

[REDACTED]

From: Byford Andy [REDACTED]
Sent: 15 July 2021 22:58
To: Carter Howard
Cc: Heidi Alexander; andylord [REDACTED]; Powell Gareth; LilliMatson; Hayward Siwan (Director of CPOS); vernoneveritt [REDACTED]; Keane Kate; Ella.Tagq; Branks Kirsten; Clarke Andrea (Exc); McConochie Mark; [REDACTED] (Legal Support)
Subject: Re: TfL Conditions of Carriage and Byelaws - Face Coverings post 19 July 2021- Memo to the Commissioner - Letter from the Covid Liability Committee

Hi Howard

I have reviewed your memo and the appendices pertaining to retention of the requirement for face masks on TfL services, post July 19.

I have further read the letter that subsequently came in on the same subject - and your advice as it pertains to this matter for taxi and private hire services regulated by TfL.

Having considered the evidence and the arguments, I am satisfied that such retention of a requirement to wear masks under TfL's Conditions of Carriage is warranted and reasonable and as such my decision is to PROCEED in accordance with your advice.

Please make the necessary arrangements.

Thanks

Andy

Andy Byford
Commissioner, Transport for London

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From: Carter Howard [REDACTED] >
Sent: Thursday, July 15, 2021 8:11:27 PM
To: Byford Andy <[REDACTED]>
Cc: Heidi Alexander <[REDACTED]@london.gov.uk>; Lord Andy [REDACTED]; Powell Gareth <[REDACTED]>; Matson Lilli [REDACTED]; Hayward Siwan (Director of CPOS) <[REDACTED]>; Everitt Vernon [REDACTED]; Keane Kate [REDACTED]@tfl.gov.uk>; Tagg Ella (ST) <[REDACTED]>; Branks Kirsten [REDACTED]; Clarke Andrea (Exc) <[REDACTED]>; McConochie Mark [REDACTED]; [REDACTED]

Subject: TfL Conditions of Carriage and Byelaws - Face Coverings post 19 July 2021- Memo to the Commissioner - Letter from the Covid Liability Committee

Andy

Further to my previous e-mail, today we received the attached letter from the Covid Liability Committee, and I asked you to hold off making a decision on mandating face coverings via conditions of carriage on the basis of the Memo sent to you earlier today until we had considered the letter and the points that it raises.

Having now considered the letter, I believe that the Memo contains all the information you need to consider before you make a decision on face coverings. Nevertheless I think it is appropriate for you to be aware of this letter and to take it into account in reaching your decision.

I do not see much force in CLC's argument that opposition to mask wearing is a philosophical belief, protected in law. While some people may be opposed to wearing face coverings for their own personal reasons, I think it is unlikely that opposition to wearing a face covering on the Transport for London network constitutes a philosophical belief that is protected in law; particularly given the reasons for retaining the requirement for face coverings under conditions of carriage set out in the Memo.

The Memo already covers equality issues and human rights, and I see very little force to CLC's argument that requiring face coverings to be worn on the TfL network constitutes inhumane or degrading treatment, contrary to Article 3 of the European Convention of Human Rights.

CLG have raised issues about the physical dangers of wearing masks. We have liaised with HSE on this and it is considered that, while it is possible that the wearing of face coverings could for some people cause irritation or other minor issues, any such negative impacts are substantially outweighed by the reasons for retaining the requirement under conditions of carriage as set out in the Memo.

Notwithstanding the above, we would suggest you consider the Letter and the above points before you consider the Memo and take the decisions requested in the Memo on face coverings.

Just let me know if you have any questions or require any further information before taking a decision.

Howard

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