



More trade stories than all the others put together

Issue 244 November 2016

EMPLOYMENT TRIBUNAL SLAMS BERTRAM

UBER EXPOSED

See
pages
4 & 5

“Uber does not simply sell software; it sells rides. Uber is no more a ‘technology company’ than Yellow Cabs is a ‘technology company’”

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NEWS



MANNY BOUNCES
BACK WITH TITLE WIN

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London Cab Driver's Club.

Contributions for publication are welcomed
and should be sent to the Editor at the
above address.

The London Cab Drivers' Club Ltd.

THE MAYOR NEEDS TO ACT

As you can see opposite, the
Club has written to the Mayor
outlining the desperate
situation The Trade finds itself
in at this time.

We simply cannot withstand 117k
PH drivers plus 25k licenced taxi
drivers all competing for work.
London has ten times as many
PH than anywhere else in the
UK, as we know this is leading to
the race to the bottom.
Our message to the Mayor is
clear... the clock is ticking!

CYCLING RETHINK?

Tragically we have witnessed
the tragic deaths of another
two young Londoners killed
whilst cycling in the capital.
Has the time now come to
rethink the whole cycling
policy of encouraging people
to cycle?

It is all very well building bike
lanes in certain parts of the

Capital but we can simply not
build them everywhere.
One of the solutions put forward
by the cycling lobby is to ban all,
large trucks, they fail to take into
consideration the huge
transportation projects such as
Crossrail that can only be
achieved by using these huge
trucks.

CC MANDATE A COCK UP

I am really lost for words on
this cock up by TFL with their
CC mandate, I really am.

The Hocky Kocky printer in the
cabs that was in-out, in-out sums
it up really:

It is a shame they do not show
the same enthusiasm in moving
UBER drivers illegally parked up
all over London as they have for
checking drivers CC stickers...
nothing like an easy cop is
there?

Grant Davis
LCDC Chairman



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Mayor Sadiq Khan
 Mayor of London
 Greater London Authority
 City Hall
 The Queens Walk
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 4th November 2016

Dear Mayor Khan,

Whilst it was great seeing you the other week at City Hall, I am extremely disappointed that we have not been able to meet up, despite your invitation to do so and after several emails.

I really believe time is of the essence now as the London Taxi Trade is facing possible extinction due to the licensing policies implemented by TFL. Since you have taken office as Mayor, TFL have licenced in excess of ten thousand PH drivers, bringing the total number of PH drivers to 117,000. Throughout the UK there are 1.3 taxis /PH for every 1000 people, whilst here in London there are 10 taxis /PH for every 1000 people.

Be under no illusions, if we carry on like this, the London taxi trade will cease to exist within the next few years. A vast majority of new PH licenced drivers will go on to work for UBER, at a recent Employment tribunal, evidence was given by an UBER driver who had worked fourteen hours a day to earn £300 a week. As a Labour Mayor, is this really the sort of working conditions you and TFL approve for working Londoners?

We at the LCDC have proof that TFL have wrongly licenced UBER LDN (who own NO cars) yet UBER –BV who take the payments, pay the drivers and send the Public a receipt are allowed to carry on using this system to aid their tax avoidance. We have emails from TFL Managers that support this: How can you as a Labour Mayor be happy that a Company valued at \$48b worldwide rely on tax credits to subsidise their driver's wages, whilst funnelling their taxes through Holland and the Bahamas?

The LCDC in recent issues of the Badge Newspaper, have highlighted what we consider an unhealthy relationship between UBER and senior management at TPH, especially the emails between Leon Daniels and Jo Bertram were, in our opinion, the most damning. Leon Daniels has been the most vociferous supporter of UBER and when questioned by members of the GLA at City Hall, not only has he mislead them on several occasions, he has been nothing short of an apologist for them.

I know that recently, you have announced two public enquiries, one into the Garden Bridge and even more recently the Olympic Stadium. On behalf of the London taxi trade I urge you to launch a Public Enquiry into how UBER was ever issued an Operator's licence. Recent evidence at the Employment tribunal against UBER clearly shows that they do not comply with the current PH regulations. (As highlighted in Nov Badge). I hope we can finally arrange our meeting as soon as possible.

Yours Sincerely
 Grant Davis
 Chairman

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UBER: HOW DID THEY

* Extracts from Employment Tribunal Findings

“Taking an Uber summary”

16. The driver is not made aware of the destination until he has collected the passenger. The app incorporates software linked to satellite navigation technology, providing detailed directions to the destination:

How have UBER been licenced when every private hire journey has to be pre-booked with a destination and a leading of 5 minutes, so the driver has time to study a route they will take. As we all know. Drivers working solely with the aid of a Sat Nav leads to carnage on the streets as proven with the 122% increase of accidents this year involving PH vehicles.

“Payment”

18. At the end of every trip, the fare is calculated by the use of servers, based on GPS

data from the drivers smart phone: The calculation takes the amount of time and the distance covered. In surge areas “surging” where supply and demand are not in harmony, a multiplier is applied to fares resulting in a charge above the standard level.

After reading this analysis, I defy anybody to come to the conclusion that this is not a metre!

31. Para 5 contains a lengthy disclaimer in respect of the use of the “Services” and an even longer clause purporting to exclude or limit UBV’s liability for any loss or damage suffered by the passenger as a result of his / her use of the “Services”.

Transport for London’s main priority is to protect the travelling public at all times. How on earth did it issue an Operator’s licence to a Company that clearly states that anybody using their services was NOT their responsibility?

“Driver Recruitment or “On-boarding”?

40. Those interested in becoming UBER drivers can sign up online. In order to be admitted to the cohort, they must attend a specified location, produce certain documents and undergo a form of induction. The UBER word for this process is called “onboarding”. Ms Bertram appeared to suggest in evidence that there was no requirement for personal attendance by the putative driver”

Ms Bertram was also clear that there was no form of assessment of would be drivers, but she accepted that anyone unable to communicate adequately in English, would be excluded. She also appeared to accept that a person exhibiting signs of mental health problem might have to be referred to TFL. We accept the general tenor of her evidence that UBER does not subject applicant drivers to close scrutiny:



Tribunals Service

The above goes someway in explaining how UBER are able to sign up 500 a week. This on top of the dodgy medicals exposed in last month’s Badge, should set alarm bells ringing throughout TFL.

“The regulatory & licensing regime”

58. The regulatory framework applicable to the Capital derives from the PH ACT 1998 – PHV’s can only be operated under licence from TFL. A licence holder is permitted by s2(1) to “make provisions for the invitation or acceptance of private hire

bookings” Separate provisions require the licence holder to maintain detailed records of all bookings made, all vehicles operated and all drivers, “available” to drive them.

If asked by a passenger who makes a booking, an Operator must agree a fare, or provide an estimate.

59. Another important duty of the PHV Operator is to maintain full records of customer complaints for at least six months: where a driver is “dismissed” for unsatisfactory conduct in connection with the driving of a PHV,



L.C.D.C LEADERS NOT FOLLOWERS



EVER GET LICENSED?

particulars of the circumstances must be delivered to TFL within 14 days.

