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Issue 280 October 2022

Taxi and PHV Driver Policy

Policies, advice and guidance
on licensing taxi and private
hire vehicle drivers in London



CONFUSION REIGNS OVER DRIVER POLICY

Pages 3 & 5

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THE BADGE IS BACK

After over 18 months since our last edition of the Badge, I am pleased to say, we are now back on the streets. It finally seems that all the disruption caused by Covid has now finally come to an end.

Needless to say the damage that the lockdowns brought not to just our trade but the economy in general, has been catastrophic.

Thankfully these past few months have seen an upturn in work for our trade and hopefully this will last for the foreseeable future.

However, our trade is still facing many challenges and the latest of which and in my opinion the most serious is the new Taxi and Private Hire Driver policy ...(--see front page and pages 3 and 5)

Another huge issue facing our trade is the amount of taxis that are being taken off the road due to the Mayor of London's - 12 year age limit.

This is one of the reasons it has

been busier is a direct result of this policy with fewer cabs working the streets. Whilst in the short term it may seem like a good thing, but with the falling numbers on the KOL it puts the long term future of the trade in a very perilous position. Be assured that the LCDC will maintain our campaign to restrict the age limit to 14 years.

Finally, just a word about the sad passing of our Queen, Elizabeth the 2nd,

Whilst her passing was immensely sad, we were all lucky to have had her as Queen for the last seventy years. I must say the events surrounding her lying in state and the funeral showed our magnificent city at its most glorious.

STOP PRESS

On the 29th September the LCDC attended a meeting with TfL regarding the KOL, there will be a full report in next months Badge





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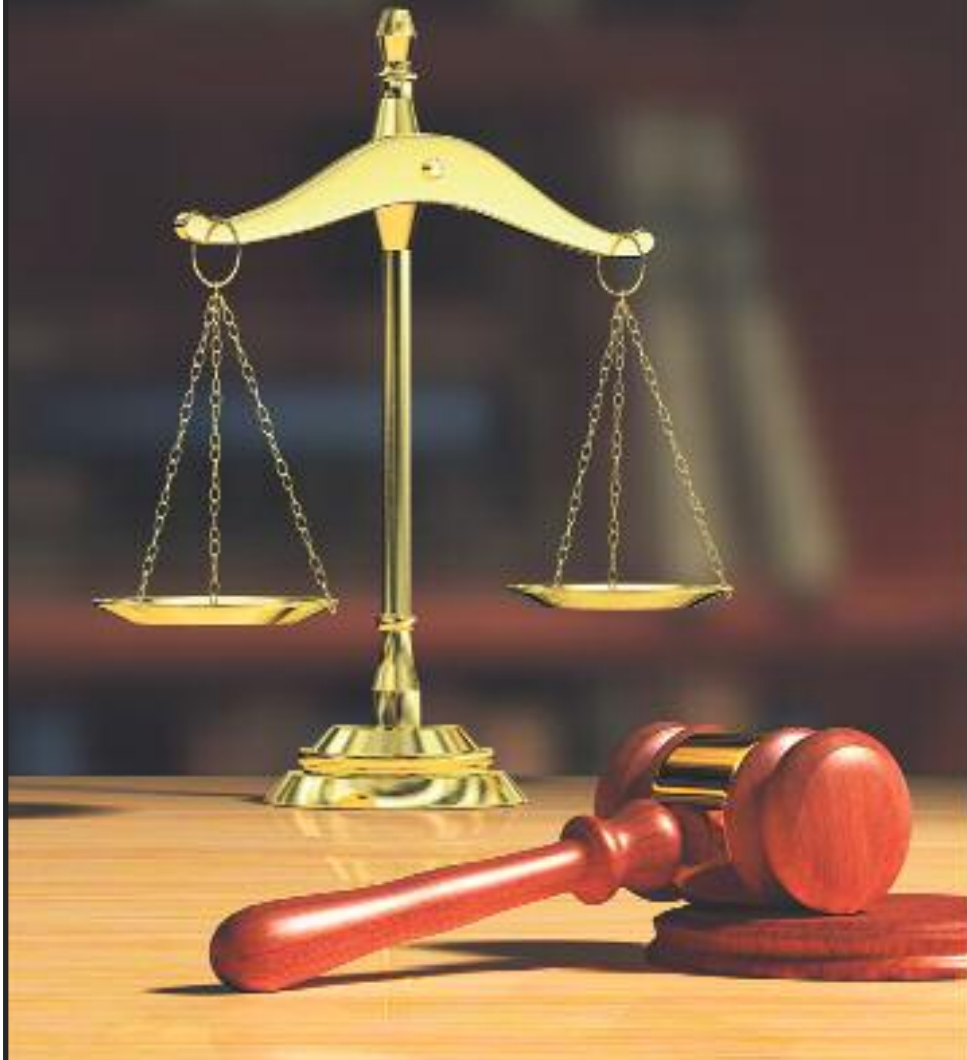
We at the LCDC don't often bang our own drum when it comes to helping our members with their legal troubles. A lot of the cases which come our way with members are quite sensitive and we respect their wishes to keep things in house and out of the paper which I can fully appreciate.

However, not only do Payton's Solicitors offer our members a 24 Hour Duty Solicitor 365 days a year, but since getting involved with the Club, our solicitor Keima Payton has the distinction of having a 100% success rate in all her cases which she has handled on behalf of the Club's members.

Keima Payton has a fearsome reputation in court and should ever the need arise you will find no one better able to fight your corner and save your Badge than Keima.

- Grant Davis, LCDC Chairman

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WHAT HAPPENED TO TFL'S (DIS)ENGAGEMENT POLICY?

Several weeks ago I personally represented a Club member at an appeal hearing at Palestra.

Without going into too much personal detail about the individual driver, it was only when the two TFL representatives started summing up that they dropped the bombshell that due to the

new TFL driver policy (which they stated was introduced last December 2021) he was now facing a revocation due to the fact that he had incurred 6 points in the past and these were now under the new policy taken into account with the totting up process.

Subsequently when the LCDC attended a meeting with the

then TFL Commissioner (Andy Byford) and TFL staff, he agreed with the trade that there had been no dialogue, consultation and meaningful communication over the implementation of this new policy and that he would be happy to meet again with the trade and TFL to resolve the situation.

In last month's edition of the TAXI newspaper, Steve Mc wrote an article saying the LTDA legal representatives "have now successfully represented the first members who have had their taxi licenses suspended under the new rules"

LCDC lawyer, Keima Payton has subsequently emailed TFL (see page 4) to seek

clarification on the true status of this new policy.

So the question the Trade have to ask Tph is why when you rolled out new policy in December '21, was the first meeting Tph actually held to discuss the policy in November 2022? Am I the only one who thinks this is outrageous?

Grant Davis

Retrospective legislation at common law

While there is a presumption at common law that statutes are not intended to have retrospective effect, there is no prohibition on retrospective legislation where the intention to operate retrospectively is expressly or impliedly clear from the wording of the statute. Section 126(3) of the Building Safety Bill makes such an intention clear.

The general approach to retrospective legislation was summarised by Lord Kerr in the Supreme Court case of *Walker v Innospec Limited and others* [2017] UKSC 47:

"The general rule, applicable in most modern legal systems, is that legislative changes apply prospectively. Under English law, for example, unless a contrary intention appears, an enactment is presumed not to be intended to have retrospective effect. The logic behind this principle is explained in Bennion on Statutory Interpretation, 6th ed (2013), Comment on Code section 97:

"If we do something today, we feel that the law applying to it should be the law in force today, not tomorrow's backward adjustment of it."

A statute which is clearly intended to have retrospective effect will be construed as such. A common example is legislation which retrospectively validates activities which previously had no statutory basis (such as the Wireless Telegraph (Validation of Charges) Act 1954 which provided a statutory basis for wireless licence fees which had been collected for the previous 50 years).

