

National Union of Rail Maritime  
and Transport Workers



Sadiq Khan  
Mayor of London  
City Hall,  
The Queen's Walk,  
London SE1 2AA

12 MAY 2016

Our ref: P9

10 May 2016

Dear Sadiq

Congratulations on your election as Mayor of London - RMT very much looks forward to a constructive working relationship.

RMT is by far and away the largest union on the London Underground and London Overground as well as being the only union representing all grades. We also represent taxi drivers, bicycle hire workers and members on TfL's waterways.

I would very much welcome the opportunity to meet to discuss areas of mutual interest and if you are agreeable perhaps your office could contact mine [redacted] - [redacted]@rmt.org.uk) to arrange a suitable date.

Mick Cash

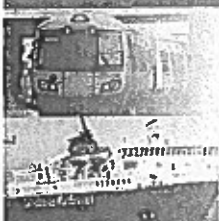
**Mick Cash**  
**General Secretary**

**Head Office:** Unity House 39 Chalton Street London NW1 1JD

**General Secretary:** Mick Cash

**Tel:** 020 7387 4771 **Fax:** 020 7387 4123 **Helpline:** 0800 376 3706 **Email:** info@rmt.org.uk





# National Union of Rail Maritime and Transport Workers



Sadiq Khan  
Mayor of London  
City Hall,  
The Queen's Walk,  
London SE1 2AA

Our ref: P9

20 June 2016

Dear *Sadiq*

I look forward to meeting with you presently. Ahead of our discussion, there are a number of matters that I would like to bring to your attention. The following are areas which a large number of RMT members have raised with me and through the union's structures.

### *Cleaning on the Underground*

This work is currently outsourced to *Interserve* - though the contract is coming to an end shortly (February 2017). Ahead of the end of the contract, *Interserve* has commenced a consultation about yet further cuts to wages and staffing. This obviously places a heavy strain on the workers.

Workers on outsourced cleaning contracts are some of the most vulnerable people working on the UK's transport system. They are typically not UK nationals, they are typically not well-equipped to defend their rights and they are frequently short-changed and bullied by the companies to which they are contracted.

We invite you to meet with a selection of cleaners to hear their testimony first-hand. They will recount the challenging conditions in which they work, the abuse they endure from managers and the spurious deductions made from their wages. Their treatment warrants a strong response.

We want to see cleaning contracts brought in-house. The economic case for doing so is as follows. Cleaning is not the most complex of functions and there is no shortage of expertise in this field. TfL has competence to control and carry out this work itself, it does not need to hire another organisation to clean for it. That doing so would be cheaper than outsourcing the work, is reflected in the fact that high director pay and dividends to shareholders, demonstrate that outsourcing companies are ripping off the public purse and behaving inefficiently. Moreover as you will know LUL has taken a number of contracts in-house in recent years which have made services more economic and efficient through removing the expense and inefficiencies created by contractual interfaces and having more direct control over costs and work programs.

Head Office: Unity House 39 Chalton Street London NW1 1JD

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Tel: 020 7387 4771 Fax: 020 7387 4123 Helpline: 0800 376 3706 Email: [info@rmt.org.uk](mailto:info@rmt.org.uk)



Also, we want cleaners who are required to work nights to receive anti-social hours payments. Currently all cleaners receive a flat rate, which does not compensate night workers for the grave physical and obvious social strain of working nights. Further we want the cleaners to have free travel passes (which would be at virtually no cost to TfL, but would make a substantial difference to the workers).

#### *Tubelines*

This is currently a subsidiary of TfL. The workforce is managed by Amey on behalf of TfL. We want to see Tubelines brought back in-house. That Tubelines workers are treated differently from our members performing the same tasks for Metronet, is an accident of history. The anomaly arises as a result of the collapse of the failed privatisation of the Tube engineering function. Workers should not still be suffering from the ill-conceived privatization programme.

Moreover, as you will know, since LUL took over the former Metronet contracts, infrastructure work has been more economic and efficient as LUL have assumed direct control over works program and cost and removed an unnecessary contractual interface between Tube operations on the mainline railway. The benefits of bringing rail maintenance in-house has also been demonstrated on the mainline railway where substantial efficiencies have been made by Network Rail since it bought maintenance work in-house.

Our immediate concern is for the workforce to have access to the same pension as workers who are directly employed by TfL.

#### *TfL devolved rail*

In the event that mainline rail services are devolved to TfL, these should be directly operated in the public sector. If current legislation does not allow for this the Mayor, as have other devolved bodies such as in Scotland, should demand those powers. Again the evidence shows that where rail services are directly operated in the public sector they are more economic and efficient. We would also want an absolute guarantee that guards will be retained on these services and they will not be Driver Only Operation.

#### *Station staffing cuts*

There is an ongoing large scale reduction in the number of staff. Staff are being lost from safety critical areas such as platforms and ticket gatelines, inhibiting the ability of London Underground to manage the increasingly frequent occurrence of dangerous overcrowding on the capital's network, not to mention reducing the eyes and ears that help deter and prevent terrorist attacks. For example LU has state of the art control rooms - with communications, CCTV and emergency monitoring equipment - designed to better manage overcrowding. Yet, due to the cuts to station numbers, many of the control rooms are left permanently unstaffed. To prevent this we want minimum staffing levels mandated.

#### *London Underground ticket office review*

We would like to be involved in the review of the Tube ticket office closure programme. We would like to see those remaining Tube ticket offices (ie at the ex "Silverlink" stations) to remain open and serve as a benchmark, helping to inform the review.



*Taxis*

We represent a significant number of taxi drivers in London. The contribution of our members to recent reviews of the trade, providing a valuable and coherent insight into the issues, has been considered as of significant use by TfL and the Transport Cttee of the GLA.

Yet, RMT is currently excluded from the taxi driver panel with which TfL formally consults. Val Shawcross, when she was an Assembly Member, kindly challenged TfL over this. Not least, given the challenges facing taxi drivers, we would like you to instruct TfL to amend their "engagement policy" and include RMT at its taxi drivers' fora.

*Lillie Bridge*

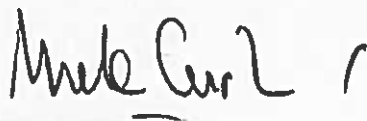
We are concerned about the planned closure of LU's Lillie Bridge depot in Earls Court. To accommodate the completion of a vast luxury flats development, the depot is due to be relocated – to an as yet unidentified site – no later than 2019.

The services provided at the depot are specialist. They are vital to the operation of maintenance, Capital Programmes project work and the daily running of the Tube. Sections such as the Track Manufacturing Department also have operational requirements for specialist machinery which cannot be readily located elsewhere.

London Underground committed at the September 2013 LU Company Council to openly and meaningfully consult with the union about the depot – and to do so in good time. LU has not lived up to that undertaking.

We request that you review the development of Earls Court site with a view to cancelling it. If the development is to proceed, we want an agreement signed off at the highest level setting out an acceptable new location for the depot and confirmation that the necessary financing has been ring-fenced.

The above are areas which remain of substantial concern. I look forward to having the opportunity to discussing these issues with you further in due course.



**Mick Cash**  
**General Secretary**



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National Union of Rail  
and Transport Workers



Sadiq Khan  
Mayor of London  
City Hall,  
The Queen's Walk,  
London SE1 2AA

KC TT

30 SEP 2016

Our ref: NP/P18

29 September 2016

Dear Sadiq

***Statutory definition of plying for hire  
-TfL has power to introduce bill into Parliament***

As you know London taxi drivers have faced challenges before – unfair competition, poor enforcement of rules – however, never before on this scale or in such a sustained matter. The trade is shrinking year after year and will soon no longer be viable. The hard-working and dedicated professional drivers who offer the definitive safe, efficient and accessible taxi service, are finding their livelihoods increasingly under threat.