Once again, in recent editions of the Badge, we have printed evidence that this has clearly not be adhered to. The reason being that planning permission for at least two of their offices clearly stipulated that they were only to be used between the hours of 9am – 5pm and 9am -7pm. How was the 24 Hr booking service maintained?

Drivers have the responsibility to record complaints made against them for a 6 month period, I presume after the recorded period the driver has a clean slate, where a Hackney Carriage driver has a warning placed on his file for life:

UBER will report within 14 days of excluding a driver for unsatisfactory conduct. What do they class as “unsatisfactory” conduct? A driver could go and work for another Operator after committing a sex related crime and continue to drive unsuspecting passengers for a further 14 days,



exposing them to extreme danger.

Analysis and conclusions

87. In the first place, we have been struck by the remarkable lengths to which UBER has gone in order to compel agreement with its (perhaps we should say its lawyers) Description of itself and with its analysis of the legal relationships between the two

companies, the drivers and the passengers. Any Organisation

A. Running an enterprise at the heart of which is the function of carrying people in their in motor cars where they are to where they want to be

B. Operating in part through a company discharging the regulated responsibilities of a PHV Operator, but -

C. Requiring drivers and passengers to agree, as a matter of contract, that it does not provide transportation services

(through UBV or ULL) and D. Resorting in its documentation to fictions, twisted language and even brand new terminology, merits we think, a degree of scepticism.

Reflecting on the respondents general case, and on the grimly loyal evidence of Ms Bertram in particular, we cannot help being reminded of Queen Gertrudes most celebrated line:

“The Lady doth protest too much, methinks”

89.in our opinion, unreal to deny that UBER is in business as a supplier of transportation services. Simple common sense argues to the contrary. The observations under our first point above are repeated:

Moreover, the Respondents case here is.. we think, incompatible with the agreed fact that Uber markets a “products range” One might ask: “whose product range is it if not Ubers?”

The “products” speak for themselves; they are a variety of driving services. Mr Aslam does not offer a range?, nor does Mr Farrar, or any other solo driver. The marketing self-evidently is not done for the benefit of is not done for the benefit of any individual driver. Equally self-evidently, it is done to promote Uber’s name and sell its transportation services.

“Uber does not simply sell software; it sells rides. Uber is no more a “technology company” than Yellow Cabs is a “technology company” Because it uses CB radios to dispatch taxi cabs.



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Compliance and enforcement

The LCDC voiced their concerns regarding the use of the mobile Apps Once again.

It is a Fact that all drivers have to interact with the phone /device, and this breaks rules 149 & 150 of the Highway Code!

Only last month a lorry driver

was sentenced to 10 years for killing 3 family members whilst using his phone he admitted to the Police he had been distracted by his phone.

The LCDC had a Health & Safety meeting with TFL on the 12th September, the LCDC are still awaiting further updates as to what

TFLs own Health & Safety Officer Simon Bradbury and his team are giving consideration to what, if any actions are required to highlight the dangers of distraction whilst driving. The LCDC have asked for when the next safety meeting is, we are still awaiting a date.

In a recent employment tribunal Uber admitted that their drivers are not given the passengers destination prior to picking them up. How is it then possible for TFL to guarantee the safety of a passenger being driven by someone who constantly has to rely on his sat nav.

Finally the Sexual Related Figures that the LCDC disclosed early this year apparently only cover reported incidents from SIX BOROUGHES not 32 as we were led to believe. See below latest action figures from TFL

Danny Sullivan

Taxi LCE Action Tracker - Open Items

Action Ref	Meeting	Item Name	Action Details	Owner	Due Date	Commentary	Update
TLCE-17	12-Oct	Medicals	TfL to provide update on medicals	Graham Robinson	01-Dec-16	Further update to be provided at next medicals workshop to discuss next steps	
TLCE-18	12-Oct	Card Payment Stickers	TfL to look into the possibility of removable/magnetic signage for taxis used as wedding cars/ filming etc.	Tom Moody / Silka Kennedy-Todd	01-Dec-16	Further update to be provided at meeting on 8 December	
TLCE-20	12-Oct	Island Ranks	TfL to review concerns raised by the trade about app based bookings for suburban drivers at designated island ranks.	Tom Moody	01-Dec-16	Concerns raised by trade about use of apps at island ranks.	
TLCE-21	12-Oct	Sushil Samba, Bishopgate Rank	TfL to request approval for rank from City of London Police	Rebecca Underwood	01-Dec-16	Further update to be provided at meeting in December	
TLCE-5	04-Aug	Road Safety/Apps	TfL to work with taxi trade, police and road safety colleagues on how to address concerns about an increase in collisions and how apps could lead to drivers being distracted while driving.	Silka Kennedy-Todd / Road Safety Team	01-Dec-16	Ongoing: Following a meeting with taxi trade on 12 September to listen to concerns raised by taxi trade representatives regarding the use of cradle devices, TfL's road safety team is giving consideration to what, if any, actions are required to highlight the dangers of distraction driving for professional drivers. Through the Mayor's Action Plan, TfL has committed to has committed to improving driver standards through licensing requirements - for example, requiring that private hire drivers pass an advanced driving test.	
TLCE-9	04-Aug	Compliance Officers	TfL to add information online regarding the powers that enforcement officers have	Silka Kennedy-Todd/Anand Nandha	01-Dec-16	Update was provided at meeting. Information to be updated online autumn 2016	

Taxi LCE Action Tracker - Closed Items

Action Ref	Meeting Date	Item Name	Action Details	Owner	Due Date	Commentary	Update Date	Closed Date
TLCE-1	04-Aug	PayPal Payment Transactions	TfL to publish a link for PayPal's refund procedures on the credit card section of the TfL website	Silka Kennedy-Todd		Closed: information published here - https://tfl.gov.uk/info-for/taxi-and-private-hire/carrying-card-payments/#comp=32746		
TLCE-7	04-Aug	Radio Circuits/Apps Fare Charge Complaints	TfL to look into concerns raised that radio circuits/app operators are not clearly communicating minimum fare administration fee charges to passengers	Tom Moody/Graham Robinson /Silka Kennedy-Todd		Closed: TfL has raised this with the radio circuits and taxi app providers. The customer complaints team are aware so that complaints of this nature are not attributed to individual drivers		
TLCE-6	04-Aug	Taxi Vehicle Licensing	TfL to circulate policy on VIN numbers in taxis and vehicle licensing process online	Tom Moody/Becky Underwood		Closed: The policy is available to all authorised dealers carrying out repairs. General information which reflects TfL policy is available on the DVLA website - https://www.gov.uk/vehicle-registration/default-vehicles		
TLCE-10	04-Aug	Not Wearing Badges	TfL to look at ways to raise drivers' awareness of the necessity to wear their badges	Silka Kennedy-Todd/Anand Nandha		Closed - This issue is now communicated regularly through twitter, the weekly email to operators, on the website and through OnRoute magazine. Communications on this issue will be ongoing.		
TLCE-11	04-Aug	Plying for hire offences	TfL to provide trade representatives with examples of plying for hire offences committed by taxi drivers	Anand Nandha		Update was provided at meeting		
TLCE-13	04-Aug	Uber Servers	Taxi trade has asked for TfL to confirm where Uber servers are based	Tom Moody/Anand Nandha	16-Aug	Closed: It is not appropriate to discuss the models of individual companies.		
TLCE-14	04-Aug	On Route	TfL to provide copies of OnRoute for distribution to drivers at Heathrow	Silka Kennedy-Todd		Closed: OnRoute is now available at Heathrow taxi reader park		
TLCE-15	02-Jun	Timed Ranks	TfL to look into issues regarding PH vehicles using ranks, when a rank is not in operation, and parking bays	Tom Moody		Further update to be provided at meeting in December		
TLCE-16	02-Jun	Congestion Charge Checks	TfL to determine whether private hire vehicles entering the zone without having a booking is a breach of the exemption rules	CC team		Update was provided at meeting		
TLCE-19	12-Oct	Card Mandate Marketing	TfL to provide information on how long initial card mandate marketing campaign will run for	Silka Kennedy-Todd	Oct-16	Radio adverts to initially for four weeks, from 31 October. Digital taxi top advertising to initially run for six weeks, from 31 October. Both campaigns to be repeated later in financial year - timings to be confirmed.		