Even in a criminal context legislation may have retrospective effect where such an intention is obvious. A rare example is the War Crimes Act 1991, which



allowed proceedings to be brought against anyone holding British citizenship who had committed a war crime in Germany or German occupied territory during WWII, even if they were not a British citizen at that time.

Retrospective legislation under the Human Rights Act/European Convention on Human Rights (ECHR)

Section 126(5) of the Building Safety Bill provides that the extended limitation period for actions under the Defective Premises Act will not apply where it would breach the defendant's Convention rights. The Explanatory Notes describe this as a safeguard to ensure fairness. The Convention rights most likely to be engaged are Article 6(1) of the Convention and Article 1(1) of the First Protocol.

Article 6(1)

"Right to a fair trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."

"If we do something today, we feel that the law applying to it should be the law in force today, not tomorrow's backward adjustment of it"

Under the ECHR states can generally adopt retrospective legislation to regulate rights under existing laws in civil matters. However, retrospective legislation in a civil context may be challenged under Article 6 where it is designed to influence the outcome of an existing dispute: *Zielinski, Pradal, Gonzalez and Others v France* [1999] ECHR 108. Such legislation will only be compliant with Convention rights where there are "compelling grounds of the general interest" (ibid at [57]), such as remedying defects in previous legislation (*National & Provincial Building Society, Leeds Permanent Building Society and Yorkshire Building Society v the United Kingdom* [1997] ECHR 87).

The same principles have been applied domestically, for example in the recent case of *Enterprise Managed Service Ltd & Anor, R (on the Application Of) v Secretary of*

State for the Ministry of Housing, Communities and Local Government [2021] EWHC 1436 (Admin).

The requirement in Article 6(1) that hearings take place "within a reasonable time" generally refers to the length of proceedings once they have started, but the European Court of Human Rights has previously emphasised that:

"[L]imitation periods serve several important purposes, namely to ensure legal certainty and finality, protect potential defendants from stale claims which might be difficult to counter and prevent any injustice which might arise if courts were required to decide upon events which took place in the distant past on the basis of evidence which might have become unreliable and incomplete because of the passage of time (see *Stubbings and Others v. the United Kingdom*, 22 October 1996, § 51, Reports 1996

IV)" (*Oleksandr Volkov v Ukraine* 21722/11 at [137]).

In that case the Court found a breach of Article 6(1) where there was no prescribed limitation period. Whether the extension of the limitation period could breach a defendant's Article 6 rights will be fact specific and will depend on whether the lapse of time has caused difficulties in preparing a defence.

Article 1(1) of the First Protocol

"Protection of property
Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

In order to establish that Article 1 rights are engaged, a defendant would need to show that the extended limitation period led to interference with its possessions. The meaning of "possessions" is fact-specific but refers to proprietary rights and has been held to include inter alia judgment debts, company shares and other financial instruments of economic value, professional clientele, business licences and leases over property.

Article 1(1) rights could conceivably be engaged by a retrospective extension of a limitation period, though the issue is far from straightforward. If Article 1(1) was engaged, it would be necessary to consider whether any interference with possessions could be justified by public interest considerations.

This is an issue which, if the Bill is enacted in this form, will quickly come before the Courts.

Keima Payton
Payton's Solicitors

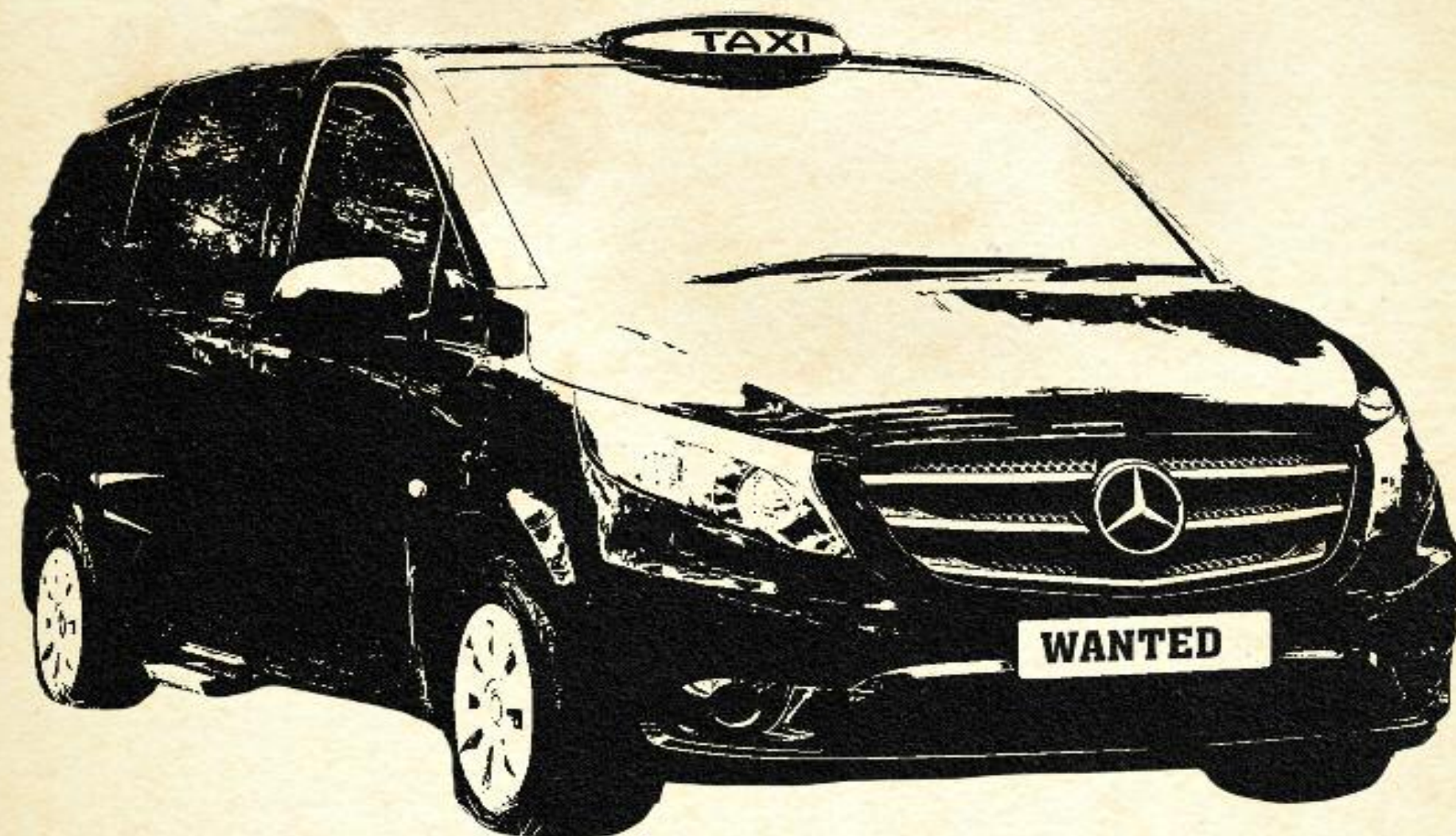
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LCDC LAWYER QUIZZES TFL OVER ‘BADLY DRAFTED, DRACONIAN & COMPLICATED’ POLICY

Dear Sirs,

I write with regard to an article published in Taxi Newspaper regarding the new TPH policy (entitled Taxi and PHV Driver Policy Policies, advice and guidance on licensing taxi and private hire vehicle drivers in London) which I very much wish to discuss with your department. I am aware that The LCDC have requested an ad hoc meeting so that the policy may be addressed especially because it would appear to have retrospective affect, noting that many taxi drivers would have made decisions unaware that the legal position by their regulator had changed. Having spent some time reading the policy, worrying about how it was drafted and noting discrepancies in approach to various offences, I am now extremely surprised to note that an article within “Taxi Newspaper” suggests that this new policy does not appear to have been followed by your licensing authority. Whilst this is good news, I feel compelled to ask if this is correct?

