



The Licensed Taxi Drivers' Association
Taxi House
Woodfield Road
London
W9 2BA

May 2020

To whom it may concern,

LB Camden: West End Project – Moving Traffic Restrictions and Parking Restrictions Traffic Orders

We are writing to you in objection to The Camden (Prescribed Routes) Traffic Order 2020, and The Camden (Waiting and Loading Restrictions) (Civil Enforcement Area) Traffic Order 2020; both traffic orders relate to the West End Project.

The Licensed Taxi Drivers' Association (LTDA) is the professional and authoritative voice of London taxi drivers, representing over 10,500 members. We are committed to ensuring that our members' voices are heard and to maintaining the high professional standards that have become synonymous with London taxi drivers.

We were disappointed to note that, despite engaging with the Council around the West End Project for a number of years, our concerns have been unheeded. From the outset we have contended that the decision-making process around the consultation was flawed; that restricting the access of taxis to Tottenham Court Road will not achieve the Council's desired goal of making it more attractive to visitors; and that the changes will have unintended consequences to the detriment of residents, businesses and the area as a whole.

Firstly, in November 2019 Camden Council's Cabinet elected not to change the current eastbound traffic flow on the Torrington Place / Tavistock Place Corridor. The LTDA had devoted significant time and consideration to the matter and continue to retain our position that directing traffic in the westbound direction is the most beneficial solution and should be promoted to replace the existing eastbound scheme. However, as this is not the case and the eastbound scheme is still in operation, there has been significant displacement of traffic and worsening air quality on a number of neighbouring streets.

This is likely to only develop, as The Camden (Prescribed Routes) Traffic Order 2020 will curtail traffic, except local buses and cyclists, from accessing Tottenham Court Road on Mondays to Saturdays between 8am and 7pm.

We continue to be extremely disappointed that taxis were not considered to be of due importance to be granted access, alongside local buses and cyclists. Taxis are fundamentally distinctive to Private Hire Vehicles and are a crucial element of London's public transport mix. The Mayor of London Sadiq Khan himself identifies the Uber app to be responsible for the "huge increase" in PHVs in London and the consequential increase in congestion. He

identifies that PHV drivers have “almost doubled from 60,000 in 2011 to 105,000 in 2019” – a rise of over 75%. Comparatively, the number of black cabs has dropped slightly, to around 23,000 drivers, with just over 20,000 vehicles on the road.

If Camden Council intend to ensure Tottenham Court Road continues to “attract, sustain and boost local businesses”, the role of taxis must be respected. Unquestionably, businesses along the road will be less accessible as a result of the changes – particularly those that sell large items which require transportation to be moved. Moreover, the Council has been unable to produce sufficient evidence which disproves this point. Given the significance of the area as a commercial and retail hub, not just to Camden but to London as a whole, there must be robust evidence to show that the impact on local businesses has been properly considered.

Businesses on Tottenham Court Road will also be inaccessible for those with limited mobility; if the Council intends to provide “safer streets” for residents, they must not overlook some of London’s safest vehicles. TfL’s own data shows that taxi and Private Hire Vehicles (PHVs) cause amongst the lowest numbers of collisions. In 2018, 1,565 collisions were recorded in Camden in total. Importantly, of these, only 157 (10%) could be attributed to either a taxi or private hire vehicle. It also patent that there has been no attempt to differentiate between the two vehicle types through this data, and so the number of licensed taxi incidents is likely to be far less. By comparison, cyclists were identified as responsible for 277 incidents during the same period, and car drivers in general 661. This data thus validates the dependability of licensed taxis.

Additionally, the new TX vehicle, the new version of the Hackney Carriage, has various additional safety features including a number of supplementary airbags, emergency autonomous regenerative braking, lane departure warnings and forward collision warnings.

Camden Civic Society, Camden Green Party and the Gordon Mason Residents’ Association have all previously stated that they share our concerns that the scheme is complicated and likely to increase the number of incidents. It is overall the LTDA’s view that the comparatively low number of taxis likely to use the street (160 per hour) would not compromise safety or increase congestion on the street and would also have little impact on bus journey times.