We appreciate your acknowledgement of the position facing the taxi trade in London and endorse the steps which you propose taking. We especially welcome your and TfL's support for a statutory definition of plying for hire based on the need to "remove ambiguity and clearly define the difference between taxi and private hire services". The legal advice that we have received concurs and highlights how important such a definition will be in updating and clarifying the law.

However, we want you to follow the logic of the position that you have rightly adopted. We want you to direct TfL to use its own resources and position to have a bill setting out a statutory definition of plying for hire, introduced into Parliament. TfL has the power so to do – as evidenced with the property focussed Transport for London Bill, for example.

Further, TfL is the proper authority with regulatory responsibility for taxis and private hire vehicles in London. It is incumbent on it to act to fulfil that role. Its position, hitherto articulated, that it is for others to establish and protect the meaning and scope of regulation is unacceptable.

Head Office: Unity House 39 Chalton Street London NW1 1JD

General Secretary: Mick Cash

Tel: 020 7387 4771 Fax: 020 7387 4123 Helpline: 0800 376 3706



We request that you follow through on your support for a statutory definition of plying for hire. If the necessary draft legislation has already been prepared by TfL/ its advisers, we request sight of the draft wording. If it has not already been prepared, we request that you instruct TfL to have the necessary draft legislation drawn up. In any event, we look forward to you lobbying central government and arranging for the bill to be introduced.

Thank you for giving the above your attention. We look forward to hearing your views in due course.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Mick Cash', with a stylized, cursive script.

**Mick Cash**

General Secretary





# National Union of Rail Maritime and Transport Workers



Sadiq Khan  
Mayor of London  
City Hall,  
The Queen's Walk,  
London SE1 2AA

Our ref: NP/P18

6 October 2016

Dear Sadiq

***Bicycle rickshaws – Request to ban,  
rather than regulate these objectionable vehicles***

I write further to the announcement in May by then Secretary of State for Transport, that the government intends to hand TfL powers concerning bicycle rickshaws. (This is following the previous rejection by Parliament of such a move.)

With reference to the ongoing stream of negative headlines generated by pedicab drivers in London<sup>1</sup>, we are concerned about any steps which will legitimise bicycle rickshaws. Further, RMT calls for pedicabs to be banned on the basis that:

-Pedicabs are a dangerous mode of transport. These vehicles have consistently and utterly failed even the least stringent crash test scenarios<sup>2</sup>. They have not been approved and are not capable of being approved by the Department for Transport for commercial use on the highway – yet in London they still are permitted to, albeit unlawfully, “ply for hire”;

-Pedicabs are frequently overloaded;

-Pedicabs due to their flimsy construction, delicate weight balance and open hood are especially unsuitable for the carriage of passengers under the influence of alcohol. In 2010 a man fell from a pedicab in Edinburgh and cracked his skull on the pavement, resulting in his death a few days later<sup>3</sup>. This tragedy is by no means an isolated incident. In fact, a large number of other accidents leading to serious injuries and death have also been reported worldwide - including in London<sup>4</sup>, in Dublin<sup>5</sup>, in New York<sup>6</sup>, Austin (Texas)<sup>7</sup>, in Seattle<sup>8</sup>, in Hyderabad<sup>9</sup>, in Oroville (California)<sup>10</sup>, in Provincetown (Massachusetts)<sup>11</sup> and in San Diego<sup>12</sup>.

<sup>1</sup> <http://www.standard.co.uk/news/london/revealed-west-end-pedicab-drivers-are-paid-tips-from-prostitutes-a3352091.html>

<sup>2</sup> <https://www.youtube.com/watch?v=qOuVBEER4VU>

<sup>3</sup> <http://www.dailymail.co.uk/news/article-1263873/Off-duty-soldier-dies-Edinburgh-rickshaw-accident.html>

<sup>4</sup> <http://www.standard.co.uk/news/london/woman-seriously-injured-after-being-thrown-from-a-rickshaw-in-the-west-end-a3161716.html>

<sup>5</sup> <http://www.independent.ie/woman/celeb-news/dublin-wives-dentist-in-rickshaw-accident-28960822.html>

<sup>6</sup> [http://www.nytimes.com/2009/06/11/nyregion/11pedicab.html?\\_r=0](http://www.nytimes.com/2009/06/11/nyregion/11pedicab.html?_r=0)

<sup>7</sup> <http://kxan.com/2013/11/13/pedicab-safety-concerns-keep-growing/>

<sup>8</sup> [http://www.oregonlive.com/cycling/index.ssf/2008/08/fatal\\_ride\\_has\\_seattle\\_evaluat.html](http://www.oregonlive.com/cycling/index.ssf/2008/08/fatal_ride_has_seattle_evaluat.html)

<sup>9</sup> <http://aai.tv/2013/03/accident-kills-rickshaw-driver-injures-five-others-in-hyderabad/>

<sup>10</sup> <http://www.pedicabforum.com/forums/threads/741-Oroville-CA-Pedicab-accident-victim-still-in-hospital>

<sup>11</sup> <http://provincetown.wickedlocal.com/article/20140703/news/140708651>

<sup>12</sup> <http://www.sandiegouniontribune.com/sdut-bn07pedicab-driver-arrest-2009jul07-himistory.html>

Head Office: Unity House 39 Chilton Street London NW1 1JD

General Secretary: Mick Cash

Tel: 020 7387 4771 Fax: 020 7387 4123 Helpline: 0800 376 3706 Email: [info@rmt.org.uk](mailto:info@rmt.org.uk)



-Pedicabs are frequently driven in an unconventional and erratic manner (eg elaborately swooping to a stop), in breach of the highway code (eg running red lights) and otherwise dangerously/ recklessly (eg nipping between lanes without signalling)<sup>13</sup>;

-Unlike other modes of transport, helmets/ individual seatbelts are not available and there is no roll cage in the event of the vehicle overturning;

-Passengers struggle to make themselves heard by the operator in an emergency, for example when winter clothing<sup>14</sup> becomes entangled in the bicycle wheels/ mechanism<sup>15</sup>;

-The pedicab industry is riddled with criminality<sup>16</sup>, with riders routinely subjecting tourists to extortionate fees. This leads to aggressive confrontation which serves to taint the reputation of the city and lead to distress and disorder;

-Pedicab operators are being exploited by pedicab owners and that this may be a factor behind some of the more egregious examples of recidivistic behaviour demonstrated by operators;

-Pedicabs are not accessible for all users - no provision is made for wheelchair users or for assistance dogs/ guide dogs;

-Rickshaws are a culturally offensive symbol (one person physically toiling to carry others) which has no place amongst Londoners aspiring to dignity at work and equality between people;

-Pedicabs further deny work to the already pressed legitimate taxi trade; and

-Pedicabs are wide and slow-moving, causing delay for all vehicle types, with the resulting congestion leading to unnecessarily elevated toxic vehicle emissions.

We consider this matter to be overdue for resolution and we encourage you – as the previous Mayor did<sup>17</sup> – to take a robust position in pursuit of a ban.

In the event that rickshaws are not banned, we would take a dim view of any accident leading to a pedicab passenger dying or suffering a serious injury. In such a situation, we would be bound to give consideration to making funds available to the dependants of any victims, to litigate not just against the operator but against appropriate officials.

Thank you for giving the above your attention. We look forward to hearing your views.

