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Issue 238 April 2016

# WES TAKES UP THE FIGHT

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## Editorial:

### MAYORAL ELECTIONS

Is it me or has this Mayoral election been the most low key since the post of Mayor of London was introduced? It could be that this election will be the first that does not involve any "celebrity" political heavyweights i.e. Ken Livingstone or Boris Johnson; however, for a position that carries such political influence and a budget of some £17b, the lack of press coverage surrounding this has been shockingly minimalistic. When you think of the importance of the London economy to the rest of the country the person responsible to oversee the running of the Capital, you would think there would be a lot more examination of the details of the individual candidates involved. Hardly any public debates have taken place on TV, and in the main stream press only the odd article appears. One wonders, is this just another sign of the political process in this country being watered down?

### CROWD FUNDING

It was sad to see that the Trade was unable to rally round and find the sum needed for legal action against TFL. So much for people in the Trade who boast of "million pound war chests"; as my old dad used to say..." Bullshit Baffles

Brains".

In this edition of the Badge, on pages 14 – 15 you can read an article by a leading Litigation lawyer, John Halford outlining legal action against TFL over the licensing of Uber back in July 2014. At that time the cost would have been in the region of £375k, however, the perception of the threat of Uber towards us in 2014 was deemed not serious enough for other trade Orgs and drivers for it to be undertaken.

### WES STREETING MP

Last Monday I had the pleasure of meeting Wes Streeting MP at his offices: For those of you not aware, Wes made the case in Parliament on the 22nd March to introduce the 10 minute rule Bill outlining the common sense changes for public safety in PH Vehicle. ( see page 3). Unfortunately, at the time of going to press the second reading, due to Parliamentary pressure The bill will not get a second reading but Mr Streeting has urged the taxi trade to contact their MPs ( page 5) and keep up the momentum and pressure regarding taxis & PH.

*Grant Davis*



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# STOP PRESS

We Understand at the time of going to press discussions are taking place between various trade organisations as to whether to accept HAL proposals (see page 11) to facilitate PH/Uber with their own feeder park within Heathrow airport.

The LCDC would like to go on record that we are totally opposed to any concession given to Private Hire at Heathrow airport.

If this proposal is allowed to go ahead it will be the beginning of the end at the airport for the cab trade.

# **“It’s high time the government listened and helped the black cab trade”**

*By Wes Streeting MP*

**YOU DON’T** need me to tell you that the threat to the taxi cab trade is real. But too many MPs, particularly some at the top of our Government, don’t seem to realise that the iconic black cab will be driven off the streets unless politicians take action. That’s why on 22nd March I presented a 10 minute rule bill to the House of Commons. The Bill sought to put these issues on the political agenda by putting fair competition and passenger safety at the heart of the taxi and private hire vehicle industry in London and across the country.

At its best, disruptive technology drives innovation and increases competition, with enormous benefits for businesses and consumers alike. However, as we have seen on the streets of London, it also brings significant challenges, and some of those challenges have been neglected for far too long.

The debate about the future of London’s taxi industry has been unfairly characterised as a debate between those who support competition and innovation on the one hand and those who want to cling to the past on the other.

But the cabbies I represent are not afraid of change and innovation, they are not afraid of new technology and they are not afraid of



**LCDC Chairman meets Wes Streeting MP at HOC**

competition. The development of apps like Gett and Hailo prove this. But, as I told MPs, cabbies are finding it increasingly hard to compete in a changing marketplace with both hands tied behind their backs.

My constituency, Ilford North, was once known as “Green Badge valley”, and it is still not unusual to see taxis parked on the driveways of Gants Hill, Clayhall, Barkingside and Woodford. I also represent hundreds of minicab drivers and drivers who work for new market entrants such as Uber. I’m in favour of competition

and choice as much as anyone else, but I also recognise that the explosion in the number of private hire vehicles and cheap and quick apps like Uber present real challenges that pose a risk to passengers as well as the traditional black cab industry.

There’s also an issue of basic fairness. Is it really fair to expect cabbies to compete on fixed fares while apps such as Uber are able to drive their prices down, as profit-shifting allows them to avoid paying their fair share of taxes here in the UK? I’ve seen too many examples

of people hanging up their green badges and leaving the trade because they can’t make ends meet. This is bad for competition, bad for passengers, and bad for London.

I believe we need action in three key areas:

Firstly, to increase the training requirements for PHV vehicle drivers, to help groups who often have problems with PHV drivers such as the disabled and make sure they understand playing for hire and touting regulations.

Secondly, we should switch to an operators insurance model so passengers know they are safe and TFL can check insurance easier.

Finally we should make sure that fair and proper taxes are paid in the UK by multinational companies.

Unfortunately, my bill will not get a second reading due to pressures on the parliamentary calendar, but I hope that the government will listen to the issues it raises and take action. The campaign does not stop there though – you can see what you can do on page 5 and I’ll continue to raise this in parliament on your behalf.

Wes Streeting is the Member of Parliament for Ilford North



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*By Wes Streeting MP*

**I MADE the case in Parliament on 22nd March for common sense changes that will make competition fairer and improve passenger safety. I was delighted to have the support of some other MPs, but we can't do this alone.**

Unfortunately it will not receive a second reading due to the time available in this parliamentary session, but that doesn't mean we can't try to get the government to consider the issues.

**My bill sought to change three issues:**

1. First, on the issue of training, the Bill proposes that in order to obtain a PHV licence all drivers should:
  - a. Complete an enhanced Driver and Vehicle Licensing Agency assessment, requiring additional skills such as how to drop off and pick up passengers and wheelchair exercises to learn how to support the disabled.
  - b. Undertake an assessment on the principle of plying for hire and touting regulations, so that there can be no excuses for breaching regulations.
  - c. Training and assessment in their obligations under the Equality Act 2010, so that protected groups such as LGBT people and disabled people can travel with confidence.

2. The second issue that the Bill seeks to address is insurance. There is a higher cost for hire and reward insurance, which means that many private hire vehicle drivers can be tempted to opt for a cheaper form of insurance when accepted by a

licensed operator. In order to resolve this issue, I propose:

- a. Moving to a system of operators' insurance that places the responsibility on operators as a prerequisite for obtaining their licence. This will guarantee that cars managed by the operator are insured so that customers have confidence that they are safe and making the regulators' task easier because checking a few thousand operators is easier than checking over 100,000 individual policies.
3. Finally, my Bill makes provision for the tax liabilities of taxi and private hire vehicle companies. It cannot be right that some companies in this industry are making huge profits but not paying their fair share of taxes. This should be challenged by:
  - a. Increasing transparency for multinationals as proposed by Caroline Flint MP.
  - b. Requiring the Chancellor or the Financial Secretary to the Treasury to make an annual statement to Parliament on the progress of the OECD's base erosion and profit-shifting project and the action that the Government are taking.

**You can take action by writing by post or email to your MP using the template (or in your own words) on the LCDC website, tweeting at your local MP to ask what they are doing or seeking to meet with them to make the case for change. You can find out who your MP is by visiting <https://www.writetothem.com/> and entering your postcode.**

# 10 MINUTE RULE BILL: HELP ME TO HELP YOU

## Letter Template

**Dear [Insert Name]**

The taxi trade in London faces a real threat to its future. We need to act now to stop our trade being driven off the streets and thousands of families losing their main source of income.

I really hope you will help us by considering the issues raised in Wes Streeting MP's 10 minute rule bill on 22nd March (Column 1384) and then taking the following actions:

- 1) Asking either a written or oral question to find out what action the government is taking to help us.
- 2) Tweeting your support for our trade to @The\_LCDC.
- 3) Meeting with taxi drivers from your constituency to discuss the future of our livelihoods.

While we know the bill will not receive a second reading, we need your help to make sure the government listens and acts.

