

# LAW COMMISSION THREAT TO UK TAXI TRADE

By **MIKE HEDGES**

**A**fter many years of waiting for any sort of response to our requests for a change to taxi and private hire licensing the day of July 17th 2011 proved a historic day. Not only was the Transport Select Committee report into cross-border hiring published but in addition the Law Commission announced a major review into taxi and private hire licensing in England and Wales.

The Transport Select Committee report which we had been eagerly waiting for came out clearly against cross-border hiring and recommended that the government start to put in place procedures to change the law accordingly. The committee also argued that the government should avoid getting the Law Commission involved in any reform of taxi law. At the select committee hearings the Minister of State, Norman Baker MP (Right), had stated he had asked the Law Commission to look into reforming taxi and private hire law.

So we were surprised when later on the same day, July 17th, the Law Commission announced that in their 11th Programme of Law Reform they would be looking at the trade. Suggesting that taxi and private hire legislation is complex and outdated, as well as archaic. It then goes on to say that 'this project engages economic and regulatory theory. It will be fundamentally deregulatory, in the sense that it will seek to question the necessity for the various strands of the current regulatory regime, and seek to reformulate those that are necessary in the light of modern understandings of the most efficient and efficacious forms of regulation'.

So what does the Law Commission review mean to taxi and private hire drivers in England and Wales? Well the first thing to be aware of is that 80% of the law changes that the Law Commission recommends become Bills through parliament and eventually law. That is an incredibly high strike rate and makes it extremely likely that their reports and draft bill will become law. But



you are probably thinking well how does that affect me?

The main ethos of the law commission is to make the law fair, modern, simple and as cost effective as possible. This sounds great until it is put into the highly regulated world of taxis and private hire. The simplest system of licensing would be a single tier of taxi, driver and operator, to abolish the differences between taxis and private hire and to have a national licensing system without the interference of local licensing authorities. This is of course the worst case scenario but we only have to look at recent experiences in Sweden (See **ITF article page 2**) to see this can happen almost overnight.

UNITE believes that the current differences between taxis and private hire should be maintained with local licensing essential for a local quality service to be available to suit local needs.

There is not a lot wrong with the current legislation, but the law commission are looking at replacing all of the current legislation with one single bill, including ending the separation between London and the rest of the country. There is going to be a lot of discussion and consultation with the law commission and the only way that you can safeguard your future is to join the UNITE Cab Section.



**Also, see article on Page 12 – Blank Canvas for UK Taxi Trade**

# IDENTIFIERS

By **PETER BOND**

UNITE the UNION Cab Trade Committee Member

When the idea of Identifiers was first on the agenda we, quite rightly, opposed its introduction and continued to vehemently oppose it in this paper and at every opportunity during the long and many consultation meetings with LTPH and the LCDC/LTDA, who all gave it their support.

Our objections mainly being we have far bigger and more important problems in our trade- satellite offices, clipboard Johnnies, touting by illegal touts and licensed PHV's, LTPH's own statistics showing no concrete evidence that Suburban drivers were plying for hire en masse outside their own area- to name a few. Although, anecdotally, it seems that most All London drivers support the idea of Identifiers.

Unfortunately we lost the argument and are now engaging in the implementation of the Identifiers to ensure it is introduced in a fair manner for both Green and Yellow Badge drivers, e.g. reporting of abuse and subsequent disciplinary measures are not draconian, replacement identifiers and badges not too costly, the fact your badge number is clearly displayed on the front and rear identifier complicates this procedure and delays could mean time off work!!

LTPH need to carry out a major education exercise on where Suburban drivers can ply for hire to prevent drivers confronting each other on our streets, another reason we objected to their introduction and something our competitors and the Evening Standard will take great pleasure in reporting- I wonder how many 'Green badges' know 'Yellow badges' with a licence that includes Brent can pick-up in Kilburn High Rd, that the rank in Elgin Avenue is an 'Island' rank – there are numerous other examples where Suburban drivers can ply for hire that are not widely known.

Make no mistake there could be problems between Suburban drivers plying for hire in each other's area, particularly at the O2 Centre.

Canary Wharf is a Green badge only area and its here that, again only anecdotally, some allege there has been widespread abuse of drivers plying for hire outside their area- any suggestion that there should be any more 'extensions' or 'Island Ranks' for Suburban drivers to ply for hire outside their current boundaries is totally opposed by this Union, whether at Canary Wharf or any other part of London.

The reason Canary Wharf comes up so often when discussing this subject is that some Radio Circuits allocate work to Suburban drivers knowing they are out of the area they are licensed to ply for hire, particularly at Canary Wharf. LTPH are fully aware this practice goes on as they, LTPH, are the source of this information and they have, in the past, requested the Radio Circuits, not Dial-a-Cab who do not have Suburban drivers, cease allocating work to any driver, Green or Yellow badge, unless that driver is in the area for which they are licensed.

LTPH have confirmed our view that all drivers have to be in their own area to accept work whether it be a street hail, by phone, email, app twitter or any other form of communication, electronic or otherwise. This being the case, if LTPH are going to enforce this by way of Identifiers on the street then it is surely incumbent upon them, and far easier, to enforce the same on the Radio Circuits allocating work at Canary Wharf, and indeed any other part of London. This does, of course, apply to Green badge drivers on their way back from Stanstead and Gatwick having to return to their own area before accepting a job from those airports, even if it is from a Radio Circuit!

We at Unite the Union, Cab Section, implore any driver witnessing another fellow driver plying for hire outside their own area to stay in your cab and report the incident to LTPH if you really think it necessary- do not get out of your cab, it could lead to all sorts of problems not only for the other driver but for you also!



# STOP PRESS!!

## DIAMOND CARS LOSE ABACUS ACCOUNT

During a meeting with London Taxi and Private Hire, the UNITE Cab Section was told that Diamond Cars which services City of London Club Abacus via a Satellite Office, has had their licence to operate revoked.

No doubt this will be subject to appeal but unless Abacus has a new operator already signed up, there will be a window of opportunity for the taxi trade to service this venue exclusively.

Abacus has had a long history of problems with their Satellite Office operators, perhaps its time that this location was looked at even more closely and a decision made as to whether any new Satellite licence should be given at all.



### LTPH Notice 08/11

Transport for London  
London Taxi and Private Hire



### Outcomes of Private Hire Consultation

Following a consultation on private hire matters which ran from October 2010 to January 2011, a number of changes will be implemented from late 2011 onwards.

London Taxi & Private Hire has analysed the results of the consultation and spent a considerable amount of time undertaking further consultation and engagement with the private hire and taxi trade and the police to understand the impact of introducing some of the changes.

