

21 April 2016

To : Civil Aviation Authority :-

Ref : Response to CAA Consultation on Issues Affecting Passenger Access to UK Airports.

From : The London Cab Drivers' Club.

Introduction and Background

This response to the CAA's Consultation concentrates on reporting what London taxi drivers (black cabs) deem to be the adverse effects of Heathrow Airport's failure to ensure a high level of law enforcement on the airport's forecourts and road network serving the forecourts. Illegal parking is rife and congestion black spots are left unattended to sort themselves out. Taxi trade representatives have been advised by Heathrow Ltd. (HAL) that funding is not available to have police manpower on the forecourts increased to a level that would eradicate the illegal parking.

HAL does not employ civilian parking agents to stop the illegal parking, but instead HAL relies on PCSOs from Heathrow police station to deal with traffic regulation on the forecourts. In practice, PCSOs and other MPS officers appear to be acting under an official instruction to do nothing more than make a symbolic effort to enforce the minicab and parking byelaws. For example, Police tow-away trucks are placed on show on the forecourts, but very often they are either completely unmanned or manned by MPS attendants who are not authorised to operate the trucks.

The lack of enforcement of the private hire byelaws (minicabs) has led to a situation where minicab drivers now assume that they have a right to park directly outside the passenger terminals. Their unchallenged presence on the forecourts is evidence of the existence of a thriving black market in onward transport that HAL has allowed the minicab industry to create at Heathrow. The London taxi trade believes that under the terms of its CAA licence, HAL should be compelled to pay for whatever level of law enforcement is necessary to stop its forecourts from being illegally occupied by minicabs working for companies such as Uber and out of town taxis (i.e. non-London taxis).

Inadequacies of Heathrow Car Parks

It is an observable fact that a large number of passengers leave Heathrow after walking to a car park to be picked up by minicab or private car ; but a far greater number are being picked up on the forecourts in contravention of airport byelaws that forbid these forecourt pickups. It is also an observable fact that the barrier system at the car parks cannot cope with the sheer volume of two-way movements and queues of cars build up. One of HAL's remedies to alleviate this congestion at the barriers is to turn a blind eye to illegal parking and picking up on the forecourts. Not only does the waiving of the 'no picking up' byelaws reduce pressure at the car park barriers, it also sends a message to minicab drivers and their passengers that HAL and the PSCOs are happy for them to make arrangements to be picked up on the forecourts.

HAL and Commercial Motivation

We believe that HAL's failure to organise effective parking enforcement on the airport's forecourts, is deliberate and commercially motivated. The simplistic argument that HAL would not knowingly lose car park revenue does not stand up to scrutiny for several reasons. A cost-benefit analysis would show that HAL has more to gain from having parking regulations and byelaws disapplied by Heathrow police than it has from having them enforced under a zero tolerance policy. Without doubt many travellers would transfer their custom away from Heathrow to other London Airports, if enforced compliance with airport byelaws meant having to trek with loaded luggage trolleys to the official car parks to meet up with minicabs or private cars.

The commercial motivation 'allegation' against HAL is best summarised by explaining that HAL is not prepared to let the byelaws stand in the way of HAL catering for those of its customers who prefer to be picked up on a forecourt. Illegal minicab services at Heathrow have been allowed by HAL to become very popular with the travelling public. The number of illegal minicab pick ups commencing from the forecourts is now probably five times greater than the number of taxi hirings that commence from Heathrow's taxi ranks.

Taxis, Minicabs and Competition Law

HAL imposes unfair trading conditions on self employed taxi drivers, by allowing minicabs to wait to pick up passengers on the forecourts. Taxi byelaws restrict taxis to offering their services from taxi ranks. In order to cope with constant fluctuations in on-the-spot demand on the ranks, a large fleet of cabs has to be held on standby in the taxi feeder park. The point being made here is that HAL does not allow taxis to conduct business by ignoring the taxi byelaws, while minicabs are allowed to do more or less as they please in terms of where and how they find business.

HAL rigidly applies the user-pays principle to London taxi drivers, but not to the minicab companies that conduct a huge unquantified amount of business on Heathrow's forecourts. HAL charges taxis and bus and coach operators for using Heathrow's facilities, because they are using the airport for commercial purposes. Taxis do not object in principle for having to pay for access to the taxi ranks and other facilities. But for obvious reasons we object to HAL allowing our competitors from the private hire industry to conduct business without having to pay a penny for that facility.

HAL is in a dominant position from which it can control access to the airport's forecourts, car parks and taxi ranks through byelaws. This should not be viewed as a special method of control which is exempt from the effects of competition law. Our organisation makes no attempt to present the CAA with an argument about the validity or comparative merits of taxi and minicab byelaws. However, we are very concerned about airport operator HAL acting as if it has the unfettered right to dictate to what extent if any, the minicab and parking byelaws should be enforced by Heathrow police (MPS).

Taxi trade representatives believe that HAL is prepared to do whatever becomes necessary to embed the private hire industry at Heathrow ; even if means HAL deliberately damaging

the taxi trade and causing the number of taxis passing through the Taxi System to reduce to a mere trickle. The taxi specific sections of the Airports Act 1986 combine with London Hackney Carriage Acts to oblige HAL to provide facilities for London taxis to operate a taxi service. However, the same statutory framework does not provide for HAL to make money out of taxi movements. If HAL could succeed in rendering the airport's Taxi System unviable for taxi drivers who currently form its back-bone, HAL could replace it with a Private Hire System. HAL would then be able to tap into a very lucrative new revenue stream. As the law stands in 2016, HAL cannot take even a 1% cut of a £60 taxi fare, but could very easily take 25% of a £60 minicab fare.