I don't have a problem with competition and innovation, I welcome it, but that competition must be fair. We undergo extensive training, have proper insurance that is regularly checked and pay our fair share of taxes. It is only right that other operators in the industry should do the same under proper regulation by TFL.

I look forward to hearing back from you on this matter.

**Yours sincerely,**  
[Your Name]  
[Your Address]  
[Your Contact Email]



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# MAYORAL ELECTION

Sadiq Khan



## An iconic taxi service

**AS THE world's greatest city it is absolutely right that we have, and continue to have, the best and most qualified cabbies in the world.**

London's black taxi drivers are highly trained and properly checked to a high safety standard, driving wheelchair accessible vehicles, with the incredible geographical recall and sense of direction that only those with The Knowledge have. With people like this at the wheel, it's understandable that the London black cab is an icon known around the world and a source of pride for Londoners. I will:

- Ensure that the markets for licensed taxi drivers and for private hire drivers are fair - with special privileges built in, as they always have been, for those who become a licensed London taxi driver.
- Ensure that driver safety standards are rigorously enforced across the black cab and private hire industries.
- Retain the exclusive right of licensed black taxi drivers to use bus lanes and ply for hire.

## I will level the playing field for our iconic black cabs

**THE BLACK Cab is the most iconic vehicle in the world: a London Icon.**

My action plan for greater London will ensure they do not vanish from our streets.

London's 22,500 black cabs set the gold standard; their drivers know every nook and cranny of our city.

They have extensive background and driving checks, and each vehicle provides disabled access.

Yet today they are under threat from relatively unregulated competitors like Uber which offer services at the swipe of a thumb.

I will support choice and competition.

Apps like uber provide competitive, quick and cost effective rides for hard working Londoners which is why I support them

but competition must be fair.

The black cab is one of the most regulated taxi services in the world. With the famous Knowledge that drivers pay for themselves and which can take 4 years to achieve, and the design of the vehicles themselves, which among other things must be wheelchair accessible, it is unfair to expect them to engage in straight competition with services that have none of these mandated costs. We need to maintain a distinction between black cab and private hire vehicles to ensure fair competition.

It's important that passenger have appropriate protection when getting into any mini cab or taxi. So I will insist that all minicab drivers have passed Basic English and geography tests and that

Zac Goldsmith



fleet insurance is put into place by the operator rather than personal insurance by the driver

To manage air pollution, I will also only allow private hire operators to grow their fleet with zero emissions vehicles.

If I see clear evidence that private hire vehicles are adding to the congestion I will bring them into the congestion charge zone. The funds will then be ploughed back into grants to help businesses install overnight delivery facilities.

I will also seek new powers from government to cap licences

At the same time I will help black cabs to modernise, so they remain the best in the

world. I will require them to take card payment by October 2016 and I will work with the industry to make sure all black cabs are bookable via app by the end of the year

I will work with booking platforms to promote the black cab trade to international visitors, for example by offering discounts to hotel chains and conferences. I will back TfL plans to double the number of TfL plans to double the number of TfL compliance officers.

And I will support 100 new ranks by 2020 with an emphasis on the outer boroughs to accompany the rollout of the night Tube



# LONDON 2016

## I'll run Uber out of town

**EVER SINCE my talksport radio days I've had a special relationship with cabbies.**

Every weekend my Mother of All Talkshows entertained, elucidated and no doubt often infuriated cab drivers up and down the country, especially it seemed in London. One of our most celebrated and frequently broadcast callers was the legendary Fred the Cabbie (if you read this Fred please get in touch) who frankly astounded listeners with his erudition. This prompted me one night to reveal that my daughter Lucy (now the mother of four) when she was still a young girl once said "taxi drivers are very clever men". She meant I think, that they always had a point of view and could surely

express it. But it is true, and is one of the reasons I'm hoping for support from cab drivers in the forthcoming election for Mayor of London.

Now Lucy's husband is doing the knowledge (on a bike I bought for him) and soon I hope will join the ranks of these clever men (and women too nowadays).

I've always backed the London cab trade, long before I was running for office, and there's never been a time when cab drivers needed more support. The threat of Uber, the deregulation of yet another of our essential services into just another no red-tape, law of the jungle, dog eat dog, globalised exercise in mutual throat-cutting is real and present.

George Galloway



A \$50 billion US corporation which pays no tax here intends to wipe out the London cab like the grey American squirrel did to our traditional red one. Ruthlessly and without care for public affection or interest.

If I am the Mayor of London I will

seek to run Uber out of town as others in the world have done. And to begin with, I will unhesitatingly enforce the existing laws and regulations with all the powers over TfL I would exercise. And if Uber friends at Transport for London don't like it, they can sling their hook.

Caroline Pidgeon



## Thriving taxi trade is essential

**A THRIVING taxi trade is essential for Londoners and for the capital's future success.**

The reality is that Boris Johnson has been chair of Transport for London for over seven years. Far from TfL being in the pocket of the taxi trade the record of TfL is best summed up in the report Future Proof, produced by the London Assembly Transport Committee. I chaired the unanimous committee, which after taking extensive evidence from passengers and the taxi and private hire trade, declared Transport for London in this area to be "not fit for purpose" and "woefully inadequate". Serious problems existed with not enough taxi ranks and enforcement of touting being "outstandingly low". These are some of the facts that

those who are quick to comment on the taxi trade should first carefully consider.

The fact that London has a fleet of taxis which are 100% wheelchair accessible (and have been since 2000), that they can all routinely take up to five passengers and that their drivers have passed one of the most demanding knowledge tests that anyone could imagine is something more people should remember.

So in case you are in any doubt I stand firmly in favour of the taxi and private hire trade remaining in their separate but complimentary roles. It is not an either or situation. If regulation is updated and properly enforced and there is a strategy for both industries, then both can flourish.

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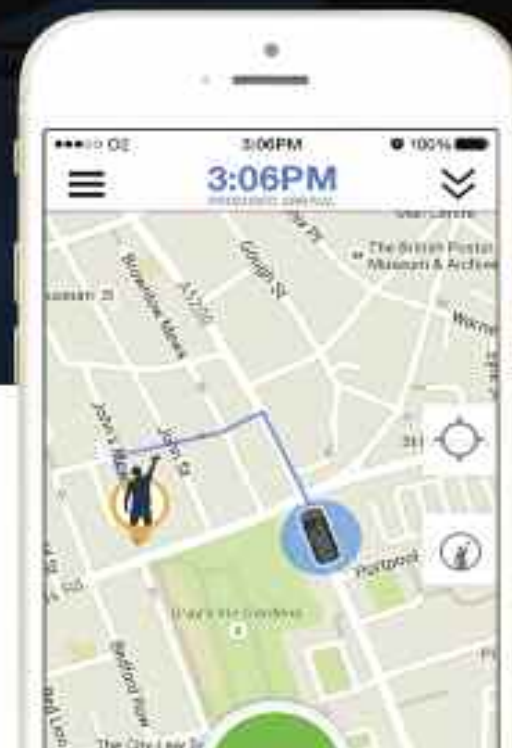


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# “Gett buying Radio Taxis is great news for the Trade.”

by Remo Gerber

**REMO GERBER, Gett's CEO in Western Europe explains why this acquisition is good news for London's cabbies.**

You will know by now that Gett is acquiring the Mountview House Group, best known for operating Radio Taxis.

Put simply, this deal is all part of our strategy to get more work - especially high value corporate work - back into Black Cabs.

Radio Taxis has been exceptionally good at winning corporate accounts. At Gett, we wanted to win that work from them, but to do so would have meant

bidding at a lower rate, reducing the amount we paid drivers. That wouldn't have been a good result for anyone. So we brought Radio Taxis into the Gett family instead.

We also know that many employees of these big businesses have started using Uber - mainly because their app is so quick and easy to use. By making Gett available to those people - our app is world leading - we're keeping that work in Black Cabs and out of the competition.

