

Access to the Royal Parks for Licensed London Private Hire Vehicles (PHV's)

One morning way back in **2004** we got a call from **LPHCA Member** and our good friend the late **Murray Cowell MBE** of **Murray Chauffeur Service**, followed by another from **Raj Jettwa** at **Swiss Cottage Cars**, then yet another from **Bob Raleigh** at **Burgundy Global**, to say that **a driver had been ticketed** for being in one of the **Royal Parks** in **London**. This was followed by dozens of other calls from outraged **Members**.

Apparently a driver had been stopped and issued with a fine by a **Royal Parks Police Officer** for travelling through **Regents Park**. The ticket had been issued on the basis that the driver was driving a **'Commercial Vehicle'**.

Our research confirmed that **London Hackney Carriages (Black Cabs)**, were specifically exempted because regulations covered them dating back in the mists of time. In **1997** however, new **Royal Parks Regulations** were drawn up that were not 'future proofed' to take account of **London Private Hire Vehicles** as the regulations were in fact being put in place a year before the **1998 Private Hire Vehicles (London) Act** was enacted.

With the appearance of the **TfL Licensing Screen Discs** on **London's Licensed PHV's**, two facts had changed. Firstly, an identifier was appearing on most licensed **PHV's** in the capital and secondly, this transformed the previously anonymous **PHV's** technically into a recognisable **'Commercial Vehicle'** category.

Our first calls were to **Ed Thompson**, then **TfL's Director** at the **Public Carriage Office (PCO)**, and **Roy Ellis**, **Head of the PCO**, who within a week issued what was technically the bad news in a **Notice** issued in **September 2004**.

*'Late last week it was brought to the attention of the **Public Carriage Office** that **Royal Parks Constabulary** officers were issuing fixed penalty notices (FPNs) to **Licensed Private Hire Vehicles** passing through the **Royal Parks**.*

*Under the **Royal Parks** and **Other Open Spaces Regulation 1997**, access to the parks is prohibited for vehicles used for trade or business unless specifically exempted. **Private Hire Vehicles** do not currently benefit from such an exemption and may not, therefore, use the **Royal Parks**.*

*On being advised of this problem the **Public Carriage Office** immediately sought to contact both the **Police Commander** of the **Royal Parks Constabulary** and the **Parks Authority** to seek to resolve this situation, in both the immediate and long term, for the benefit of the **Licensed Private Hire Trade**. A response is awaited from them but it has been made clear that this is extremely urgent.*

*Until any agreement is reached, however, there remains the risk that **Licensed Vehicles** passing through the park will be issued **FPNs** under the existing regulations'*

Roy Ellis – Head of the Public Carriage Office: 29 September 2004

At the time we stated: **"As a direct result of all the massive expense involved in getting your Private Hire Vehicle Licensed the first tangible reward was to be Banned by the Royal Parks Police!"**

We could not believe that **Royal Parks Police** were going to stop **Licensed Private Hire Vehicles** that transport millions of **Londoners** and others every year through the **Royal Parks** and other important roads because they had a small **TfL License Disc** in the window that certifies that they are safer than ever before.

Another call from **Raj Jettwa** at **Swiss Cottage Cars** (based close to **Regents Park**) said that their drivers were being warned as they entered the park that they could be liable to prosecution.

Having already alerted the **Public Carriage Office** we contacted the **Department for Transport**, via our political lobbyist **Robin Hulf** and sourced the **Chief Superintendent** in charge of the **Royal Parks**.

Robin was fortunately and very conveniently doing work for us at the **Political Party Conferences** where he spoke to **Ministers** and the **Mayor of London's advisors** about this farce.

After further dialogue with the **PCO** our worst fears were confirmed with the news that activity was being undertaken by **Royal Parks Police** against **London Licensed Private Hire Vehicle Drivers** who could now be identified because of their new **TfL License Discs**.

The magnitude of this problem started to set in when we realised that **Licensed Private Hire Drivers** could potentially be banned from or prosecuted for driving through:

Bushy Park; Greenwich Park, Grosvenor Square Garden, Hampton Court Park; Hyde Park; Kensington Gardens; Parliament Square Gardens; Regent's Park; Richmond Park; St. James's Park; The Green Parks and Trafalgar Square.