Yours faithfully,



**Mick Cash**  
General Secretary

<sup>13</sup> <http://www.telegraph.co.uk/news/newstoppers/howaboutthat/9195508/Rickshaw-driver-fined-over-furious-race-with-fellow-pedicab.html>

<sup>14</sup> [http://www.heraldscotland.com/news/12177158.Student\\_badly\\_hurt\\_on\\_rickshaw\\_Woman\\_suffers\\_crushed\\_windpipe\\_in\\_freak\\_accident\\_as\\_scarf\\_is\\_tangled\\_in\\_wheels\\_of\\_pedicab/](http://www.heraldscotland.com/news/12177158.Student_badly_hurt_on_rickshaw_Woman_suffers_crushed_windpipe_in_freak_accident_as_scarf_is_tangled_in_wheels_of_pedicab/)

<sup>15</sup> <http://www.sciencedirect.com/science/article/pii/S0379073895018433>

<sup>16</sup> <http://www.getwestlondon.co.uk/news/west-london-news/rickshaw-driver-jailed-after-ignoring-10741063>

<sup>17</sup> <http://www.bbc.co.uk/news/uk-england-london-32750409>



## Southern Rail dispute - Briefing document

Mick Cash [REDACTED]@rmt.org.uk)

To: Mayor (mayor@london.gov.uk)

Attachments:  SouthernGTRDOOFactsFINAL.pdf

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Dear Mr Sadiq Khan

Please see document attached.

Yours sincerely

Mick Cash

General Secretary, RMT

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This email was sent to [mayor@london.gov.uk](mailto:mayor@london.gov.uk)

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## RMT Legal Department

Maritime House, Old Town, Clapham London SW4 0JW

General Secretary: Mick Cash



28 APR 17

Tel: 020 7084 7261

Karen Mitchell k.mitchell@rmt.org.uk

Frank Edwards f.edwards@rmt.org.uk

Liam Welch-May l.welch-may@rmt.org.uk

Sarah Henderson s.henderson@rmt.org.uk

The Right Honourable Sadiq Khan,  
The Mayor of London,  
c/o William Chapman, Private Secretary & Chief of Staff  
Mansion House  
London  
EC4N 8BH

24<sup>th</sup> April 2017

Dear Mr Khan,

### Re : Uber London PHV licence renewal

On behalf of my members who drive taxis in London this union commissioned an Opinion from John Hendy QC concerning the PHV licence granted to Uber London Ltd on 31 May 2012 and what I assume will be an application to renew the licence after its expiry on 31 May 2017.

The Opinion shows, subject to a police investigation of the facts, that Uber appears to have been in persistent breach of the licence since 2012 and that Uber appears not to be entitled to a new licence in 2017.

Uber's *modus operandi* in London is, my members inform me, as was described in a Canadian case, *City of Toronto v Uber Canada Inc, Uber B.V. and Rasier Operations B.V.* 2015 ONSC 3572, 3 July 2015. The judgment summarised how someone in Toronto would engage an Uber taxi:

*"When she presses a button on screen, her phone will send a digital request to a server in Northern California and software on that server will automatically transfer the request to the smartphone of the driver of the car nearest her that she saw on the map. If the driver presses "accept" on his own smartphone, his phone will then send his own data through the same server back to her and they will meet and he will drive her to her destination. Other than the tourist and the driver, no human will participate in making that connection. Software on her phone, on the driver's phone, at the server in Northern California and throughout the internet will receive and pass along the data packets sent by each."*

In that case the City of Toronto had sought an injunction against Uber Canada and other Uber entities. The case turned on whether Uber *accepted* bookings in Toronto which would have required it to have a Toronto licence. The Court held that in the



light of the *modus operandi* it had found, no bookings were accepted in Toronto so that Uber needed no licence to operate there. Indeed, the court went further and found that the evidence did not show that any Uber entity accepted bookings at all:

*"Accepting calls for transportation does require a license and Uber does not do that".*

You will be aware that the Private Hire Vehicles (London) Act 1998 regulates the hire of private hire vehicles in London (which are defined in s.1(1)(a)). S.2 (1) and (2) of the Act makes it a criminal offence for a person in London *"to make provision for the invitation or acceptance of, or accept, private hire bookings"* unless he holds a London PHV licence.

S.3 (2) requires that an application for a London PHV licence shall, amongst other things, *"state the address of any premises in London which the applicant proposes to use as an operating Centre"* and a licence granted to an operator must, by s.3(6)(a), *"specify the address of any premises in London which the holder of the licence may use as an operating centre"*.

Clearly premises outside London may not be designated or used for this purpose. It is understood that Uber designated their London office as its operating centre.

An *"operating centre"* is defined by s.1 (5) as meaning *"premises at which private hire bookings are accepted by an operator."*

S.4(1) provides that *"The holder of a London PHV operator's licence (in this Act referred to as a "London PHV operator") shall not in London accept a private hire booking other than at an operating centre specified in his licence."*

S.4(3) requires the operator to keep at its operating centre(s) records of every booking which must be produced at the request of a constable. A London PHV operator who contravenes any provision of s.4 is guilty of an offence.

If the description of Uber's *modus operandi* in Toronto applies equally to its operation in London then Uber London Ltd, like Uber Canada, does not accept London bookings at its London operating centre, indeed it has no London operating centre within the meaning of s.1(5). Unlike the Canadian legislation, the 1998 Act requires a licence for cab operations in London. If Uber does not accept bookings at its designated operating centre in London then it is plain that on every occasion since 2012 that a London booking has been accepted through servers elsewhere (or by a driver elsewhere), Uber London Ltd has committed offences under s.2 and s.4 and has operated outside the terms of its licence. If its *modus operandi* remains the same for the future then Uber London Ltd is not entitled to a licence in 2017.

Clearly, before considering withdrawal of Uber's 2012 licence and certainly before consideration of Uber's application for a 2017 London PHV licence, you will wish to know whether the facts are as we believe them to be. If the facts are as described then given the possibility that hundreds of thousands of criminal offences have been committed by Uber and that multiple offences may be committed every day, I have written to the Temporary Commissioner of Metropolitan Police to invite him to investigate these matters forthwith. No doubt he will let you know the outcome of his



investigations.

It is also clear that Uber's *modus operandi* involves its prospective drivers plying for hire. That *modus operandi* involves, on current evidence, the representation on a prospective passenger's App of Uber cabs on the streets and available for hire. The prospective passenger hails such a cab by sending an electronic request from the App to Uber's servers in the USA which in turn sends the request to the driver of the nearest available Uber cab. He may accept the request by sending an electronic affirmation to the servers from his App. We can see no basis for distinguishing such a process from the conventional prospective black cab passenger who raises her hand in a busy street to request the nearest cab to her to pick her up. Uber's available cabs are plying for hire until they accept an electronic hail or turn off the App.

Plying for hire is not permitted even if Uber were validly licensed. Only a licenced black cab may ply for hire: s.4 Metropolitan Public Carriage Act 1869. That is a matter which the police may wish to investigate.

I have written in similar terms to the Commissioner for Transport for London.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mick Cash', with a stylized flourish at the end.

Mick Cash  
General Secretary





## National Union of Rail Maritime and Transport Workers



Sadiq Khan  
Mayor of London  
City Hall,  
The Queen's Walk,  
London SE1 2AA

12 May 2017

Dear Mayor

### **Closure of Tube ticket offices at ex "Silverlink" stations –**

#### **Request for moratorium on closures until matter discussed at our next GS forum**

As you know, in an effort to reduce costs, Transport for London decided to close Tube ticket offices. We recognise that, while you were not able to re-open all Tube ticket offices, you took the principled position of opposing their closure.

Although TfL succeeded in ramming through their closure policy at almost all locations across the network, there are a small number of ticket offices that remain open. Specifically, some ticket offices on the ex "Silverlink" line such as Harrow & Wealdstone and Wembley Central stations are intermittently open.

TfL are now taking steps to permanently close the ticket offices at the ex Silverlink stations. We oppose their closure on the basis that the removal of ticket offices results in the provision of a poorer service to customers. The ticket offices that are extant on the ex Silverlink line can remain open - meaning it is in your gift so to order.

The background to this is as follows: TfL could not legally close ticket offices at stations on the old national rail "Silverlink" line without consulting passengers. This was awkward for TfL as it knew, from previous surveys, that passengers wanted to retain ticket offices. To avoid its proposed programme of ticket office closures faltering, it cynically decided to leave the ex Silverlink ticket offices until the end of the broader closure programme.

