

London Cycling Campaign in Hackney

Monthly Meeting

Wednesday, April 4th, 2012, 7:30pm

Marcon Court and Aspland Estates Community Hall

Present: Caroline Allen (Green Party candidate for North-east London in the London Assembly elections), Siobhan Blackshaw (rides co-ordinator), Michael Cordy (treasurer), Marian Farrugia, Richard King (British Waterways Towpath Manager for Hackney), Richard Lewis, Trevor Parsons (co-ordinator), Brenda Puech (events co-ordinator), Farooq Qureshi (Liberal Democrats candidate for North-east London in the London Assembly elections), Oliver Schick (secretary, minutes), Patrick Spence (Dowse & Co. solicitors), Johanna Taylor, Dick Vincent (British Waterways Towpath Ranger).

Apologies: Jenni Gwiazdowski.

Agenda:

- (1) Q&A session with London Assembly constituency candidates**
- (2) Visit from Patrick Spence**
- (3) British Waterways**
- (4) Minutes and matters arising**
- (5) 'Love London, Go Dutch' feeder rides and petition**
- (6) Rides**
- (7) Any other business**

(1) Q&A session with London Assembly constituency candidates

Present were Caroline Allen of the Green Party and Farooq Qureshi of the Liberal Democrats. Jennette Arnold of the Labour Party had let us know that she would be attending, but was prevented at the last minute. We hadn't heard back from Andrew Boff (London-wide candidate from Hackney) or Naomi Newstead (constituency candidate) of the Conservative Party.

Farooq Qureshi opened the session by acknowledging that user groups were expert in cycling matters and that he was attending to listen first and foremost. He was a councillor in LB Waltham Forest, had been Mayor in 2006/7 and explained how the planning committee on which he had served had always recommended cycle parking.

Questions were asked about 20mph, cycle parking, making streets two-way for cycling, and land use planning.

Caroline Allen of the Green Party was next. She mentioned that she had lived in Hackney before moving to Islington. She hadn't cycled for quite some time owing to poor storage facilities for her bike at home and at work, and because she found it stressful as she had been in crashes before. She mentioned political objectives in better air quality and strongly criticised the Mayor of London for his track record on air quality, cycling, 'keeping traffic moving', and danger from HGVs.

People present commended her for her support of the recent demonstration against the threat of removal of a pedestrian crossing and a toucan crossing in Shoreditch. She stressed the track record of Green Party politicians in supporting green causes.

DV raised a point about cycling on towpaths. He mentioned that around 500 people cycled on the Regent's Canal towpath per hour during the morning peak. He asked the candidates whether they would support a reallocation of LIP funding towards measures around the towpaths.

Caroline Allen had done previous work on this issue and supported the idea. Farooq Qureshi said he wasn't familiar with the route but referred to the work of London Assembly Transport Committee member Caroline Pidgeon. If elected, he would work with her on these issues. He had in the past few years fought against London City Airport, working with anti-aviation groups. He said that money should be spent on ongoing projects, where it was really needed, instead of schemes like an airport in the Thames Estuary.

Farooq Qureshi also addressed lorry danger, as he had observed certain near-misses between a cyclist and a lorry. He advocated fitting sensors and better mirrors to lorries. He also commented on 'joyriders on bikes' and cycling on the footway.

The meeting thanked both candidates for attending.

(2) Visit from Patrick Spence

Patrick Spence of Dowse & Co solicitors, who specialises in personal injury litigation, briefed us on the law concerning cycling collisions and the law of tort, in particular about the litigation process, how judges make judgements about liability, and how the courts approach claims from injured cyclists.

Collisions, mostly between a motor vehicle and someone on a bike, made up many of the cases Dowse & Co. deal with. Patrick dealt mainly with local cases, involving Hackney or Islington residents. He had been at Dowse & Co. for twelve years, and a colleague of his had been there for 28 years. They now had a blog on their firm's web-site.

Civil courts deal with cycling collisions. Compensation had two parts to it—general damages (e.g., compensation for injury) and other damages, e.g. loss

of earnings, loss of career, or damage to a bike. Generally, all such cases always depended on the available evidence. Witnesses to collisions can be crucial.

He used an example case of a cyclist being seriously injured when going through a red light (Malasi vs. Attmed) and being hit by a taxi whose driver had gone through a green light.