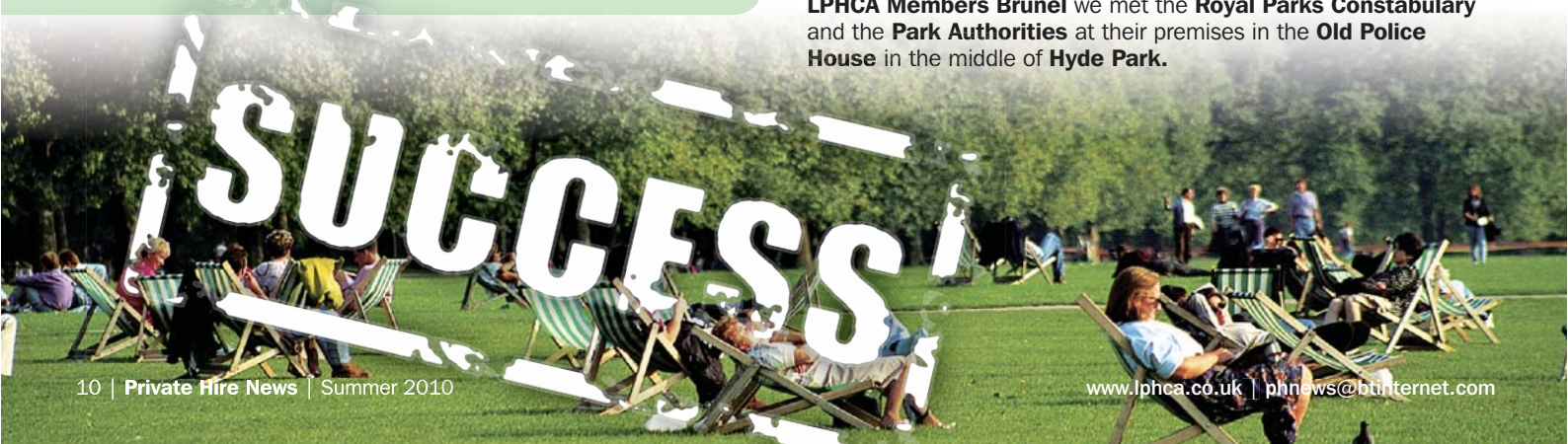
Whilst we gained considerable sympathy and reassurances that the **Public Carriage Office** was doing all that it could to resolve the difficulties, they pointed out that the problem arose from the **Royal Parks** and **Other Open Spaces Regulations 1997**, which prohibited from the **Royal Parks** those vehicles that are used for the purpose of **trade or business**.

It was further confirmed that the only **exemptions** contained in the regulations are for **London Taxis** that met the **Metropolitan Conditions of fitness**, e.g. **London Hackney Carriages (Black Cabs)**.

As **Private Hire Vehicles** are used for a business purpose, and were now identifiable (albeit much less so than taxis), we were not the subject to exemption, so the **Royal Parks Constabulary** took the view that a **fixed penalty notice may be issued**.

Our next step was to contact the **Police Commander** of the **Royal Parks Constabulary** and the **Park Authorities**, seeking to achieve both a **short term** and **long term** solution to the problem.

Alongside **Terry Flanagan** of the **GMB** and **Bill Edwards** from **LPHCA Members Brunel** we met the **Royal Parks Constabulary** and the **Park Authorities** at their premises in the **Old Police House** in the middle of **Hyde Park**.



We pointed out in no uncertain terms to the **Royal Parks Police** that the farcical potential situation of **illegal freelance touts being able to legitimately use the Royal Parks and expensively Licensed Private Hire Drivers being prosecuted and prohibited would be untenable for the industry.**

We went on to say that **if the policy of prosecuting and preventing access continued, many could be compromised by its continuation.**

The upshot of all this hard work was that sense prevailed with no further tickets or fines issued or to the best of our knowledge paid, by **Licensed Private Hire Drivers.**

This situation however was very helpful but not completely satisfactory as the outcome we really needed was to get parity with **London's Licensed Hackney Carriages (Black Cabs)** in these and future regulations.

So after further lobbying in **May 2009** we finally got the opportunity to rectify matters when a formal consultation on new **Royal Park's** legislation took place.

In the **Summer 2009** Issue of **Private Hire News (Edition 46, page 32)** we published our response to the consultation and in that response we said:

Many thanks on behalf of the Licensed Private Hire Car Association (The LPHCA) for giving us the opportunity to comment on your excellent consultation.

The LPHCA is delighted that some of the anomalies raised by us when members complained they could potentially be ticketed or stopped when travelling legitimately about their business in the Royal Parks several years ago are now being addressed by this consultation.

The Association has published the consultation in Private Hire News Magazine and held a meeting early in April 2009 attended by over 100 Licensed Operator's representatives to get comments directly from our members.

Q6 Do you support our proposal to allow **Private Hire Vehicles** that are licensed by the **Public Carriage Office** to enter the **Royal Parks** on the same terms as are already allowed in law for black cabs?

YES – But consideration should also be made for non PCO Licensed Vehicles by future proofing the legislation to enable provision for all legitimately licensed PHV's.

Q7 Do you agree with our proposal to give express statutory force to the already accepted practice that black cabs are allowed to enter the **Royal Parks** even if they are bearing advertisements?

