Transport for London

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By email: Eve.Roodhouse@local.gov.uk

Dear Eve,

I am the Director of Licensing and Regulation at Transport for London (TfL). TfL is intending to make an application to the Supreme Court for permission to intervene in an appeal concerning private hire vehicle (PHV) services and the contractual relationship between PHV operators and passengers. The appeal is primarily focused on the interpretation of the Local Government (Miscellaneous Provisions) Act 1976. I wanted to notify you, as a courtesy, as you may wish to inform other licensing authorities.

The appeal to the Supreme Court is made by Uber Britannia Limited and is in relation to the Court of Appeal's decision in DELTA Merseyside Ltd & Veezu Holdings Ltd v Uber Britannia Limited.

As the regulator of PHV services in London, TfL considers that the outcome of this appeal could lead to considerable regulatory and enforcement differences between the PHV industries in London and those outside London which may have an impact on passenger safety.

The reasons for our proposed intervention can be summarised as follows:

1. Assisting the Court in the interpretation of the Private Hire Vehicles (London) Act 1998 and its interaction with the Local Government (Miscellaneous Provisions) Act 1976.
2. Assisting the Court as to the practical consequences of a divergence between the construction and meaning of the 1998 Act and the 1976 Act, from the perspective of a regulator.
3. Submitting that the two Acts should be given a single common construction (the legal position currently lends them to a divergent construction).
4. Submitting that the Court should allow the appeal and find that, in the interests of public safety, there should be a contract between the customer and the operator who accepted a booking (for the fulfilment of that booking), both under the 1976 Act and the 1998 Act.

We are aware that the outcome of this appeal could have significant implications for licensing authorities outside London. Our application for permission to intervene aims to ensure a unified approach that benefits passenger safety.

We would be grateful if you could consider sharing this letter with other licensing authorities, so they are aware of our application. We have already written directly to Sefton Metropolitan Borough Council, who were the Respondent in these proceedings when heard in the High Court in July 2023, to inform them of our intention to intervene.

If you would like to discuss this matter further, we would be happy to arrange a meeting at your convenience.

Best regards,

Helen Chapman
Director – Licensing and Regulation
Transport for London