Licensed with no cars:



EXTRACT FROM A TFL FREEDOM OF INFORMATION REQUEST - FOI -1638-145 - NUMBER OF FLEET CARS PER OPERATOR

7,978	Mohamed Burhan Abdi	20
7,979	Uber London Ltd	0
7,980	Chingford Premier Cars Ltd	10

With TfL allowing UBER BV to "get away" with not having an operators licence at point 3 (DUTCH UBER BV) for no apparent reason this allows Uber to shift money away from the UK tax system.

EXTRACT FROM THE TFL V UBER METER CASE

15. The issue in this case relates to how the fare is calculated for PHVs on the Uber network, and not to black cabs on it. The calculation is carried out by one of two servers operated by Uber in the United States. Signals are sent to the servers by the driver's Smartphone, providing GPS data from the driver's Smartphone, and time details. Server 2 calculates the fare to be paid using what Uber calls its fare calculation model, effectively a software based algorithm. Server 2 determines which fare structure applies, in this case the London fare structure. It obtains the structure from the fare structure in Server 1 which keeps the long term data for Uber.

<https://www.judiciary.gov.uk/wp-content/uploads/2015/10/tfl-v-uber-final-approved-2.pdf>

The point being not the fare calculation but SERVER 1 being UBER LONDON LTD & SERVER 2 being UBER BV

Are TfL allowing Uber to launder money?

where the £££ goes...

APPENDIX 1

What really happens when you book an 'Uber'

-  Bermudian based company that stores 'Cash'
-  Dutch based global Private Hire 'minicab' company **without** an operators licence.
-  Shell companies **with** operating licences within cities they are present.

IS UBER BV AN UNLICENSED MINICAB COMPANY?

Uber BV, based in the Netherlands

- (a) Contracts & controls the PH 'minicab' drivers'
- (b) Collects the customer fare payment.
- (c) Issues the customer receipt.
- (d) Pays the driver up-to 80% of the fare received
- (e) Retains 20% of the fare

*(59% of this fee is transferred to the 'Uber International CV' in Bermuda).

It's safe to say that Uber BV is an unlicensed global minicab company.



This 'Ocean Income' slips off the radar and has the potential to fund terrorism, arms trafficking or any other illegal activity.
Note: There is no suggestion Uber is involved in this.
However there is an importance that regulators conduct anti money laundering compliance checks.



What really happens when a customer orders an Uber?

The customer orders with the company that:

1. Accepts payment for the fare.
2. Has control of the drivers (& vehicles).
3. Issues the receipt to the customer.

This company is Uber BV, anything else doesn't make sense.

Uber BV accepts the booking and then:

- (a) Records the customer booking/trip data etc. with  the shell company to satisfy the licensing authority.
- (b) Offers the booking to the driver/dispatch's the driver to the customer
- (c) Processes the customer payment and issue the customer a receipt.
- (d) Transfers 99% of the 20% fare fee retention to  Uber International CV.



ALL SHELL COMPANIES HOLDS AN OPERATORS LICENCE IN THE COUNTRIES THEY OPERATE. *source: <http://fortune.com/2015/10/22/uber-tax-shell/>

APPENDIX 2

What Uber says happens.

-  Bermudian based company that stores 'Cash'
-  Dutch based global Private Hire 'minicab' company
-  Shell companies who apply for operating licences in cities

IS UBER BV IS AN UNLICENSED MINICAB COMPANY?

Uber BV, based in the Netherlands – NO OPERATORS LICENCE.

- (a) Contracts & controls the PH 'minicab' drivers'
- (b) Collects the customers fare payments.
- (c) Issues the customers receipts.
- (d) Pays the drivers up-to 80% of the fares received
- (e) Retains 20% of the fares

*(allegedly 99% of this fee is transferred to the 'Uber International CV' in Bermuda).

It's safe to say that Uber BV is an unlicensed global minicab company.



This 'Ocean income' slips off the radar and has the potential to fund terrorism, arms trafficking or any other illegal activity.
Note: There is no suggestion Uber is involved in this.
However there is an importance of regulators conducting anti money laundering compliance checks.

What really happens when a customer orders an Uber?

1. The customer orders an Uber with the shell company  in whatever country they are in.
2. The shell company  accepts the booking and records the booking details, but has no vehicles to supply (as all vehicles are supplied by Uber BV)  NOTE: The shell company  does not accept payment from the customer.
3. The shell company  sub contracts the booking to Uber BV  who process the payment etc.
4. In return the shell company  accepts a vehicle from Uber BV  to the shell company  the shell company dispatch's the vehicle to the customer.
This vehicle is being invited for booking and made available by Uber BV 
5. Uber BV  processes the customer payment, issues the customer the receipt & pays the driver his share of the fare (up to 80%)
5. Uber BV  retains 20% of the fare fees and transfers 99% of the 20% fees retained to Uber international CV 



ALL SHELL COMPANIES HOLDS AN OPERATORS LICENCE IN THE COUNTRIES THEY OPERATE.

*source: <http://fortune.com/2015/10/22/uber-tax-shell/>

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Why we took on Uber **EXCLUSIVE**

As the days have passed since our landmark Employment Tribunal victory over Uber I've had more time to reflect and I find my emotions are turning from utter joy to a sense of betrayal and frustration.

Remember, we did not turn to the Judiciary to seek the award of rights. We went there to prove in law what we and Uber Knew all along, that we were entitled to worker rights but have been denied. So why was it then that two lowly minicab drivers had to bring this case? Where was the HMRC? Surely it's their job to ensure employers are obeying employment laws when it comes to basics such as the collection of National Insurance contributions?