And, of course, buying Radio Taxis give us an even bigger fleet to serve our existing clients faster and more

reliably than ever before. It's another sign of our commitment to the Trade in London - we've invested millions of pounds in this deal and it is the next stage in our expansion, building on our ongoing superside advertising campaign. The Trade is not going to compete against minicabs without coming together in deals like this.

The final reason for the deal is that Radio Taxis has a well established contact centre - an area where we need more support as we've grown so quickly. As we integrate the two companies, you will start to see the benefits in the service from our Driver Support team.

I am conscious that Mountview House Group has been controversial for some in the Trade, because of their global booking platform, One Transport. I hope I can reassure you that our commitment to Black Cabs in London is as strong as ever: we have absolutely no interest in operating a minicab fleet and Gett is absolutely not applying for a Private Hire Operator licence.

But One Transport has some fantastic corporate accounts - and they book thousands of Black Cab rides every month, putting millions of pounds of bookings into drivers pockets in London every year. A couple of

drivers have been saying on Twitter we should get rid of One Transport - but we should not say goodbye to millions of pounds of work for Black Cabs every year. We want to do the opposite - and grow that part of the business. This means you should see the number of rides going up, not down.

I would also like to reaffirm my commitment to you that the only cab customers will be able to hail via the Gett app will be a black cab. That was true before this deal and is true after it.

We are going to continue to innovate - and find ways to attract more customers back to Black Cabs. Many of our corporate clients insist on fixed fares for their rides, and we know many public riders want this too. If as a Trade we don't respond to this demand, bookings will simply go to minicabs. So I encourage you to accept as many fixed fare jobs as possible.

We haven't always got the calculation right - and some of the fixed fares have been too low. Sorry. But we're bringing in a new calculation. This takes into account traffic as well as time and distance. Thank you for your patience while we improve this. Remember that the whole point of fixed fares is about winning work you wouldn't otherwise get, meaning less time empty and leaving you with more money in your pocket at the end of the day.

Whether it's fixed fares or our acquisition of Radio Taxis, that's all I want to achieve - more rides on Gett, more work for Black Cabs and more money for our fantastic drivers.



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# Airport matters...

BY PETER "THE CANNON" L.C.D.C AIRPORT REP

**On Friday 1st of April, Heathrow Airport Ltd. chaired a meeting with the taxi trade.**

Trade reps from the HUTG were ambushed with the news that following three months of negotiations between Uber UK and HAL, it has been decided to create a private hire holding area on airport property. The proposed site for the new PH facility is the former taxi feeder park situated opposite the old Heathrow Police Station. Newly appointed HAL manager Kap Jhuti, made a well rehearsed pro-Uber speech in which he couldn't praise Uber drivers enough. He insisted that PH drivers deserved their own feeder park so that they wouldn't have to endure the hold ups they experience when trying to get in and out of Heathrow's official car parks. Inevitably, he had to be reminded that in the first place, the majority of Uber drivers illegally pick up outside the passenger terminals and don't bother to use the official car parks. After just over one hour of listening to pro-Uber propaganda from HAL management, HUTG members stood up and walked out of the meeting. (HUTG : HATDU, LCDC, LTDA and Unite).

One of the police officers at the meeting caused uproars when he informed everybody that the taxi trade needs to up-date its views on how the airport's PH byelaws should be interpreted. This 'learned' constable happens to be in charge of the lazy PCSOs who are paid to enforce the No Waiting regs. HAL are now being advised by the MPS Heathrow that the airport's PH byelaws are too restrictive and should no longer be taken to mean that only pre-booked PHVs can enter Heathrow. In essence, the MPS are saying the more PHVs allowed to circulate at Heathrow, the better. This sudden urge to re-interpret the PH byelaws seems to be a bi-product of HAL's 'three months' of negotiations with Uber. Prior to these negotiations, the MPS, HAL, TfL and the taxi trade, have always accepted without question that Heathrow's byelaws impose two mandatory conditions on PHVs entering Heathrow :-

- 1) A PHV without a pre-booking has no right of entry to the Airport and may not wait in an official car park or anywhere else.
- 2) A PHV with a pre-booking may enter Heathrow and wait in an official car park in anticipation of meeting passengers who are the subject of the pre-booking.

However, thanks to Uber's influence over the MPS and HAL, more PH drivers than ever will swamp the residential areas surrounding the airport's perimeter road. HAL and the MPS are about to give PH drivers an irresistible incentive to flock to Heathrow, where they can find a space in a choice of at least three locations. One is their new feeder park and the second is the official car parks ; the third is of course their old favourite, the set down areas outside the passenger terminals. During several heated exchanges with taxi trade reps, HAL managers and MPS officers, steadfastly refused to accept that touting and illegal parking on the forecourts by PH drivers is rife and highly organised. Hundreds of offences are committed every day, but a thorough analysis of MPS prosecution rates, show that fewer than 2% of offenders run a risk of being hit in the pocket. The MPS also announced that they have teamed up with TfL enforcement officers and are planning to mount 'big operations' at Heathrow. It didn't seem to have crossed their minds that far bigger 'operations' are being illegally mounted on the forecourts by PH companies such as Uber.

## Uber and Private Hire Byelaws

Byelaw offences are criminal offences and no matter what special concessions Uber is trying to get from HAL and the MPS, a PHV holding area can't be reconciled with existing PH legislation. We have taxi byelaws and PH have their byelaws. So, without new or amended PH legislation what existing powers does HAL have to compel empty PHVs coming to Heathrow to use a designated PH feeder park ? Answer : None whatsoever. HAL could amend the PH byelaws so as to include new rules for PH drivers, but any amendment to existing PH legislation would have to be submitted in draft form for approval by the Department for Transport. The DfT would undoubtedly be obliged to consult interested parties - such as the taxi trade orgs. Taxi and PH byelaws currently in force at Heathrow Airport and London City Airport are based on templates issued by the DfT. It's unlikely that an application from HAL to amend a PH byelaw would receive swift consideration from the DfT, especially if the amendment departed substantially from the DfT's template. The taxi trade is in a strong position to advise the DfT that a special holding area for PHVs at Heathrow is totally unnecessary. HAL already has

sufficient power under existing PH byelaws to compel all PHVs that qualify to be at the airport to use the official car parks. Hundreds of empty parking bays are always available. The fact that PH drivers have to queue at the barriers when going in and out of the official car parks, supports the criticism that the exactly the same congestion would be duplicated at a PH holding area. There definitely seems to be a lot of confusion within HAL management over whether the airport and the surrounding Borough Councils will be able to cope with Uber's demands for bigger and better facilities for their PH drivers.

## Policing Costs at Heathrow

A Police Service Agreement (PSA) is in force at Heathrow and it's part of a statutory framework that sets the rules on how police manpower and policing costs are calculated. MPS officers from Heathrow police station are never able to answer simple questions about

how much HAL pays the MPS for law enforcement. But thanks to research carried out by the HUTG, the amounts of money that the MPS charges HAL for its services are no longer a secret. It's a fact that if the MPS were to exercise its legal powers to ask HAL for more money to spend on reducing PH crime, HAL would have no choice other than to pay up. Is it possible that the MPS are not asking HAL for more money to spend on enforcement of the parking and waiting byelaws, because it would upset the PH industry ? For example, PH passengers wouldn't be able to arrange to meet PHV drivers outside the terminals as they do at present. It would be helpful if a suitably qualified police officer could attend taxi trade meetings and answer questions about the terms of Police Service Agreement (PSA) that's now force for the coming financial year. Copies of minutes taken at five PSA meetings have been obtained by the LCDC, but surprisingly

there's no mention in the minutes that the MPS and HAL are busy discussing perceived manpower and costs problems. So exactly who authorises police officers from the lower ranks to turn up at meetings and plead that there's no funding to pay for more enforcement of the PH byelaws ? Surprisingly, there is no mention in the PSA minutes of the anti-tout work done by Heathrow's taxi marshals or how their unpaid labour reduces the size of the huge annual policing bill that the MPS presents to HAL every year. At the meeting HAL made a point of stating that it intends to recover from PH drivers, every penny it spends on their proposed new facilities. While on the subject of 'costs recovery', what would happen if the taxi trade asked HAL if we could 'recover' some of the estimated £10 million in labour costs, that HAL hasn't been asked to pay for the taxi marshalling scheme over the past decade ?