Most of the changes relate to the introduction of additional requirements for private hire operators, particularly those operating from shared premises and will seek to address a number of key issues raised with TfL over the past few years. Some items for private hire drivers are still under review and will be announced separately.

Throughout the consultation process, the overriding aim has been to ensure that any changes strike the right balance between improving safety for the travelling public whilst meeting the Governments desired objective of adopting a pragmatic approach to licensing without over regulating.

A summary of the changes due to take place is as follows:

- Private Hire Operators**
- New measures will be introduced for shared operator premises. Applications will only be accepted if certain conditions are met.
- All applications for a private hire operating centre will require proof that planning permission has been granted, applied for, or is not required.
- Private hire operating centres within a shared premises will be required to have a designated booking area within the premises. This area will be named on the licence.

- Operators within shared premises will be required to provide a booking 'receipt' to passengers
- Private hire operators will be required to have a fixed landline telephone number for bookings.
- Additional checks will be done on all personnel named on an operator's licence application to ensure they are 'fit and proper'
- Further restrictions will apply for operator applications in shared premises within central London.
- TfL will work with private hire operators and applicants to encourage adherence to local parking regulations.

#### Private Hire Drivers

- TfL is considering further requirements that applicants must meet to help improve standards and ensure detailed background information checks can be undertaken for all drivers.
- TfL is considering additional measures for drivers including a review of training requirements and driver identification.
- A new licence condition will be introduced to clarify that any driver who admits to having sexual contact in a licensed vehicle with a passenger will have their licence revoked.

#### Private Hire Vehicles

- New, consolidated external vehicle signage will be introduced to replace all forms of existing vehicle signage, including red route stickers.

TfL will work with the private hire trade on all of these areas to finalise these measures and to identify a suitable timeline for introducing them.

Helen Chapman, Deputy Director, Taxi and Private Hire, 2nd September 2011. For previous Notices visit [tfl.gov.uk/tp](http://tfl.gov.uk/tp)

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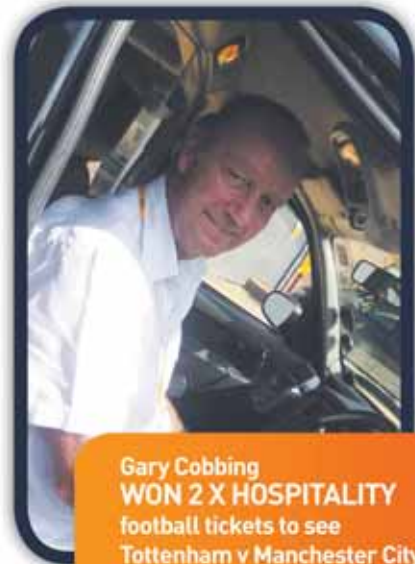
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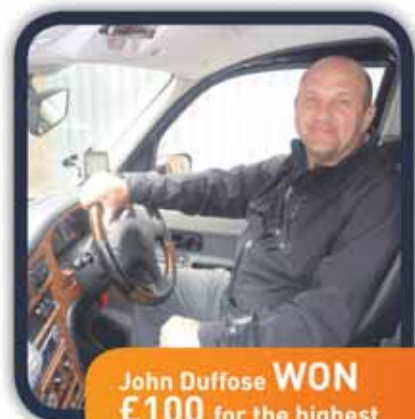
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# CTN

## Comment

### THE GAMES PEOPLE PLAY

By FRANK HULL

We all know that there are many and differing points of view on the nightmare called taxi licensing in this country. Now it would appear that there are some out here that have discarded their X boxes and taken up playing about with our taxi legislation not only for their own amusement but, it would seem, to frustrate those who only want to go about their business of legally earning a living.

Still nothing concrete, as yet, from Westminster after all of those many hours of consultation spent on the problem of taxi licensing. Thus we are left with the same age-old problems.

Politics is a slow old game and remember this trade is a mere pawn in that game moved only by the players; and they ain't taxi drivers!

After the Berwick case we thought that type of licensing system had been halted. Not so, for this is now happening in Shropshire where the application for taxi licences has risen up to five hundred per cent and rising. There are people across the land applying for taxi licences. Many of these people have never set foot in Shropshire. They obviously intend to use these licences anywhere but Shropshire.

Still the incursion of cross-border hiring continues. One Harlow Private-hire operator is having real fun with the taxi legislation game and playing on that authority's lack of knowledge on taxi legislation as it is. He has altered the law to suit himself. That bit of the law that allows him to sub-contract work out he has changed for his own purpose and now has Epping licensed hackney carriage vehicles and drivers working on his radio circuit alongside legally licensed Harlow private-hire drivers. This is not and could not be defined as sub contracting work out. We maintain that this operator has breached his condition of licence!

Bringing out of area licensed taxis into another licensing area to work, turns those vehicles into un-licensed mini-cabs and only encourages the obvious. These vehicles and drivers will be blagging and picking up illegally and transporting the unknowing fares uninsured to a destination.

Not only is the licensed Harlow taxi trade waiting for the Council to take action but so are the majority of Harlow PH drivers. Some authorities across the country have taken up the challenge and several licensed hackney carriage drivers have been successfully prosecuted and heavily fined for this offence.

The same Harlow operator no doubt thinks he is a law unto himself, for he has posted notices across the town advertising his company as a mini-cab service. Surely Harlow Council knows that this is clearly, even in our messy taxi laws, illegal and this operator is, once again, in breach of his licence which they could revoke?

It is obligatory for any licence holder to consider and uphold the conditions of that licence. It is also obligatory for the authority that issues a licence to make sure that those conditions are met by the licence holder.

The world-wide problem of de-regulation is still with us and a threat to the livelihoods of all licensed hackney carriage drivers. Some places in the country have considered the local taxi trade as well as the law when it comes to consider this question. Many areas have de-regulated taxi numbers and quite a few of these authorities have had second thoughts and re-regulated. We believe that this issue about taxi numbers should not be decided without a big input from the local taxi trade.

If you want to journey with us on this difficult road to reform just fill in the application form on page 15.

Frank Hull is a UNITE Cab Trade Committee Member.

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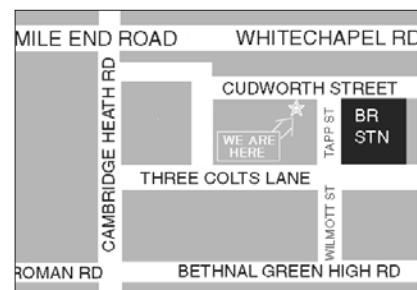
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# London-WIDE

By **PETER J ROSE**  
Secretary UNITE Cab Section, London Branch

## 'APPY' DAYS ARE HERE AGAIN

Since I wrote my fist article on taxi apps a couple of months ago, things have moved on a pace. Everyday now seems to bring forth another taxi app, claiming to be the saviour of the licensed taxi trade, or leading the charge against the private hire trade.