The scheme also does not take into account the needs of those with restricted mobility or who are elderly, and therefore require the ability to use a taxi. This has been acknowledged by Transport for London which has said: “Restricting taxis will affect disabled people, older people and people with luggage”. The impact extends to patients attending University College Hospital, situated on Gower Street - whilst patients may be able to access the hospital by taxi, on leaving they won’t be able to easily hail one.

Importantly, taxis are immediately available for hire, cannot refuse a fare, and are required to take a passenger to their destination via the most expeditious route, irrespective of any

charging zones in place. Their fares are fixed by TfL, the vehicles must fulfil a range of TfL specifications and, crucially, they are the only form of transport currently on London's roads which are fully accessible, in addition to being guide-dog friendly. As part of the Knowledge Test all drivers must pass, they undertake Disability Awareness training. Taxis provide a unique door-to-door service not possible by other public transportation means. Thus, they are in fact vehicles for people with a disability, as well as being a public transport form.

In a report authored by EO Consulting¹, on behalf of London Councils, it was confirmed that the unique door-to-door service provided by taxis is of particular importance to disabled passengers. In particular, in relation to the mobility-impaired people that were surveyed as part of the review, 91% indicated that the ability to travel door-to-door as a transport option met their need.

It should be emphasised that one of the main intentions of the Project, to improve air quality, will not be reached by restricting taxis – soon to be one of London's first fully environmentally-transport means. Since January 2018, TfL has required all taxis presented for licensing for the first time to be zero emissions capable (ZEC). The Mayor of London's ambition is to have a fleet of 9,000 electric taxis by 2020 and for all London taxis to be fully ZEC by 2033. There are now over 3,000 electric taxis operating in London.

The Mayor's own 2018 'Transport Strategy' outlines that all buses will not be zero emission vehicles until 2037. This is clearly less ambitious than the zero emissions targets for taxis. Indeed, the Mayor's London-wide Ultra Low Emission Zone exempts taxis in recognition of the action the trade is already taking.

As stated, the Hackney Carriage has been upgraded into the new TX Electric Taxi – the 'TXe', which has a range up to 80 miles pure electric before it needs to be charged – which takes 30 minutes at a rapid-charging point. The TXe releases far less emissions than the average ULEV – less than 50g/km of CO2 emissions as opposed to 75g. In addition to the TXe, there is also a 100% electric black taxi available on the market, The Nissan Dynamo. Although released only in 2019, there is also considerable interest in this model which is a cheaper competitor to the LEVC TXe.

Nonetheless, reviewing taxi ranks and their location would be aid the reduction of traffic and pollution, by decreasing the need for taxis to drive around 'plying for hire' and making it far easier for passengers to locate and board taxis. The loss of drop-off points and introduction of loading bays threatens passenger's safety, prohibits taxis from offering a door-to-door service and makes journeys less convenient. It can also harm taxi drivers' business. We would encourage Camden to collaborate with the LTDA in identifying potential areas for ranks.

¹ EO Consulting, 'London Council's Taxi Card Usage Review Final Report, version 1, January 2016' (January 2016)



We also urge Camden to focus on delivering electric vehicle charging infrastructure, as opposed to banning eco and accessible transport means. To facilitate and accelerate the taxi trade's transition to ZEC vehicles, as well as support the new London-wide ULEZ, widespread rapid charging infrastructure is necessary. Rapid charging is necessary as for every minute a taxi driver is off the road, they are losing potential income and delaying passengers.

Finally, we maintain that the initial consultation on the plans was unrepresentative and biased. A crucial question on the original consultation relating to restrictions on taxis was omitted from the online survey. The question asked: "Do you agree with the proposal to restrict access for taxis on Tottenham Court Road Monday to Saturday 8am to 7pm? Taxis will still be able to cross Tottenham Court Road via side streets but won't be able to drive the length of Tottenham Court Road." A majority of respondents (58%) were against the proposal to restrict taxi access to TCR. All categories of respondents were against this proposed restriction. Despite this the question was not included in the online survey.

