



Bob says NO

RMT calls for unity against London's pedicab menace

RMT stands entirely opposed to the scourge of 'pedicabs' - and a recent outburst in *Taxi* (issue 248) did nothing to help the trade understand how best to fight the attack on it

Rather than attack RMT general secretary Bob Crow and misrepresenting the union's position on pedicabs, *Taxi* should applaud the tactics used by the union in preventing, so far, the legalisation of pedicabs in London.

In the wake of *Taxi's* sensationalist reporting it is only right that trade should understand what is really happening.

The London Local Authorities and Transport for London Bill is an attempt to allow councils to implement sanctions against pedicab owners (where these can be identified), by way of penalty-charge notices.

This might seem reasonable but it would legitimise pedicabs when



the trade as a whole would rather see them banned altogether - and it is only through blocking the legitimisation of pedicabs that we can work to eliminate them from our streets.

Legitimising pedicabs through clause 17 of the Bill would open the door for TfL to return to parliament to seek a statutory instrument to

introduce an undefined form of licensing and control - allowing TfL to sneak through a licensing regime.

The action taken by the convenor of the RMT parliamentary group, John McDonnell MP, halted the progress of the Bill - putting pressure on the Bill's sponsors to consider removing the offending clause and allowing the Bill to become law without the bit on pedicabs.

John McDonnell has made clear that, on behalf of all taxi drivers, he will keep objecting to the Bill and keep knocking it back until Transport for London and Westminster City Council sit down and negotiate to address the concerns of London's taxi drivers.

RMT has also lodged a formal parliamentary petition against the Bill and appointed solicitors to take it forward.

STOP PRESS

Cynical attempt to sneak in pedicab licensing

While the taxi trade is contesting Clause 17 of the London Local Authorities and TfL Bill, Baroness Gardner of Parkes is cynically trying to use another avenue - the Localism Bill - to impose pedicab licensing.

Her amendment to Clause 30 would allow a local authority to make byelaws establishing a pedicab licensing scheme with provision for establishing ranks, roadworthiness and other issues.

Baroness Gardner has long been an advocate for pedicabs and attempted to introduce licencing through the Road Safety Bill 2005.

This amendment will be vigorously opposed by RMT. Whatever the route, pedicabs are totally unsafe for the carrying of passengers and cannot be allowed to act as if they were hackney carriages.

What happens if Clause 17 becomes law?

If Clause 17 becomes law it could be a stepping stone for a future Bill to impose a pedicab licensing regime - and the taxi trade must be prepared to combat it

Hackney carriages as licensed in London are defined by the Metropolitan Hackney Carriage Act 1869 (section 4) which states that a "Hackney Carriage shall mean any carriage for the conveyance of passengers which plies for hire within the limits of this Act, and is neither a stage carriage [ie a bus] or tramcar".

The nightmare scenario is that pedicabs might end up being classed as hackney carriages.

We need to be ready to combat that eventuality, and the RMT position is that the taxi trade organisations would then need to argue that pedicabs could not possibly meet the required standards and conditions of fitness of hackney carriages - and this is what RMT was saying in its petition to parliament.

There has been complex legal argument on the status of pedicabs (*Bugbugs v Transport for London - Queens Bench Division 21/07/2007*), which has exposed a gap in the law.

If pedicabs were to be defined as stage carriages (as buses are), they would have to be 'public service vehicles' (PSVs) which, under existing law, are defined as motor vehicles - so clearly, even with electrically assisted traction, pedicabs are not PSVs.

It was then argued that if a pedicab did not fall within the meaning of a 'stage carriage' it must be a hackney carriage - and if that is the case it would have to comply with conditions of fitness.

Conditions of fitness

The London Cab Order 1934 applies certain criteria for the licensing of drivers and vehicles.

For a vehicle to meet the required standard it must conform to the Conditions of Fitness which are stated from time to time.

For pedicabs to become hackney carriages they would have to meet the requirement of the Cab Order, which they patently do not.

RMT's petition states that if there were a subsequent licensing regime, and as an organisation its policy on pedicabs is NO to licensing, then it would have to be sufficiently robust in order to ensure that it met with the standards that taxis have to meet. This would mean:

I Pedicabs would have to meet the requirement for accommodation of blind, partially sighted or disabled persons. They cannot possibly meet the requirement for wheelchair accessibility

I No provision has been made for checking whether a pedicab operator is "fit and proper". This would mean CRB and medical checks, as well as a knowledge of London test, not forgetting a special driving test would need to be part of any licensing process.

It is obvious that pedicabs cannot meet these requirements, so if Clause 17 passes there are sufficient drawbacks to a

licensing regime for them if they were to be considered hackney carriages.

This does not in any way endorse the licensing of pedicabs as the LTDA/Taxi would have you believe, but rather sets out to make it impossible for pedicabs to be licensed.

The danger is new legislation which would define a new species of vehicle able to pick up fares outside of any of the current definitions.

This is where the need for a total ban comes in: no licensing under any regime, only a total ban.

The Bill is contradictory

The RMT petition also recognised that there is no registration scheme for pedicabs, that there is no provision for one within the Bill, and that councils do not have the authority to introduce a voluntary scheme.

Yet the purpose of the Clause was supposedly to make it easier to identify owners of pedicabs - which could only take place if there were a registration scheme, therefore making a nonsense of the whole thing.

Meanwhile, the introduction of a Baroness Gardner's amendment to the Localism Bill, as reported on page 1, opens an entirely new front.

That is why the taxi trade must be vigilant and fight to get pedicabs removed from the streets of London once and for all.

Contact RMT London Taxi Branch on 07899 786 433

McDonnell scores important victory over pedicabs

When RMT parliamentary convenor John McDonnell successfully objected to the TfL London Local Authorities Bill it was an important victory in the battle to end the London rickshaw trade altogether.