Drivers and potential customers are certainly not going to be short of choice. Whether so many apps will be good or bad in the long term, only time will tell. But with three traditional taxi radio circuits and at least four apps (that I have been contacted by or informed of) plus other services like Get Taxi and Taxiworld's App – Credit Card option, have I missed anyone? Oops, oh yes – Heathrow Airport Licensed Taxis intend to launch an App into the Airport/London market, one wonders how they will all survive. Not that I or UNITE is saying that these apps aren't a good idea, anything that puts work in a cab these days has got to be good providing of course that it's not done in a way that is detrimental to the individual driver, or the trade as a whole.

Of course these Apps will only succeed if they have the support of the trade. From what I've been told by the various people bringing these Apps to market driver reaction has been very positive, particularly with drivers that are wary of the high cost and restrictive practices of the traditional radio circuits. Door logos and adverts seem to be voluntary at the moment, leaving the owner/driver free to take independent (non circuit) advertising if they wish.

I have long thought since the radio circuits became businesses or behaved as businesses rather than being run for the member/driver for the member/driver, the imposition of external advertising, logos etc is something drivers should be paid for. After all the taxi driver is 'in business' too.

With circuits charging driver circuit fees, customer booking and admin fees, 12.5% add on to credit and debit card transactions, the days of being altruistic towards your circuit are for me at least, long gone and the driver should be rewarded accordingly.

### THE COLLECTION OF DATA:



There has been some concern over the amount of driver data that these new taxi Apps seem to gather. Asking the driver to go 'POB' when doing a non App ride, then asking where the job will terminate etc. Also one of the Apps is offering a driver record facility, enabling the driver to track their daily takings, mileage etc. This sort of facility I've been told was included because of driver requests for those sorts of functions. I've been assured that no records are passed on, either for profit or for free to any other agency or regularity bodies. The point about going POB when doing a non App job is so the system knows not to offer a job and the destination is needed so it can offer a job to a driver that is 'soon to clear'.

Another concern is the usage of smart phone data tariff allowances. I have raised the question and been assured that a 1G data allowance will be more than adequate for using the Apps and everything else you may wish to do in normal circumstances. I think I should give a word of warning, if you are new to the smart phone phenomenon - downloading music and videos will use up a lot of data, as they say "use sensibly". Also if you intend to use more than one taxi App, they will all use their own data streams so two Apps on your phone will mean twice the data usage.

**CROSS PLATFORM: Okay this is a personal gripe from me.**



One problem I do see with these Apps is that for the most part they, for the driver at least, are limited to only one or two types of smartphone operating systems, basically either Apple or Android. There are at present at least five operating platforms available to smartphone users Apple, Android, Windows, Symbian and Blackberry. As a Blackberry user I'm a little disappointed that as far as I know, so far only cab:app will be available to me as a driver – Blackberry user.

Please feel free to correct me if I'm wrong. As I said disappointing and as far as I'm concerned, short sighted on the part of those sticking to the single platform option. Who knows what the next 'big thing' in smartphones is going to be. But with Nokia teaming up with Microsoft and BlackBerry 7OS system now on stream, in my view they ignore them at their peril.

### FINALLY:



I was sad to hear that @tweetalondoncab would not be bringing an App to London themselves. I know that they put a lot of effort into the project, donating a lot of their own time (unpaid) into bringing something of value to their clients and drivers. I'm told that the Twitter based booking service will continue, with all the work involved running the system being done by unpaid volunteers.



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# INTERNATIONAL TRANSPORT FEDERATION



## Taxi Workers Conference, Gothenburg

Recently Mike Hedges and Tommy McIntyre attended the ITF Taxi Workers Conference in Gothenburg, Sweden as part of the UNITE delegation to the ITF Road Transport Conference. The Taxi Workers Conference was hosted by the Swedish Transport Workers' Section (Svenska Transportarbetareförbundet) and 59 delegates from 20 countries attended.

The countries represented were: Bangladesh, Barbados, Belgium, Bulgaria, Burkina Faso, Canada, Denmark, Egypt, Ghana, Great Britain, Japan, Kenya, Luxembourg, Mexico, Nepal, Norway, Paraguay, South Africa, Spain and Sweden.

The conference was opened by the President of the Swedish Transport Workers' Section, Lars Lindgren, and the ITF Secretariat, Mac Urata before Mats Andersson from Branch No. 3, of the Swedish Transport Workers' Section, spoke about their recent successful 'Fair Conditions' campaign to recruit taxi drivers in Gothenburg. In Sweden taxis have been de-regulated so that taxi companies set their own fares, with the drivers receiving a wage from the company. There are very few self employed drivers in Sweden, unlike in the UK where all taxi drivers are self employed. The Swedish Union have negotiated an agreement for fair pay for taxi drivers in Gothenburg with a number of companies and has consequently seen an increase in taxi driver members. They are also employing a large number of young organisers to recruit taxi drivers in Gothenburg.

The conference then heard country reports from Great Britain, Nepal, Mexico, South Africa and Canada. Mike Hedges led off the discussion by outlining the current situation regarding the issues affecting taxi drivers in the UK. Mike spoke about the effects of the government's decision in 2004, following a report by the Office of Fair Trading (OFT), to encourage local authorities to de-limit taxi numbers and the effect this had on taxi driver's earnings and their conditions of work. He outlined how UNITE (then TGWU) lead a lobby of Parliament of 2,000 taxi workers against the OFT report and how UNITE were successful in stopping complete de-limitation of taxi numbers throughout the country. He then went on to explain how UNITE organises self-employed taxi drivers and outlined the current campaigns that UNITE is currently involved in.

Reports from other countries showed the differences between taxi drivers in the UK and almost all of the rest of the world. Self employed taxi drivers are a minority almost everywhere, with most taxi drivers being either paid a wage by an owner or a company or having to pay an owner or company before being allowed to work. Most of the delegates felt that self employed drivers should not be allowed to join a trade union as they were felt to undermine taxi driver's conditions of work and pay. The other main point that came out of the country reports was the harsh conditions that many taxi drivers face and the almost omnipresent threat of being

made unemployed. The wages are very low and taxi drivers generally have a very low status within society.