To conclude, the LTDA urges the Council to ensure it considers fully the cumulative impact on the local road and transport network that will arise from these measures. The Association continues to believe the flawed decision-making process around the changes has meant that taxis have been restricted from the Tottenham Court Area, to the detriment of the scheme and the area as a whole. LTDA again requests a scheme trialling taxi access in order to provide a full evaluation of the potential impacts and benefits.

If you would like to discuss the concerns we raise in any further detail, or if you have any questions, please contact Aimee Howard at aimeehoward@newingtoncomms.co.uk, or call (0) 20 7234 3306.

Yours sincerely,

A handwritten signature in black ink, which appears to read "Richard Massett". The signature is written in a cursive style and is positioned above a horizontal line.

Richard Massett

Chairman of the Licensed Taxi Drivers' Association



28 June 2020

Sam Margolis
Strategic Lead Transport Planning
London Borough of Camden
5th Floor, 5 Pancras Square
London, N1C 4AG

Dear Sam

Licensed Taxis Exclusion from London Borough of Camden Bus Lanes in line with Public Sector Duties under the Equality Act 2010

London's Taxis have been seen on the streets of the capital since the 17th Century. In 1654, an Act of Parliament was passed making taxi driving a profession. This profession is maintained by the famous 'Knowledge of London'. Introduced as a requirement in 1865, the Knowledge spurred social mobility, allowing working class people to find solace and pride in a trade that encompassed London.

Since our inception in 2010, the UCG strives to uphold and maintain our standards doing the utmost to ensure our members are represented as individuals. We also challenge London wide issues that are important to our members or those that impact on our ability to continue to deliver a world class safe regulated and seamless door to door service for our passengers.

UCG membership include Taxi Drivers who are resident in every London borough and more importantly all Taxi Drivers work and provide a reliable and trusted service to Londoners, tourists and business people from home and abroad, offering customers safety, convenience, and a second-to-none knowledge of the Capital's streets. We service passengers within every London borough 24/7, 365 days per year and have done for over 350 years.

To say we have been inundated by our members following the recent publication of Traffic Management Orders in Transport for London's name would be an understatement. We therefore consider it necessary to raise our significant concerns to the exclusion of Licensed Taxis/Black Cabs based on your decision to make the following sections of bus lane for Buses and Cycles only and would extend that further to restrictions on the associated left turns into Upper Woburn Place and Euston Road:

- Euston Road – eastbound between Melton Street and Euston Square Gardens
- Hampstead Road – southbound
- Tottenham Court Road – northbound between Warren Street and Brock Street

We also recognise the need for a balanced approach to modes of transport; there are just under 9 million people living in Greater London; the reality is the travelling public adapt their transport needs based on a range of circumstances and use a mix of modes. For example, a commuter who takes the bus/tube or cycles to and from their office will also use a taxi, where appropriate.

Transport is not a binary issue and the restrictions proposed to begin next week will have a cumulative effect on our ability to transport the travelling public and we still have genuine concerns whether the adjustments, albeit described as temporary are in fact workable in reality without major impact on our passengers, disabled or otherwise, the restraint of trade implications and the exposure of these proposals to taxi drivers in respect of their licensing conditions and obligations under the Equality Act 2020.

In light of the TFL announcement that from Saturday 30 May 2020 double decker buses would be limited to 20-25 passengers and single decker buses 10-15. There is low public confidence in safely travelling on these modes currently coupled with the fact disabled and vulnerable passengers would be at a serious disadvantage with the reduction in capacity on the tube and bus network.