Please read the article, the headline for which is “6 Points Not Out, 12 Points Not Out! (if you are an LTDA member!)” by clicking this link: https://www.taxinewspaper.co.uk/assets/files/downloads/Taxi_525.pdf

In that article it is suggested that “...Within the past few weeks, a member who had been convicted of holding a mobile phone and given six points by the court, and who subsequently had his taxi licence suspended by TfL, was successfully represented by our lawyers at a reconsideration hearing and is back working”.

When I read the policy I was clear in my own mind that this meant that should someone be convicted of that offence then the taxi driver would have their license revoked by TfL. Please can you confirm that there was recently a case where a taxi driver who had received 6 penalty points for “Using a hand-held mobile phone or a hand-held device” was suspended and had that suspension was subsequently overturned at a reconsideration hearing? I seek clarification because according to your

Table 1 - Major driving offences		
i	Causing death or injury by dangerous driving	Revocation
ii	Dangerous driving	Revocation
iii	Causing death by careless driving	Revocation
iv	Causing death by careless driving when under the influence of drink or drugs	Revocation
v	Driving, attempting to drive, or being in charge of a motor vehicle with alcohol or drug level above limit	Revocation
vi	Driving, attempting to drive, or being in charge of a motor vehicle while unfit through drink or drugs	Revocation
vii	Failing to provide a specimen for analysis	Revocation
viii	Driving while disqualified	Revocation
ix	No insurance	
	While working as a licensed driver*	Revocation
	Not while working as a licensed driver	Three month suspension
	Second conviction within two years	Revocation
x	Driving without due care and attention	
	Driving without reasonable consideration for other road users	
	Six or more penalty points	Revocation
	Less than six penalty points	Three month suspension
xi	Fail to stop/fail to report an accident	
	Six or more penalty points	Revocation
	Less than six penalty points	Three month suspension
	Second conviction within two years	Revocation
xii	Using a hand-held mobile phone or a hand-held device	Revocation
xiii	Any other single offence that resulted in six or more penalty points	Revocation

* Includes a licensed taxi or PHV driver not having 'hire and reward' insurance

policy documentation you intend to deal with such matters by way of revocation, not suspension. Indeed, you produced a table (see below) that categorically stated at xii) that this would result in the revocation of the license.

Also quoted in that article is an account of a driver who had accrued 12 penalty points but who was not suspended for 6 months. The article states: “...Another member, who had

accrued 12 points for various speeding offences and was allowed to keep his DVLA licence by the Courts, following a submission by our lawyers, subsequently had his taxi licence suspended by TfL. Again, we were successful at the TfL reconsideration hearing, and our member is back driving his cab”.

In the TPH policy you state: “In normal circumstances any driver accumulating 12 penalty

points on their driving licence in a three year period will be disqualified from driving for a minimum of six months and revocation of a taxi or PHV driver’s licence would follow. The courts have the discretion not to disqualify where there is exceptional hardship or other mitigating circumstances but even where this discretion is exercised, licensed taxi and PHV drivers who accumulate 12 penalty points and are not disqualified on or after 20

December 2021 will have their licence suspended for six months.”

Are you now stating that those who are successful at an Exceptional Hardship hearing will not face a mandatory 6 month suspension?

I have made plain over the years that in order to ensure that TfL deals with all cases at determination hearings fairly (and to ensure that there is consistency within determinations) it would be sensible for TfL to provide a framework of previous cases where TfL, for whatever reason, deviate from their disclosed policy. I think the argument previously was that cases were determined by so few people (amongst them Mr. Kennedy) that consistency could be effectively guaranteed. I fear that the same cannot now be said, as you will be aware the Courts publish sentencing guidelines and report cases which set precedents so that they can be easily followed. If TfL have made exceptions (as has been suggested in the article I refer to) then the reasons for so doing need to be provided to those who represent your members (be that lawyers or trade organisations). I am now convinced that unless TfL report their determinations, there can be no fairness...

If the new TfL policy is not to be strictly adhered to by your Licensing Authority (it is written to suggest that it is mandatory and there will be no exceptions) then those that deal with these cases need to be aware that the policy is discretionary and in what circumstances exceptions will be made.

I believe that the new policy is badly drafted, draconian and complicated. I am concerned that many drivers will find themselves facing disciplinary hearings for relatively minor road traffic matters and that they will unfairly lose their livelihood.

I look forward to hearing from you at your earliest convenience.

Yours sincerely,
Keima Payton
Payton’s Solicitors
The London Cab Drivers Club



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TfL Commissioner Andy Byford quits in major blow to Sadiq Khan

London's transport commissioner has unexpectedly in a massive blow to mayor Sadiq Khan

Andy Byford, a popular, charismatic figure who had been at the helm of Transport for London for just over two years, will leave the crisis-hit organisation at the end of October, it was announced on Thursday morning.

He will return to the US with his Canadian-born wife, calling time on a 33-year career in the public sector that began as a graduate trainee on London Underground in 1989.

His decision to quit the £355,000-a-year post leaves Mr Khan searching for his third commissioner at a time TfL's post-pandemic finances remain precarious, with one in four weekday passengers yet to return to the Tube.

Only on Wednesday, Mr Khan announced that City Hall would provide up to £500m of Londoners' cash to help TfL to balance its books over the



next 18 months.

Mr Byford led TfL through the "dark days" of the pandemic, which he described as the "toughest period in its history".

He told the Standard he became "exhausted but never worn down" by the relentless battle to secure Government bailouts - there were five short-term deals and nine funding extensions as the Department for Transport stalled on awarding TfL a long-term solution to the "catastrophic" collapse in passenger numbers.

Mr Byford also became disheartened at the "brain

drain" of key colleagues, and told the mayor publicly:

"Almost every week I get told someone else is leaving for more money, less stress and more security of tenure."

There was a row over his decision to start re-awarding bonuses in a bid to retain staff, should TfL break even by next March - though Mr Byford said he would refuse to take one himself.

TfL is also facing further Tube strikes over the axing of up to 600 station posts and the need to cut £100m from the cost of its staff pension scheme on Government

orders. In addition, bus strikes have been called next month in a dispute over pay.

Mr Byford had been hired by the mayor, from a field of more than 100 candidates, after leaving his post as president of New York City Transit after two years, after he fell out with the then New York governor Andrew Cuomo.

Mr Byford said he was leaving having achieved his objectives of getting the long-delayed £20bn Elizabeth line open and securing TfL's long-term funding.

At the time of his arrival, Crossrail had been due to open in the summer of 2021. It eventually opened in May this year. When the first train set off on time, Mr Byford received a bear hug from the mayor.

Mr Byford also suggested, on taking the TfL job, that opening Crossrail and restoring TfL's finances were only the first part of a "five-year vision".

But there were concerns at City Hall. Siân Berry, chair of the London Assembly transport committee, said: "Despite suggestions that this was a planned departure, we are surprised and shocked at this announcement."

"Our main concern now, is that this unexpected change will not derail the recovery of London's public transport network."

Manuel Cortes, general secretary of the TSSA union, said: "We are sorry to see Andy go. We may have not always seen eye to eye, but his commitment to public service and in particular, public transport in London, has been great."

"We really hope that Andy's departure doesn't signal further cuts to Transport for London as the Tories' long-term funding deal has already left huge holes in its finances."

Andy Lord, TfL's deputy commissioner and a former head of the London Underground, will become interim commissioner. The search for a new commissioner will begin shortly.

Courtesy of The Evening Standard

N.B Andy Byford informed the trade at our first meeting he was a big fan of ours and was looking forward to working with us, he will be sorely missed. Grant Davis

Are TfL kicking the can on safety?