After lunch there was a panel discussion structured around the theme of 'Organising un-organised workers'. Tommy represented UNITE in the discussion and he outlined the current taxi campaigns that UNITE is involved in and the successes we have had organising taxi drivers through the campaigns. These include the cross-border hiring campaign, the continuing fight against de-limitation and the NVQ education courses that are being delivered successfully by UNITE. Within the general discussion the theme of self employed workers and their status within the workforce was again raised with the Belgium delegate stating that his union would never recruit self employed drivers. To highlight how tough it is for many taxi drivers around the world the Canadian delegate explained how many drivers have to work a 20 hour shift to enable them to pay the taxi owner and then earn enough to live on. In Belgium taxi drivers have to pay out 150 Euros to rent a taxi before they even start work. There were many points raised which were familiar to all unions, such as retaining members once a problem has been successfully resolved.

The concluding session was to find a common way forward and a set of conclusions and recommendations for presentation to the Section Conference regarding the future work in the ITF for taxi workers and their trade unions. These included:

1. Investigate the status of owner drivers in the taxi industry. To commence a survey identifying the status of self employed workers.
2. Outcomes of organising campaigns
3. The effects of de-limitation on the taxi industry
4. How to place taxi workers within the ITF agenda
5. Highlighting taxi workers issues within the annual ITF week of action
6. How taxi workers are linked to the tourist industry.

Overall we felt it was a very successful conference that was far better attended than the previous taxi conference in London in 2001. Many of the same issues were raised such as de-regulation, self employed worker status and where taxi worker issues are placed within the ITF agenda. Hopefully the ITF will be able to build on this conference and help taxi workers organise more effectively throughout the world.

In the light of the Law Commission review of taxi and private hire legislation it was quite frightening to see the effects of deregulation of the taxi market in many of the countries present. But many of the countries represented had very regulated taxi services that gave a good living to the drivers and protected the public. But within a deregulatory framework the taxis become numerous with very little control and leads to a few owners dominating the industry. It shows what could happen here if we are not well organised. If there is ever a time for you to join the union then now is the time.

# NEW ONLINE FACILITY TO REPORT ILLEGAL TAXI TOUTING

TfL – Press Release

Illegal minicabs that tout for trade in London can now be reported on the Transport for London website. Anyone with access to the internet will be able to visit the Cab Enforcement web pages to report illegal activity or for updates on enforcement operation results.

All minicabs in the Capital must be licensed by TfL and must be booked in advance. Any minicab that isn't booked by phone, email or in a licensed minicab office is illegal, unsafe, will not be insured, and in some cases the drivers are linked to more serious crimes including rape and sexual assault, robbery and drugs. Over seven thousand arrests have been made in the last eight years for touting and cab offences in London.

The new web pages are part of a wider initiative between TfL and its policing partners that aims to promote the safety of the travelling public, highlight the activity that has been undertaken to tackle touting and publicise the results. They are available to view at the following address: [www.tfl.gov.uk/cabenforcement](http://www.tfl.gov.uk/cabenforcement).

Enforcement results, including arrest figures and licence revocations, will be available to view both to show what is being done and to serve as a warning to drivers who operate illegally. In addition to the enforcement results page, taxi and private hire drivers can now inform TfL directly if they suspect a driver of touting through a new illegal activity reporting page. This will enable police and enforcement officers to target areas of concern and expand on the good work already undertaken in detecting and arresting touts.

Steve Burton, Director of Community Safety, Enforcement and Policing at TfL said: "Unbooked minicabs can pose a serious risk to

the travelling public across London, especially in busy town centres. They can be a cover for some of the most serious crimes in London including sexual violence against women and robbery. In addition, any minicab that has not been booked is unregulated and uninsured for the purposes of carrying passengers.

"This new website will allow the members of the public, as well as the taxi and private hire trade, to report illegal activity quickly and simply, helping TfL and our Safer Transport Command Unit to investigate and tackle touting more directly."

Illegal 'cabs' also present a threat to licensed and law-abiding taxi and private hire drivers as they intercept potential customers and represent unfair – and unsustainable – competition. If a driver or private hire operator is found to be touting TfL will revoke their licences for a minimum period of 12 months.

Transport for London is also reminding minicab users of the following important safety tips:

- Never approach a minicab on the street or accept a fare, they are acting illegally;
- Always book so there is a record of your journey;
- Only black cabs can pick passengers up on the street;
- When travelling by minicab always book it, when it arrives check it's for you and sit in the back;
- To get three local cab numbers text 'CAB' to 60835\*;
- Visit [www.tfl.gov.uk/cabwise](http://www.tfl.gov.uk/cabwise) for more information.

\*\*Users of 3 and overseas networks must enter different information. See [www.tfl.gov.uk/cabwise](http://www.tfl.gov.uk/cabwise) for full details and charges.




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# WESTFIELD STRATFORD NOW OPEN TO THE TAXI TRADE



With around 300 stores employing 10,000 people, 700 hotel beds and a Casino, Westfield Stratford has got to be good news for the London taxi trade.

34 new rank spaces have been appointed including a rank that should prove lucrative for night-time drivers in the area. As with Shepherds Bush there is also a taxi driver's lounge where drivers can take a break but unfortunately no free parking for drivers that wish to shop.

Insufficient taxi signage is an issue at the present but UNITE has been told that this will be put right as early as possible.

The busiest rank at the moment is adjacent to the new Stratford Station entrance (pictured right), which is also the

smallest. Sod's law prevails. Drivers are asked not to over rank and to make use of alternative rank space where possible.

Westfield Stratford has got to be good news for East London Suburban trade which has been hit hard during the recession.



# TAXI BILL DYING IN ALBANY

By **KEN LOVETT**



**A bill to allow livery drivers to pick up street hail in the outer boroughs is dying on the vine.**

Gov. Cuomo said support for the bill "appears to be dissipating."

"There are a number of concerns about the bill," Cuomo said. "The more time goes on, the more concerns are raised."

He noted that even some of the original supporters of the legislation are now questioning it and asking for modifications.

The bill was pushed by Mayor Bloomberg and passed by the Legislature in June.

It would allow 30,000 livery cars in the outer boroughs and upper Manhattan to pick up street hails.

The bill also authorizes the Taxi and Limousine Commission to sell up to 1,500 new yellow cab medallions, with 569 of the new cabs required to be handicapped accessible.

There are currently 231 accessible cabs. Assemblyman Micah Kellner (D-Manhattan) voted for the bill - but he's since called on Cuomo to reject it.

Kellner has pushed a new plan that has support from many in the taxi and livery industry that would instead authorise the

sale of 1,500 new yellow taxi medallions, all of which would be handicapped accessible.

