



PRESS RELEASE

FOR IMMEDIATE RELEASE

High Court rules Mayor and TfL's Streetspace Plan and A10 Bishopsgate Traffic Order "unlawful"

- Taxi trade's legal challenges succeed as the Plan and the Order are overturned

- **The Streetspace for London Plan and associated Guidance failed to recognise the distinct status of taxis as an important form of accessible public transport.**
- **The Streetspace Plan, associated Guidance and A10 Bishopsgate Traffic Order breached licensed taxi drivers' legitimate expectation to be allowed to use bus lanes to ply for hire effectively across London.**
- **There was a failure to comply with the Public Sector Equality Duty under the 2010 Equality Act and account for needs of passengers with protected characteristics.**
- **The Mayor and TfL "took advantage of the pandemic" to push through "radical changes".**
- **The "decisions were not a rational response to the issues which arose as a result of the COVID-19 pandemic".**

London, Wednesday 20 January 2020 – The High Court has today ruled that the Mayor of London and Transport for London (TfL) "acted unlawfully" in their treatment of licensed taxis, in the *Streetspace for London Plan* and associated *Guidance* and the *A10 Bishopsgate Traffic Order*.

The landmark judgement follows a judicial review mounted by the London taxi trade, challenging the Mayor and TfL's Plan, associated Guidance issued to London Boroughs and the Order concerning a specific Streetspace scheme, the A10 Bishopsgate Corridor in the City of London, which removed taxi access to a key arterial route.

The Court has now ordered that the Streetspace Plan, Interim Guidance to Boroughs and the A10 Bishopsgate Traffic Order be quashed following the judgement.

In the case, heard at the High Court's Planning Court on 25th and 26th November 2020, Senior High Court Judge, Mrs Justice Lang DBE found overwhelmingly for the Claimant taxi trade bodies, United Trade Action Group (UTAG) and the Licensed Taxi Drivers Association (LTDA).

The case succeeded on four of the five grounds advanced on behalf of the taxi trade:

- 1) In the Streetspace Plan and subsequent Guidance, the Mayor and TfL respectively failed to distinguish the special status of taxis from "general traffic", neither taking into account the distinct status of taxis as a form of public transport nor the travel needs of those who rely on accessible taxis.
- 2) The Mayor and TfL failed to have proper regard to their Public Sector Equality Duties under Section 149 of the Equalities Act 2010.
- 3) The Plan, Guidance and the A10 Order unlawfully breached licensed taxi drivers' "legitimate expectation" of being permitted to use bus lanes to ply for hire effectively as a vital part of London's integrated public transport network.



- 4) The treatment of taxis in the Plan, Guidance and the Order and the decisions to exclude them were “seriously flawed” and “irrational”.

In the lengthy and detailed judgement, Mrs Justice Lang, underlined a series of failings by TfL and the Mayor, describing their decision-making process as “seriously flawed”, with the decision to exclude taxis being based on “superficial” and “inadequate evidence.”

The Judge noted that denying taxis access to London’s roads could have “severe consequences” for passengers who cannot walk, cycle, or use public transport and that “the needs of people with protected characteristics, including the elderly or disabled”, were “not considered”, before the Plan was announced or the Guidance published.

The Court also highlighted the inadequacy of the Equalities Impact Assessment (EIA) undertaken by TfL on the likely impact of the A10 Order, describing parts as “perfunctory or non-existent” and finding that it “read as if its purpose was to justify the decision already taken”.

Mrs Justice Lang noted TfL’s EIA actually acknowledged that people requiring door-to-door access, who could not walk, might not be able to make their journeys due to the measures, yet provided no mitigation. The Judge described this as an “unacceptable omission.”

The Court also found taxi drivers had a legitimate expectation that they would be able to access bus lanes to ply for hire effectively, which had been unlawfully breached. This expectation was supported by TfL’s own *Bus Lane Policy*, which asserts that taxis “fulfil demands that cannot be met by the bus, train or tube”, and by previous Mayoral statements on the importance of taxi access to bus lanes.

Lawyers for the Defendants argued breaching this expectation was justified by the pandemic, but Mrs Justice Lang found it “unfair and contrary to good administration to use the pandemic as a justification for restricting taxis access to bus lanes”.

Finding the treatment of taxis was irrational, the Judge described excluding taxis as an “ill-considered response”, which “sought to take advantage of the pandemic” to push through “radical changes” which “far exceeded what was reasonably required”.

TfL sought permission to appeal the Judgement from Mrs Justice Lang, but were not granted permission to do on the grounds that there was “no real prospect of success on appeal”, or “other compelling reason why the appeal should be heard”.