In 2016 the newly elected mayor, Sadiq Khan announced his Taxi and Private Hire Action Plan.

In publishing the mayor stated: 'Effective and strong regulation is the bedrock of passenger safety. To meet the safety challenges a dynamic taxi and private hire industry brings, we will bring in a number of new measures including'

'Improving, by summer 2017, the standards of driving across the industry by requiring that private hire drivers pass an advanced driving test before they can be licensed or relicensed'

Though the 2017 date passed, TfL eventually consulted on the mayor's commitment in their 2018 Improving Safety in PHV consultation. The majority of

respondents agreed or strongly agreed with the advanced driving test proposal.

Despite numerous mayor's questions on implementation date, TfL continued to kick the can, citing government task and finish report, statutory guidance and more recently DfT consultation on updated best practice guidance, which had a driving proficiency element.

The Club has conducted a freedom of information request in regards to that best practice guidance and TfL's submission makes interesting reading.

'We have not taken a decision on whether to proceed with the proposed advanced driving test for London PHV drivers while we concentrate on implementing the Statutory Taxi and PHV



Standards and giving time for the trade to recover from the impact of the pandemic, but it will be revisited once the Statutory Standards and associated processes have been implemented.

While a higher standard of driving may be considered appropriate, it is



recommended that any requirement for additional testing is supported by appropriate evidence that it will'

Why, 6 years after a commitment by the elected mayor have TfL not decided? Why, when the majority,



some 154 licensing authorities require licensees to have a higher driving proficiency than normal road users, do TfL question the need?

And finally, how seriously are they taking the Vision Zero policy?

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WWII Veteran Albert Wiltshire Dies Aged 99



Albert, who served with Combined Operations in the Royal Navy in WWII died on 16 September at the age of 99

Albert Wiltshire 99, from Rotherhithe was married for fifty years, before losing his wife in 2012, they had two children, four grandchildren and six great grandchildren.

Conscripted as a wireman (an electrician) in the Navy at the age of eighteen, Albert was posted to Combined Operations which had been set up in 1940 during WWII by Winston Churchill to concentrate on offensive operations against the enemy.

In 2017 Albert was awarded the French Legion D'honneur at the French Ambassador's Residence in Knightsbridge. The Legion D'honneur is the highest decoration in France and is awarded for outstanding services to the nation.

Dick Goodwin, Vice President, Taxi Charity for Military Veterans said, "The Charity is always deeply saddened to lose one of our family. Albert was a lovely jolly man with a wonderful character. It was always a pleasure to have him on our trips, he slotted in so well with everyone and was loved by all our volunteers and cab drivers. An unassuming man who never wanted to be any trouble or inconvenience anyone - and he never was, and he never did."

Seb Philp, London taxi driver and Taxi Charity committee member said, "It was a pleasure having Albert in my taxi. I picked him up regularly because he lived close to me and I got to know him well. He often talked to me about his time in London during The Blitz and how he used to do watches from Saint Pauls for German planes. In Normandy together, on a Taxi Charity trip, he explained about letting Canadian troops who he had got to know very well, off his landing ship on Juno Beach on D Day, but never seeing them again. Albert loved reading and listening to the radio. He was a wonderful man who enjoyed life to the full. I never once heard him complain and we will all miss him greatly."



Albert's funeral will be held at St Gertrude's Church, Rotherhithe New Rd, London, SE16 2BB, on 14 October 2022.

To find out more about the support the Taxi Charity offers to veterans or to donate visit www.taxicharity.org

About the Taxi Charity
The Taxi Charity is run by volunteer London black taxi drivers and has been supporting thousands of veterans of all ages since 1948. The charity arranges free trips to the Netherlands,

Belgium, and France, for acts of commemoration and days out to museums, concerts, or fundraising events across the UK, to catch up with friends and comrades.

The charity was awarded the Queen's Award for Voluntary Service in June 2021.

In 2023 the charity will be celebrating its 75th anniversary.

To fund and facilitate their work, the charity is reliant on donations, grants, and sponsorship.

www.taxicharity.org



Unpicking a decade of shocking decisions

First they ignore you, then they laugh at you, then they fight you, then you win! (Mahatma Ghandi)

Recent events both political and royal have resulted in an unprecedented number of media and press hours being spent contemplating the unwritten constitution, workings of parliament, of the role of government and political parties, the civil service and of course individual accountability.

Recently people, some in high places, have lost their jobs through series of behaviours that have fallen far below what was expected and, in some cases, what could be tolerated or tolerated no more. Ancient institutions such as the Speaker's role were challenged and at times unbelievably treated with contempt. It was never going to end well.

The norms and memes of our unwritten constitution, governmental and civil service behaviour, our local authorities duty to issue and enforce regulation, legislation, precedent and policy and our corporate approach to governance, acquiescence and compliance to those standards are all interdependent and are what makes this country a good place to do business, a great place to live and the reason the country is successful at so many levels. Whilst a long way from perfect I believe we remain the envy of the world. But those largely consensual processes and understandings only work when we all act in good faith and the checks and balances are exercised.

So, looking at our industry from the perspective of the events that have shaped and impacted it over recent years and the reasons for it, how do we think the preface above and the grand edifice the country appears to portray coalesced? What were the outcomes and why?

The industry has had a number of knocks over the years. Starting with the aftermath of Y2K, the financial crash of 2007/2008 had its impact and then just

as things had once again picked up the Olympics was being made ready which flattened the industry but the real seismic shock arrived from across the Atlantic with the advent of a new concept.....ride hailing. Squashed between the end of the 1900's and the arrival of ride hailing was of course London Private Hire licensing which was phased in over a five-year transition period bathed in much

proposed, engaged and consulted on and passed into law. The latest impact was to be man-made, a perfect use case of apparently good intentions paving the way to hell.

The government had decided on a policy that Britain should become the tech start-up capital of Europe and appeared to do all it could to encourage not only tech start-ups but multinational tech

had to be given to advisors to pull strings and make compromises, civil servants were leaned upon to keep the flow of start-ups and tech companies coming. The newspapers started to highlight tech companies who chose how much tax to pay if any, the gap between existing successful companies who paid tax and the newbies who didn't was to develop into a long running narrative. Barriers,

guidelines and precedent all had a place in operationalising the legislation and regulation. In effect an embodiment of the preface above. In normal times government ground steadily forward, policy was formulated based on settled legislation, precedent, consultation and engagement. Regulation was the logical outcome. How naive this view was as we were to find out and even now, thanks to Panorama, we are still discovering the true depths of what was essentially a national disgrace as Downing Street, City Hall and our dear departed friends at TfL fell hook, line and sinker for our new American friends (sic) on their march to developing a new Jerusalem of tech start-ups.

In truth Panorama did not tell us anything very new, we knew pretty much all that had gone on but independent verification is no bad thing. Neither was it any bad thing to be reminded of just how low behaviours had gone and how far they had been willingly overlooked and accepted as a price worth paying.

It is often said of thieves that stealing the first pound is the hardest after that each one gets easier. This concept manifested itself over and over again as more rules moved from being side stepped, slightly bent to clearly broken and ultimately ignored (but only for some) all under the protective and defensive cloak of the acquiescent regulator.

I and many decent people who ran, owned or were part of management teams of taxi circuits and reputable private hire companies that followed the rules and those who represented drivers were hung out to dry by our own government and licensing authorities. We were treated as dinosaurs, fuddy duddys, anoraks and general nuisances whilst the new kids on the block were regaled and courted as people who had reinvented business and were literally

fanfare setting out the improved public safety PH licensing afforded the public.