In addition, Kellner's plan would allow the sale of 6,000 outer borough and upper Manhattan street hail medallions to livery car owners - 1,200 of which would have to be handicapped accessible.

Sen. Martin Golden (R-Brooklyn), a Bloomberg ally who sponsored the bill, now wants to change it because of yellow cab industry opposition.

Golden would cut the number of livery cars allowed to accept street hails to 10,000, down from the 30,000 in the bill.

The latest criticism came from Iowa Sen. Tom Harkin, the Senate sponsor of the American With Disabilities Act.

The Daily News reported Saturday that Harkin called Cuomo to express concerns that the bill does not go far enough to address taxi handicapped-accessibility issues.

Cuomo today said he understands Harkin's point.

"I have great respect for him, especially in this area," said Cuomo, who worked with Harkin when he was HUD secretary and called him one of the leading experts on the disabled in the nation.

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## Another case of Mark's Mélange

# Melange 90

By Mark Edward Taylor

Cast your mind back six months to Saturday 26th March...this was the day of the Trades Unions mass rally in Hyde Park and a march through central London. Members of Unite, all the other Unions & Labour party members marched in their thousands, possibly getting close to a million people thronged through the streets of the capital to protest against the coalition government's proposed public spending cuts.

The Tory/Lib-Dem newly formed parliamentary alliance proposed cuts to public services which would hit ordinary working people hard. Some folk even predicted riots on the streets, as the pending cuts hit home. Previously there had been a strong whiff of civil disobedience in the air with the student demonstrations during the winter and the black clad hooded anarchists wrong footing the police and the shoppers' of Fortnum & Mason.



Spring forward to what should have been a quiet August in England and the soothsayers of March's march were proved to be correct. An incident in Tottenham where police shot dead a man called Mark Duggan sparked unrest in the local community. Tottenham is no stranger to community unrest. The Metropolitan Police failed to answer questions over Duggan's death. This was the catalyst to spark rioting that quickly turned into mass looting across many English cities and towns. Frankly, it was jaw dropping! Early August and the country had large pockets of lawlessness....

It is difficult to really know what the factors are for the looting and thieving. However, politicians should be reminded and chided... the United Kingdom is the most unequal society in the European Union. The gap between the richest and poorest is greater here than in any other

nation. We also have the largest prison population in the EU. Something in Great Britain is wrong....

Some families have it all. Others have fuc\* all. Government research suggests 120,000 problematic families able to wreak neighbourhood mayhem. Early intervention and support could save millions.

Historically, we can drift back 30 years to 1981....A royal spring opulent wedding...Charles & Diana, the nation encountering tough economic conditions, deep in recession and a relatively new and forthright Conservative government.

The English cricket team was the best in the world and riots on the streets of England. Red sky at night...Brixton was alight....Something in Great Britain was wrong...

• • •

Life for most folk is generally less stressful..... although there is always something to get upset about if you wanna find it.....The Olympics.... Some cabbies in some trade papers and on the street are getting very hot under the collar over the Olympic road network and access to certain lanes. The Olympic Route Network (ORN) will occupy 1% of the capital's streets. That leaves 99% of roadway to use. Some fares will have to take longer journeys to avoid the ORN and therefore have to pay higher prices. Anecdotal reports from the Atlanta & Sydney Olympics say; many of the cities residents left and went on holiday for the duration of the games. Those that remained were so scared of being caught on traffic enforcement cameras in the Olympic lanes that few drivers ventured out. Traffic levels for the duration of the festival of sport were less than normal. Transport flowed easily. The London Games' are taking place during the school holiday period of late July and early August when traffic drops considerably. Relax.....it will all be fine. Even consider going to a few events. You never know you may enjoy yourself. The Olympics come to your city once in a lifetime and last only a couple of weeks.

• • •

Finally, another topic the Melange column deliberates this month is that of horse poo on the streets of the city. Horse manure on the road and occasionally the pavement is unsightly. Horse owners should take a leaf out of dog owners' books.

How refreshing it is to see more and more dog lovers walking around with a small plastic bag and cleaning up once their hound has defecated on the sidewalk. Talking of dog ownership, comedian Frankie Boyle proffers some good advice for those contemplating dog ownership. Think it maybe a cinch? Try strolling about for half an hour each day with a bag



## Street Legal

By VICTORIA PHILLIPS

# BOOST FOR SELF EMPLOYMENT

The Supreme Court has given an important boost to "self-employed" workers' rights in a landmark judgment.

Britain's highest court has upheld a Court of Appeal (CA) ruling, and a previous one by an employment tribunal, that clauses in the contracts of 20 Unite members working as valeters for Autoclenz (which had a contract to clean cars for British Car Auctions) which were designed to suggest that they were self-employed and not employees, should be disregarded.

The valeters were in fact employees and not self employed contractual workers, the court said. As a result it will be much more difficult for employers to take away employees' employment rights by labelling them "self employed".

The Supreme Court judges held unanimously that the CA was entitled to decide that the claimants were employees because they were working under contracts of employment within the meaning of the National Minimum Wage and Working Time regulations.

They said that the CA's findings were "findings of fact which Autoclenz cannot sensibly challenge in this Court".

The clauses Autoclenz put in to the contracts included a supposed right for the valeters to send a substitute to carry out their work and a clause suggesting that Autoclenz did not have to provide work to the valeters and that the valeters did not have to do any work that was offered.

In reality the valeters could not send a substitute and did have to do work that was offered to them. However Autoclenz meant that the contracts said about it not having to provide the valeters with work – it told them that no further work would be provided if they did not sign the contracts.

The Supreme Court's decision means that the valeters will now enjoy the whole range of employment rights including:

- the right not to be unfairly dismissed;
- holiday pay;
- national minimum wage;
- maternity pay; and
- redundancy pay.

They would have had none of those rights had they been held to be self-employed contractors as Autoclenz had claimed.

The Supreme Court's ruling is a sea change which will assist all claimant employment lawyers in attempting to assert the rights of those whose employers try to claim they are self employed when clearly they are not. It will enable employment tribunals to assess the reality of the employment relationship and it provides a clear framework in which to decide whether an individual is an employee.

It should also prevent unscrupulous lawyers acting for employers from inserting substitution clauses into contracts with a view to avoiding their legal obligations under domestic and European Commission law.

As Unite general secretary Len McCluskey said the ruling represented a significant day for workers' rights. The union has always been able to see through sham arrangements such as those being used by Autoclenz which try to deny people their employment rights. It is a significant day for workers' rights and for the highest court too.

of dog crap swinging in your hand and this could help you decide if you and mans best friend have a future together.