When in early 2016, TfL finally sought the support of the passenger body London TravelWatch to close the ex Silverlink ticket offices, that support was not forthcoming. TravelWatch opposed the closure of ticket offices, partly on the basis that transactions at a number of those stations were high and partly on the basis of passenger concern. TravelWatch's decision was supported by the Department for Transport.

However, subsequently, TfL had private meetings with TravelWatch, at which TfL made a number of commitments about improved ticket machines and staffing (few of which undertakings it kept). As a result of these false promises, TravelWatch was pressured into dropping its objections and decided to offer its suspended consent to TfL's proposals (ie consent contingent on one or other steps being taken by TfL, such as ticket machine software upgrades).

By doing so, TravelWatch exceeded its powers. It is only authorised to support or oppose a proposal to close ticket offices. Where a proposal is not supported, an attempt by a transport employer to pursue the proposal, must be re-submitted to the passenger body for comment. Failing which the body which represents passengers, is not properly scrutinising the desirability of a change.

Head Office: Unity House 39 Chalton Street London NW1 1JD

General Secretary: Mick Cash

Tel: 020 7387 4771 Fax: 020 7387 4123 Helpline: 0800 376 3706 Email: [info@rmt.org.uk](mailto:info@rmt.org.uk)



Since approving the ticket office proposals of TfL – an organisation with which TravelWatch works closely and which TravelWatch holds in high regard – the passenger body has adopted a different position when assessing similar proposals for ticket office closures put forward by Train Operating Companies. TravelWatch's muddled and differential approach to proposals based on who makes them, is intellectually incoherent and insufficiently evidence-based.

Further, the ex Silverlink stations facing the loss of their ticket offices include ones which are not typical Tube/ Overground stations. Specifically, Wembley Central and Harrow & Wealdstone are not typical Tube/ Overground stations, in that there are significant through journey opportunities on National Rail services (Southern and London Midland to Tring/ Milton Keynes) and important connections (to Birmingham via Watford/ Milton Keynes, and to Brighton/ Eastbourne via Clapham/ Croydon) which are not covered by Oyster/ contactless, and where complex fare structures and timetables exist. These busy stations are an integral part of the National Rail network which, especially given the limited use of smartcards/ the lack of a standard pattern timetable/ a simple fare structure, need to retain adequate face-to-face ticketing facilities.

Also, Harrow & Wealdstone and Wembley Central do not have platform staff/ train dispatch. At present the Gateline staff have to provide boarding/ alighting assistance as required. TfL propose that the Gateline staff will be multi-functional and assist with ticket machine use. However, this will compromise their ability to provide assistance on the platform. If, in future, there is a move to Driver Only Operation, Gateline staff will probably be requested to devote themselves to platform assistance – meaning they will not be available in the ticket hall to help with ticket machine use.

I welcome your commitment not to close Tube ticket office and don't anticipate that you will permit the closure of the remaining Tube ticket offices. In any event, before any further steps are taken to close the remaining ex Silverlink ticket offices, I request that the matter be listed for our next General Secretary level meeting of the union transport forum.

Thank you for giving these matters your attention and I look forward to discussing this with you further.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mick Cash', with a stylized, cursive script.

**Mick Cash**  
General Secretary, RMT





# National Union of Rail Maritime and Transport Workers



CFD

1 June 2017

KC

Sadiq Khan  
Mayor of London  
City Hall  
The Queen's Walk,  
London.  
SE1 2AA

07 JUN 17

Dear Sadiq

## **Urgent security summit to discuss rail staff cuts and driver only trains**

I am writing to you ask you to agree to participate in a security summit over concerns that rail staff cuts and the introduction of driver only trains will increase the terror risks faced by passengers.

As you may be aware train guards are being issued with instructions from rail bosses advising that,

*"If you are a conductor [Guard] you should continue to make security announcements at appropriate points throughout your journey, advising customers to keep bags and belongings with them and report any suspicious activity to a member of staff or British Transport Police."*

Despite this instruction to Guards to take steps to reduce the risk of a terrorist attack there are proposals to remove guards from Southern, Northern and Merseyrail services.

I am asking you to participate in the summit to ensure that security concerns are put at the forefront of decisions on front-line railway staffing.

As you know rail staff are required follow strict procedures to help reduce the risk of terrorist attacks. But if you remove the guarantee of the guard on trains or cut the number of station staff you will reduce the frequency of the security checks and security announcements that could be vital in preventing a terrorist attack.

We would hope that there would now be an industry and political consensus to say that we should not be taking guards off trains and staff off our stations and I look forward to your agreement to participate in this summit.

**Head Office:** Unity House 39 Chalton Street London NW1 1UD

**General Secretary:** Mick Cash

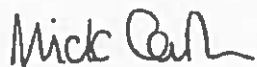
**Tel:** 020 7387 4771 **Fax:** 020 7387 4123 **Helpline:** 0800 376 3706 **Email:** info@rmt.org.uk





We would hope that there would now be an industry and political consensus to say that we should not be taking guards off trains and staff off our stations and I look forward to your agreement to participate in this summit.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mick Cash', with a stylized, cursive script.

**Mick Cash**  
**General Secretary**

**Copied to:**

**Paul Crowther, Chief Constable, BTP**

**Chris Grayling, Secretary of State for Transport**

**Amber Rudd, Secretary of State for the Home Department**

**Sadiq Khan, Mayor of London**

**Chris Burchell, Chair of the Rail Delivery Group**

**Steve Rotherham, Mayor of Liverpool City Region**

**Andrew Burnham, Mayor of Greater Manchester**

**Manuel Cortes, General Secretary, TSSA**

**Mick Whelan, General Secretary, ASLEF**

**Len McCluskey, General Secretary, Unite**





24 JULY 17 KC TT

Our Ref: HSR/2/16  
19<sup>th</sup> July 2017

Sadiq Khan  
Mayor of London  
City Hall  
The Queen's Walk  
London  
SE1 2AA

Dear Sadiq

**LONDON UNDERGROUND – HOT PROCEDURE**

I have been made aware that RMT representatives on LUL have been raising our members' concerns over the company's security arrangements, known as HOT, following the incident at North Greenwich in October 2016 and more recent high-profile tragedies. I believe a meeting with yourself would be useful to discuss this and other items in relation to staff and public security. 4

HOT is the system designed to enable front line staff to effectively deal with left luggage on the underground while at the same time minimising the risk from potentially explosive devices.

Genuinely lost items are generally:

- Not Hidden
- Not Obviously suspicious
- Are Typical of what is regularly encountered as lost property

The current guidance advises that if, after following the HOT protocol a member of staff considers an object to be suspect, they should take the following actions in this order:

- (1) clear the immediate area
- (2) inform your supervisor/control.

Whilst there have been no changes to Government guidance around HOT procedures, LUL Management have instructed staff to open or move suspicious packages. They also intend to

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**General Secretary:** Mick Cash

**Tel:** 020 7387 4771 **Fax:** 020 7387 4123 **Helpline:** 0800 376 3706 **Email:** info@rmt.org.uk



allow management to override front line staff's ability to order a station evacuation. This is contrary to current guidance and may put staff and the travelling public at risk of serious and imminent danger.

In addition to difficulties with the HOT process, our representatives also have concerns with LULs approach in regard to dealing with 'active shooter/'bladed weapon' type attacks. RMT believe that the level of training given to some section of front-line staff is wholly inadequate and in some cases non-existent.

I do believe a direct meeting between us is necessary. If you are agreeable to such a meeting please contact my Senior Health and Safety Officer [REDACTED] [\[REDACTED\]@rmt.org.uk](mailto:[REDACTED]@rmt.org.uk) to make the necessary arrangements.

I look forward to hearing from you.