The LTDA is the largest membership body representing London’s black cab drivers. UTAG is a coalition of drivers and industry stakeholders working together with the common aim of securing the future of the taxi trade. The LTDA and UTAG jointly funded this legal action.

Steve McNamara, General Secretary of the Licensed Taxi Drivers’ Association said:

“It’s fantastic to see the Judge rightly recognising the key role licensed taxis play in our great City. This is an extremely important judgement for London’s hard working taxi drivers and the passengers who rely on them.”

“I am delighted we were able to come together as a trade to successfully mount this challenge. The Court has upheld the importance of taxi access and points we’ve raised repeatedly with TfL and City Hall since they first announced Streetspace, but which had sadly fallen on deaf ears until now. We were told the pandemic gave policy makers free reign to act, without consultation, leaving us no choice other than to go to court. Today, the Judge has made it clear that this should not have been the case.”

““The taxi trade has been an integral part of London’s public transport network for centuries. With our growing fleet of zero emission capable vehicles, we now want be part of its future and ensure London remains accessible and open to all. We hope this will now be possible.”



“The Mayor and TfL’s attempt to appeal, what is such a clear and decisive Judgement, is absolutely astounding. Perhaps they should concentrate on putting right the issues caused by their poorly thought-out policies and getting TfL’s finances in order, instead of wasting significant sums of public money trying to overturn this important judgement so they can continue to trample on the rights of protected groups and the taxi trade.”

Angela Clarkson of the United Trade Action Group said:

“This Judgement is not only an overwhelming victory for the Taxi trade but also for the elderly and people with impaired mobility who rely on us for accessible transport. Taxis are not a luxury for those who cannot cycle, walk or use other forms of public transport, but a necessity.”

“The Mayor and TfL’s attitude that ‘if people cannot walk to or from a Taxi access point, they may not be able to make the journey’ is iniquitous and Mrs Justice Lang was highly critical of that in her Judgement.”

“I hope the fact that we won this challenge very convincingly will make The Mayor, TfL and other policy makers realise that we are an integral part of London’s public transport infrastructure and must be afforded the same access to the roads as buses.”

David Matthias QC leading counsel for the Claimants said:

“This judgment is of major importance not only to London’s iconic black cab trade but also to all people living, working or visiting London who are unable to walk significant distances or to cycle.

“In the course of her long and careful judgment Mrs Justice Lang has vindicated all the concerns raised by the taxi trade, both on their own account and on account of the disabled, the elderly and all other people prejudiced by the Streetspace Plan and its impacts throughout the capital. The taxi trade may feel justly proud that it has taken the Mayor and TfL to task in this matter and secured a seminal judgment which should guide the approach to be taken by local authorities to all future road schemes both in London and elsewhere in the country.”

Ends

Notes to Editors

Streetspace for London

The Streetspace Plan was announced on 6th May 2020 and Interim Guidance to the London Boroughs was subsequently issued by TfL on 15th May 2020. It has seen the implementation of bus gates, banned turns and restricted access to streets in Low Traffic Neighbourhoods across London.

When *Streetspace for London* was first announced in May, the Mayor set out plans to create bus-only corridors across central London, causing immediate concern for many taxi drivers that they would lose access to key areas of central London, where they do the bulk of their trade.

A10 Order

The A10 Bishopsgate Scheme was subsequently announced in July. The Bishopsgate Corridor includes a series of banned turns and bus gates being installed on Bishopsgate and Gracechurch Street, with only buses and cyclists now able to enter between 7.00am and 7.00pm, Monday to Friday, effectively excluding licensed taxis from using this key north-south route.



Black cabs are permitted to use the majority of London's bus lanes in view of the vital role taxis play in London as the only form of door-to-door, accessible public transport.

UTAG and LTDA v TfL and Mayor of London Case No: CO/2854/2020 & CO/2995/2020

The Licensed Taxi Drivers' Association (LTDA) and United Trade Action Group (UTAG) were granted permission for a Judicial Review of the Mayor of London and Transport for London's (TfL) Streetspace schemes in September 2020. The case was heard at the High Court of Justice, Queen's Bench Division, Planning Court over two days 25th and 26th November 2020.

In August, law firm Chiltern Law, acting on behalf of UTAG and the LTDA launched two separate legal challenges against the Mayor of London and Transport for London – seeking a Judicial Review of the Streetspace for London Plan and associated Guidance and a further specific challenge to the A10 Bishopsgate Scheme.

With more and more damaging Streetspace schemes being announced and potential for further schemes excluding licensed taxis, the legal team subsequently petitioned the Court to combine these two actions and expedite the proceedings.

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