Would it not be marvellous to see the mounted police shovelling horse droppings into large plastic bags! Likewise, all those equestrian types, who leave Hyde Park with an air of smugness,

even the Cavalry. But, to be fair to them, a mini road sweeper appears to follow on behind them as they pass close by Buckingham Palace. Probably something to do with having the country's most privileged family nearby. Some families have it all.... Are we all in this together?



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# London-WIDE2

By **PETER J ROSE**  
Secretary UNITE Cab Section, London Branch

## MINICAB AS DIRECTED SERVICE, NOT POSSIBLE!

TfL/London Taxi and Private Hire recently issued a response to our colleagues over at the London Cab Drivers Club regarding plying for hire which was published in the last issue of the Badge.

I had to read with great interest what they said about private hire booking arrangements. I've long had a Bee in my bonnet about the way certain large PH firms have covered major events at places like the Grosvenor House and The Dorchester.

How often has the taxi trade seen lines of minicabs, marshal in attendance directing passengers into the next waiting vehicle. What is apparent in this practice is that all of these waiting vehicles have been massed booked and the driver has no prior knowledge of their passenger or the destination that they are going to. It is in my view patently obvious that this practice breaks the rules that TfL have themselves determined.

You only have to read below what TfL say to see it clearly.

It is a condition of an operator's license that when taking bookings, all licensed private hire operators, regardless of the premises or type of venue they are in, must record the following information.

- The date on which the booking was made and, if different, the date on which these journeys will take place.
- The name of the person or other identification for whom the booking is made.
- The agreed time and place of collection.
- The main destination specified at the time of the booking.
- Any fare estimated or quoted.
- The name or other identification of

the driver carrying out the booking.

- If applicable the name of any other operator the booking has been sub-contracted to.
- The registered number or other means of identification, of the vehicle to be used.
- Bookings must be taken inside the premises that are licensed.

However much they may wish it, private hire simply cannot legally cover this type of booking. Mass as directed bookings are the preserve of the licensed taxi trade in London and TfL/London Taxi and Private hire should be making that clear to these large operators and punishing those that don't comply!

London Fashion Week has also grabbed my attention. Have you noticed how many private hire vehicles are carrying adverts for the event? Of course advertising such as this is prohibited under legislation. Apparently the private hire firm or firms (Not clear yet) have been given an exemption on the grounds that the 'ads' are for passenger recognition proposes and not for profit.

Two things here: not for profit? If the advertising a condition of the contract is that these ads are displayed.

Is that condition not complied with for profit? Not to carry the ads would mean the contract not being awarded, meaning there is indeed a profit motive.

Also, and this brings me back to the top of this article. Just exactly are they doing? I can't believe that every passengers name is London Fashion Week, so again are the relevant booking procedures being observed, or are we once again seeing an 'as directed service' being offered when clearly this is not possible.



## Why not all taxi drivers are hailing new planned changes



By **KEVIN MAGEE**

At present taxis in NI operate under different rules determined by the colour of their plates.

The DoE wants to bring them all into line and operate under one new licence which will bring major changes, including how to call-a-cab. As part of the changes customers would for the first time be able to hail any taxi from the side of the road – ending the need to pre-book.

William McCausland from Fona Cab supports the changes. "A cab is there and is licensed and insured," he said.

### 'Common sense'

"If a customer wants to get the cab, it's hard to argue that he must phone a depot and the depot has to contact the driver and then go and get him.

"If there's a cab there and its licensed and the customer wants that cab, let us not argue with common sense."

Taxis based at the city hall in Belfast are the only ones currently allowed to pick up off the street. They strongly oppose the changes saying they will be forced to ply their trade elsewhere.

Sean Beckett from the the Public Hire Coalition said his members strongly oppose the changes. "If we have an influx of taxis within Belfast city centre because of what they are planning to do, well it is going for force drivers to look at other aspects of earning a living to keep their family, so they will have to look at all revenues to be able to cater for their family's needs."

This could create more competition for the west Belfast black taxis.

They evolved out of the Troubles - when bus services were often disrupted.

They operate a shared service on designated roads. Other taxis will be able to compete for their customers, including groups of passengers, if they are hailed from the footpath.

Jim Neeson, a former manager with the West Belfast Taxi group, said it would "impact badly" on the west Belfast taxis.

### 'Harmful'

"Private saloon cars, and black taxis other than the West Belfast taxis will be free to operate up and down that road.

Black taxis have been a familiar sight on the Falls Road for many years. "I think that will be harmful to the black taxis and I think it will spell the ultimate end of that taxi service as we know it unless it modernises and changes."

It is intended that the west Belfast taxis will retain their special licence that lets them operate like a local bus service.

But they will also be able to apply for a new licence that will allow them to operate like a conventional taxi in any area.

Brian Barr from the West Belfast Taxi Association said it is something they will consider if they start losing trade.

"We might be forced to look alternatively at the private end ourselves, such as buying the other licence that allows our vehicles to rank at the city hall, to rank at hotels, obviously diversify into other work because we are not going to allow this to turn into a war as such."

The increased competition could lead to a better deal for passengers but its an unsettling time for some operators.

[www.bbc.co.uk/news/uk-northern-ireland-1500997](http://www.bbc.co.uk/news/uk-northern-ireland-1500997)



## LIVERPOOL STREET CROSSRAIL WORKS CLARIFICATION ON TRAFFIC RESTRICTIONS

**John Mason, Director of London Taxi and Private Hire.**

"There has been quite a bit of speculation and misinformation about the restrictions that are in place around Liverpool Street station – as a result of long-term Crossrail works.

"I thought it would be useful to set the record straight and state clearly and categorically where taxis and private hire vehicles can and can't go.

"The traffic restrictions do not apply to the whole of Old Broad Street. Taxis

and private hire vehicles can in fact enter Old Broad Street up to Broad Street Avenue.

"These restrictions are likely to be in place for a significant length of time. We are working closely with colleagues from Crossrail and the City of London to ensure that the disruption is kept to a minimum. Further changes or removal of restrictions will be communicated to you in due course."

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# BLANK CANVAS FOR UK TAXI TRADE

By **DEREK CUMMINS**

What started as a campaign by the Liverpool Cab Section branch NW/680 to outlaw the practice of ‘cross border hiring’ by out-of-town private hire vehicles, is set to herald sweeping changes to taxi legislation which could affect every taxi driver in Britain.

