

Travis Morley Associates: Your Licensing Law Brief!



We, Travis Morley Associates, are proud to be the LPHCA's official legal advisors and are pleased to continue our update section for Private Hire News.

Since the publication of the *Autumn 2018 (Issue 83)* edition there has been some interesting private hire licensing law developments...

Chief Magistrate Withdrawal from Uber Appeals.

On 18th August 2018 the Chief Magistrate, Lady Emma Arbuthnot, confirmed she will not hear any future cases involving Uber following a reported link between the company and her husband. She had previously given judgement on Uber's appeal in June 2018 and granted a 15-month licence in London (*Uber London Limited v Transport for London (26th June 2018)*). Questions surrounding an appearance of bias, or possible conflicts of interest, have been raised by the United Trade Action Group. A judicial review application was, reportedly, filed by the United Cabbies Group on 19th September 2018 with the High Court granting permission on 2nd November 2018. A full hearing is to be expedited in due course.

New National Licence Register.

On 21st August 2018 the Local Government Association launched a 'National Register of Taxi & Private Hire Licence Revocations & Refusals (NR3)'. It was created by the National Anti-Fraud Network and will allow licensing authorities to share historic information on refusals and revocations for an applicant. The register is live and available for voluntary use.

East London Road Scheme Restrictions.

On 22nd August 2018, it was reported, nine roads in East London will be subject to bans on petrol and diesel car use between specified hours. This step coincided with the publication of a Committee on the Medical Effects of Air Pollutants report (*'Long-Term Exposure to Air Pollution: Effect on Mortality'*). Areas affected are within Hackney and Islington. A similar scheme has also been proposed, on 1st November 2018, by the City of London Corporation for its area. The objective is pollution reduction.

Personal Injury Reforms.

On 4th September 2018, it was reported, Government proposed changes to personal injury claims received a second reading in the House of Commons. The *Civil Liability Bill* affects the ability of drivers and passengers to recover costs of legal advice. A reflective provision for pedestrians and cyclists has since been dropped by the Lord Chancellor. It is now set for consideration by the House of Lords on 20th November 2018.

DfT Taxi & Private Hire Review.

On 24th September 2018 the Task & Finish Group on Taxi & Private Hire Vehicle Licensing published its solutions for improving licensing regimes. Its thirty-four recommendations, within the *'Taxi & Private Hire Vehicle Licensing: Steps Towards A Safer More Robust System'* report, include issuing best practice guidance, national minimum standards and a national database. A response is awaited from Government.

TfL Congestion Charge Consultation.

On 28th September 2018 Transport for London (TfL) closed its *'Have Your Say on Proposed Changes to the Congestion Charge'* consultation. The proposal to remove an exemption for private hire vehicles was earlier opposed, following a vote on 6th September 2018, by the London Assembly. Addison Lee, it was reported on 1st October 2018, is also opposed to the proposal and is considering legal action. A response is awaited from TfL and the Mayor of London.

DEFRA Clean Air Zone Database Consultation.

On 5th October 2018 the Department for Environment, Food & Rural Affairs (DEFRA) launched a consultation entitled *'Air Quality – Identification of Taxi & Private Hire Vehicles Entering Charging Clean Air Zones'*. It sought views on the creation of a national taxi and private hire vehicle database to enable identification of those vehicles which are entering, or exiting, a Clean Air Zone. The consultation closed on 2nd November 2018 and a summary of responses is expected in early 2019.

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London Assembly Taxi & Private Hire Investigation.

On 8th October 2018 the Transport Committee announced an investigation into *'What Does the Future Hold for Taxis & Minicabs?'* Its overall objective being to consider the future of the respective trades and how each can be supported. Evidence was heard from key stakeholders on 9th October 2018 and additional meetings are planned for the future.

DfT Releases Annual Statistics.

On 25th October 2018 the Department for Transport published its annual *'Taxi and Private Hire Vehicle Statistics, England: 2018'*. It shows the total number of licensed taxi and private hire vehicles and drivers has reached record levels. In addition the number of licensed private hire operators has increased since 2017.

Uber Appeals Worker Rights Claim.

On 30th October 2018 the Court of Appeal commenced hearing Uber's challenge to an earlier decision by an Employment Appeal Tribunal on a worker rights claim (*Uber B.V. et al v Aslam et al [2017] UKEAT/0056/17*). Judgement is expected in the coming weeks.

Trade Unionists Challenge Corporate Business.

On 11th November 2018, it was reported, Addison Lee drivers have launched a campaign seeking better pay and union recognition. Corporate clients, including Deutsche Bank, have been challenged to meet their commitment to upholding universal human rights and labour principles under the *UN Global Compact*. It is intended that such an approach will apply client pressure to Addison Lee and result in the desired objectives.

Unlawful Sale of Car Journeys in Social Media Groups.

On 7th November 2018, it was reported, Dorset Police and Bournemouth Borough Council were aware of car journeys being sold through social media. It is alleged there are some 7,000 members of a closed online group selling, or buying, such journeys within the area. These activities, which reflect unlicensed taxi or private hire services, are illegal.

Other news...

On 2nd September 2018 the Department for Transport (DfT) announced a new digital service to enable better journey planning for drivers by, amongst others, avoiding roadworks. The system, entitled *'Street Manager'*, is set to launch in 2019.

On 9th September 2018 the Department for Transport (DfT) launched a new consultation entitled *'Green Number Plates for Clean Vehicles'*. It seeks views on how best to promote awareness, in particular the use of green number plates, on ultra-low emission vehicles.

On 13th September 2018 the Department for Transport published online its *'Driving in The EU If There's No Brexit Deal'* guidance. It offers advice on essential steps for drivers should the UK fail to achieve a withdrawal agreement.

On 7th November 2018 the Association of Optometrists launched its *'Don't Swerve A Sight Test'* campaign. It calls for law reforms requiring drivers to undergo compulsory eye tests every 10 years.

ARE YOU AFFECTED BY THESE ISSUES?

If you want to check how you are affected by the above issues, or any other Licensing Law matter, please contact Travis Morley Associates now on 01159 724928 or by email to enquiries@travismorley.co.uk or visit us at www.travismorley.co.uk.