Yours sincerely



Mick Cash

**General Secretary**

**[www.rmt.org.uk/healthandsafety](http://www.rmt.org.uk/healthandsafety)**



# Our demands



- Bring cleaning back in house!
- £10 an hour! Even the "London Living Wage" of £9.75/hour is not enough to have a decent quality of life in London.
- End the short-payment scandal: cleaning companies must pay on time, every time.
- Stop job cuts.
- End harassment and bullying by cleaning managers.
- Direct employment for all agency workers.
- Travel passes for cleaners.

[rmtlondoncalling.org.uk](http://rmtlondoncalling.org.uk)



# Justice for cleaners!

**We're demonstrating outside City Hall to demand that Sadiq Khan brings cleaning back in house on London Underground.**

Contracting-out has led to scandalous exploitation, low pay, short-payment, bullying and harassment, and precarious working arrangements for thousands of cleaners.

**London Underground has recently consolidated separate cleaning contracts, meaning most Tube cleaners now work under a single employer - ABM. We want LU/TfL and City Hall to take the consolidation one step further, and reverse outsourcing altogether.**

Cleaners provide a vital service to Londoners, keeping the Tube clean every day. However, they are denied the benefits to which directly-employed Tube workers have access, such as travel passes and membership of the TfL Pension Scheme.

**We demand that cleaning is brought in house, with cleaners employed by LU on the same terms and conditions as other LU workers.**

Short of this, the Mayor and LU bosses must insist that ABM increases pay for cleaners, and provides access to travel passes and the TfL Pension Scheme.

**RMT, the union for Tube workers, is fighting for justice for cleaners. We are not the dirt we clean.**

Please write to the Mayor, your GLA member, and your MP to raise these issues, and support RMT Tube cleaners' struggles for justice.





# National Union of Rail Maritime and Transport Workers



Sadiq Khan  
Mayor of London  
City Hall,  
The Queen's Walk,  
London SE1 2AA

Our ref: NP/P14

12 January 2018

Dear Mayor Khan

## ***Reports of proposal to sell off London Underground fleet – RMT opposition to sale and lease back***

I refer to recent reports<sup>1</sup> of the intention of Transport for London to render Tube rolling stock available for purchase by private capital.

If the reports are accurate and the fleet is being lined up for sale, we shall be gravely disappointed. Remembering the fiasco of the public private partnership, we are implacably opposed to the sale.

We note that the subject of the proposed sale is assets which are essential to the proper running of the vital transport network of the country's most vibrant economic hub.

Please can you clarify whether putting the fleet up for sale is the settled decision of the TfL Board. If not, please can you let me know when this matter will be considered by the TfL Board.

I would be grateful if you could please also provide me with further details about the nature of the transaction that is contemplated – specifically:

- which entities, it is proposed, will be invited to invest in the fleet?
- when, it is proposed, third parties will be invited to invest in the fleet?
- what, it is proposed, will be the duration of the divestment?
- what alternative means of funding new rolling stock for the Piccadilly Line (eg increased borrowing) have been considered?
- whether Transport for London will remain responsible for the maintenance of the Fleet?
- what, it is envisaged, would be the impact on the employment terms and conditions of existing workers whose duties are principally connected to maintenance etc of the Fleet?
- specifically, whether it is envisaged that there would be a transfer of staff to a private sector employer (covered by TUPE or otherwise)?

We are aware of the financial difficulties which TfL faces and the range of causes of that funding squeeze. However, we are also cognisant that TfL's budgetary difficulties will be short-lived – not least because of the huge increase in income that the opening of the Elizabeth Line and the leasing out of TfL owned land to property developers, will bring<sup>2</sup>.

<sup>1</sup> <http://www.itv.com/news/london/2018-01-03/plan-to-sell-part-of-london-underground-fleet-branded-quite-mad/>

<sup>2</sup> "Members discussed the challenges that TfL faced going forward, particularly the financial constraints over the next couple of years [emphasis added], in delivering against the Mayor's Transport Strategy and the Business Plan."

**Head Office:** Unity House 39 Chalton Street London NW1 1JD

**General Secretary:** Mick Cash

**Tel:** 020 7387 4771 **Fax:** 020 7387 4123 **Helpline:** 0800 376 3706 **Email:** [info@rmt.org.uk](mailto:info@rmt.org.uk)



Accordingly we object to the sale of the Tube fleet – even if TfL's plan is restricted to temporarily mortgaging part of the value of the assets. We do so on principle, but also on the facts of this case.

We look forward to hearing from you, that the reports which recently circulated in the media are inaccurate and that the LU Fleet will remain safely in public hands.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mick Cash', with a stylized, cursive script.

**Mick Cash**  
General Secretary, RMT





National Union of Rail  
and Transport Workers



14<sup>th</sup> June 2016

Dear Colleague

15 JUN 2016

**The Safety Critical role of the Guard: A dossier on the dangers of driver-only operation**

Please find enclosed a dossier on the dangers of driver-only operation and the safety critical role played by the Guard in securing and enhancing passenger safety.

The dossier highlights a series of significant incidents at the platform train interface in which passengers suffered serious and in some cases life-threatening injuries. We then go on to show other incidents in which the role of the Guard has had a significant and positive impact on the post incident management of a safety event.

I hope you find the report both useful and informative

Please do not hesitate to get in touch if you need any further information.

Thanking you in anticipation

Yours sincerely,

Mick Cash  
General Secretary

Head Office: Unity House 39 Chalton Street London NW1 1JD

General Secretary: Mick Cash

Tel: 020 7387 4771 Fax: 020 7387 4123 Helpline: 0800 376 3766



# MAYOR OF LONDON

**Mick Cash**  
General Secretary  
RMT  
Unity House  
39 Chalton Street  
London NW1 1JD

Our ref: MGLA200616-5776

Date: **29 JUL 2016**



Thank you for your letter of 20 June and for meeting with me on 20 July. I have been elected on a clear mandate to make transport fairer for all Londoners and a key part of this must be to ensure that the workforce responsible for keeping London moving is treated fairly and with the respect that it rightly deserves. I appreciate you taking the time to share with me the various challenges facing your members and the key areas of concern for the RMT, and as we did not get to discuss all of these matters in detail when we met, I wanted to follow up in writing.

## **Cleaning on the Underground**

I was concerned to read your account of the challenging conditions for staff working under London Underground's Interserve contract. The wellbeing of TfL's direct employees and those employed by its suppliers is a top priority.

Mark Wild, MD of London Underground, met with Interserve on 13 July and stressed this point. Interserve reaffirmed its commitment to the welfare of all its employees. Interserve also committed to reducing the number of agency staff used to 25 per cent by 2017, down from almost 50 per cent when they took over the contract in 2014. The contract is currently being tendered and we will in future require that a minimum of 80 per cent staff are directly employed by the contractor. I understand that you are meeting with Mark on 2 August and he will discuss the issues you raise in your letter in more detail then.

More broadly, I have asked TfL to look at the introduction of ethical procurement standards to establish workforce pay, conditions and welfare standards for contractors, sub-contractors and any agency staff used.

## **Tubelines**

I am aware that you have long campaigned for the integration of the Tube Lines business into London Underground and understand that a Joint Working Party comprising management and union representatives was set up in 2014 with a view to implementing an agreement. Although progress stalled, I am pleased that constructive discussions have now recommenced, facilitated by ACAS, and the management team is in the process of working up a revised proposal to present to the unions. I also understand that positive discussions took place with the Unions at ACAS in early July on Tubelines' Pensions, and very much hope that an agreement can be reached soon.



# MAYOR OF LONDON

## **TfL devolved rail**

Building on the success of London Overground, through the devolution of suburban rail services we have a fantastic opportunity to completely transform rail travel in the capital by delivering a consistently high level of customer service and ensuring that the railway gets the vital investment it needs, particularly in south London.

My immediate concern is the shocking level of service customers are facing on the Southern part of the GTR franchise. I have made a direct representation to the new Secretary of State for Transport, Chris Grayling, asking that TfL be put in temporary charge of the franchise. TfL has the proven expertise, management capability and resources to stabilise the situation and then begin the implementation of a long-term recovery plan.