Following the findings of the Transport Select Committee, the government have instructed the Law Commission to investigate all legislation that covers both the taxi and private hire trades, and representatives from the Commission have informed the UNITE Union delegation led by the National Taxi Convenor, Tommy McIntyre who is also the Chair of NW/680 Branch, and Mike Hedges LE Cab Trade Committee member that the Commission’s brief is a ‘blank canvas’.

Currently, London has its own Taxi and Private Hire legislation, and Scotland taxi and private hire trades are regulated by the Civic Government Act (1982), whereas in the rest of the UK taxis are regulated by the town Police Clauses Act (1847) and the Private Hire trade is regulated by the Local Government (Miscellaneous Provisions) Act 1976. The only exception is Plymouth that has its own act to regulate the private hire trade (unsurprisingly called the Plymouth Act 1975). Throw in to the mix chunks of assorted Traffic and other Local Government Acts, the Equality Act etc etc. and it is easy to see why the government wish to simplify the legislation.

However, it was the wide variations in licensing conditions that caused the most concern amongst the committee members; a senior licensing officer from Milton Keynes told the committee that even though they have the highest standards in regards to Milton Keynes’ private hire industry, with age limits on vehicles and stringent ‘fit and proper’ criteria for drivers, all a driver had to do is to go to a neighbouring (usually rural) authority, that has no age limits on vehicles, or knowledge test etc apply to be ‘badged and ‘plated’ and then work exclusively in Milton Keynes.

As stakeholders Unite the Union have put forward a 17 point proposal document aimed at professionalising both the taxi and private hire industries and addressing the fly-by-night nature of some sections of the private hire industry. Tom McIntyre and Mike Hedges have met with representatives of the DfT and the law Commission for preliminary discussions and future

meetings have been planned.

The Law Commission’s recommendations are expected to be published in the summer of next year and the Law Commission’s remit is shown below.

**Status:**  
**The consultation for this project is due to open in April 2012**

We are reviewing the existing framework of taxi and private hire vehicle regulation with a view to preparing proposals for consultation.

Taxis and private hire vehicles (PHVs) are an important part of local transport. They operate in highly regulated markets where safety and quality control are paramount. Licensing covers key areas such as the quality of services, the fitness of drivers, fare regulation and restrictions on the number of licenses issued.

The current law on taxis and PHVs has been criticised for being complex and outdated.

One problem is the multiplicity of legislation. Taxis, which can ‘ply for hire’ so customers can stop them in the street, have different rules to PHVs which can only be pre-booked. In turn each of the taxi and PHV trades is regulated by multiple statutes. There are also different legal systems along geographical lines distinguishing Plymouth, London and the rest of England and Wales. Whereas some distinctions are clearly justified others are less clearly so.

Some of the legislation, particularly relating to taxis, is archaic. The key statutes date back to Victorian times and refer to ‘hackney carriages’ when taxis were literally horse-drawn vehicles. Case law and guidance are indispensable in interpreting the law. This also makes the legislation less able to reflect more modern technology like the telephone, internet and GPS technology.

**The project**  
 The project examines the legal framework relating to taxis and PHVs with a view to making it simpler and more modern. We aim to publish proposals for reform in April 2012. This will be followed by a three month consultation period where we invite the public to respond to our proposals. We plan to publish a final report with our recommendations and draft bill by late 2013.

# VERIFONE ACQUIRES TAXI MEDIA



VeriFone has acquired Taxi Media, which is the UK’s leading taxi advertising business, with access to over 70% of London’s taxi advertising market. This will help VeriFone ramp up infrastructure and support for its in-cab card payments acceptance system and digital media business.



Taxi Media’s former management team and staff will now become part of VeriFone Media and will continue to deliver and support innovative, value-rich taxi advertising solutions and external wraps to existing and new customers, drivers and fleets.

As part of the acquisition, VeriFone Media will take ownership of Taxi Media’s locations across London including a state-of-the-art livery installation centre in the East End. This adds significantly to VeriFone’s already-existing taxi service facilities west of London near Heathrow.

Also, the acquisition will accelerate installation of the VeriFone’s TFL-approved card acceptance system which is offered completely free to London’s licensed taxi trade.

Drivers will benefit from the joining of VeriFone and Taxi Media, as closer working relationships will be able to develop with Taxi Media’s 6,000 members of the licensed taxi trade. The ability to combine taxi wraps as part of a complete package - that includes in-cab advertising content on media screens - will resonate with advertisers and create new revenue opportunities for fleets and drivers.

Former Taxi Media CEO Asher Moses and all existing Taxi Media employees are now part of the VeriFone team and business will proceed as usual with account managers and other points of contact remaining the same.

Over a third of London’s licensed taxis carry advertising. Taxi Media’s cabs have included ground-breaking campaigns such as touting cabs for a leading perfume brand for London Fashion Week and encrusting taxi with jewels for a luxury drinks company.

Leveraging Taxi Media’s well-developed livery channel with VeriFone’s payments-enabled media business and in-taxi VeriFone Digital Network (VNET) creates a powerful advertising platform for clients seeking an innovative way to broadcast their message.

Mark Roberts, Vice President and General Manager, VeriFone Taxi and Media Solutions, comments, ‘Taxi Media has been at the forefront of the taxi advertising industry since the medium was first established a decade and a half ago. No one understands the needs of taxi advertisers or drivers better. VeriFone wants to retain the experience, skills and approach which has made Taxi Media a success. Combining the strengths of both businesses creates a dynamic new media organisation that will help take London’s taxis into the digital age.’

Asher Moses, former CEO of Taxi Media says, ‘We have been involved in many exciting advertising projects over the years. With a global player like VeriFone behind us, we look forward to extending the taxi advertising medium even further – creating new opportunities for our customers, creative partners and drivers.’

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# ALL HAIL THE LONDON TAXI!

London's iconic black cabs remain the best in the world as Sydney and Melbourne miss top ten London taxis have been voted the best in the world for the fourth year running, while Sydney and Melbourne failed to rank among the world's best, according to the annual taxi report compiled by Hotels.com, the world's leading hotel booking website.

London's black cabs won nearly a third (28%) of the vote in a survey which asked almost 5,000\* travellers from 23 countries around the world for their views on various aspects of travelling by taxi. London was placed first in five out of the seven categories including safety, friendliness, cleanliness, quality of driving and knowledge of the area.

Despite also being named the most expensive (with 20% of the vote), London's taxis beat off competition from New York (favourite amongst 9% of travellers) and Hong Kong and Tokyo (equal third with 7% of the vote). Singapore completed the global top five receiving 6% of the vote, displacing the German city of Berlin and capital of Thailand, Bangkok from last year's top five.