Courts look at the duty of any road user to look out for other road users. Liability can be assigned partially, e.g. In the above case the taxi driver was found to be 20% liable due to exceeding the speed limit, and the cyclist 80% (going through a red light and not braking). Patrick discussed the different requirements on cyclists and the different factors which can influence liability.

RL asked whether local authorities might be found liable if they'd installed 'door zone' cycle lanes. Patrick said that there might be a claim depending on the exact circumstances. You had to prove that the local authority had been negligent in installing the scheme.

On crashing into potholes, local authorities have a duty to maintain the public highway for traffic. An interesting point was that in the case of larger potholes, cyclists might well have less of a claim because it could be argued that the fact that larger potholes are easier to see might be evidence that they weren't paying attention to the road ahead.

Cyclists falling victim of a pothole on rights of way not adopted by a highway authority often have no claim against that authority, because there is no duty to maintain the route.

If a cyclist crashed against a stationary object (e.g. a vehicle) in the carriageway it could also lead to partial liability on both the cyclist and the person who left it there, depending on the facts of the case.

Under the Consumer Protection Act 1997, there were also ways of suing manufacturers of bikes which suffer component failure.

BP commented that the claims cyclists made were mostly small claims. PS said he generally dealt with claims over £1,000.

BP asked how long it took to obtain compensation. PS said that it depended on two variables: How long does it take you to recover? (If you settled, you didn't get a 'second bite'--the case was settled.) The second variable was the other party—they might deny liability, which will delay a resolution. It often takes 12-18 months. It was possible to apply for interim payments based on a medical report.

JT asked about hit-and-run collisions. PS said that there were a lot of hit-and-run crashes in Hackney (he had dealt with a large number of them) owing to

the high number of uninsured drivers. In such cases, a claim could be brought to the Motor Insurance Bureau.

MF asked what would happen to cyclists because the 'no win, no fee' option was disappearing. PS referred to the bill going through Parliament which would reduce Legal Aid, but also change the "no win, no fee" regulations for funding collision claims. The English legal principle that the loser pays costs was not in danger. Changes might mean that lawyers would most likely be more selective about taking on cases, and the insurance industry would probably be less well off, too, if premiums fell.

The meeting thanked Patrick for the useful briefing.

(3) British Waterways: Towpath Ranger Dick Vincent introduced Hackney's new volunteer Towpath Ranger, Richard King. Hackney was a Priority 'A' area, which is why Richard had been assigned to it.

British Waterways had just been awarded £60k for planning an investment programme around the towpaths. A survey BW had just carried out had seen a high level of participation.

Richard said he lived in Buckhurst Hill and commuted to Liverpool Street through Hackney along the canal, so that he saw the conditions every morning.

The meeting welcomed Richard and he said that he would attend further meetings.

(4) Minutes and matters arising

There were no matters arising.

(5) Junctions Review

There was a new process by which TfL reviewed junctions all around London. The LCC had set up a special Junctions Review group. We had been asked to select a Hackney representative for the group. OS volunteered and the meeting agreed.

Action: OS to join the group as the LCCiH representative.

(6) 'Love London, Go Dutch' feeder rides and petition

We discussed marshalling on such rides. BP volunteered to lead the LCCiH feeder ride. (Jenni Gwiazdowski of the Bike Kitchen was doing another one from there.) Outer boroughs were most likely going to start their feeder rides at 10am, so that ours might start a little later.

Action: BP to lead the feeder ride. JT also volunteered to help marshal. TP to send out an e-mail to the list inviting people to help with collecting signatures.

(7) Dalston Lane

A scheme had gone out to public consultation to improve the streetscene in Dalston Lane. We found ourselves in disagreement with a large number of aspects of the scheme and resolved to submit a response accordingly.

Action: OS and TP to submit response.

(6) Rides

SB announced a Good Friday Picnic Ride, to meet at the entrance to London Fields at 10am on Friday April 6th for a ride to Regent's Park...or Finsbury Park, or both.

(7) Any other business

We ran out of time to discuss a number of events and miscellaneous traffic matters. OS suggested holding a separate meeting to deal with these, but the meeting decided to resolve them by Chair's Action between meetings, or to defer them to the next regularly scheduled meeting, as appropriate.

The meeting closed at 10:30pm.

Date of next meeting: Wednesday, May 2nd, 2012, 7:30pm.