On the basis of the existing two-tier system TFL are responsible for managing because taxis ply for hire and are regulated on that basis, this has afforded both buses and taxis access to roads, bus lanes and banned turn exemptions in London. A few examples are as follows:

- Euston Overpass – westbound outside University College Hospital
- Access through Chelsea Harbour barrier applies to buses, taxis, and residents
- The use of Angel Street in the City of London
- The right turn onto Tower Bridge applies to buses, taxis, and cycles
- The right turn from Tower Bridge Road into Tooley Street
- Bus, taxis, cycle access on Baker Street beyond York Street to cross Marylebone Road

Taxis **are permitted** in bus lanes and may also stop in bus lanes to pick up or drop off passengers, unless a broad red line indicates that only buses may stop in that location. Police, emergency services, mail vans, street sweeping vehicles, and garbage trucks **are customarily allowed** to travel in bus lanes when on official business.

Moving onto the implications in the TMO's enclosed, the key concerns are outlined below:

6 - William Road: cycles only to turn into from Hampstead Road. Are taxis able to turn out of William Road L or R onto Hampstead Road, if not why?

7 – Tottenham Court Road northbound: buses and cycles permitted to turn left into Euston Road. How will a taxi take a passenger following treatment from Macmillan Cancer Centre when they are advised to avoid public transport due to the risk of infection to Marylebone Station? Why are taxis now excluded and what safety evidence is there to support?

8 – Buses and pedal cycles only southbound on Hampstead Road in nearside lane with rest of traffic into Drummond Street. Whilst I recognise this helps get east to Euston Station, has no one realised the impact of pushing traffic down Drummond Street which is then forced into North Gower Street with ongoing HS2 works. Again, the above question remains why are taxis now excluded and what safety evidence is there to support?

13 – operation times extended and permitted vehicles now restricted to buses and cycles southbound on Hampstead Road. Again, the above question remains why are taxis now excluded and what safety evidence is there to support?

14. – northbound anytime bus lane on Tottenham Court Road between Warren Street and Brock Street (latter is Hampstead Road) for buses and cycles only. For someone leaving the maternity entrance on Grafton Way who wishes to travel north west how do you envisage this being possible? Again, the above question remains why are taxis now excluded and what safety evidence is there to support? The above I believe is operational from 1 July 2020 so is also pressing.

Regulatory Framework:

Taxis provide a service which supplements the existing modes of public transportation and which, in some ways, can arguably be assimilated to a universal public service. Being able to hail a taxi from the street or to pick one up from a cab rank is an essential alternative to other methods of transportation available. This is the reason why black cabs traditionally have a monopoly on 'ply for hire' journeys.

Taxis are subject to different and more onerous statutory regulation than PHV's; and **only taxis may lawfully "ply for hire" (ie pick up fares on the street which have not been prebooked).**

As Taxis in fact operate in another market that PHVs do not operate in – namely, the market for hailing taxis from the street and picking them up at taxi ranks. That market is different to the market for pre-booked journeys in important respects. I (or at any rank) without having to pre-book a designated time and location, and of being able to go anywhere (up to specified distance/duration limits).

Moreover, **the street hailing market and the pre-booked market are not identical in terms of their respective road usage needs and priorities.** As TfL explains, **it is particularly important for passengers who hail from the street (including disabled passengers) to be readily visible to taxis from the kerb, and for taxis to be able to reach them swiftly and conveniently.**

The reality of the markets in which taxis and PHVs operate is more complicated and both are subject to fundamentally different regulatory regimes:

- (a) The standards imposed on Taxis are more far-reaching in several respects than those imposed on PHVs. For example, the vehicles must meet the Conditions of Fitness and the drivers must pass the 'Knowledge of London' examination and the Driving Standards Agency's advanced driving assessment. Taxis are also compellable (up to a prescribed distance/time) and may not charge more than the metered fare (which is regulated by TfL).
- (b) Taxis are allowed to take passengers in certain circumstances in which PHVs are not. **Specifically, taxis may take customers who hail them from the street** (ie ply for hire) and customers at taxi ranks. PHVs, by contrast, are limited to prebooked journeys.

This two-tier system is justified by the "very different characteristics" of the pre-booked market and the market for hailing and picking up at ranks. It is the latter market which accounts for the majority of the journeys made by Taxis in London.

