULL's assurance reports, suspension notices, weekly emails and PHV105 dismissal forms;

(b) and has not affected our handling of any safety-related complaints”

However, at the very least, it has resulted in a lack of clarity as to the scale and number of some of these breaches. Furthermore, the way that the issue has been presented has made it difficult to understand and made it difficult for TfL to be satisfied that there are no adverse impacts arising.

15. It is an ongoing source of frustration for me that there continue to be inaccuracies in the way that information is reported to TfL in ULL’s Assurance Reports, PHV 105 notifications, suspensions and other documents. This is only one of a number of examples where this has occurred. This track record of inaccuracies undermines the confidence that TfL can place in ULL and its ability to ensure that it has fully investigated issues and resolved the problems.

OTHER MATTERS

16. During our review of the driver notifications provided by ULL during the August 2020 Assurance Report period, we noted that there were three suspension notifications made to TfL without verbatim safety related complaints included. ULL said that this was due to a technical error. Updated dismissal forms that included these complaints were provided to TfL three days later. Having reviewed the verbatim complaint histories for each of the drivers, they showed that serious safety related complaints had previously been made about each driver. The fact that the verbatim safety related complaints were not included when suspension notifications were originally provided reinforces TfL’s concerns as to the accuracy and reliability of ULL’s complaints reporting as explained in my First Witness Statement.
17. At **[Heywood3 ¶6]**, Mr Heywood refers to correspondence sent to TfL concerning a new policy relating to driver profile photos **[EX3/5]** and a further audit that ULL will be conducting to review old profile photos **[EX3/6]**. The latter correspondence seems to be a direct response to certain comments in my First Witness Statement. TfL has not yet had the opportunity to fully consider this correspondence.

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

Signed

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'H Chapman' written in a cursive style.

Date

A rectangular box containing the handwritten date '9.9.2020' in black ink.

Helen Chapman

**Respondent
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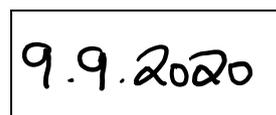
EXHIBIT HC2

This is the exhibit marked HC2 referred to in the Second Witness Statement of Helen Chapman.

Signed



Date



Helen Chapman