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# Did we miss the boat



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July 2014

**John Halford,  
judicial review  
and licensing  
law specialist,  
gives his opinion  
on the current  
stand-off  
between the taxi  
trade and TfL**



**John Halford, a judicial review and licensing law specialist at Bindmans LLP, considers TfL's response to Uber and taxi drivers' options for enforcing the law.**

**"The UK's taxi licensing system has remained essentially unchanged for decades, but it has suddenly been confronted with two demands for change.**

The first, which is, extreme and immediate, arises from the ever-increasing use of the private hire vehicle summoning app, Uber, and TfL's remarkably ineffectual response to it. The second is the product of three years of research and consultation by the Law Commission, the special body maintained at taxpayers' expense to recommend law reform in the public interest. Its

291-page report was published a few weeks ago to little fanfare.

By contrast, TfL's reaction to Uber has prompted headlines, private anger and, on 11 June, widespread public protest by London's taxi drivers.

Despite these differences, the two developments are connected. The Law Commission was ultimately persuaded that the existing hackney and private hire structure 'promotes consumer choice and the provision of a wide range of services'. Uber's spokespeople also claim it promotes choice.

This is far-fetched given it is intended and advertised as a substitute for hailing hackney cabs and so is a real threat their existence. Critically, Uber believes this can be done lawfully without any consultation, proposals for, or actual change in, the law.

## Enter the regulator

**In these circumstances, taxi users and drivers might well expect TfL, as overseer and enforcer of the existing law, to have a clear position and show leadership. But its response to Uber has been extraordinary. TfL took months to express a 'preliminary view' that Uber was operating lawfully.**

It then announced on 29 May that a definitive ruling would need be sought from the High Court, something Leon Daniels, surface transport head, described as 'the sensible approach'. Daniels added that he hoped 'that London's taxi drivers and private hire drivers and operators will work with us to bring clarity on this issue'. But the ink on that press release was barely dry when, on 3 July, a note was sent to TfL's board advising that the LDТА had

issued summonses in Westminster Magistrates' Court against a number of Uber drivers under the 1998 Private Hire Vehicles (London) Act alleging the offence of using a taximeter. It continues:

'This now prevents TfL proceeding as we had intended as the High Court will not consider the issue whilst there are ongoing criminal proceedings on the same issues of law.

TfL is therefore now unable to seek early clarification from the High Court. In due course the LTDA summonses will be heard in the Magistrates' court. The Magistrates' decision is not binding, will almost certainly be appealed (by someone), which inevitably means the matter will end up, rather later than sooner, in the High Court.

I regret therefore that the essential, and binding, clarity about how the law

# taking action against TFL?

should be applied in these circumstances will not be delivered for some considerable time.'

These carefully crafted statements demand equally careful scrutiny.

First, it is apparent that TfL is no particular hurry. Presumably it reached a view of some kind when Uber first began operating. Either the law was clear to TfL then or it was not. If a definitive ruling was needed, why was one not sought months ago? And why, when it decided to pursue a declaration back in May, did TfL not press on and do that? The note offers no answers.

Secondly, the procedure TfL eventually chose to seek clarity was an obscure one. Unlike judicial review which is the normal means to clarify the law, especially on regulatory issues, the declaratory judgment procedure has no special machinery to ensure urgent cases are identified and expedited. TfL could have applied for an urgent judicial review of its own preliminary view, ensuring court involvement as quickly as possible. It chose not to.

Thirdly, the declaratory judgment procedure lacks another important feature of judicial review - the basic rule that others 'directly affected' by a case have a right to participate and have their views heard by the Court even though they are neither claimants or defendants. Sometimes the arguments of such 'interested parties' will be decisive. It is odd that TfL should be calling on taxi drivers to 'work with it' to clarify the law, yet chose a legal procedure that did not guarantee them a voice.

However questionable the decision to seek a declaratory judgement was, it at least involved action. TfL has now decided not to act at all, preferring to sit on the uncomfortable wooden benches of Westminster Magistrates Court's public gallery watching the LTDA pursue a handful of Uber drivers, then wait for those cases to reach the High Court because 'someone' appeals the outcome. On the important question of what role TfL will take at that point, if any, the note to the Board is once again silent.

## The regulator abdicates

**TfL's actions are nothing short of regulatory abdication and the explanation it has offered to its board simply doesn't stand up. In 1999, through the Greater London Authority Act, Parliament made TfL the regulator for London's taxi trade.**

It remains London's licensing authority. The decision of the LTDA (or

anyone else) to bring private prosecutions relying on licensing law does not change that, any more than a private prosecution of an alleged criminal would change the responsibilities of the police. And when a private prosecution is underway, there is no prohibition on the High Court considering the same or similar



**Taxi Drivers demonstrating against Transport for London**

issues. It is not uncommon for test cases to begin in parallel in different courts and end up in the High Court listed together, or for Magistrates to adjourn to await the High Court's view on a difficult issue of law before applying it to cases before them. The note to the TfL Board claims an appeal to the High Court is 'inevitable'. That is also wrong. An appeal depends on the prosecution, here the LTDA, or the defence both having the resources and will to take the matter further and the Magistrates Court 'stating' the case as appropriate for an appeal. None of this can be guaranteed.

What is certain is delay. The Magistrates' Court trial is probably three to six months off. If the case is stated and reaches the High Court, that could easily take another six months to a year. TfL's decision to take no action itself could, if unchallenged, allow Uber two to three years to consolidate its position in the London market by default.

## What can be done?

**Taxi drivers and their representatives would have plenty to say about Uber's operation, given the chance. The LTDA arguments, and the basis of the Magistrates' Court prosecutions, are that the**

**Uber app operates as a taximeter, allowing the driver to calculate a fare by reference to distance travelled and time taken.**

Taximeters are not lawful in private hire vehicles, of course. Uber argues that a driver's smartphone is simply the means of gathering distance and price data that is generated elsewhere. It

invites passengers to use those closest to them. If this is not 'virtual' plying for hire, it comes precariously close.

Then there are questions around Uber's operator's licence. The Private Hire Vehicles (London) (Operators' Licences) Regulations 2000 require bookings to be made through centres identified in licences themselves. Uber appears to argue its bookings are made in cyberspace or not at all. Its terms and conditions of use assert that it 'does not provide transportation services' and 'only acts as an intermediary between [the passenger] and the Transportation Provider'. If Uber is not actually acting as an operator, despite its licence, then every Uber driver may be required to hold an operator's licence in order to take bookings.

Can taxi drivers do more to ensure all the legal arguments about Uber are considered? The short answer is yes. TfL has decided to take no action and in doing so has made a public decision as regulator that itself could be challenged by drivers in their own judicial review claim. It would be open to them to raise any viable legal arguments about TfL's failure to take regulatory action against Uber. Disclosure of TfL's correspondence and minuted meetings with Uber would be required. Drivers would be able to ask the High Court to expedite the case and there is a strong possibility it would overtake the private prosecutions. The worst case is that the appeals in those cases would be heard together with the

measures nothing, they say - the vehicle has not been 'equipped' with anything special. TfL appears to agree. If these arguments are right, it would be a surprising triumph of legal sophistry over common sense because the whole point of the Uber app is to

**"TfL's actions are nothing short of regulatory abdication and the explanation it has offered to its board simply doesn't stand up" - John Halford**

generate a distance-based fare. Its own driver manual strongly suggests that too.