Tough questions must now be also asked of TfL's role in facilitating the exploitation of TfL licensed private hire drivers at vast scale. I felt a sickening sense of betrayal when I read Jo Betram's witness statement and heard her repeat many times in court that TfL had 'fully vetted and verified Uber's business model'. The message to the Judge was clear – TfL saw nothing wrong with Uber sheltering off shore from tax and employment law obligations while coming on shore long enough to rack up huge profits from exploitation of our consumer and labour markets. If TfL was ok with this model so should the Employment Tribunal be, right? Wrong!

The Mayor's response to the ruling has been disappointingly tepid. He issued a solitary tweet saying he was 'pleased the law has been clarified'. But the law was already clear and the emphatic judgement only serves to underline that. The only people who were unclear or



James Farrar and Yaseen Aslam brought the case

obfuscating about the law are the very powers that are there to regulate and protect us all from abuses such as those we have seen from Uber.

It is for this reason and with regret, we feel we have no option but to support UPHD member drivers who will be taking to the streets on November 22 to demand that the Mayor immediately act to:

- Commit to establishing a cap on PH licensing. It is patently

obvious to all that flooding the circuits has led to an economic collapse for both taxi and private hire drivers. This in turn leads to unsafe working hours as drivers struggle to work long for less.

- Attach the London Living wage & worker rights for drivers as well as appropriate payment of taxes as a condition of PH Operator licensing going forward.

- Ensure that organisations such as UPHD and others are given full and equal access to TfL

regulatory forums. At the moment 114,000 drivers have no dedicated representation.

We cannot allow our leaders to continue to abdicate all social responsibilities to the courts. It's time to demand a long overdue clean up of an exploitative private hire market that is as damaging to the welfare of taxi drivers as it is to us private hire drivers.

James Farrar



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UBER SQUEEZE PUSHES DRIVERS TO 16 HOUR DAYS



THE SUNDAY TIMES

*Courtesy of Andrew Gilligan
at The Sunday Times*

Uber drivers are working up to 21 hours a day to make ends meet as the Company increases its cut of fares and fights a ruling giving them employment rights.

Drivers in London and Manchester interviewed last week told of regular working hours that Uber itself describes as "unsafe". The Sunday Times has seen official Uber documentation proving one of the men worked a 91 -Hour week:

The disclosures come as new figures show a dramatic rise in casualties involving taxis and private hire vehicles in London. In Interviews with 12 Uber drivers waiting at Heathrow between 9pm and 10pm last Wednesday, the Sunday Times found three who admitted working 16 hours or more a day. Tom Bagza, from High Wycombe said: "On average every day (I work) 14 hours and 16 is top whack. I had a colleague last week who said he had worked 19hrs. i know people who even slept in cars, and they go crazy."

Bagzasaid he never worked more then 156 hours However he added: "I can start at 6 o'clock in the morning and finish the following day at maybe 2-3" a 20-21-hour day.

A second driver who declined to be named, said he had been driving since 5am. More then 16 hours before though his 1st 4 hours was as a newspaper delivery driver not for uber. If allocated a long job from the airport he would clock up 19hrs' driving that day he said Corrado mitzoni, another driver waiting at Heathrow said he had started driving at 9:40 am 12 hours before. If the job he was allocated proved a long one his day would extend to around 14hrs. "This is one of the longest days I've done he said.

A fourth uber driver Kristian Vassilesko, said the longest day he had worked was 16hrs. "I begin to feel tired." He said. "we have no limits" if the tariff could be a bit higher, it would be better." Three other drivers could not be interviewed because they were asleep in their cars. One had installed curtain in the vehicle.

Uber drivers Manchester on Friday night told a similar story. One Khaled, said: we need to speak the truth. I work 70-80 hours a week and weekends at 14-16 hours a day. It is very, very stressful, but I don't have choice. "I feel like I am a slave..... we work like slaves for this Company" the legal limit for a bus / lorry driver is 56 hours a week, figures published by TFL last week show there had been a 26% rise in casualties amongst taxi and PH vehicles in the past year. The number of passengers killed or seriously injured rose from 13 – 20, a 54% rise: In New York, UBER recently banned drivers working more than 12 hours a day. Its General Manager in the City, Josh Mohrer, said "It is unsafe to use the UBER app for more than 12 hours at a time". Some London mini cab Companies, have also imposed a



An Uber driver sleeping in his vehicle

London Uber
@Ubering_London

I drove 13 hours over night for Uber, 6 trips, 266 miles. At 9am when I'm ready to log off I got this. #perpetualride



Uber app urges drivers to work more and more

12 hour limit.

However, UBER UK said it has no plans to follow suit. In London, for new drivers, it has increased the cut it takes from fares from 20% to 25% forcing them to drive for longer hours to earn the same money. The Company suffered a blow last week when an Employment tribunal ruled that UBER drivers were not self-employed, and were entitled to holiday pay, pensions and other workers' rights. It is appealing.

Official UBER documents, from the case, seen by the Sunday Times show one of the successful claimants, James Farrar worked 91 hours in one week in June 2015

Farrar, said last night "I felt like a zombie, it was pretty awful. But the only variable the driver has (to increase earnings) is to driver more. An induction manual, produced by UBER speaks of "typical earnings....based on a 55 /65 hour week"

Steve Garelick, of the professional driver's branch of the GMB union said

"Through the app, UBER knows precisely how long everyone has been available. It and other Operators could stop this overnight if they wanted to. They've made the effort to limit hours in New York, so what's wrong with London"

Tom Elvidge, Gen Manager UBER London said that three quarters of UBER drivers in the Capital were booked into the app for less than 40 hours a week "We regularly advise drivers to take rest breaks" he said. "We take this issue very seriously and are always looking into ways to improve the overhaul safety of the app".



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Curtain falling on UBER?

On October 28th, the GMB Pro Drivers Union won a "monumental" employment legal battle against UBER on basic working rights. The tribunal was based on two drivers as test cases. The union's lawyers (Leigh Day) contested the following:

- Driver's contracts based with UBER NV in the Netherlands, they work in the UK and are entitled to benefit from UK employment laws.
- Drivers working for UBER should be classed as employees and not self-employed.
- Drivers entitled to basic employment rights, such as the minimum wage, holiday and sick pay.
- Drivers entitled to claim missed holiday and back payments for any work that fell below the minimum wage.
- Serious health and safety issues as drivers do not have rest breaks or a cap on the numbers worked per week.