My plan will be developed to ensure that value for money, reliability and customer service are improved, without any detrimental impact on safety. TfL would work very closely of course with the incumbent operator and the unions throughout the process.

## **Station staffing cuts and ticket office review**

I understand the concerns you have about station staffing levels, in particular the impacts that this is having on station control rooms. TfL is working through these issues with you, and consultation continues on staff training both to address union concerns and ensure that staff are capable and confident to undertake their role in station control rooms.

The purpose of the ticket office review is to examine the customer impact of the recent London Underground ticket office closures to ensure that customers, particularly at key locations, are able to purchase the right ticket; access the information they need to get around London; and travel safely on the network.

The details are still being developed but stakeholder views, including those of the unions, will be an important part of informing the review. No decisions on the future of TfL's remaining ticket offices will be taken until after the review has reported to me.

## **Taxis**

My Deputy Mayor for Transport, Val Shawcross, met with Lewis Norton, Chair of the RMT Taxi branch, on 7 July to discuss issues affecting the trade, including engagement arrangements. I understand that Mike Brown is also meeting with John Leach on 11 August. Val is working with TfL to review into how it engages with the trade with a view to introducing changes both to modernise engagement and ensure that it is far more inclusive. A new engagement approach is being developed and will be shared with trade representatives, including the RMT, in the next few weeks for comment.

Val and Lewis also discussed work that is underway to develop an Action Plan comprising a range of measures that will significantly improve public safety by driving up standards across the private hire industry, as well as proposing new initiatives to allow the taxi industry to flourish both now and in the future.



## MAYOR OF LONDON

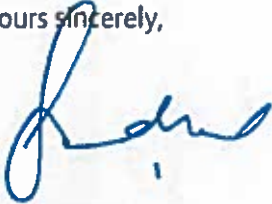
### **Lillie Bridge**

As London Underground's maintenance facility at Lillie Bridge Depot is within the Earl's Court and West Kensington Opportunity Area, it may be necessary to relocate the activities currently carried out in Lillie Bridge to Acton Town Depot. I understand from TfL that it has provided the relocation feasibility study to the unions, so please let me know if you have not had a copy of this. Further studies are now being carried out and these will be shared with the unions as part of ongoing discussions.

I understand that there are regular meetings in place between the Depot Manager, project team and union representatives to discuss the future of the Depot, but as you are not satisfied with the current level of consultation, please let me know what further action you would like to see to improve this and I will raise directly with Mike Brown, TfL's Commissioner.

I hope this goes some way to reassuring you how seriously I am taking your concerns and I look forward to working closely with you in future to ensure that London's transport network remains the best in the world.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Sadiq Khan', with a stylized flourish at the end.

**Sadiq Khan**  
Mayor of London



# MAYOR OF LONDON

**Mick Cash**  
General Secretary  
National Union of Rail Maritime and Transport  
Workers  
Unity House  
39 Chalton Street  
London NW1 1JD

**Our ref:** MGLA041016-8051

**Your ref:** NP/P18

**Date:** 14 NOV 2016



Thank you for your letter of 29 September and for your support on introducing a statutory definition of plying for hire.

As I am sure you can appreciate, defining plying for hire and pre-booked services is a national issue that affects all licensing authorities within England and Wales. As such, it is a matter of public policy for Government legislation, not a private Bill.

As the law stands, plying for hire is difficult to prove and requires significant enforcement resources. As such, it is crucial that Government pursues such a definition in a Government Bill, which is the quickest and most appropriate way to address the issue and will ensure a consistent approach is taken across the country. I will continue to press for this and you may also wish to lobby Government on this matter.

To add to the complexities of this issue, private hire vehicles are not restricted from taking bookings anywhere in England and Wales, provided the vehicle, driver and operator are licensed by the same licensing authority and the booking is accepted within this authority. This means that a private hire driver licensed by an authority outside of London can undertake a booking within the capital provided these conditions are met. This type of cross border hiring is a national issue which needs to be addressed alongside a statutory definition of plying for hire in Government legislation.

As mentioned in my Taxi and Private Hire Action Plan, Transport for London (TfL) and I are lobbying Government for appropriate controls for taxis and private hire vehicles licensed outside of London, for example requiring a journey either starts or ends in the area for which the driver and vehicle are licensed. This is an effective way of dealing with the issues associated with cross border hiring while still allowing drivers the flexibility to undertake return journeys. My Deputy Mayor for Transport, Val Shawcross CBE, has raised this matter with Lord Ahmad, Parliamentary Under Secretary of State for Transport, and TfL officials have met with the Department for Transport (DfT) to discuss to how to take this important work forward.

Further to this, TfL and I will be inviting the Secretary of State to make changes to allow TfL to issue Fixed Penalty Notices for a broad range of taxi and private hire offences, which would act as an instant deterrent for more minor offences.



## MAYOR OF LONDON

We will also be lobbying Government for a change in primary legislation to enable greater enforcement powers. These might include the power to seize vehicles that are found carrying passengers without appropriate hire and reward insurance, and powers to automatically disqualify any driver from driving when convicted of touting or unlawful plying for hire offences.

Thank you again for taking the time to write to me.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Sadique Khan', with a stylized flourish at the end.

**Sadique Khan**  
Mayor of London



# MAYOR OF LONDON

**Mick Cash**  
General Secretary  
National Union of Rail Maritime and Transport  
Workers  
Unity House  
39 Chalton Street  
London NW1 1JD

**Our ref:** MGLA071016-8342

**Your ref:** NP/P18

**Date:** 14 NOV 2016

*Dear Mick,*

Thank you for your letter of 6 October outlining your concerns about pedicabs and about my commitment to lobby for legislation to control and regulate pedicabs in London.

I am lobbying Government for additional powers to introduce legislation which will allow Transport for London (TfL) to control, regulate and ban unsafe pedicabs in London. This will ensure the safety of passengers as well as other road users.

I welcomed the Government's announcement that it will bring forward legislation that would bring pedicabs within TfL's regulatory framework and be subject to an appropriate licensing regime. I firmly believe that with this legislation in place, TfL will be able to address those safety concerns outlined in your letter by ensuring that pedicabs are meeting stringent safety standards. Customers will also be given protection against pedicab riders charging high fees for journeys through the regulation of fares.

These additional powers would also strongly benefit the economy by helping to keep London moving. Through regulatory controls we will be able to reduce the congestion caused by pedicabs, something which is of major concern, especially in parts of West End.

In the meantime, we will continue to work with the Metropolitan Police and Westminster City Council to run operations to tackle dangerous and antisocial behaviour from pedicab drivers.

Thank you again for taking the time to write to me.

Yours sincerely,



**Sadiq Khan**  
Mayor of London



## MAYOR OF LONDON

**Mick Cash**  
General Secretary  
RMT  
Unity House  
39 Chalton Street  
London NW1 1JD

**Our ref:** MGLA020517-0642

**Date:** 13 JUN 2017

*Dear Mick,*

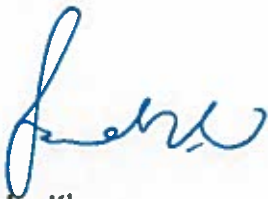
Thank you for your letter of 24 April about Uber's operation in London. I am sorry for the delay in replying.

Transport for London (TfL) is responsible for all licensing decisions relating to taxi and private hire services in London.

With this in mind, I have passed your comments to TfL for its consideration. I understand TfL has also received your letter addressed to Mike Brown on this matter and you can expect to receive a response shortly.

Thank you for taking the time to write to me.