But these are not the only arguments. For example, the 1869 Metropolitan Public Carriage Act prohibits vehicles from 'plying for hire' without hackney licence. This concept is not defined in any statute. In older cases the courts held that the vehicle whose driver was 'plying' needed to be visible to the public and they should be invited and free to use it immediately. But 10 years ago, in Nottingham City Council v Woodings, the Divisional Court held that visibility, whilst relevant, was not a necessary factor. Uber's app includes a map which clearly indicates the real time location of Uber vehicles and

judicial review, ensuring a Magistrate's view of what happened in a handful of Uber cabs gets considered in its proper context, leaving no legal stone unturned.

To challenge TfL's abdication in the courts, drivers would need to act swiftly and decisively - a claim might well need to be issued well within three months of the 29 May announcement. And drivers would need to show the courage that TfL has so far lacked. But a claim of this kind would mean that they would be in the driving seat - precisely where they ought to be, given what is at stake.

**Mr. Halford has not been paid for this article by the LCDC**



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# Alan's Angle

## PADDINGTON STATION RANK

I recently attended a meeting with Taxi Private Hire and building contractors at the rank on Bishops Bridge regarding the demolition of the building by the rank. There was talk of the contractor wanting to get the whole of the rank suspended for four weeks to allow for scaffolding to be erected in the rank to allow for the building to be pulled down. The contractor has also stated he will contract marshalls to help with the flow of cabs into the station. After speaking to the contractor we have hopefully come to the agreement that the rank will now only be partially closed for a few days at the front portion and then the back four spaces will go for approx three weeks. We have also asked for extra space at the front of the rank to make up for the loss at the rear. But I can see

problems arising with our friendly neighbourhood police officers who try to move on vehicles that are waiting to enter the station on Harrow Road. Let's hope the marshalls will be able to keep the feeder running, and maybe let the officers go about doing more rewarding work other than harassing taxi drivers who are trying to serve the public waiting inside the station

## MORE ROAD CLOSURE MISERY

Just when you think our traffic woes couldn't get any worse, you'll be wrong. At the end of April Tooley Street will close from 30th April 2016 to 3rd May 06:00am, there will be a complete closure of Tooley Street to road users between Borough High Street and Bermondsey Street and Duke Street Hill from London Bridge Station. There will be a signed diversion in place. Then from the 3rd May will see

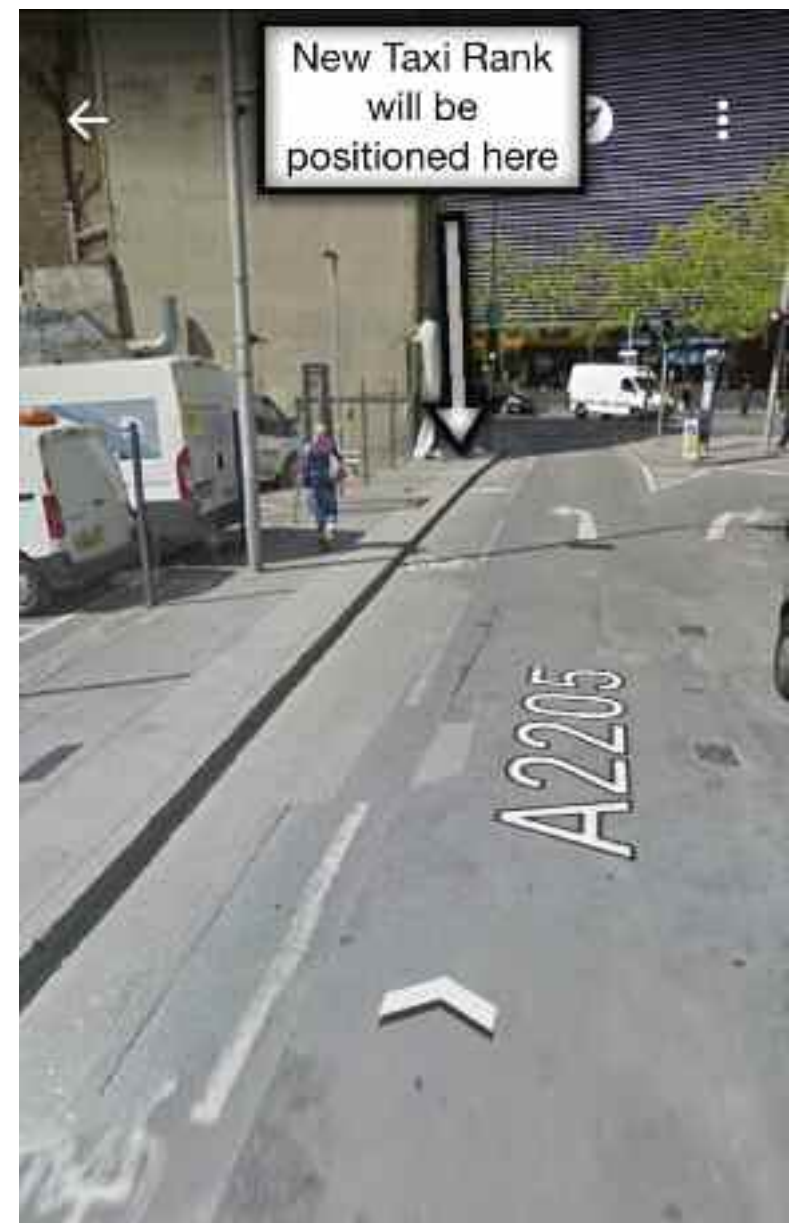
a full traffic closure from Borough High Street to Bermondsey Street heading east.

The closure is being put into place to allow London Bridge to create a new ticket office and shops where the rank and Britain at War was. When this closure happens we will lose the four cab rank on Tooley Street by More London, the rank will be repositioned to Bermondsey Street at the top by Tooley Street. Now before everyone starts screaming this was about the only position for it to go. We did look at Battlebridge Lane for a potential site for the rank but the council wasn't in favour of it being there and also we would've only been able to head west from Battlebridge Lane.

The rank at Bermondsey Street will allow us to go east and west. There will be signage on the hoarding in the middle of Tooley Street telling the customers from More

London where the new rank is. I know it's not perfect but hopefully with an exit for passengers

being made from London Bridge Station in the near future, the rank will be in the perfect position.



New taxi rank location in Bermondsey Street

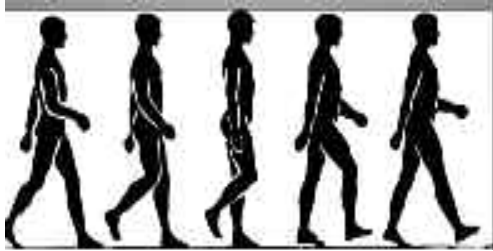


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# Walker on the March...

## THE PURPOSE BUILT VEHICLE (PBV)

**There will be many that disagree with me but simply, we can no longer afford to drive a PBV.**

The idiot Boris stood in City Hall and claimed that the taxi/PH market was free. I call him an idiot because the taxi market has not been a free market since it was first licensed in the 17th century. The truth is that we operate in a highly regulated market and PH work in a much more lightly regulated market. Regulation is cost and the more regulated the market is, the higher its costs are.

Yet, TFL, Boris et al, expect us to be able to compete against a lightly-regulated competition within the same marketplace. It cannot be done as every one of you are currently finding out as you see your takings nose-dive. Yet, while you watch your income reduce by 10% if you're lucky and 30% if you aren't, TFL continue to happily ramp up our costs while not doing the same to PH.

This year it's compulsory credit card payments. In 2018 you are expected to pay £50,000 (the lowest estimate) for a new cab and if you don't buy it, in 2022 you may find yourself paying the daily Congestion Charge.