The requirement to be able to hail safely and conveniently is of particular significance for disabled persons, who may find it more difficult than non-disabled persons to spot taxis and to attract their attention. It is also of particular relevance given the stringent accessibility requirements to which taxis are subject – including the requirement to be able to accommodate a standard-sized wheelchair. By contrast, PHVs, which are not permitted to operate in the street hailing market, are not subject to the same accessibility requirements.

Taxis have a distinctive appearance (which is, in part, a reflection of the fact that there are only two makes of vehicle currently in production that satisfy the Conditions of Fitness), which not only assists TfL's and other enforcement officers in identifying them but also, importantly, enables other road users to distinguish them from ordinary private cars with relative ease. Not only are taxis able to ply for hire by hailing them from the street but this comprises a substantial part of their business and is used by hundreds of thousands of passengers a week.

The meter requirement is designed to limit the commercial freedom of taxi drivers to select their fares by compelling drivers to take individual fares that drivers may view as uneconomical. This is essential to the travelling public in London as taxi drivers are compelled to accept any hiring up to 12 miles or up to one-hour duration from a passenger who hail them from the street or a taxi rank, and avoids discriminating against the passenger, protected characteristics or otherwise.

Taxis charge metered fares, the levels of which are regulated by TfL, those fares are set by TfL on the basis of the operating and running costs of a taxi and are increased only in line with the relevant cost index. Longer journey times translate into higher fares. Therefore some of the restrictions in reference to the Temporary TMO will run until December 2021 or implies when social distancing is no longer required, present a distinct disadvantage to our existing market and model of plying for hire where we respond to street hails for the majority of our business

There appears to be a fundamental lack of understanding on how these proposals will result in a disproportionate impact on the ability for Licensed Taxis Drivers to undertake their day to day activities by ensuring passengers are delivered to their destination without unnecessary delay and increased costs. In our view, there appears to be little or no attempt to consider the impact of the exclusion with your Public Sector Duties within the Equality Act 2010.

In our view, any public authority purporting to prohibit Licensed taxis/black cabs from access to bus lanes would be acting unlawfully.

In the landmark case of *The Queen on the application of Eventech Ltd v The Parking Adjudicator* [2012] EWHC 1903 (Admin) the High Court considered and ruled upon the lawful need for Licensed taxis/black cabs to drive in bus lanes, and the lawful entitlement of public authorities to permit them to do so whilst prohibiting other passenger carrying vehicles (e.g. private hire vehicles or 'minicabs' and chauffeur driven limousines) from also doing so. The judgment of Mr Justice Burton in that case was subsequently approved and upheld by the European Court of Justice upon referral from the Court of Appeal in its judgment delivered on 14 January 2015 – see: EU:C:2015:9; [2015] 1 W.L.R. 3881.

The essence of the High Court's reasoning, as approved by the European Court of Justice, focused upon the unique nature of black cabs, similar in some respects to public buses (e.g. regulated fares and wheelchair accessibility) but distinctly different in many important and significant respects from other passenger carrying vehicles.

As Burton J. stressed at paragraph 12 of his judgment:

"It is important ... to set out the material differences between mini-cabs and black cabs. A Law Commission Consultation Paper issued earlier this year (No 203) described the "*two-tier licensing system*" justified by "*the very different characteristics*" of the pre-booked market and the market for hailing and picking up at ranks:

- i) ... only black cabs can 'ply for hire' without pre-booking.
- ii) Black cabs are subject to "*compellability*", dating from the London Hackney Carriage Acts 1831 and 1853, which requires that where a black cab at a rank or in the street accepts a passenger, the taxi must take the passenger anywhere that he wishes to go, within a prescribed distance or up to a prescribed journey time. There is no such 'cab rank' obligation on a minicab.
- iii) Black cabs are instantly recognised by reason of their shape and size and the illuminated TAXI sign. This is because they must comply with the Conditions of Fitness ("CoF"), which contain a number of standards (including the requirement for the illuminated sign). Currently only two vehicle makes comply with the CoF. Minicabs can be of any colour and any design: there are some 700 different makes and models of vehicles presently licensed.