The Tribunal conclusively agreed with the union and drivers accounts, giving a damning assessment of UBER's defence, in particular UBER Regional General Manager Jo Bertram's testimonies. The Judgement disagreed with UBER's notion that its drivers were independent self-employed contractors using the technology to make a living. It lambasted its remark that drivers are a mosaic of 30k small businesses linked to a common "platform" as a faintly ridiculous statement. They concluded that drivers be classed as employees rather than freelancers due to the high level of control UBER have over them. For example, UBER have a recruitment and interview process and provide a list of vehicles to choose. Drivers are under tremendous pressure to work long hours and accept jobs. After each journey, there are ratings for passengers to score drivers to assess performance that



maybe used to remove them off the platform. Bertram spoke of UBER assisting drivers to "grow" their businesses, but evidence found that drivers are unable to do this is without spending more hours at the wheel. The flexibility for drivers she spoke off simply does not exist with excessive hours needed to earn after running costs and dead time between jobs. She repeatedly contradicted herself as the tribunal bought up media interviews where she referred to the drivers as "ours" or "UBER drivers". UBER denied they are a transportation company but a tech company, although licensed by TFL as PH Operator. The tribunal did not agree with their assertion and used an excellent phrase to express it:

"UBER does not sell software it sells rides: UBER is no more a technology company than a yellow cab is a technology company, because it uses CB Radio's

to dispatch Taxi Cabs." This landmark ruling exposed UBER's despicable business model in its entirety and TFL should be shamefully embarrassed of their heavy involvement by licensing them. The LCDC hope the Mayor will now take the opportunity to issue an enquiry and investigation into LTPH for their multiple failures regulating the taxi and PH industries.

In addition, the tribunal reported UBER driver contracts are registered in the Netherlands. It seems Job allocations and revenues go through there too. They are domiciled there for the avoidance of paying UK tax. Prior to licensing, did TFL receive permission from HMRC that UBER can be void of paying tax? Why did TFL license them as a PH Operator when their jobs are not allocated from offices in London or the UK? These questions need to be answered. TFL are currently refusing to answer our concerns regarding UBER, even via FOI's. A siege

mentality appears to have developed at TFL HQ due to the LCDC investigations and constant probing. Are they protecting themselves from serious negligence? Are they protecting their extremely remunerated jobs?

UBER's recent success of attracting customers by predatory pricing and availability has relied entirely in my view by brutal exploitation of its workforce and TFL light touch regulation.

Evidence from the hearings found one of the drivers was earning no more than £5 an hour after outgoings, earning less than the minimum wage in total contrast to the radio adverts that portrays drivers earning extra money to fulfil fairy-tale personal goals...such as getting a mortgage or opening a restaurant.

Britain's employment rights have been eroded for generations. I hope that this ruling will begin to change that. I believe in fair pay and decent working conditions and rights for everyone; however, I cannot find



sympathy for UBER drivers in this instance. No one held a gun to their head and forced them to join UBER. They signed up too them, to come and play taxi, and ply for hire via e-hail without doing the KOL. They believed and bought into the sales pitch from UBER recruiting seminars, believing they were going to crush the London Taxi trade, earn a fortune and take our living away. They had zero regard to the affects it would have on us. During the early days before their driver numbers exploded, I met some who were boastful, gloating to me at traffic lights, whilst they were POB and I was empty. My only sympathy lies with London Taxi drivers and their families who have suffered the most by this unethical, capitalist corporate monster backed up by TFL, that seems to many has had its own way by intimidating and buying influence to monopolise the market.

The judgement has massively exposed the "gig economy" or the "sharing economy" as modern day slavery. On hearing this, maybe some of its passengers who probably buy fair trade cappuccinos, sign on-line petitions to stop exploitation and corruption in less developed countries, may have felt a pain of guilt for their contribution to this. Probably not, so long as it is cheap and accessible they will continue to use them. The "gig" is simply about unscrupulous employers taking advantage of a sector, exploiting workers and escaping the responsibility to pay employment costs and tax. I do hope that the final curtain will come down on the UBER gig and others very soon.



Alan's Angle

WINTER WONDERLAND
Following meetings with TfL, Westminster Council, Royal Parks and Winter Wonderland event organisers - PWR, the London Cab Ranks Committee (UNITE/LCDC/LTDA) is pleased to announce that taxi arrangements at this year's Winter Wonderland event have been confirmed.

As last year, the taxi rank will be in the first two coach bays at the Brook Gate exit from Hyde Park. To accommodate the taxi rank, the first two adjacent coach bays will be suspended from 2pm on Saturday 19 November 2016 until Monday 2 January 2017 (excluding Christmas day). The

remaining three coach bays will be for coaches to use for set down and pick up.

Following agreement with Westminster Council and TfL Coaches, PWR have agreed to finance the taxi rank operation. PWR will also have event stewards on hand to help with the smooth running of the rank. The LTDA has again said that it will marshal the rank at peak times.

Obviously this taxi rank operates at one of the busiest times of the year. To help ensure that the rank works for all concerned and particularly for reasons of safety. TfL, Royal Parks, PWR & Westminster Council are



asking drivers that under no circumstances should over ranking take place. The rank is in the first two coach bays

Follow @LDNCabRanks for all the news from the London Cab Ranks Committee

GMB CALL FOR MAYOR ACTION

Dear Mr Khan,

Following an earlier letter to you upon your accession recounting to my concerns in relation to TFL's method of operation I am now writing again.

There is a large consensus from both Private Hire and Taxi that failures have occurred and that consultations and interactions have been ignored or perhaps altered to suit TFL's purposes rather than that of those individuals and organisation who pay licence fees and I believe TFL have a duty of care to and that of Londoners too.

Whilst some matters are for the greater good there is a huge concern that multiple subjects are decided regardless of the problems that then ensue.

An approach to act now and amend later is far from perfect.

I would add that concerns I have voiced directly over medical testing and false reports as well as test centre concerns went unheeded for a long period.

It is concerning that in 2012 I brought up anxieties in relation to Ubers operation and licensing and was advised in a meeting that they fulfilled their obligations by John Mason.

Clearly there were issues that have allowed them to operate where others have lost their license for lesser infractions.

Turning to current events because of the rush to put through new Private hire regulations further complications have occurred.



On the basis of these greater concerns I am now requesting a formal enquiry in to the processes and decisions

made by TFL on London's behalf.

I await your timely response.

Steve Garelick,
Branch Secretary
Professional Drivers G56
www.gmbdrivers.org





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■ RANKS AND HIGHWAYS

The LCDC attend the Joint Ranks committee, working hard for more ranks and more access for the taxi trade in London.

■ CAB TRADE ADVICE

All members can call the office for any information or up to the date news on any trade related subject.

■ TRADE'S FUTURE

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And are always working hard to protect our future.

■ CAB TRADE REPRESENTATION

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TFL and was a major influence in the recent "future proof" document.