YES

Q8 Do you agree that we should make identical provision in respect of **PHVs** (provided that we implement our proposal to allow them to enter the **Royal Parks**)?

YES

Q14 Do you have any other comments which relate directly to any of our proposals?

YES – Licensed Private Hire is vital to the wellbeing and safety of London and the travelling public and we campaigned heavily for its Licensing.

Unfortunately the last Royal Parks legislation came before the 98 Act, which covered Private Hire and it was not 'future proofed' to account for it.

The appropriate 'Mandating of Signage' on PHV's in London caused a freak situation where a Licensed PHV could technically fall foul of regulations and an illegal tout would not.

The Industry whilst having more vehicles than the black cab industry in London, demographically uses the Royal Parks much less than Black Cabs, so no adverse impact would occur. As Private Hire is the primary door to door accessible transport provider in London it is vital that it continues to have full access to the Royal Parks and that should be on the statute.

Steve Wright MBE – Chairman LPHCA: May 2009

The outcome of this campaign was very successful in that we legally secured the right of London PHV's to use the Royal Parks by these amended regulations:

Changes to Park Regulations which took effect on 6 April 2010

Excluding Private Hire Vehicles (licensed by Transport for London) from the general prohibition on commercial vehicles driving through The Royal Parks

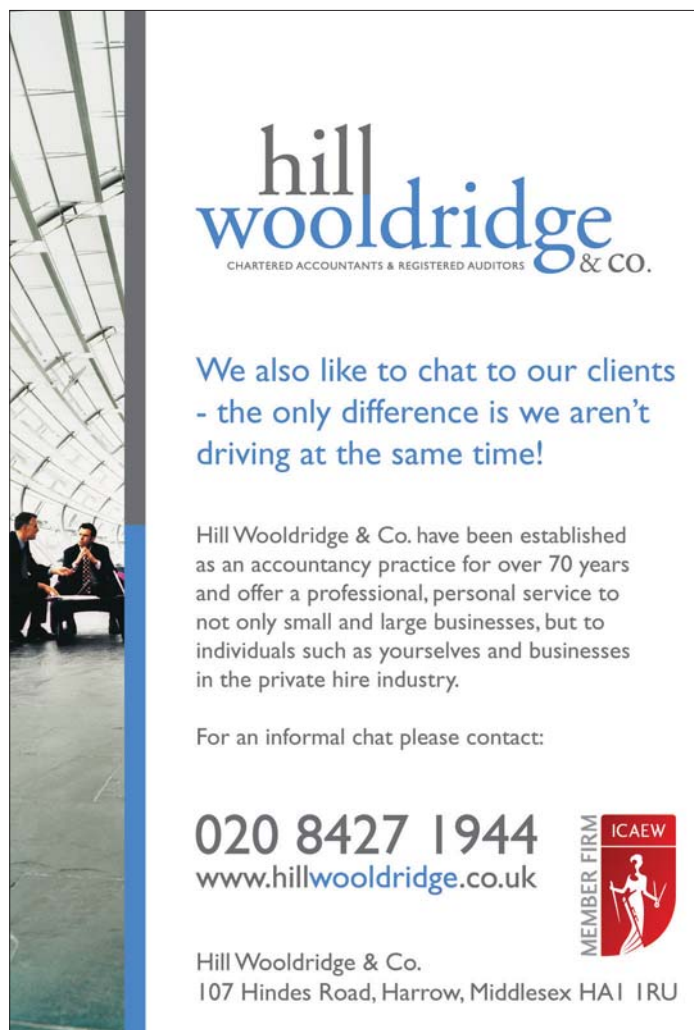
Making it explicit that licensed Hackney carriages (Black Cabs) and Private Hire Vehicles that drive through The Royal Parks may bear advertisements.

Whilst we are absolutely delighted to have secured the legal right and parity with **London Hackney Taxis** to enjoy the same concessions in regulations in the **Royal Parks for London Licensed Private Hire Vehicles**, we are saddened that the exemptions and regulatory rules have not been extended to **all PHV's** as we proposed in our consultation response.

This is in line with the inconsistencies that still exist because of the devolvement of **Licensing Powers** to **Local Authorities** throughout the **UK** by **Central Government**. By having a **Pan London Authority**, in the form of **TfL**, under the auspices of the **GLA** and the **Mayor**, once again we see the value of regulations being uniform across what is the biggest **Local Authority** in the **UK**.

We sadly however, continue to have 'fragmented regulations' across the **UK**, with people doing the same job on one side of the road, having differing regulations from those on the other side. Thank goodness the fools who advocated that 30 plus **London Boroughs** should all have different sets of regulations in **London** (before the **98 Act** was introduced) did not get their way.

We now need to turn our attention to ending this discrimination in laws and regulations that affect our industry.



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