- iv) The fares of black cabs are strictly regulated and can only be charged by reference to a taxi meter. Minicabs are free to charge their own fares and are not metered. ...
- v) Black cabs are required to be adapted for wheelchair access. There are no accessibility requirements for minicabs.
- vi) Before being licensed, black cab drivers must undertake the “Knowledge of London” examination process, which can take two to four years to prepare for (“the Knowledge”). Minicab drivers must before licensing undertake a topographical test, which generally takes a day. ... Black cab drivers must pass the Driving Standards Agency Advanced Driving Assessment: there is no similar requirement for minicab drivers.”

At paragraph 50 of his judgment Burton J. went on to record TfL’s arguments in justification of its Bus Lane Policy which allowed buses and black cabs to use bus lanes but prohibited all other passenger carrying vehicles from also doing so:

“TfL emphasised the real difference between [black cabs and minicabs]. Black cabs alone can be hailed for pick-up on the streets. Thus, there is the need for them to be more easily visible, in the lane nearest the pavement, and for there to be ease of access from the pavement when they are flagged down. Minicabs are not permitted to be hailed off the street. This, TfL submit, is not simply a question of safety of access, but of having the would-be passengers on the pavement and the taxis adjacent to pavements. TfL’s policy documents make clear that the disabled are a priority for TfL, not just in relation to the fact that the black cabs are (while the minicabs are not) required to be adjusted for wheelchairs, but also in respect of accessibility from the pavement to a cruising black cab. TfL submits that, whereas there is thus a specific distinction to be made between black cabs and minicabs, if minicabs were allowed into bus lanes, there would then be no apparent or justifiable distinction between minicabs and other vehicles – chauffeured cars ..., hire cars, Car Club vehicles, delivery vehicles, heavy goods vehicles and all private cars.

TfL points out that black cabs, unlike minicabs, are subject to compellability ... and are limited by maximum fares. Minicabs do not have that disadvantage. Although they have fixed fares rather than metered fares, they can estimate those fares so as to make allowance for anticipated delays through congestion.”

All of those arguments were accepted by Burton J. and subsequently approved by the European Court of Justice in upholding the lawful need for black cabs to drive in bus lanes at all times, and the lawful entitlement of public authorities to permit them to do so whilst prohibiting other passenger carrying vehicles from also doing so.

A related reason why any public authority is acting unlawfully if it purports to prohibit black cabs from travelling in any bus lane at all times, is that any such prohibition runs counter to the authority’s public sector equality duty pursuant to section 149 of the Equality Act 2010. As such, any such prohibition is void and cannot give rise to a valid or lawful PCN. The first two protected characteristics under section 149(7) of the 2010 Act are ‘age’ and ‘disability’.

Plainly, if a public authority purports to prohibit black cabs from travelling in a bus lane, it is guilty of failing to take steps *“to meet the needs of persons who share a relevant protected characteristic [e.g. the elderly and the disabled] that are different from the needs of persons who do not share it”*, contrary to its statutory duty under section 149(3) of the Act – indeed, it is guilty of committing direct discrimination against such persons contrary to section 13 of the Act and/or indirect discrimination contrary to section 19. The elderly and the disabled (including wheelchair users and persons with restricted vision) have a distinct and particular need to be able to hail black cabs which are easily visible, in the lane nearest the pavement, and for there to be ease of access from the pavement when they are flagged down.

In light of the above, I look forward to your early response confirming the inclusion of Licensed Taxis/black cabs in the proposed bus and cycle only sections of Euston Road, Hampstead Road and Tottenham Court Road and of the steps being taken to ensure that in future Camden do not act unlawfully by restricting access to Licensed Taxis/black cab drivers for travelling in a bus lane.

Please do not hesitate to come back to me if you require further information. In the meantime, I do hope you give our members concerns due consideration and reconsider access to Licensed Taxis/black cabs.

Yours sincerely

Trevor Merralls
General Secretary
United Cabbies Group