The earlier events had the common thread of being outside of any individual's control (if we put conspiracy theories to one side), they were seismic but largely part of the highs and lows of the financial cycle. Private hire licensing whether you like it or not was properly

organisations to see London as their natural home, a place with low barriers and a switched-on, a young tech savvy government able and willing to facilitate their IPOs and of course develop a growing GDP as well as high paid tech jobs. Early progress was good. So, all very commendable so far. But as the low hanging fruit was picked more latitude

as they were viewed by our eager government, regulations and laws as viewed by the rest of us, were quietly ripped down to make London the Finntech capital of Europe.

Prior to 2012 I like many people believed that we lived in a democracy where the rule of law was paramount and regulation was there to be complied with. Policy,



that have put our trade on the back foot



allowed to do whatever they wanted unhindered by that old fashioned concept of law and regulation not to mention public safety all of which had been lauded just a few short years before. The new entrants had the government on their side, they were the sprat to catch the shoal of mackerel and had to be allowed to succeed in order that the rest of Silicon Valley made the flight across the Atlantic to fulfil the government's dream. Allowing a few scruffy tax paying cab companies and their representatives to get in the way was not going to be tolerated. Public safety was viewed as an obstacle not a virtue. Settled law was dismissed as outdated. A thriving industry was sacrificed for vanity. People who should have known much better simply reversed, changed or dropped regulation on the spot. They dismissed independently gathered evidence as nonsense. They

'Prior to 2012 I like many people believed that we lived in a democracy where the rule of law was paramount and regulation was there to be complied with.'

jumped to Downing Street's demands rather than exercise their duty. We were certainly ignored disturbingly by people who had sought out our counsel in the past, when that did not work, they certainly laughed out loud and to our faces.....but that did not last long. They tried to fight us but thankfully they had not counted on Assembly Members like Caroline Pidgeon and Valerie Shawcross and supported by Tom Copley and John Banks of the GLA and together with MPs like Jim Fitzpatrick and Wes Streeting who held those responsible to account and people like Steve McNamara, Grant, GMB, Unite et al, myself and

others had our say when the GLA Transport Committee held a public hearing. It was not a good morning for those who had ignored what they were employed to do and instead cowed before the perversion and frankly corruption of good governmental process. A tip for anyone who thinks they are bigger than the law in this country.....defending the indefensible is not a good look. Yes, the damage has been huge and the win has taken some time to materialise but what doesn't kill you definitely makes you stronger. All of this was accompanied by unprecedented flows of VC money subsidising rides at levels unseen before – it

was the emperor's new clothes. But of course, it led, unsustainably to a near doubling of private hire drivers in London, reducing prices/pay and the ridiculous situation where the golden boys were enticing passengers off of public transport and into subsidised PH whilst blocking up London's roads. Thankfully the kitchen got too hot, those with dirty hands and those who temporarily lost their sight (or should that be oversight?) were shown the door and regulation and legislation actually began to mean something once again. So that's the past and the now so where do we go to from here? I honestly believe that the next decade will be

spent unbundling the past decade. In the meantime, ensuring that the industry engages with politicians has never been more important. Yes, we operate in Britain with an imprecise and largely consensual form of Government, both national and local, but while we have decent people (e.g. Pidgeon, Shawcross, Banks, Copley, Streeting and Fitzpatrick et al) in all strata of Government together with an independent press who can hold miscreants to account there remains real strength in our governmental system.

Dr Michael S. Galvin
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Alan's Angle



Westminster update

First I'd like to say it's great to have the Badge back out and allowing us to update the trade on what's happening. Also secondly I'd like to say it's great that we're now Having face to face meetings with councils Again, well some of them.

This week the ranks committee and a representative from TPH ranks team had a sit down meeting with Westminster Council. This was also a chance to meet the new team in charge of highways after some personnel that we have been working with over the last few years left during Covid. This also means we have to try and educate the new team into what the Taxi trade Requires with ranks at certain locations within Westminster Councils borough.

After introductions WCC asked us how we had Coped with all the road closures that had been put in place during the Queens lying in state and funeral. We Replied that like always we just get on with but we did bring up a question regarding accessibility and the fences that was put up on the route which stopped us alighting customers especially wheelchair customers. That was put on the agenda for the next meeting.

Agenda item 2 focused on Covent Garden and how the new road scheme was settling in after the road closures scheme came in just before Xmas 2021. We had a few questions one was why Drury Lane was made a No Entry going north at Long Acre causing more traffic problems in Shelton Street and going out onto Kingsway.

The closure makes no sense and its still open to head south, maybe I could understand if they paved it over and out tables and chairs. They said that it's still



on trial and we should input into the consultation, not sure they listen to what's said in regards to consultations thou. We also brought up a need for a rank in Bedford Street by Henrietta Street to capture the foot fall that was coming out of Covent Garden. They understood the reason why we asked for it as there is not a close enough rank on the west side of Covent Garden. It will probably require a site visit with representatives from

Westminster Council for them to get a better look at the situation for rank allocation in Bedford Street.

Item Three Was a return to looking into the eastbound Oxford Street scheme that seems to be shelved at the moment but might be rising from the ashes again with a new design. But it does mean the Great Marlborough St is now in play to ask for a rank outside Libertys and also we've asked for probably one of the worst crossing in London to made into a Pelican crossing that would stop everyone walking on the crossing every second making it hard work to get through it without breaking the law.

We also covered that some ranks need a repaint and the Blatant abuse of parking on ranks by either PH or the public. We asked for better enforcement in certain area's where abuse is more prevalent.

We did bring to their attention

to with regards to the car that was parked on Jermyn Street rank for well over 6 months that was lifted. Which they found hard to believe and hopefully has convinced them to bring someone along from parking to next meeting.

There was a few items after that about ranks for the new Elizabeth stations that we will take about more at the next meeting. WCC also brought up problems with over ranking at certain locations and taxis idling at Marylebone and other locations, it was brought up that diesel trains was still running into all mainline station in their borough adding to the pollution in those areas.

We finished off by agreeing that a hour was not long enough for future meetings and meeting every 2 months was better than every 3 months. So it's a new team so let's see where we go in the coming months and year but I will keep you updated on future meetings.

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War on motorists based on 'false' government data as calls to scrap low traffic zones grow

Traffic figures used to justify controversial low-traffic neighbourhoods (LTNs) were incorrect, the Department for Transport (DfT) has admitted.

A flurry of new LTNs, which limit driving in residential streets, were introduced in 2020 with £225 million in emergency funding allocated by the Government for councils to encourage walking and cycling.

These have proved controversial, with residents and businesses in some areas successfully pushing for the schemes to be removed because of concerns about their impact on emergency service response times and traffic levels on surrounding main roads.

This week, a review of the Government's Minor Road Traffic Estimates' report, whose findings were

frequently used to justify the schemes, found that the DfT had significantly over-counted the rise in traffic on residential streets between 2009 and 2019.

In London, where figures suggesting an almost 60 per cent rise in minor road traffic and a 72 per cent rise on the smallest roads had been widely cited, there had in fact been no increase at all over the decade, the new data show.

A previously published increase from 6.6 billion vehicle miles in 2009 to 10.4 billion in 2019 has been revised to eight billion in both years.

Across Britain, miles driven on minor roads rose by just less than 10 per cent, rather than the 26 per cent originally suggested.

Courtesy of The Daily Telegraph



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The Anderson Shelter's TAXI LEAKS

MY HERO - MY DAD

Everyone has a hero or two as they go through life, but in all my 72 years, I've only ever had one, and that was my Dad Charlie Thomas, the "Blonde Bomber of Marylebone".

Dad left school aged 12 when his father died, leaving him as the only breadwinner to support his disabled mother and three younger siblings.

He became a popular figure in Church Street Market, and was always on hand to help the traders with pulling out their stalls and running errands.

Being of Welsh heritage dad palled up with another local Taffy, who invited him to join the local boxing gym in Bell Street, run by Professor Andrew Newton.

His mate Patrick Clifford Daley, had amazingly been boxing professionally since the age of just 9 Years old, and had assumed the professional name of Nipper Pat Daly.