## The world's best taxis:

Rank	City	%
1	London	28%
2	New York	9%
3	Hong Kong	7%
4	Tokyo	7%
5	Singapore	6%

Katherine Birch, Head of Marketing, Hotels.com Australia and New Zealand, says: "Taxi drivers are often the first people a traveller will meet on entering a country and their experience can set the tone of their holiday. After four years at number one, London taxi drivers are clearly leading the way, providing travellers with a reliable and safe experience."

## Other findings include:

### From the airport

The research found that taxis are still by far the most popular method of travel from airport to hotel with 70% of Aussie travellers

saying they head straight to the taxi rank when arriving in a foreign city. This was well over the global average of 54%.

### Lost & found

Travellers around the globe reported a number of interesting items they've lost in taxis around the world. One Korean traveller reported losing a dried cuttle fish, a Norwegian unfortunately lost his/her wedding ring and an Italian even reported losing her bra!

Aussie travellers claimed to have found a range of interesting items in taxis around the world, including a guitar and even a dead bird.

### Tips

Argentinians are the worst tippers, 34% confessing to never tipping their taxi drivers. Hong Kong residents are the most generous, with almost half (48%) choosing to tip 20% of the fare or more.

Aussie travellers admitted to being more generous when tipping overseas than at home, with almost half (47%) admitting to giving bigger tips when travelling.

### Safety

All 23 countries put safety as the most important thing when taking a taxi ride, apart from Italians who deemed 'cleanliness' numero uno, ahead of safety that came in second place!

### Pet hates

The majority of Australians claimed their pet-hates were taxis being too smelly (36%) along with cab drivers being too distracted (27%). Smoking at the wheel is frowned upon across the globe with 33% of Brits and 52% of the French naming it as a pet hate.

### Cut the chat

Koreans are the least tolerant of chatty cabbies, with 37% admitting to hating making conversation. Travellers from Germany also weren't keen on making small talk, with 30% labelling chatty drivers as one of their biggest dislikes! Just over one in ten Aussies (12%) declaring they are not a fan of chit chat with their taxi driver.

# ESSEX

By CTN REPORTER

Good news could be heading the way of the Basildon and Southend taxi trades that for years have been asking permission to use bus lanes.

Essex County Council is reviewing the proposal to relax the law on use of bus lanes to permit private-hire vehicles to use them.

At this time there are not many areas in Essex that allow taxis use of bus lanes. Let us hope that when the private-hire

trade is allowed use of bus lanes in Essex the same permission will be given to all locally licensed hackney carriage trades throughout Essex.

One of the few areas in Essex where a taxi trade is allowed use of bus lanes is Harlow. Essex County Council is studying the use of bus lanes in Harlow to see the impact of road conditions that changes of use could have.

# THEATRE

By TRUDI-JOY LEVY

## THE DEEP BLUE SEA Festival Theatre, Chichester



Joining Terence Rattigan's centenary celebrations, Chichester kicks off with Philip Franks' revival of this play, written in 1952. It has been well documented that the play was based on a situation with one of Rattigan's homosexual lovers but, by necessity at the time, the protagonist has been changed to female. She is Hester Collyer (Amanda Root). The wife of a respected judge, Sir William Collyer (Anthony Calf), she has left him to live with a dashing young ex-test pilot, Freddie Page (John Hopkins). This would have been scandalous at that time and gives rise to a laugh which Terence Rattigan would not have expected, when Sir William says "Front page stuff - all over the ruddy News of the World".

After a year together, Hester realises that Freddie is incapable of returning her all-consuming love, and attempts suicide. Her restrained husband, still unable to express his love, is willing to take her back and carry on as if nothing has happened, but Hester has known true passion and realises she can never return to the role of dutiful wife.

With good support from the rest of the cast, Amanda Root gives a convincing performance of this desperate woman, caught between the devil and the deep blue sea.



Pictures for *The Deep Blue Sea* are courtesy of Photographer Manuel Harlan.

## RATTIGAN'S NIJINSKI Festival Theatre, Chichester



In 1974, the BBC commissioned Rattigan to write a screenplay about the celebrated ballet dancer, Nijinsky. However, the play was never performed. Nicholas Wright, in this intriguing and original drama, presumes that

Nijinsky's widow, Romola, put pressure on Rattigan to withdraw it because it depicted scenes of her husband's homosexual relationship with the founder of the Ballet Russes, Diaghilev. Scenes from the original screenplay are cleverly interwoven with those of Rattigan (Malcolm Sinclair), ensconced in a suite at Claridges, having returned from his home in Bermuda to meet with a BBC producer – a very funny and convincing performance from Jonathan Hyde, (who also doubles as Diaghilev). "It will reflect on the good name of the BBC"; "We haven't got a good name". Rattigan had fallen out of favour with the public by this time, having attacked Shaw, and being bewildered by the new crop of so-called kitchen dramas.

The staging of this production from Philip Franks is very imaginative, with ballet dancers and clowns popping up throughout as figments of Rattigan's imagination. Perhaps we could have been shown more of Rattigan's life and less of Nijinsky's (Joseph Drake), but nonetheless an intriguing production.

## JOURNEY'S END Duke of York's Theatre

When RC Sherriff wrote this play in 1929, he knew what he was writing about. For he had served in the trenches of the First World War only 11 years earlier. It is set between British lines near St. Quentin, France in March 1918, six days before the last German offensive, in which there were 38,000 casualties. In command is Captain Stanhope (James Norton), who can only face the situation by consuming large quantities of whisky. His second-in-command is Lt. Osborne (Dominic Mafham), affectionately known as 'Uncle', and other officers sharing the dug-out are Hibbert (Simon Harrison), and Trotter (Christian Patterson). Into this mix comes young Raleigh (Graham Butler), who idolised Stanhope at their public school. Raleigh has a glorified view of the war, unlike the others, who realise how insignificant their C company's contribution is in terms of the war. Hibbert only wants to report sick to be sent home and Trotter consoles himself with comfort eating the meagre rations that Mason, the cook, (Tony Turner modelled on Baldrick) conjures up.

The lighting from Jason Taylor, and the set design from Jonathan Fensom add to David Grindley's outstanding ensemble production. The final curtain call, showing the cast silhouetted against a cenotaph of names of fallen soldiers is a coup de theatre. This is the strongest anti-war message I can imagine. This production will soon be touring the country. Don't miss it.



Pictures for *Rattigan's Nijinski* are courtesy of Photographer Manuel Harlan.

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Our network of advisers offer confidential advice on criminal law, family law, consumer law, property and land law, wills and trusts, nuisance and trespass and a host of other legal issues.

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Tick boxes where applicable. Write in white area only.

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