RMT is demanding urgent action to clear the rickshaws off the busy streets of the capital before there is a fatality.

“There is a very real danger that the whole of central London could be clogged up with unlicensed and unregulated rickshaws in the run up to the Olympics if the authorities don't get an urgent grip on the situation,” RMT General Secretary Bob Crow said.

“Alongside the threat to the livelihoods of our licensed taxi branch members there is also the threat of serious injury to unwary members of the public who have no idea that they are climbing into uninsured and unregistered vehicles on London's busy streets.

“We have heard reports of rip-off fares of as much

as £50 for a journey of a few hundred metres.

“Our taxi branch is demanding action now before this chaotic situation spirals out of control and we will be leading a campaign on the streets and in parliament to raise public awareness of the rickshaw threat and to force the authorities to end this trade before we have a tragedy on our hands,” said Bob.

LCDC v Clause 17 The London Cab Drivers' Club also presented a petition to parliament on Clause 17, and is to be commended for doing so.

The LCDC petition was produced by a reputable firm of lawyers and parliamentary agents, and generally offered similar argument and logic to that

put forward by the RMT.

The LCDC pointed out that the Bill failed to provide the necessary protection for pedicab users and that the enactment of Clause 17 would legitimise pedicabs on public highways before basic licensing requirements and tighter regulation had been met.

It also stated that if regulation and licensing requirements were established there was no guarantee that that they would be policed to the same extent as hackney carriages.

Does that mean that the LCDC is in favour of a licensing regime? Of course not.

Well done the LCDC.

But where, you might ask, was the petition from the LTDA?

We would suggest that the LTDA should back off from criticising those trying to stop pedicabs until it comes up with a credible plan of its own.

Shame on Taxi

RMT's strategy on pedicabs covers all the angles and makes perfect sense - and the sensationalist mis-reporting by *Taxi* does everyone in the trade a huge disservice.

What is it that motivates such a complete mis-representation of RMT's position and an attack on a union that is committed to defending and enhancing the taxi trade in London?

Frankly, *Taxi* has shamed itself.

RMT, its London Taxi Branch and its general secretary say NO to Pedicabs - and anything else you read is a lie.

Unity, not sniping, is needed

The taxi trade in London is facing a major threat, and should stand united in resisting all attempts to legitimise or licence pedicabs and working for a complete ban.

Even if Clause 17 is beaten we will still be left with the status quo - as well as Baroness Gardner's new bid to bring in licensing via the Localism Bill.

Now is the time for a united approach to press for an outright ban on pedicabs from the streets of London and elsewhere.

During the relatively short time that RMT has been organising taxi drivers in London, it has already had many successes in support of its members, both in the Magistrates' Court and in campaigning for the rights of

drivers, especially the fight against WCC and the effective enforcement of ranks, not to mention the Pedicab fight.

Members of RMT, the LCDC and the LTDA are surely of like mind that pedicabs are a menace that should be banned in the interests of public safety.

Is the LTDA brave enough to join forces with the other trade groups and RMT in a united front? We hope so.

RMT FREEPHONE helpline - 0800 376 3706

Westminster City Council supports pedicab ranks

Westminster City Council's transport director, Martin Low, has gone on record showing his support for pedicabs in the city.

He told a parliamentary committee that there was an accumulating interest in extending pedicabs to other London boroughs, such as Kensington and Chelsea, Camden, Hackney and Wandsworth, and that he wanted to see pedicab ranks to relieve the current problem which would not otherwise go away.

When questioned about the Westminster proposals for a voluntary registration scheme, he replied that a compulsory scheme might have deemed them to be hackney carriages, which would require further legislation.

Exactly - and RMT will counter any attempt to legislate for pedicabs.

It is pertinent to ask LTDA, in its dealings with Westminster

City Council and its position on the Joint Ranks and Highways Committee, what arguments it has presented to minimise the impact of pedicabs and what steps it has taken to dissuade Mr Low from his intent to introduce ranks?

Westminster blasted over failures on ranks supervision

RMT's London Taxi Branch has been extremely busy trying to get a recalcitrant Westminster City Council off its collective backside and do its job properly.

Once again the cab trade has suffered and the 'mini-scabs' have been getting away with it.

Parking up on our ranks is rife, and when you tell them to move off they insult you.

This may now be coming to an end as representations made by RMT resulted in tightening up of ranks supervision by Civil Enforcement Officers, and the

ranks being properly marked and conforming to regulations is now in hand.

This has taken a long time to come to fruition and it is down to the hard work of two members of the RMT London Taxi Branch, Sean Kellett and Paul White, who have made the change in attitude possible.

These regular taxi drivers are the tenacious, unsung heroes who lodged a complaint with the Local Government Ombudsman, who agreed to take the matter up.

Amazingly WCC, which had hitherto simply blanked RMT, is now sitting up and listening.

Others might try to claim the credit, but we have the correspondence to show that "it was RMT what done it!"

RMT London Taxi Branch will never flinch from tackling any of the issues, not least the intrusion of private-hire 'mini-scabs' in the licensed trade.

So, what is RMT's policy on London taxis?

RMT is campaigning against

- | Imposition of maximum drivers' hours for taxi drivers
- | The 15-year age limit
- | Pedicabs
- | Ranks for private-hire
- | Satellite offices in nightclubs and bars

RMT supports an age-related scrappage scheme to keep cab drivers in work and give an incentive to garages to reinvest in their fleets

Join 



Visit www.rmt.org.uk to join online

or call the FREEPHONE helpline on 0800 376 3706

Problems at work? Members can call the helpline

Mon-Fri 0800-1800 - Sat 09:30-16:00

email info@rmt.org.uk

Legal helpline: 0800 587 7516 seven days a week