

# ***MICHAEL DEMIDECKI & CO SOLICITORS***

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Our Ref: L269056/acc/JL/LTDA UBER Renewal 2

Your Ref:

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**HAND DELIVERED and email [howardcarter@tfl.gov.uk](mailto:howardcarter@tfl.gov.uk)**

25 October 2019

Dear Sirs

**Re: Uber London Limited (“ULL”) - renewal of London PHV Operator’s Licence  
Our client: Licensed Taxi Drivers Association Limited (“the LTDA”)**

We refer to our letter of 05 September 2019 where we made representations on behalf of our client, the LTDA, that there was reasonable cause to revoke the London PHV operator’s licence held by ULL, alternatively that the renewal of ULL’s licence should be refused.

On 24 September 2019, TfL announced its decision to issue ULL with a two-month London PHV operator’s licence ahead of any potential further licensing application. The new two-month licence had the same conditions agreed between ULL and TfL that were imposed on the licence granted by the Chief Magistrate on 26 June 2018 (“the Conditions”) together with further conditions (“the Further Conditions”) which were said to “ensure passenger safety”. A TfL spokesperson said:

*Uber London has been granted a two-month private hire operator licence to allow for scrutiny of additional information that we are requesting ahead of consideration of any potential further licensing application*

We anticipate that ULL will have made an immediate application for a further renewal of its licence. We anticipate that TfL will be considering that application, which consideration will include the scrutiny of additional information requested.

We are instructed to maintain the representations we made on behalf of the LTDA in our letter of 5<sup>th</sup> September 2019 in relation to this new application. We adopt and repeat those representations here.

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We have obtained the suite of conditions imposed on the two-month licence pursuant to a Freedom of Information Act request. The Further Conditions demonstrate the extent to which TfL now finds it necessary to micro-manage the conduct of ULL's business in order to protect the safety of the public even for the limited duration of the two-month licence.

It should go without saying that London PHV operator, particularly one with a fleet of the size of ULL's, whose main method of communication with drivers is via an App, should have robust policies and procedures in place to ensure that drivers are who they say they are, and that they have the requisite valid licences and insurances in place.

It is extraordinary that ULL needs to be told to undertake appropriate checks to verify that documentation provided by drivers is legitimate (Further Condition 16), and to notify TfL where potentially fraudulent documentation is submitted. Likewise that ULL needs to be told to ensure that vehicles and drivers it satisfies bookings with have the requisite licences in place (Further Condition 17), and that those who use its App are those who have been legitimately "on-boarded" rather than their illegitimate proxies (Further Condition 18).

The conditions requiring ULL to have the correct insurance in place (Further Conditions 15 and 19) cover conduct that should be undertaken by a fit and proper operator as a matter of course, not as a matter of requirement.

That further Conditions 15 (ridesharing), 17 (app log in) and 20 (system security) are thought necessary underlines our concerns about Uber as a self-proclaimed "disruptor", whose enthusiasm to "innovate" is not matched by any corresponding interest in dealing with the public safety pitfalls such innovation causes.

The content of the Further Conditions only serves to emphasise the points we made in our earlier letter as to fronting by drivers (paragraphs 64-67) and insurance (paragraphs 68-71).

When it suited it to do so, ULL's habit was to shift responsibility onto other companies within the multinational Uber group. This theme ran through the Appeal, and fed into Conditions 1, 2 and 3. The relationship between ULL and its parent, the Netherlands-domiciled Uber BV ("UBV"), is of particular importance. This is recognised as such in condition 3(b), relating to ULL's support of ULL in compliance with its obligations as licensed operator.

The "reformed" Uber boasted (without geographical limitation) that it "does the right thing", has been taught "the importance of partnership with the cities and towns in which we operate" and is committed to "working with regulators to comply with the spirit and letter of the law".

These words need to be contrasted with Uber's actions. In addition to the matters set out in our earlier letter, most recently there have been reports in the German media<sup>1</sup> that notwithstanding the Cologne Regional Court injunctioning the provision of the "UberX" service in that city last July (on the basis that it does not comply with the domestic legislation), Uber have carried on regardless.

This was reportedly achieved by the technical expedient of UBV complaining that no Dutch translation of the German injunction had been served on it (we understand that it is a standard

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<sup>1</sup> <https://www.spiegel.de/wirtschaft/unternehmen/uber-x-gericht-untersagt-fahrdienst-in-deutschland-a-1293038.html> and <https://www.zeit.de/mobilitaet/2019-10/us-firma-uber-x-gerichtsbeschluss-fahrdienst-verbot-taxi>

feature of German court orders that translations are available upon request). This is not the conduct of a multinational, multilingual company that “does the right thing” and complies with “the spirit and letter of the law”. It is quite simply a further example of Uber evading enforcement.

Given UBV’s control of ULL, we ask what confidence TfL can have that ULL will in the future “do the right thing” insofar as London is concerned. In particular, we ask whether ULL has made any notification to TfL that its parent company has used this technical expedient to avoid compliance with a court order pertaining to regulation in another European jurisdiction. It is hard to see how continuing conduct of this nature on the part of ULL’s parent UBV cannot be other than relevant to whether or not ULL will discharge its obligations under the 1998 Act (see Condition 3(a)).

On behalf of the LTDA, we maintain the representations advanced in our previous letter.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Michael Demidecki', written over a horizontal line.

**MICHAEL DEMIDECKI & CO**