## WE NEED A TAXI REVIEW AND CONSULTATION

**You only have to look at the PH and our latest tariff consultations to see how loaded the questions are. One can pretty much guess the responses before they are made.**

**Well we need something similar.**

The London Taxi Company (LTC) conducted a customer survey last year that unfortunately was not made public, although TFL had sight of it. In most areas, we did blindingly well. Customers appreciated the safety of the cab, the skill, professionalism and honesty of drivers, etc.

90% of respondents thought that taxis in London offered good value.

Unfortunately though, most thought taxis fares were too expensive. So, in everyday parlance, while customers thought we offered good value, they still didn't use us because they couldn't afford to do so.

## CONSULTATION PROPOSAL

**It's simple enough – only six proposals and questions for the public to answer:**

### PROPOSAL 1

The taxi fleet is 100% wheel-chair accessible (WA), while only 14% of

customers are disabled. This requires a Purpose-Built Vehicle (PBV). Such vehicles cost significantly more to purchase and maintain than standard non-WA MPV taxis.

### Q1/

**Would you prefer to maintain this level of accessibility or relax it and make fares cheaper?**

### PROPOSAL 2

The current requirement is for taxis in London to have a reduced turning circle to allow U-turns. In a small number of cases, this turning circle allows a taxi to U-turn rather than carry out a three-point turn or travel a small distance further to complete a journey.

Only the PBV is able to provide this turning circle. Once again, the necessity of the turning circle significantly increases the cost of purchase and maintenance of taxi vehicles.

### Q2/

**Would you prefer to maintain the PBV and the turning circle or would you prefer taxi fares to be reduced?**

### PROPOSAL 3

The "black cab" is a world renowned icon. Removing the PBV would result in a larger range of vehicles. Instead of the current three types of vehicle, the range may be as large as eight types of vehicle.

There are also safety aspects involved in the recognisability of the "black cab". Passengers instantly recognise a safe vehicle and it sets the taxi apart from the minicab.

### Q3/

**In the event of the necessity of the PHV being discontinued, would you like to see all taxis more clearly identifiable by making them compulsorily black in colour and ban PHVs from being of any dark colour that could be confused with black?**

### PROPOSAL 4

In order to drive a taxi in London, the driver is required to pass "the knowledge". This is a very extensive test of a driver's topographical knowledge and also a test of character and suitability to the work. Drivers are also required to pass an additional driving test. This currently takes several years to complete.

However, while this guarantees the safety of passengers, the driver's ability to choose optimal routes and to drive safely, this does add cost to taxi

fares.

### Q4/

**Would you prefer to have these driver standards maintained or abandon them and reduce taxi fares by 3%?**

### PROPOSAL 5

It is planned for all new "black cabs" to be "zero-emission capable" by 2018.

This is estimated to increase the cost of new vehicles by between 25 – 50% and this cost will be passed onto customers by increased fares.

This will not mean that cabs will be driving around town on electric because most drivers live in the London suburbs or outside London altogether. Thus, most drivers will be operating on electric on their way to work but while working the petrol engine will be in operation. The new vehicles will certainly be cleaner than the old ones but they will not be "zero-emission".

Existing "black cabs" will have their working life cut short by one third and this will also have serious cost implication for the driver and for the fares of passengers.

### Q5/

**Would you prefer to have "zero emission capable" cabs with greatly increased fares or: would you prefer to have significantly lower emission cabs and reduced fares?**

### PROPOSAL 6

When PH licensing was introduced in London, it was to provide a two-tier system. On one side, a highly regulated taxi service, with highly-skilled drivers that can accept "on demand" hiring. On the other side, a lightly regulated PH service with low-skilled drivers able to only accept pre-bookings.

Due to the difference in regulations, the PH service has lower costs than the taxi service. Nevertheless, as the two services compete in slightly different markets, they are able to co-exist.

More recently, the use of App technology has upset this balance between the two services and allows PH to operate in the on-demand market, against the intention of the original legislation. This has created a situation where different levels of regulation means that taxis have to directly compete with a lower cost service. This could ultimately see the demise of the world-renowned London "black cab" if customers choose price over quality.

### Q6/

**Would you prefer regulation to prevent PH operating in the on-demand market or increase PH regulation up to the standards of the "black cab". Alternately, should the two services be allowed to continue competing in the same marketplace, even if the result is the demise of the "black cab".**

I can already tell you the result of such a survey. Then again, I could tell you the result of any TFL "loaded question" survey. If this was put to the public to decide, we'd be driving around in Euro taxis and the like. More seriously, I love the turning circle. I love the look of the TX. I approve of the fleet being 100% accessible. The problem is that we can no longer afford the PBV. It's been an Albatross for a long, long time but now it's becoming impossible.

Apped up PHVs are doing our work but doing it cheaper. E hailing has now been recognised by TFL as legitimate for PH. Bleedin' 'ell! Many taxis accept advance bookings, while Uber refuse anything but on-demand bookings – E hailing.

PH, TFL and GLA all squealed like stuck pigs over a five minute wait between ordering a PHV and it turning up. Uber reckon they take less than 2.5 minutes from ordering a PHV to it turning up. We have to face up to the fact that we and PH are now operating in the same market. The two-tier system is the king's new clothes – only TFL can see it.

It's farcical that we have to have 100% accessibility because we operate "on-demand" and yet Apped PH also operate "on-demand", PH have 35% more disabled customers than the taxi service and yet are not compelled to have a single accessible vehicle.

While it would be better for the public if Apped PHVs had to be accessible, that isn't going to happen. Therefore, we should be allowed to operate the same as them.

By using Peugeot Euro taxis, we would halve the cost and maintenance of the TX. That would reduce our fares by around 10%. We would be charging punters 10% less without any loss of profit.

As for those in the GLA that think they can keep the PBV but ditch the KOL, that would only reduce fares by 3%. We need to ditch the PBV.

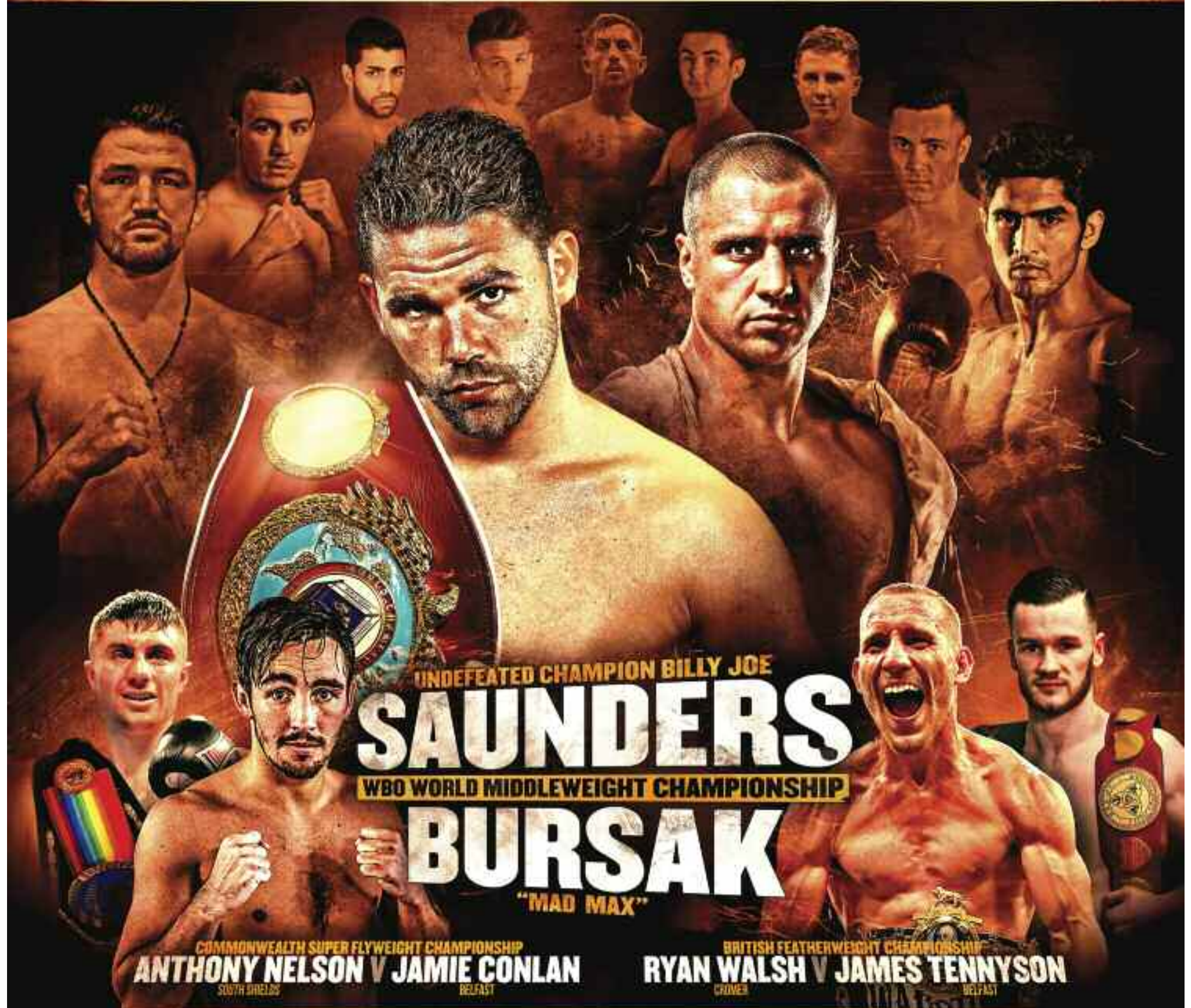
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## Joshua world title bid