Yours sincerely,



**Sadiq Khan**  
Mayor of London



## MAYOR OF LONDON

**Mick Cash**  
General Secretary  
RMT  
Unity House  
39 Chalton Street  
London NW1 1JD

**Our ref:** MGLA150517-2000

**Date:** 03 JUL 2017

*Dear Mick,*

**Re: Closure of Tube ticket offices at ex "Silverlink" stations**

Thank you for your letter of 12 May about the proposed closure of London Underground (LU) operated ticket offices at former Silverlink stations. It was very helpful to be able to read about your concerns personally.

As you know, the decision to close ticket offices was taken under my predecessor. While the former Silverlink stations are the only stations on the Tube network still operating with ticket offices at certain times of day, it is important to note that this closure has already been finalised as part of the Fit for the Future programme. It therefore forms the final part of the wider transformation programme that was agreed by the previous Mayor.

As you know, one of my first actions as Mayor was to commission London TravelWatch to conduct an independent review of the impact of ticket offices closures. I was pleased to see a positive response from Transport for London (TfL) to the report and that work on LU's Action Plan following the report is progressing well.

However, I do understand the concerns that you have raised and I have sought further information from TfL regarding likely staffing changes. I have sought station-by-station staffing plans for the stations where ticket offices are closing. I have been assured that there will be no reduction in staff at these stations as a result of the ticket office closures. TfL will continue to review staffing levels to ensure the right services are being provided to customers, and while the plans are still being finalised there are likely to be additional staffing requirements at some stations.

Prior to proceeding with these proposals, and as part of LU's statutory obligations, London TravelWatch carried out a consultation, investigating the potential impact on customers, from 5 January until 27 January 2016. Following the consultation, it was agreed that ticket offices at local designated stations could close once the new machines were in place, without detriment to customers. Recognising that there are higher passenger numbers at Wembley Central, Harrow & Wealdstone and Queen's Park (Metro designated stations), a further review of ticket office demand will be conducted with London TravelWatch after the new ticket machines are installed. I hope this provides further

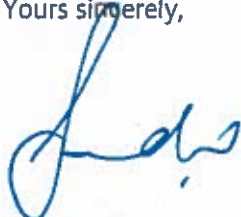


## MAYOR OF LONDON

context regarding these changes and the necessary assurances about the protections that will be offered to staff.

Thank you again for writing.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Sadiq Khan', written over a faint, large, light-blue watermark of the London Underground roundel.

**Sadiq Khan**  
Mayor of London



## MAYOR OF LONDON

**Mick Cash**  
General Secretary  
RMT  
Unity House  
39 Charlton Street  
London NW1 1JD

**Our Ref:** MGLA090617-5167

**Date:** 20 JUL 2017



Thank you for your letter of 1 June raising your concerns about the risks posed by a reduction in rail staff. I am sorry for the delay in replying.

I appreciate the serious nature of the concerns that you raise. We have sadly been subject to a number of terrorist attacks in recent months and my thoughts remain with all those affected including your members and their families. I am keen to work with everyone to do all we can to keep us safe from terrorism.

I want everyone using public transport, no matter where they are in the country, to be and feel safe. With this in mind, I am very sorry that I am unable to accept your invitation to take part in a security summit at this time. As I am sure you can appreciate, my schedule is extremely busy over the coming months, and I am unable to accommodate a meeting at this time.

However, I believe there are a number of important issues regarding safety and our approach to countering terrorism that it would be useful to discuss with the RMT. I would therefore like to propose that we include a full discussion about security at the top of the agenda of our next Transport Union Forum meeting.

Thank you again for writing, and I look forward to discussing these issues at our next meeting.

Yours sincerely,



**Sadiq Khan**  
Mayor of London



# MAYOR OF LONDON

**Mick Cash**  
General Secretary  
RMT  
Unity House  
39 Chalton Street  
London NW1 1JD

**Our ref:** MGLA260717-1943

**Date:** 11 SEP 2017

*Dear Mick,*

Thank you for your letter of 19 July about London Underground's 'HOT procedure'.

As you know, the safety of staff and customers is Transport for London's (TfL) top priority. Our city has faced a number of challenges in recent months and I am proud that TfL employees have been part of the exceptional response to those events.

On receiving your letter, I asked TfL for more information about the concerns you raised. I understand that, following an incident at North Greenwich in October 2016, there was a request to jointly review the HOT assessment process. I understand this identified some inconsistencies and that training would be improved and new guidance issued, which has now been shared with unions.

I agree that matters relating to staff and public security are of the highest priority. Therefore, I would like to suggest that at my next forum meeting with trade unions, we discuss security and resilience across the network. I have asked my Senior Advisor for Stakeholder Relations, Ellie Robinson, to include this on our next agenda.

Thank you again for writing.

Yours sincerely,



**Sadiq Khan**  
Mayor of London



# MAYOR OF LONDON

**Mick Cash**  
General Secretary  
RMT  
Unity House  
39 Chalton Street  
London NW1 1JD

**Our ref:** MGLA161017-0499

**Date:** 24 OCT 2017

*Dear Mick,*

I want to thank you and the RMT for highlighting your concerns with the contractual and working arrangements of cleaners on the London Underground.

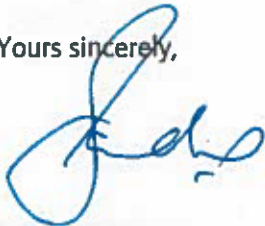
Following my election, you raised some concerns with me regarding cleaners pay and conditions. As a direct result, I instructed Transport for London (TfL) to take immediate action in this area. This resulted in a single facilities management contract being awarded across the Underground to tackle a number of the issues you raised. I agree with you that we want to ensure as many of the staff as possible are directly employed rather than agency workers and therefore the company appointed, ABM, is now contractually obliged to reduce the use of agency workers to 5 per cent by the end of the second year of the contract. This will be down from up to 40 per cent in the past. The small numbers remaining are operationally important to retain some flexibility while ensuring fairness for these workers.

When I was elected I promised to ensure that City Hall and all the Mayoral bodies pay the London Living Wage (LLW) - for our own staff and for all contractors. I am very pleased that all cleaners, whether directly employed by ABM or agency staff, are now paid the LLW as a result of this contract. You'll be aware that the LLW is independently set by the Living Wage Foundation and this rate will be updated soon - I am extremely hopeful this will exceed £10 an hour.

I want to see the very best employment practices throughout the Greater London Authority supply chain. I agree with your Union that cleaning companies must pay cleaners accurately and on time. It also goes without saying that all workers should enjoy a working environment free of harassment and bullying and I would be very concerned to hear if this was not always the case - and will take action on any specific instances you bring to my attention. I have instructed TfL to remind ABM of their obligations and provide assurance that these are being met. If you still have concerns, please come to me directly through Ellie Robinson in my office - [REDACTED] [@london.gov.uk](mailto:[REDACTED]@london.gov.uk).

Thank you again for bringing this to my attention and I look forward to seeing you soon.

Yours sincerely,



**Sadiq Khan**  
Mayor of London



# MAYOR OF LONDON

**Mick Cash**  
General Secretary  
RMT  
Unity House  
39 Chalton Street  
London NW1 1JD

**Our ref:** MGLA161017-0499

**Date:** 24 OCT 2017

*Dear Mick,*

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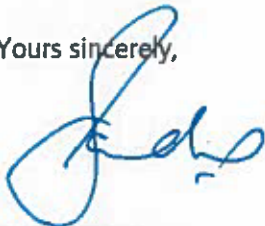
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Thank you again for bringing this to my attention and I look forward to seeing you soon.