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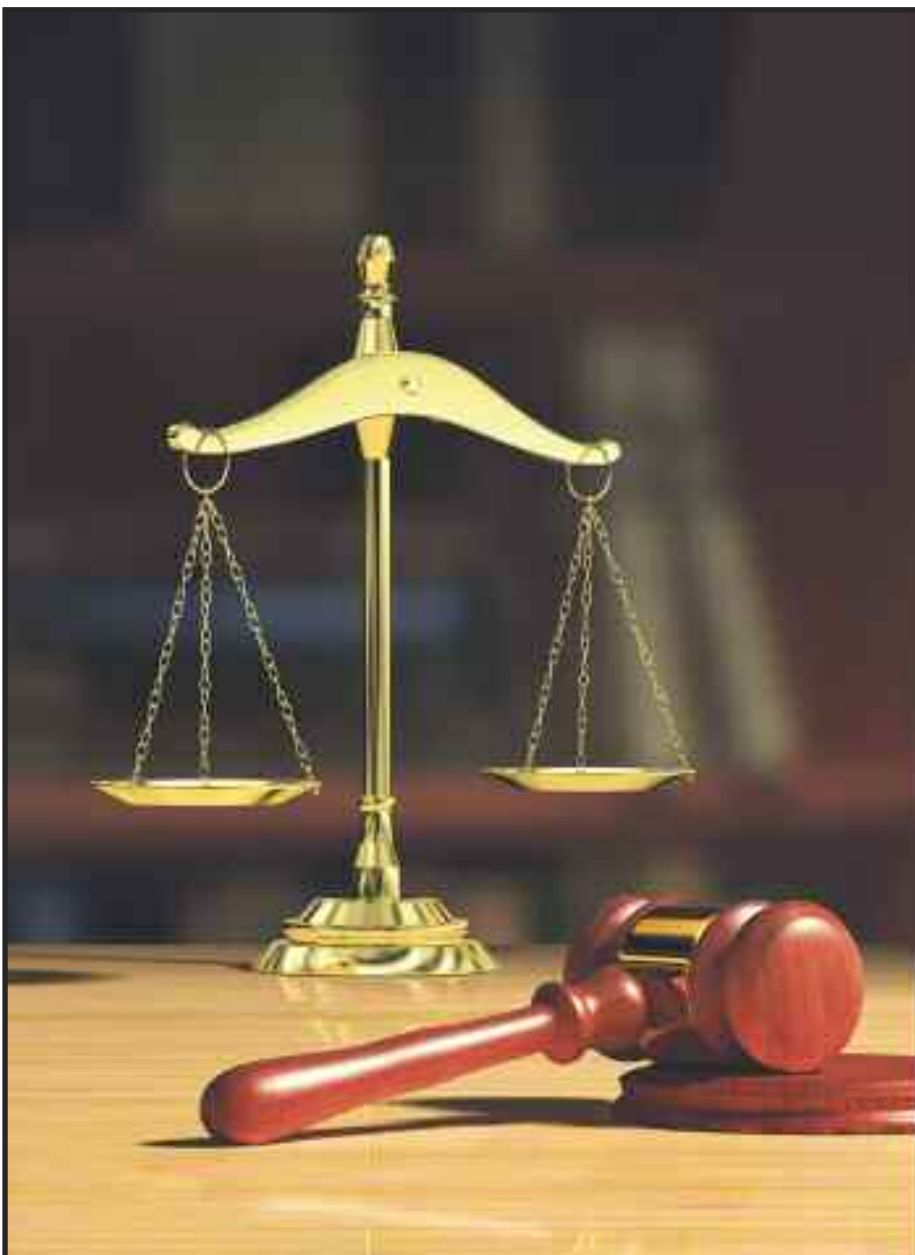
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- Grant Davis, LCDC Chairman

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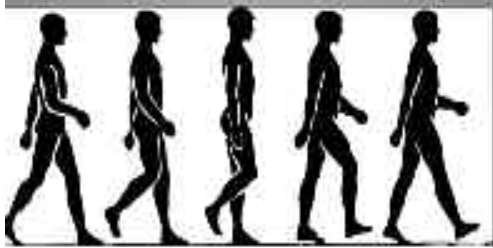
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Walker on the March...

CREDIT CARDS AND DOUGHNUTS Any one of us could quickly name a couple of dozen flaws in TFLs mandate to have card facilities in all taxis.

At the end of the day we all know that TFL were too interested in rushing things through and too little interested in how the system might work in practise.

We've done this subject to death over the last year or so but in practise there are two things stand out for me and they both apply to customer-driver relations.

First is the situation where TFL can force us to have the card facility in the passenger compartment and the signage that goes with it via the Conditions of Fitness (CoF). However, it is less clear as to whether the driver can be compelled to accept a payment by card. The law of the land is that cash is the only form of legal tender. TFL argue that changes to the London Cab Order trumps the law but this is debatable.

But a card payment is a financial instrument. Payment by any means other than cash has to be agreed before the contract is carried out – in this case, before the journey begins. In which case, it would appear that a



driver can refuse payment by card unless it is agreed at the start of the fare.

Either way this opens the possibility for disputes between drivers and customers. So far as the customer is concerned the driver will accept their card as payment. As a result there are more and more instances where the customer doesn't inform the driver until journey's end that they intend to pay by card.

This brings me to my second main point. TFL have taken no account of the fact that a customer that is alcohol – fuelled, often has the brains of a jam doughnut. They can manage to wave

their card at a machine in a bar or shop but things ain't that simple with a cab fare.

The machine I use requires the customer to select one of a range of gratuity options from £0 upwards and this requires pressing a button. If they manage this successfully, they then have to tap the screen to confirm their choice. Only then does their card actually come into play.

This is far too complicated for the average doughnut to cope with so the card often goes into the machine too early.

This doughnut effect caused so many problems for me last weekend that I thought the "contactless" wasn't working on the machine. Then I trapped two jobs on the trot. The first was a nice job taking two gays from Shoreditch church to West Kensington Stn. When we arrived the drunker of the two began just waving his card at the machine without even telling me he was paying by card.

He tried twice and his pal tried once and each time it was rejected. Now here's the thing. This bloke felt that as his card had worked all night before getting in my cab, my machine must be

faulty and that entitled him to walk off without paying a £30 fare, which he duly did.

Luckily enough, the other one paid using his card and it all ended well. If the drunker one had been on his own though, it would have ended with the police being called and all they would have done was to get his name and address as it would have been civil and not bilking as he had the intention to pay, even though he didn't actually pay.

The very next job was a drunken Spaniard. I ended up having to get into the back of the cab and do it all for him, using contactless by the way. Now as things were, this drunk was a very nice and funny man so it all ended well. How long though before a driver gets assaulted doing this of accused of inappropriate behaviour towards a female passenger? It may even become a toe-rag's ploy to get the driver out of his cabin so he can be robbed.

It's all very well Helen Chapman telling a member at the AGM that they haven't had any problems in this regard but if it's all the same to you Helen, we'd rather not wait until it happens before you sort things out.




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Airport matters... by Mark White

RESPONSE TO HEATHROW TRADE QUESTIONS

1) How long have Uber been pushing TFL and Heathrow for a new 'waiting area'?

Uber have not been pushing TFL.

2) How can this 'waiting area' be legal and not comparable with the Taxi Feeder Park?

It is not illegal for PHVs to operate from a car park as they are not plying for hire whilst there.

3) Given Leon Daniels' 'advice' to Uber regarding Pre Booked trips, how can TPH allow unbooked cars to virtually ply for hire, on-demand from a Feeder Park?

The context of that advice was in relation to their website. The fact is the customer will have a pre-booked car when are picked up.