**Anthony Joshua will make his first attempt to win a world title when he fights Charles Martin in April with the IBF heavyweight crown on the line.**

The 26-year-old Londoner will take what is viewed as a huge step when he meets the American on 9 April at the O2 Arena. Joshua, the London 2012 gold medallist, has fought 15 times as a professional and won all of them in devastating fashion. Over those 15 bouts he has accrued only 32 rounds of experience, seven of which came in his last outing against his domestic rival Dillian Whyte.

This is a huge step up for Joshua who can join Tyson Fury as a British heavyweight world champion if he wins. Fury vacated the IBF belt at the end of last year, allowing the 29-year-old

Martin to beat Vyacheslav Glazkov in New York in January and claim it.

"Fighting for the heavyweight world title has been a dream of mine since I turned professional," said Joshua. "I feel privileged to have the opportunity to turn that dream into reality. Not only that, having the chance to fight for it in my home town is unbelievably exciting.

"Charles Martin is a great fighter and a hungry competitor so I am going to have to produce the performance of my career to claim that belt."

The promoter Eddie Hearn said: "Life is all about taking opportunities and when the chance to become heavyweight champion of the world presented itself, there was no holding Anthony back." Martin has won 23 of his 24 professional fights, drawing the other.



# Nick Blackwell emerges from induced coma



**In a statement, Hennessy Sports said the boxer had not been as badly injured as early reports suggested.**

Rather than suffering bleeding to the brain, "his bleed was outside the brain – on the skull, in fact – and was minor enough for there to be no need to operate," it said.

"He was in an induced coma for almost seven days, given the very best possible treatment by the incredible team at St Mary's hospital [in London], and the sedatives used were gradually reduced over this period of time.

"Finally, at the weekend, Nick woke from this induced coma, acknowledged the voices of loved ones and, by Sunday, was starting to talk. It was the outcome everyone had been hoping and praying for; Nick had won his toughest fight yet," the statement said.

A photograph released by the promoters shows 25-year-old Blackwell, from Trowbridge in Wiltshire, lying in his hospital bed accompanied by his brother Dan and a friend, and

making a fist with one hand. The statement described him as "a fighter ... a warrior ... a true champion and gentleman". Eubank Jr tweeted: "Very happy to hear @nickblackwell02 has awoken from his coma. Nick I'd like to come see you if possible, I've got something for you bro." The message was followed by an emoticon of a fist. Speaking to reporters last week, Eubank Jr said he had realised his opponent was in trouble and reduced the ferocity of his punches after his father, who was in his corner during the bout, warned him that Blackwell could be seriously hurt.

"In the back of my mind I am thinking, OK, has this guy had enough?" he said. "I think before the fight was stopped, if you watch that round, I had stopped my onslaught. I thought to myself, OK, this guy is hurt. I took it down a notch." Chris Eubank Sr could be overheard during the fight advising his son to aim for his opponent's body rather than his

head because "he is getting hurt". He said: "If the referee doesn't stop it then I don't know what to tell you, but I will tell you this: one, if he doesn't stop it and we keep on beating him like this, he is getting hurt; two, if it goes to a decision, why didn't the referee stop the fight? I don't get why."

Eubank, a former world champion, was involved in an infamous fight in 1991 that left his opponent Michael Watson with serious brain injuries after 40 days in a coma.

The referee in last month's fight, Victor Laughlin, has faced criticism for not stopping the proceedings earlier, but has been defended by the British Boxing Board of Control. Robert Smith, the BBoC general secretary, said Laughlin had done a good job. "Nick Blackwell wanted to be a boxer, like everyone else who wants to take part in boxing. We all know the risks," he told BBC 5 Live. "People can have their opinions and hindsight is 20:20 vision. But I don't think anybody did anything wrong."

# “TAXI FARES GO DOWN FOR FIRST TIME IN MORE THAN HALF A CENTURY”

THAT SHOULD have been the headline in The Evening Standard when the result of this year's tariff review was announced. However, TFL appear to have added duplicity to ineptitude this time around and the cab trade, as ever, are the losers.

The tariff should have increased on 2 April. The Cost index indicated a 0.8% increase. However, the trade delegation had to point out to TFL that their figures were incorrect. Once adjusted, the increase indicated was a 1.6% increase.

Normally, the increase indicated by the Cost Index would then be applied. However, TFL decided to reduce the enhanced night tariff by decreasing its hours of operation. Additionally, the TFL board changed the change-over

rate so that the increased rate applies at a higher point, thus further reducing the overall tariff. When these two factors are taken into account, the increase actually becomes

a fall in the tariff and yet TFL went ahead and issues a press release stating the 1.6% increase. These last two adjustments should have been compensated elsewhere on

the tariff to maintain the integrity of the Cost Index but TFL failed to make any such adjustment. As a result, the admirable Cost Index has been made redundant.

This type of ineptitude has come to be expected from TFL but to reduce the tariff while announcing an increase gives pause for consideration.

The question must be asked of TFL as to the reason why they saw fit to announce a tariff decrease as a tariff increase. Are they deliberately trying to wreck the taxi service? If they aren't, the very least they must do is to make a further statement to the press, correcting the errors of their previous statement and announce a tariff reduction.



By Mickey Walker  
LCDC



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# LONDON'S TAXI REVOLUTION FASTER, SMARTER, GREENER –

## An Action Plan from the Taxi Trade



# # StayFareMayor

**THE LONDON Taxi trade today launched an action plan to guarantee a faster, smarter and greener future for London's Black Cab.**

The action plan is the first time the leading players in the Taxi trade – cab drivers, tech companies and the manufacturer – have come together to provide a clear framework for the future, supported by all of those with an interest in improving London's taxi service.