Dad went on to become known as the Blonde Bomber of Marylebone, boxing mainly in the Ring Blackfriars local baths and town halls...his favourite venue was the Vale Hall Kilburn which was roughly opposite to where the London Marriott Hotel Maida Vale now stands today. Although he preferred to box local, he was also on the Promoters List advertising himself as a substitute who would travel to any part of the country to fill in if needed.

Dad had some memorable bouts (he would never call them fights as he believed it would damage the nature of the sport). His greatest win was (as a substitute) he beat British

champion Roy Lock, at Bristol City football ground.

Unfortunately, it wasn't a title fight, but he received a silver trophy.

When he got home to his mum, she said "how'd you get on son?"

He put a £5 note on the table and said "I won, they gave me a trophy and a pawned it...we can all eat well the week". Nan was furious, she gave him back the fiver plus the ticket money and said "go and get that trophy back, I want to see it". He went and got the trophy back and put it on the table in front of her.

"That's fabulous", she said "now take it back and tell him I said it's worth a tenner".

For my 70th birthday my son bought me a fantastic present, dad's boxing record plus most of press cuttings in a folder, compiled by Miles Templeton of Boxinghistory.org.uk.

It lists of most of dad's bouts, but unfortunately as he was often used as a substitute, many results weren't recorded officially. Only 89 bouts show up in his record out of about 140 professional contests. But the press cuttings were something I've never seen before, and will always treasure.

After seeing the way many of his friends and colleagues were affected by constant head injuries, in 1939 he retired completely from boxing. His last bout was a tough and bloody 12 rounder, his second in the same week. The first being Teddy Butcher from Bermondsey which dad won on points, the second with Tucker Winch from Dagenham, which he lost on points.

Considering his many fights squeezed into such a short period, he was surprisingly unmarked. He went on to have an amazing career as a stunt man/fight scene coordinator, and extra in films such as Neutral Ports, Anthony and Cleopatra, Goldfinger, Brannigan and the Squeeze. He also worked for a company owned by George Walker and Charlie Kray as a professional



minder to stars such as John Wayne, Frank Sinatra, Tony Bennet. As an extra, he also appeared in many episodes of The Sweeney, The Professionals and Minder. Whilst appearing in the film 'the Squeeze' with Stacy Keach and Freddie Starr, he was directed to cross the road in front of a speeding police car. The idea was he would skip out of the way at the last moment, but he mistimed his walk and was knocked down. He was taken to hospital but released with just a cracked rib and bruised pride.

I remember Freddy Star coming to our house in Kilburn Park Road to make sure dad was ok, with dad saying to him, "Don't make me laugh Fred,

I've already got a cracked rib and it hurts when I laugh". Of course we were all rolling up. Dad was also well known for his letters that were frequently published in the 'Daily Mirror Old Codgers' section, where he would write mainly about boxing, but also about current affairs. His letters were extremely popular and often people would write in commenting on and quoting from his letters. One amazing aspect at that time, when you sent a letter to the Mirror, you had to add your full name and address, which was published at the foot of your letter. I remember that some of dad's former boxing chums from all over the UK used this to contact him and be reunited.

But dad's greatest life achievement, was as a founding member of LEBA, the London Ex-Boxers Association, and in 1971, he was honoured with the role of Vice President. The association was set up mainly to help London's ex-boxers who had fallen on hard times. The family were so proud when he was presented with a Bronze plaque for fund raising (along with his friend Bob Ramsey) at the 'West Central Hotel' now the Ibis Hotel Earls Court. After dad passed away in 1994, his obituary was carried in the Boxing news, written by his friend and fellow LEBA member Reg Gutteridge OBE.

As a caveat to dad's varied and exciting careers, the thing that sticks out most of all about him in my memory, happened when I was just 11 years old.

After watching the Royal Ballet Company dancing on TV, I went to him and explained, it was my dream to become a ballet dancer. I expected this hard, manly, man to hit the roof and explode. But instead he sat me down and quietly asked me a few questions about what I'd seen. I remember him cuddling me, whispering in my ear "Son, you can be whatever you want to be, and if you have a dream, you must always follow it". He went on to say he would support me in whatever way he could to make my dreams come true.

Later that week, he took me to meet his friend Flavia Pickworth (mother of record producer Mike Hurst) who ran a dance academy in Quex Road West Hampstead. I really loved it there, as I was the only boy surrounded by dozens of beautiful young ladies.

But my hopes came crashing down when just before my 12th birthday, I fell from a second story window and badly broke my leg, smashing my dream. Flavia was a wonderful woman, she got me to switch over to acting classes and became my agent when I entered the realm of musical theatre. I had quite a successful career but became disenchanted aged around 20, when I decided to do "the knowledge" and become a Taxi driver like my two cousins Dave and Patsy Thomas, both well known in the Taxi trade.

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Welcome back!

Well, that was total unexpected, 2 years 6 months since I last sat down and wrote anything for the Badge, and we all thought it was only going to be 3 weeks to flatten the curve?

For most of us, our lives were turned upside down, work dried up, we sat around waiting for that next elusive job that never came and most of us really didn't know which way to turn.

But we endured, while some of our colleagues continued driving their cabs helping patients, collecting shopping for those who were unable to, and servicing the few remaining customers that still required a taxi. The rest of us drove trucks, worked for supermarkets doing home deliveries, we built things, we took on various tasks, some returned to their old trades but we carried on. But now we're back and



things are looking quite rosy at present and long may it last, many have left the trade and there is fewer taxis to either buy or rent, but customers are returning to us from the opposition who so rudely tried to disrupt our business.

Cab Chat has been a bit hit and miss throughout the pandemic as I personally found it very hard to sit down and talk about things in a

positive way, but over the past few months we have tried to get a podcast out every 2-3 weeks.

Many of you have been asking for us to get podcasts out and we intend to continue to do so, but we have lost the space we were using to record and are now looking for somewhere that we can produce Cab Chat, but we aim to continue to bring you the trades first, best and longest running podcast.

We have a lot planned for Cab Chat but if there is anything that you would like to hear us discuss please reach out to us as we are always open to fresh ideas.

We are looking forward to a bright and prosperous future for the cab trade and also to welcoming you all back as listeners.

*Until next time,
Be Lucky out there.*



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Thousands more motorists being caught speeding after Met Police introduced tougher rules giving drivers less leeway for breaking limit by reducing threshold by 1mph

The Metropolitan Police have reduced their 'speed tolerance' threshold by 1mph, meaning thousands more people are facing fines as they are given less leeway for breaking limits.

A 'speed tolerance' gives motorists a small amount of leeway for driving above the limit before a camera activates and a driver is penalised - though travelling at any speed over the official limit is an offence.

The new rules were not directly announced and mean 347,000 drivers have been warned they will be prosecuted for speeding between January and June - compared with 97,000 in the six months before the change - in an increase of 259 per cent.

The police force's formula means motorists won't face



action - such as a fixed penalty or speed awareness course - unless they break the limit by 10 per cent plus 2mph, reported The Sunday Times.

For example, drivers

travelling in a 30mph zone could get away with 35mph at a speed camera - and 79mph on a 70 road.

Previously the force operated a 10 per cent plus 3mph policy but quietly

reduced the limit to plus 2mph on May 14, 2019.

The Met said that drivers should obey official speed limits, irrespective of the threshold the force uses to decide whether to take

action.

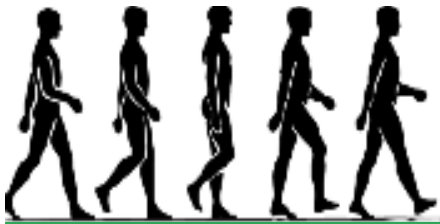
The police force said: 'Posted speed limits are the maximum speed that road users should travel at any time ... irrespective of the speed threshold that police commence enforcement action.'