Yours sincerely,



**Sadiq Khan**  
Mayor of London





# **SOUTHERN RAIL DISPUTE**



## **THE FACTS**

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# Introduction

1. The Southern Rail/Govia Thameslink Railway Driver Only Operation (DOO) dispute from day one has been about the guarantee of the second safety critical person on the train for safety, security and accessibility reasons. It is not just about closing or opening doors.
2. 70 per cent of the rail services operate safely and efficiently with a guard which proves that it is a safe-work method of operation. That means that the standard rail industry operation is with a guard.
3. This industrial dispute is not about the introduction of new modern trains. In 2016 Abellio Scotrail, First TransPennine Express, Virgin East Coast and First Great Western all confirmed that they are introducing brand new trains with the guarantee of a second safety critical person on every train.
4. For employers and the DfT the chief difference between the two modes is cost as it is cheaper to run trains without a guard and that is the main driver for this change by the Department for Transport.
5. It is also objectively the case that if there is no longer the *guarantee* of a guard on *all* services, disabled passengers will be disadvantaged, especially at unstaffed stations and on the train in the event of an emergency. This is particularly the case when many Govia Thameslink Railway stations are unstaffed. Disability groups have voiced their opposition to Driver Only Operation and it is not clear whether Govia Thameslink Railway and the Government have met their equality obligations.

## Role of the Department for Transport

6. Since the publication of the Government commissioned *Rail Value for Money Study* in May 2011 and its recommendation for “early implementation of Driver Only Operation where practicable” it has been pursued by the Department for Transport.
7. The Association of Train Operating Companies was set up after privatisation in 1993, to represent the interests of employers. In 2011, it was joined by the Rail Delivery Group, which was responsible for policy formulation and communications on behalf of the whole rail industry but was staffed by ATOC employees seconded to the role. In October 2016, the two bodies merged to become one organisation, known as Rail Delivery Group which sits at the heart of rail policy formulation at the Department for Transport. An employers’ association had essentially been co-opted into the public policy arena.
8. Peter Wilkinson, then managing director of rail passenger services at the Department for Transport, publicly stated in 2016 that “over the next three years we’re going to be having punch ups and we will see industrial action and I want your support” and that railway workers “have all borrowed money to buy cars and got credit cards. They can’t afford to spend too long on strike and I will push them into that place.” Anybody who disagreed with the Department for Transport agenda could “get the hell out of my industry.”
9. To date, the Government has refused to intervene in the dispute despite possessing the powers to do so, and the fact that it is ultimately losing the fare box revenue caused by the industrial action due to the type of contract signed with Govia Thameslink Railway for the TSGN franchise. This contract ensures that the company is not dependent on passenger revenue to be profitable but is simply paid an annual fee by the Government.
10. Instead, the Department for Transport has occupied itself with repeating the arguments of the employer funded Railway Safety and Standards Board, the renamed employer association the Rail Delivery Group and changing staff at the wholly discredited Office of Road and Rail (formerly Office of Rail Regulation).
11. It is clear from the statements issued by the Office of Road and Rail, Railway Safety and Standards Board, Department for Transport and Govia Thameslink Railway that there has been systematic coordination by all four, in relation to an industrial dispute over and above what would be considered normal industry practice, making a mockery of the independence of the regulator and highlighting the partisan character of this Government during an industrial dispute.



## Role of Railway Safety and Standards Board

12. This is confirmed by the report *Evaluating technological solutions to support driver only operation train dispatch* produced by the employer funded safety body the Railway Safety and Standards Board in March 2015.
13. The report identified cost savings which could be made by removing the guard over a 5 year period without compulsory redundancy and replacing them by “cheaper Non Safety Critical On-train Staff”. It indicated that guards numbers would be halved over 9 years and the number of trains operating with Non Safety Critical On-train Staff would also be reduced.
14. It is important to note that both the Government and Govia Thameslink Railway were making promises to passengers and MPs about keeping a second person on these services. However, the change is designed to ensure trains can run without a second person on-board.
15. The Railway Safety and Standards Board report made clear that risk analysis had shown the best technology to reduce the risk of unsafe Driver Only Operation operation on platforms was to install a platform mounted camera. However, they recommended train mounted cameras as it is the cheapest option. It is clear that an industry standard has been set because it is specified that the procurement of new trains must ensure that they come equipped with train mounted cameras despite this not being the safety option as identified by the risk analysis.
16. The Railway Safety and Standards Board report was published in March 2015, months before Govia Thameslink Railway took over the Southern franchise and in February 2016, at the behest of the Department for Transport, they started the process to introduce Non Safety Critical On-train Staff’s calling them On Board Supervisors.
17. The report had been freely available on its website until its existence became more widely known and was subsequently withdrawn.
18. There have already been regular examples of trains running without the On Board Supervisors on-board, despite the promises made by Southern clearly demonstrating that good faith is not enough to ensure the safest running of the rail network.

## Risks

19. The rail network has considerably changed since the first introduction of Driver Only Operation and greater usage (1.7 billion rail passenger journeys a year), longer platforms and longer trains have all put greater pressure on it’s safe operation and on infrastructure built during the reign of Queen Victoria. That is why getting on and off the train is now considered one of the greater risks at what is called the platform train interface.
20. There has been 12 serious incidents since 2011 relating to the PTI most recently we have seen Hayes and Harlington and West Wickham where trap and drag incidents (passengers getting caught in the doors) have occurred and Driver Only Operation has been the mode of operation in the majority of the these incidents.
21. Southern Railways have offered train drivers “*an indemnity package to be put in place to support drivers who have operational incidents, subject to the problems not being a result of negligence or gross misconduct*” if there is an incident on a Driver Only Operation train. If Driver Only Operation is safe why is there a need to give indemnity?

## Role of the Office of Road and Rail

22. Since June 2016 RMT has been questioning the independence of the Office of Road and Rail when it supported the Government’s position that Driver Only Operation is safe. However, the Office of Road and Rail has continued to support the Government without addressing our concerns, and in our view has failed to



adequately regulate the industry.

23. Office of Road and Rail is funded by the rail industry through licence fees and safety levies. For example, its economic regulation activities are funded almost entirely through Network Rail's licence fee (a public body). It is charged not just with over seeing the safety of the rail industry but predominately with regulating the efficiency ie. the cost of the rail industry.
24. The Safety regulator was, until 1 April 2006, part of the Health & Safety Executive (HSE) but the govt decided to put it under the control of the rail financial watchdog called the Office of Rail Regulation a situation that all rail unions opposed and continue to oppose due to the obvious conflict of interest between economic and safety regulation.
25. The safety regulator is charged with overseeing and prosecuting for breaches of health and safety. How can it continue in that role with regard to incidents relating to Driver Only Operation in future when it now says it is safe. How can it prosecute the private rail companies when they can claim that they are doing something that Office of Road and Rail has deemed safe?
26. The question of whether the Office of Road and Rail is really independent is now relevant both in terms of its support for Department for Transport policy on Driver Only Operation and its ability to investigate and prosecute on safety breaches relating to Driver Only Operation by the private train companies.
27. Government appoints the key people at the Office of Road and Rail and over the last 18 months both the Chair and Chief Executive have been removed by the Government. It currently is operating with an interim chief executive. It is clear that if you don't do what the Government wants then you do not have a job at the Office of Road and Rail.
28. The ten person board of the Office of Road and Rail, appointed by the Secretary of State for Transport, has seen 6 changes in 2016 alone.
29. It is questionable whether the independent safety regulator should have allowed itself to be drawn into this dispute by the government.
30. The issue is likely to continue as problems exist on Abellio Merseyrail, Arriva Northern Rail and new franchises planned for London Midland and SouthWest trains.

## Conclusion

31. Conductor/guard operation is superior to Driver Only Operation in terms of safety and approved by Office of Road and Rail and used on 70% of services. Driver Only Operation is a dilution of that industry wide safety norm.
32. This dispute has been entirely manufactured by the Department for Transport to increase company profits and to confront the unions.
33. The passengers are the victims and the unions are fighting to defend them and safety standards.
34. A resolution to the dispute is available immediately if Secretary of State for Transport, Chris Grayling allows it to happen.

*Cover Photo: Watford Tunnel derailment and collision 16 September 2016. The role of the guard after the landslide at Watford, and the subsequent collision and derailment, was absolutely central to the safe de-training and evacuation of the train as the driver was effectively trapped in the cab.*