Steve McNamara, LTDA said: *"What we are launching today is London's taxi revolution, a guarantee to make the best taxi service in the world even better. Faster, Smarter, Greener is our offer and our ask of the next Mayor of London. The traffic in central London has to flow better and move faster, we must continue to adopt new technologies including apps, wifi and contactless to ensure we are smarter. Coupled with the right investment in infrastructure, such as rapid charging points to support the introduction of the new zero emissions*

*taxi by 2018, we can make London the world's first zero emissions taxi city."* Backed by a £300m investment from the London Taxi Company in a new vehicle and new factory and having been digitally enabled by apps like Gett and Hailo, the London taxi service has already begun to transform. The trade is dedicated to its customers, providing 100% accessibility and card payments for all by October, and, with a zero emissions capable vehicle on the streets by 2018, London has the opportunity to lead the world in green technologies.

**Securing the future of the iconic taxi service is vital to London's success as a sustainable city. This is why the taxi trade is calling for action in four key areas:**

- **Modernisation** – a pilot project for ultra-fast wifi, a new zero emissions

capable vehicle on the road in 2018 and all taxis taking card payments by October 2016.

- **Better for the Passenger** – make journeys faster by giving Transport for London the power to manage traffic volumes in central London; ensuring the highest quality service; and clarity for the customer in Black Cabs and minicabs.
- **London's Green Revolution** – make zero emissions London a reality by providing the right support and infrastructure to enable drivers to maximise the potential of the next generation Zero Emissions Capable taxi as it launches by 2018.

- **Towards a Sustainable Future** – fully integrate London taxis into London's transport policy, ensuring the 100% accessible service connects with the 24 hour tube and is underpinned by detailed understanding of road and traffic management policy.

Peter Johansen, CEO, the London Taxi Company said: *"London acts as a beacon for cities around the world and the next Mayor has the opportunity to enact an ambitious policy agenda to ensure that our city remains a world leader in technology, service and on the environment. This means there are real choices to be made for the next Mayor to keep pace with London's ever changing transport challenges."* He added, *"We have to avoid gridlock and keep the traffic moving, day and night. Customers have to be confident in the quality service they receive,*

*whether in a Black Cab or a minicab, and Transport for London needs to have the traffic information to manage London's road network as well as fully integrating the Black Cab into its policy making process."*

The London Taxi trade understands the scale of the challenge to ensure that it remains best in class. That is why the leading representatives of the trade are driving this policy revolution. The #StayFareMayor campaign brings together the London Taxi Company, the LTDA, the LCDC, Unite Taxi Branch, RMT Taxi Branch and technology companies Gett and Hailo.

The campaign recognises the need for a serious and long term approach to London's roads and Taxi policy. We sincerely hope that whoever enters City Hall as the next Mayor will get behind our recommendations and help us deliver a faster, smarter and greener taxi service for London.

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**PRESS RELEASE**

# Removal of card fees in London's taxis

- **Surcharge on paying by card in taxis has been removed for all passengers**
- **Changes to fares have also come into effect**



Customers using cards no longer have to pay a surcharge on their taxi fare. This means that passengers should never pay more than the amount shown on the meter because of the method they use to pay. The previous cost of paying by card was £1 or 10 per cent of the fare, whichever was greater.

All London licensed taxis will be required to accept card payments including contactless in October, following a decision by the Transport for London (TfL) Board in February.

To compensate drivers for costs associated with accepting cards there has been an increase of 20 pence on the minimum fare, bringing it to £2.60

Other changes to fares include:

- An overall increase of 1.6 per cent in average taxi fares, linked to rising drivers' costs such as fuel, insurance and maintenance
- A change in tariff 3 from 10pm-5am to 10pm-6am - meaning passengers are on a cheaper tariff for an extra hour
- Making changes to the tariff rate for longer journeys (referred to as tariff 4). Previously passengers paid a higher fare when the

meter reached a fixed amount. This tariff will now start at a fixed distance (6 miles) - giving greater certainty over the fare, regardless of traffic conditions

In addition, TfL has launched a new phone line and online feedback facility, which allows people using both taxi and private hire services to provide comments and suggestions, and helps TfL to respond effectively to any issues or complaints.

Garrett Emmerson, TfL's Chief Operating Officer for Surface Transport, said: "We are pleased to be able to reduce the cost for taxi passengers paying by card, as people now use them in every aspect of their lives. The acceptance of these types of payments in all taxis from October will be a huge plus for Londoners, visitors and drivers.

"We also know that customers want to be able to contact us quickly and easily when they have an issue, want to pass on a commendation or tell us how we can do things better. The new helpline and online feedback facility allows people using both private hire and taxi vehicles to do this."

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- Grant Davis, LCDC Chairman

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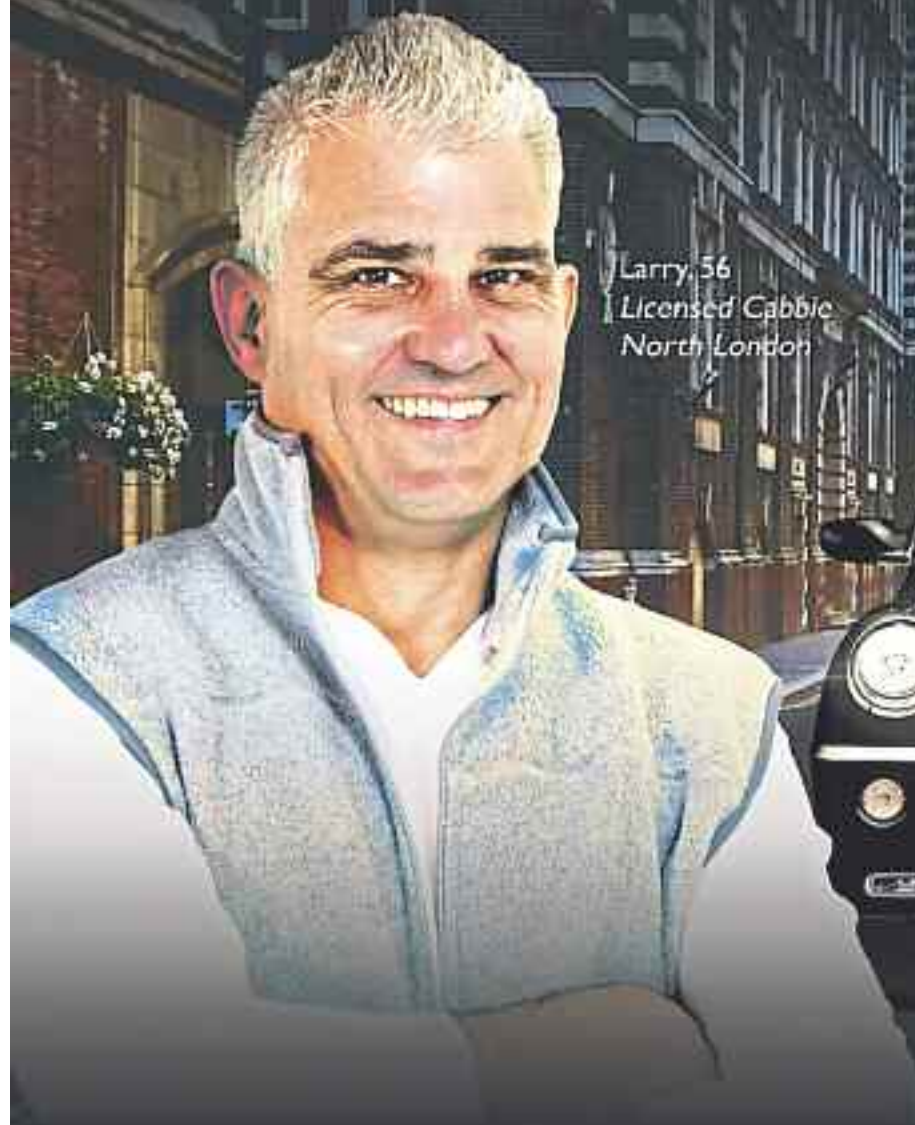
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