Police guidelines issued by the National Police Chiefs' Council (NPCC) say drivers should be given some leeway but it intends to review this policy.

The Fédération Internationale de l'Automobile estimates 40 to 50 per cent of people drive above the speed limit.

Their website states that a five per cent reduction in average speed could decrease the number of fatal crashes by 30 per cent.

Courtesy of The Daily Mail



Walker on the march...

DIVIDE AND CONQUER

Bear with me for a bit of history. Many rich Indian families became impoverished during the 19th century and into the 20th.

They tended towards large families and every time a son or daughter married, they were given a parcel of the family land. Eventually, these individual parcels became too small to feed a single family.

There's a comparison with the cab trade. Prior to 1974, there was only one cab driver organization in London, Unite the Union (then the T&G). However, there was a widely held view that the T&G were ineffectual. This was probably due to the birth and rise of the minicab in the 1960s. If this was the case, it was probably unjustified as with hindsight we can see that the minicab could not be stopped; the demand was there and there were suppliers willing to meet that demand, making it no more stoppable than the illegal drug trade today.

Right or wrong, there was a lot of driver dissatisfaction and this led to a very large meeting in 1974 that formed the LTDA. Now there were two driver organizations.

Meanwhile, drivers were experiencing so many problems when the Metrocab was introduced, that they formed the Metro Club to swap problems, solutions and to deal with the manufacturer. In the 1990s they began to take an interest in wider trade matters, none more so than the swarms of illegal touting by cars, and morphed in the LCDC.

Now we had three driver organizations. This remained so until the Trafalgar Square drive-in of 2009, where reputedly 10,000 drivers blocked the Square and miles around in all directions. It was at this event that most drivers became aware of a fourth driver organization, the RMT.

Now we had four driver organizations and it was not long before we had a fifth. A large internet driver group, the LTDF had been actively forming organized, illegal ranks outside clubs to combat TFL sanctioned minicab ranks. Two of the leading lights, belonging to both groups, were expelled from the RMT.

These two then formalized the LTDF with some defecting RMT members, into another driver organization, the UTG. Now there were five.

Along the way in the last twenty years or so, there have been several, small specific interest groups during this latter period. Among them, DDD, Taxi Point, Real LTDA, along many others. This also gave birth to UTAG but this was different and deserves more time.

FRAGMENTATION

The overall effect, though doubtless unintentional, of these breakaway organisations has been to weaken the whole. More often than not, the organizations are unable to present united policies, etc. This makes it easy for TFL, GLA,



Mayor, Central Government, etc to largely ignore cab driver representation, paying no more than lip service to the trade. After all, if we cannot agree amongst ourselves and often disagree and argue while attending meetings with the authorities above, all those authorities have to do is sit back, keep quiet and allow us to destroy our own arguments.

Chasing membership funds is partially responsible for the above discord. Trade organizations need funds to operate. Their main source of income is membership fees. Half or more of drivers are freeloaders. Some will say that they are members of an organization when they are not. Others will say that all of the organizations are useless and not worth joining or that the "top Tables" only care about themselves rather than the membership, etc.

These are excuses, nor reasons, from people who don't want to part with a few quid a month in subs. Why should they? Whatever is won by the trade organizations will benefit the freeloaders every bit as much as the memberships' because in the main, the organizations represent all drivers and not just their members. The freeloaders can still go on social media and complain about what the organization should and should not do and how they are useless without spending money on subs.

If you don't like any driver organization, get off your arses, pay your subs and change things from within. Currently, you ride on the backs of your fellow drivers.

But to recap, the problem with having many organizations is

weaken the financial and political power of the whole.

SPLINTER GROUPS

Why do we keep fragmenting into splinter groups when they weaken the whole is complicated. There are some politically committed drivers

that become frustrated with their organizations and feel ignored. Out of frustration, they will go from organisation to organization, meeting the same problem every time.

There is a tendency to blame those that run the organization. Criticisms run from being merely ineffectual, to claims that the management care more for their own interests than those of their members.

The truth probably lies elsewhere. I firmly believe that the management of these organizations do the best job they can for members and the trade. However, for reasons mentioned above, they operate from a position of weakness and within the hierarchy of these five groups, some are weaker than others.

Perhaps the greatest problem though, alongside the freeloaders, is the driver that simply sticks with an organization, pays his/her subs and doesn't get involved beyond that. This should not be taken as criticism as we don't all have the time or inclination to become involved in trade politics.

This does mean though, that dissatisfied members cannot mobilize support from within and thus their voices can be and often are ignored by the management.

This type of frustration has led to the formation of all groups inception after Unite was formed, including the LTDA. Having failed to change things from within, some committed drivers will and have created a new organization. It takes no more than a few drivers with egos big enough (again, fact not criticism) to be prepared to lead a new group, for one to be created.

HOW DO WE FIX IT

Even if we could create a single driver group, with every driver a member, how do we prevent those elected to management from using the organization for their own ends, political or financial?

I believe that UTAG could have answered this but not in its present form. The man behind UTAG had an idea that could bring drivers, driver organizations and various trade interests together into one group. Just imagine if 21,000 drivers all paid £20 per month in subs; that's funds of over £5 million pa, without advertising revenue, contributions from trade interests, etc.

To overcome the problem of management potentially capturing the organization there would be a part-time steering committee of drivers 'paid an hourly rate commensurate with driving a cab. The committee would be elected and only able to sit for perhaps two terms and then a gap of a term before being able to stand for re-election.

Meanwhile, a non-cab driver representative, or committee of such, would be retained to make final decisions on policy action put forward by the committee.

This would be as near to Nirvana as we could ever hope to get.

What we have is UTAG and it all went wrong. It was a great idea as a starting point. Drivers paying monthly subs into an organization not aligned to any of the existing driver groups. It has gone wrong, in my opinion, for two basic reasons.

The first is that there is no outside decision on what policy action is taken and some of the decisions appear to be shaky from the outside.

The second is that it has allowed too much involvement between UTAG and one particular trade group. This, whether right or wrong, it appears that UTAG have become an arm of one particular trade group. It is irrelevant whether this trade group benefits from this involvement with UTAG, the reality is that UTAG no longer appears to be apolitical within trade politics. It has become a sixth trade organization.

END POINT

So, in the end, I can offer some reasons why we are in this situation of fragmented trade representation but cannot offer any real answers to the problem. Perhaps the beginning of the answer may be to reform UTAG with a management either devoid of any driver organization representation or failing that, equal representation from each of the existing five driver groups.

HEATHROW UPDATE 1

APCOA received the 100 tags to allow those with broken tags to be replaced. A thousand more are due - we are told - by the end of September. So far there is no more news...

To ensure that we have captured everyone on the broken tag waiting list first we will be asking those with new broken tags to register and we will contact them once we can guarantee them a tag.

No tags will be issued to drivers on the normal waiting list. These will be issued once APCOA have received the main order.

TfL tell us HAL have lost the artwork for the new Price Guide lists, so they are having to redo them.

HEATHROW UPDATE 2

Problems still persist with the Terminal Drop Off Charge and HAL are not being very sensitive in their response. In response to a member's issue, Kristian Matthews told us that:

"Based on the cases I have received the majority have been errors on the drivers part as you stated minor or major keying errors. Every PCN that gets generated costs us money - we don't reduce to £5 for major keying errors because of the costs we incur and this was the drivers error.

The reoccurring theme my end is that the drivers receiving PCNs do not follow the PCN appeals process detailed on the letter, ignoring this letter for a month will result in the debt being passed to debt recovery as no appeal was submitted and no payment was received for the PCN. If they followed the PCN instructions then their case won't be sent to debt recovery and will be dealt with shiftily (sic); we have business rules in place to deal with minor and major keying errors.