4) Given that Uber will be operating 'on-demand' from this Car Park, how will PH Drivers plan a route in advance?

The AVA is for all PHV drivers. PH drivers will be required to ensure they have a booking before proceeding to a customer. They will know what the destination is when receiving the booking and they will be required to plan the route before they approach the customer.

5) Given that the framework for Airport Security ensures that HAL agrees a local Airport Security Plan (ASP) with their key stakeholders-why doesn't TFL TPH have a role to play as a key stakeholder along with HAL and the MPS?

Airport Security:

1) The legal framework for airport security planning, which came into force in January 2010, is set out in the Aviation Security Act 1982 (as amended by the Policing and Crime Act 2009). The whole framework is based on the principles of collaboration and transparency between all

organisations with a stake in creating a secure airport.

2) The framework applies not only at Heathrow, but at other airports in the UK which are subject to the National Aviation Security Programme (NASP). You need to know about the frame work if you are involved in airport security issues with for example HAL Heathrow Police and TfL. You may be asked to be a regular member of one of the groups involved in the framework's processes or to contribute occasionally, or you may be affected by security measures agreed through this process.

3) The framework ensures that HAL agrees a local Airport Security Plan (ASP) with their key stakeholders. Where it is agreed that a dedicated policing presence is required at an airport, the airport operator pays for that presence. Where there is unanimous agreement that a person or organisation undertakes a security measure, that person or organisation is under a legal duty to comply.

4) The stages of airport security planning are split between different groups to ensure the effective delivery of the security measures, with a senior-level group holding overall responsibility for delivery.

5) A Risk Advisory Group (RAG) brings together security practitioners at the airport, including representatives of HAL and the MPS Heathrow. The RAG's function is to produce a Risk Report and makes recommendations about the security measures that need to be taken.

6) The Security Executive Group (SEG) consists of personnel who have the authority to take decisions about the security measures that should be put in place. It includes senior



representatives from HAL, the MPS Heathrow and airlines operating at the airport.

7) Using the Risk Report as a starting point, the SEG unanimously agrees an Airport Security Plan (ASP), detailing what security measures will be put in place and which organisation is responsible for the delivery of each measure. If the ASP identifies a need for a dedicated policing presence at the airport, HAL and the MPS agree a Police Services Agreement (PSA), setting out the level of policing required and how much the operator will pay. The PSA should be regularly reviewed and amended if necessary.

Responsibility:

6) Who is ultimately responsible for taxi and private hire regulation in relation to touting and operations at Heathrow Airport?

The response from Boris Johnson/TfL, said that the ultimate responsibility lies with HAL, but involves close working with Transport for London and other agencies.

However serious problems remain at Heathrow Airport with touting and congestion and pollution. The current approach by HAL, Transport for London and the other agencies is proving to be inadequate.

What more will Transport for London do to ensure that regulations relating to private hire operators are enforced at Heathrow Airport and that the police take appropriate action

TfL continues to work closely with the Metropolitan Police, Heathrow Airport Limited and the London Borough of Hillingdon to address the taxi and private hire issues both at the airport, and in the surrounding areas.



against illegal touting and operations?

As mentioned TFL have increased presence at the airport. We plan to carry out a number of joint operations on a regular basis and are working with police to support this. We are close to obtaining the additional bylaw powers at Heathrow to enhance capability. We are also working with Hillingdon council to support prosecutions against contraventions.

The Mayor/TFL, previously gave this bland response:

(18-Nov-2015)

TfL is in the process of enhancing its intelligence and data sharing processes with the local authority so that TfL, as the licensing authority, can take appropriate action against drivers that continue to park illegally or commit anti-social behaviour. Action could include the suspension and revocation of licenses.

7) How many PH licences have been suspended or revoked in incidents related to issues at Heathrow?

We do not hold this data as the location where the offence has taken place is not captured on our systems. However, I can tell you that 344 Fixed Penalty

Notices and 175 warnings have been issued as a result of joint working with Hillingdon Council's environmental officers at Heathrow since September 2015.

8) Who has ultimate responsibility for making sure PH operate within the spirit and letter of the law at Heathrow Airport?

This is the responsibility of the drivers and operators. They are licensed under the respective legislation and regulations and are expected and responsible for adhering to these. TPH Compliance and other enforcement agencies will deal with any non-compliance of these legislations, regulations and policies.

9) How will enforcement and compliance with the legislation be carried out (in detail) and funded, given that enforcement has been woefully inadequate and funding, in real terms, reduced year-on-year?

Using a variety of operational response methods through our tasking process. We do not provide the detail as these can fluctuate and change depending on intelligence received. We have limited resources but have identified Heathrow as a priority location. We have a fixed number of resources budgeted against TPHC and we will dedicate additional resources to Heathrow at the right times and the right places. From time to time, we will also carry out large scale operations with multi-agencies. We will utilise the powers we currently have and will work to obtain the additional Heathrow Bylaw powers which gives more flexibility. We will aim to educate drivers and operators who we find frequently use this area to ensure they work within legal requirements.

10) Given that enforcement on Terminal forecourts have been virtually non-existent and has only risen by a negligible amount in the past year, what will the targets be in the future, as 600 tickets/month (a six-fold increase) is not much more than the minimum, and 6 hours/week from TFL TPH is not much better?

This has already been answered. We will be increasing resources at Heathrow to at least 2 times per week. This will fluctuate depending on intelligence received and resources. Where possible, we aim to utilise wider

TfL enforcement officers to support activity and provide wider coverage.

11) Who will provide what funding for more enforcement and compliance?

Funding for TPH activity is determined by finance and is linked in to the existing TPH finance model and funding arrangements.

12) What enforcement will be carried out locally, in the immediate vicinity of Heathrow, and how will they fund it?

TFL are working with Hillingdon council to deploy enforcement officers in the surrounding areas. This will be self funded by Hillingdon council.

We are working with borough Police to support joint operations at Heathrow. I have been in discussion with our Cab Enforcement Unit to support specific work at Heathrow. This is already funded under the existing arrangements.

TPHC will also work in those areas where we receive intelligence to support activity. However, these will be balanced with resources within the airport. This is already funded through the existing arrangements.

13) Who will have ultimate responsibility for the enforcement levels needed outside the Airport? How much funding will be needed?

We will assess all of our priority activities based on intelligence, impact on public safety and level of importance. Therefore, we will work with the respective boroughs, authorities and agencies to determine what resources we have available and of these how many resources we need and what methods of enforcement and engagement are necessary to manage these issues.

OTHER KEY INFORMATION:

You said you wanted more enforcement at Heathrow. In the month (15 April to 16th May) we have carried out 10 visits at Heathrow at different times including night.