HAL, Uber, TfL and New Minicab Holding Area

On Friday 1st of April, representatives of the London taxi trade (black cabs) were ambushed with an announcement from HAL that following three months of negotiations with Uber UK a minicab holding area is to be created on airport property. The taxi trade was very disappointed to learn from HAL that Transport for London executives have taken part in the negotiations with HAL and Uber, which means TfL negotiators have acted behind the taxi trade's back. As the taxi licensing authority, TfL could have and should have consulted the taxi trade about HAL's plans. TfL's failure to consult has deprived taxi trade organisations of an opportunity at an early stage to raise objections to this plan for a minicab holding area. At the eleventh hour we are now in contact with London Borough of Hillingdon to check when HAL first applied for planning permission for the project and if an Environmental Impact Assessment has been carried out.

The proposed site for the new PH facility is situated near the site of the old Heathrow Police Station. HAL insists that minicabs deserve their own feeder park so that they can avoid the hold ups they experience when driving in and out of Heathrow's official car parks. Inevitably, HAL needs to be reminded that in the first place, it is standard practice for many minicab drivers to meet and pick up passengers outside Heathrow's passenger terminals. Our organisation maintains that HAL are collaborating with Uber in an effort to help TfL licensed minicabs to be the dominant service providers in Heathrow's onward road travel market. HAL has already confirmed that Uber UK is acting as technical and legal adviser to HAL regarding a plan to open a minicab holding area on Heathrow property this coming June.

As previously stated in this response, HAL has made no secret of its commercial dalliances with Uber. The company's minicabs specialise in forecourt pick ups that in theory are banned under private hire byelaws. Byelaw offences are criminal offences and no matter what special concessions Uber is trying to secure from HAL, a minicab holding area cannot be reconciled with the airport's existing private hire legislation. Minicabs are obliged to keep off the forecourts and load their passengers in the official car parks, whilst taxis are legally obliged operate from taxi ranks. Without new or amended legislation, HAL will be unable to compel empty minicabs entering Heathrow to use the designated minicab feeder park. (HAL calls it an Authorised Vehicle Area - AVA). Any amendment to existing legislation would have to be submitted for approval to the Department for Transport. The DfT in turn would be obliged to consult interested parties - such as organisations representing the London taxi trade. Taxi and minicab byelaws currently in force at Heathrow Airport and London City Airport are based on templates issued by the DfT. It's unlikely that an application from HAL

to amend Heathrow's minicab byelaws would receive an immediate response from the DfT , especially if a proposed amendment departed substantially from the DfT's template.

Security on the Forecourts

No one at Heathrow doubts the need for tight security. Unidentified cars and minicabs unlawfully parked on the forecourts, present a variety of security risks including the risk that they could be carrying explosives or weapons. The risk is there, irrespective of whether or not the offending vehicles are attended by a driver. Traffic congestion on and near the forecourts makes it harder to spot the tell tale signs of danger. Although HAL and the MPS emphasise the constant need to assess risks posed by unattended cars, as a priority vigilance on the forecourts needs to include all minicabs and private cars. London taxi drivers have no fixed ideas as to the best way of dealing with security issues, but it is obvious that enforcement of 'No Parking' regulations needs to be stepped up. The imposition of a zero tolerance policy on parking outside all passenger terminals may prove to be unpopular with the travelling public, but it would certainly not be over-extravagant.

Conclusions

There is no objective justification for HAL to provide the private hire industry with a minicab holding area at Heathrow. The grandly named Authorised Vehicle Area will simply be a minicab holding area and an added source of carbon monoxide pollution that will impact on the air quality of local residential areas. The plan for an AVA has to be viewed as an attempt by HAL to appease the residents of Hillingdon who are having their environment blighted by the presence in their streets of thousands of empty minicabs and out of town taxis. HAL cannot hope to transfer all these thousands of vehicles from residential streets to a designated holding area . The proposed AVA will definitely not have sufficient capacity to accommodate even one tenth of the offending vehicles.

There are more effective steps which could be taken by HAL to stop all the illegal parking in local residential streets and on Heathrow's forecourts. For a start, HAL has sufficient power under existing legislation to either prevent empty minicabs from entering the airport or to direct them to the official car parks where they will have to pay the charges. There is no provision in the byelaws for minicabs to provide meet and greet services to passengers other than from the confines of the official car parks.

Finally, the most effective way of reducing overall traffic congestion at Heathrow would be to overhaul the law enforcement terms of Heathrow's Police Service Agreement. (PSA). Full scale enforcement of existing minicab and parking legislation, supported by an appropriate increase in policing costs paid by HAL to the MPS, would resolve most of the congestion problems caused by the airport being over-supplied with minicabs and out of town taxis.

END

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22 April 2016

To : Civil Aviation Authority :-

Ref : Further to our Response e-mailed to the CAA yesterday.

From : The London Cab Drivers' Club.

Late yesterday afternoon HAL provided some of the latest figures on law enforcement outside the passenger terminals :-

PCSOs (MPS) are now issuing 600 parking tickets per month to deter illegal parking and picking up. It has been pointed out to HAL that 600 tickets per month spread over the four operational terminals (2,3,4 and 5) means that the police are issuing only 5 tickets per day per terminal.

HAL advises that no details are available to show the number of vehicles that are being 'moved on' by PCSOs. However, last summer taxi drivers in hi-viz jackets posed as official 'Parking Agents' and conducted several test purges on the forecourts. We achieved a 95% success rate simply by telling illegally parked drivers to 'move on'. Hundreds of vehicles were moved, but Heathrow Police officers stopped our 'parking agents' from clearing the forecourts by threatening to arrest and charge them.

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