Charging has been in place for four months now so I expect all drivers to have accounts set up with the correct information. If they need support then they need to call our call centre who can guide them through the process or refer to the guide we specifically created for the taxi trade.

We have been lenient in the early days of taxi charging but I will not continue to waive our T&Cs because taxi drivers are not taking ownership for their account."

**HEATHROW UPDATE 3**

We wrote back asking if HAL would pay us for refunds taxi drivers have to ask for when they or APCOA make errors. We have yet to receive a reply.

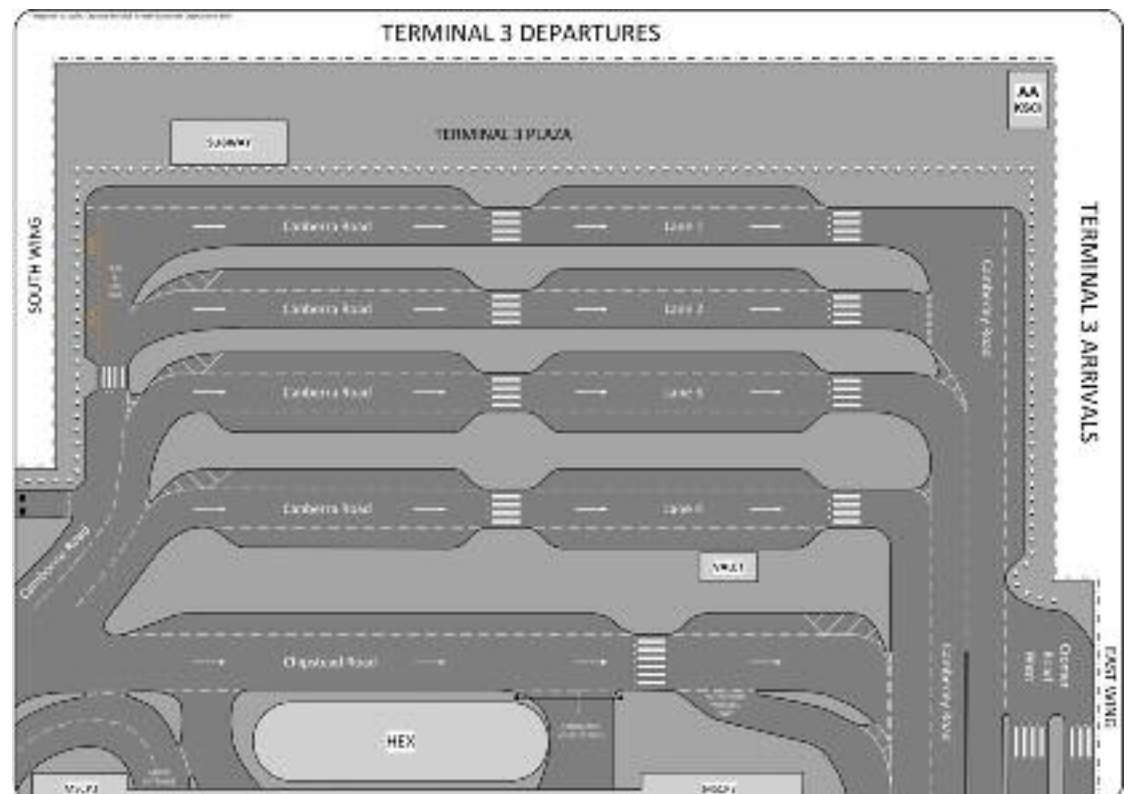
Heathrow Airport have asked that taxis do not over rank on pedestrian crossings...they also tell us they do not want taxis queuing on a feed inside Terminal 5 having previously told us (before and during the pandemic) to do so.

HEATHROW UPDATE 4

HAL have also asked that taxis do not block the roads outside the Feeder Park. Reps tried to explain the situation and how the empty South Park can be seen from the road, but that the barriers fail to work leading to queues within seconds. The recent hot weather seemed to exacerbate the problem.

A new 'Taxi Expert' system was supposed to be in place by the end of 2022, but now looks likely to be in the New Year...which Year that is, is another matter.

When going to the rank on Terminal 3 please use Lane 1 - as in the diagram. There was some confusion early this year, when drivers thought Lane 1 was the first lane they came to - which had been used for years. Lane 1 is that nearest the Terminal 3 Departures.



The hate is different now': Chris Eubank Jr and Conor Benn meet in fight of unfinished family business



By Steve Bunce

Chris Eubank Jr and Conor Benn went down boxing's memory lane on Friday when they formally announced their fight.

The sons of two British boxing legends both believe that there is unfinished family business in the boxing game. The boys will fight at the O2 on 8 October. After a gap of nearly 30 years, the Eubank and Benn rivalry started again this week with a series of heated exchanges and hostile meetings. Now, however, the words will lead to a fight and not just more hateful insults.

Chris Eubank and Nigel Benn shared the ring in 1990 and 1993 in two fights that changed British boxing forever. Their first unforgettable encounter was the night boxing left behind its black and white days, and the sport's ancient ways, and became the colour carnival it is now. It was exhilarating, a real change to the order. Eubank, against the odds, stopped Benn in the first fight and the rematch was a draw. Every round was savage, too much pride and hate.

--Their sons, Chris Jr and Conor, have eyed each other for years, both claim that they knew one day they would fight. The sons both sounded sincere when they finally sat down to talk. It was nasty at times. And now, the sons of British boxing's fiercest rivals, men who never embraced in respect, will fight for family pride and millions of pounds at the O2; the 20,000 tickets sold out in seconds. If the weather had been kinder, 90,000 would have packed Wembley; the rematch in May would break all records. There is no rematch clause. "I could have sold out Wembley three times," insisted Eddie Hearn, the promoter. His father, Barry, promoted those Eubank vs



Benn fights. That, my friend, is a product of legacy. "The hate is different now, but it is hate," Benn said. "He needs this fight to come out of his father's shadow," Eubank Jr told me. In 1990, it was the untested Eubank who talked his way into the

fight with Benn, who at the time was the WBO middleweight champion. In many ways, the roles have reversed for this fight; Benn is unbeaten, has been carefully matched and Eubank Jr has shared a ring with the best at his two

chosen fighting weights. However, this fight has not been made at either of Eubank's fighting weights. It has been made at – what we call in the boxing business – catchweight; it means one man has to go up and another man has to go

down. The eternal boxing debate is simple: who suffers most?

"I will not be 100 per cent for this fight because of what I have to do," added Eubank Jr. "But, I will still have enough to beat him." Eubank believes that Benn will be about the same weight on fight night; the pair agreed on an initial weight and then the contentious rehydration weight. Benn fights at 147lb, Eubank Jr at 160lb – the agreed weight is 157 and the rehydration weight is probably 171 or 172. They have to weigh again on the day of the fight at 11am; a move that favours Benn. The rehydration weight should remain a contractual secret and it is not unusual in major fights; Sugar Ray Leonard and Floyd Mayweather both insisted on weight clauses in their fights.

"We are dealing with a monster," said Kalle Sauerland, who is part of the promotion. "It's not like a big heavyweight showdown – this is a rare family feud. There has never been anything quite like it." Eubank, like Benn, had other offers on the table, but it became apparent about four weeks ago that the pair could do a deal. And that both wanted the fight.

"I was 11 when their fathers first met," said Hearn. "It meant so much to my family. It changed a lot of things. It is such a strong memory." Everybody has a version of the first fight to tell, something that has stuck in their mind since that memorable night in Birmingham in November 1990. And that includes the sons, the men doing the fighting now. "When I watched their fights I realised just how much you have to sacrifice to make it in boxing," Benn told me. His realisation was the same one we had all those years ago at ringside. We were the privileged few, reporters blessed with the greatest seat in sport.

I have the exact same feeling about this, the third fight in the family feud. It is a fight that defies boundaries and the same was true of their first meeting in 1990. And we all know how good that was.



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