480 PHVs checked. A total of 28 offences were identified + 110 cases of badge not on display. (29% irregularity)

59 Taxis checked. 17 offences identified + 4 cases of badge not on display. (35% irregularity)

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LCDC MEMBERS ENJOY NIGHTS AT THEATRE

Dear LCDC,
May I start by saying a huge thank you for my tickets to go and see Kinky Boots with my wife on Tuesday 8th: It was a great show and we really enjoyed it. Thank you so much for the tickets, appreciated.
Maurice Vostok

Dear Grant,
It was great to get tickets for the Kinky Boots show from you, fantastic! I had wanted to go for ages and the free tickets we received made it an even better night! I met several members of the Club there and afterwards we all

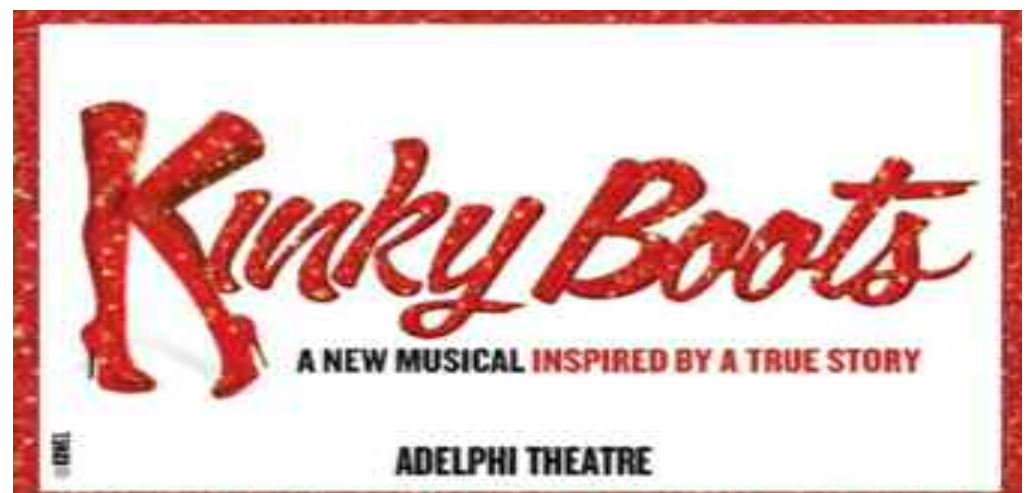
went to the pub to have a chat, fantastic.
Jimmy Farrows
Dear Club,
Felt compelled to write in and thank you for the great free tickets to Dead Funny show at the Vaudeville Theatre, fantastic.
Alan Small

Dear LCDC,
My wife would like me to say a BIG thank you for the tickets we received for Dead Funny, it certainly gave us a very entertaining evening to say the least. I spoke to a couple of passengers in the taxi the day after and told them if they like saucy comedy, this was the show.

Again, many thanks.
Robert Fitzgerald

Dear Grant,
Thank you for the tickets, we really had a lovely night. I have been a happy member of the Club for around 10 years and getting these great tickets from you is just another reason I think you're the best.
Jamie Dowd

***WITH THANKS
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Joshua eyes early Xmas present

Eric Molina in Manchester on 10 December is not the Anthony Joshua title-defence that Britain's long-suffering Lennox Lewis fans were hoping to see.

Joshua was in noticeably relaxed mood as he spoke and put that down to having taken the longest break of his professional career following his seventh-round stoppage of Dominic Breazeale in June. That was the joint furthest anyone had taken Joshua and by the Briton's own admission he was not at his best going into what was his first defence of the IBF title, after a disrupted training camp and glandular fever. "The break after was a godsend," he said. "Me and the lads had an unbelievable holiday – to Koh Samui in Thailand – and I only started getting back into boxing when I

went to Rio [Olympics] to watch the fights out there. I came back a week or so later and have been back in the gym since." Joshua admitted he was preparing for Klitschko until two weeks ago but insists switching focus to Molina has not been problematic. "These things happen," he said. "I just crack on and keep the ball rolling." That is also the case for Joshua's promoter, Eddie Hearn, who was at his hard-selling best at the press conference, hailing the quick sale of tickets for this fight (15,000 in five minutes, apparently). But there is no doubt he faces a challenge persuading the usual number of people to take up pay-per-view subscriptions now it is Molina and not Klitschko who is on the bill. The Texas-born fighter arrives in England having won 25 of his 28 professional bouts, 19 by



knockout. But it says much about Molina's record that the most notable fight was a defeat to WBC champion Deontay Wilder in June last year. Molina rocked the undefeated 31-year-old with a left hook in the third round before Wilder recovered and finished off the job in trademark

powerful fashion in the ninth. Molina believes that display, along with his most recent – the 10-round stoppage of two division world champion Tomasz Adamek in Poland on 2 April – shows he has the physical capabilities and mental strength to overcome

Joshua, with the latter attribute backed up by the fact he has up until now combined boxing with being a full-time special-needs teacher in the Texan city of Edinburg. "I've no amateur experience but I'm getting better in every fight," Molina said. "I'm here to make history."

Manny Pacquiao claimed back the World Boxing Organisation welterweight crown for a third time against Jessie Vargas but it was the presence of Floyd Mayweather Jr here at ringside which drew most attention as talks for a second meeting between the two stand-out fighters of this era look set for 2017.

Mayweather and 16,131 spectators at Thomas & Mack Center witnessed near vintage Pacquiao at times, even though the 37-year-old failed to put a full stop on the night with a knockout, an outcome the southpaw has not etched onto his record since 2009.

Pacquiao v Vargas: key fight stats Play! 00:29 Yet Mayweather's



Manny bounces back

appearance at ringside stirred debate of a rematch between the two prize fighters who went

head to head in May last year in the richest fight in history, which disappointed the masses,

but earned the American \$240 million (£192 million) and his opponent \$120 million (£96 million).

Mayweather's points victory in that first encounter set records on every level, grossing around \$700 million (£559 million).

Mayweather-Pacquiao remains "the biggest fight in the world" said Freddie Roach, the Filipino's trainer, yesterday, and he is right, though Pacquiao's veteran promoter Bob Arum was coy on whether talks have begun behind the scenes.

"As far as we're concerned, Floyd is still retired and I respect that," said Arum, having gone through five years of on-off negotiations to make the first contest. "Floyd had a number of things to say. He called and said he wanted to come to the fight."



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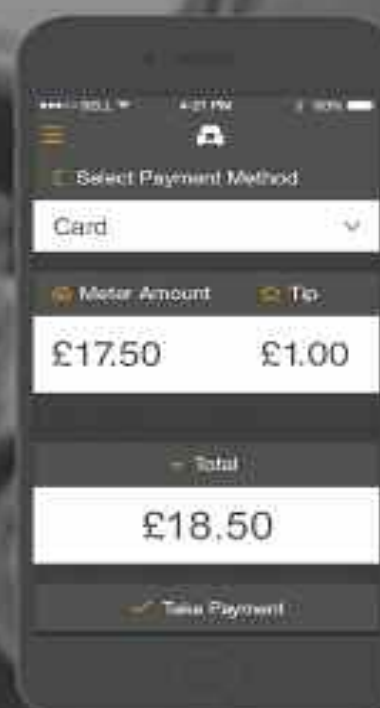
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