

# 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 *Spring 2019 (Issue 85)* edition there has been some interesting private hire licensing law developments...

## High Court Rules on United Cabbies Group Judicial Review.

On 26<sup>th</sup> February 2019 the High Court rejected the United Cabbies Group challenge against the decision by Westminster Magistrates Court (*R (United Cabbies Group) v Westminster Magistrates Court et al [2019] EWHC 409 (Admin)*). It found that the Chief Magistrate had not been biased, despite a potential conflict of interest, in awarding Uber a 15-month licence on 26<sup>th</sup> June 2018. If, and whether, this challenge will continue remains to be seen.

## IWGB Judicial Review on London Congestion Charge.

On 1<sup>st</sup> March 2019 the Independent Workers Union of Great Britain (IWGB) commenced judicial review proceedings against Transport for London's (TfL) removal of the congestion charge exemption (*R (Independent Workers of Great Britain (IWGB) v The Mayor of London et al*). It believes the removal of the exemption constitutes discrimination, contrary to Human Rights Law, against private hire drivers. The High Court granted permission on 4<sup>th</sup> April 2019 and listed a full hearing for the 9<sup>th</sup>-10<sup>th</sup> July 2019. In any event, TfL has confirmed (*TfL Notice 03/19*) the congestion and Ultra Low Emission Zone charges, which were implemented on 8<sup>th</sup> April 2019, will remain in force. The removal of the Congestion Charge exemption is covered on page 52 of this edition of Private Hire News.

## TfL London English Language Requirement Extension.

On 12<sup>th</sup> March 2019 Transport for London (TfL) postponed the implementation of the English Language Requirement for private hire drivers (*TfL Notice 02/19*). This followed the Government's publication of draft statutory guidance and representations made by the trade. TfL also confirmed its intention to review its testing parameters. The new compliance deadline is 30<sup>th</sup> September 2020. The English language requirements in London and nationally are covered in several articles in this edition of Private Hire News.

## Worker Information Exchange Raises Uber GDPR Claim.

On 21<sup>st</sup> March 2019 the Worker Information Exchange, representing a group of Uber drivers, signalled its intention to bring a claim against Uber for breach of the *General Data Protection Regulation (GDPR) 2016/679*. The complaint centres on Uber's refusal to disclose to drivers their customer ratings. It was reported, on 8<sup>th</sup> May 2019, further dialogue was to take place between the parties. If, and whether, this matter has since been resolved remains to be seen.

## High Court Taxi Meter Case.

On 25<sup>th</sup> March 2019 the High Court refused a taxi driver appeal, against a criminal conviction, for contravening the Equality Act 2010 (*McNutt v Transport for London [2019] EWHC 365 (Admin)*). It upheld an earlier decision that a driver should not start a meter before loading a disabled passenger into the vehicle.

## London Assembly Publishes Report on Trade Future.

On 27<sup>th</sup> March 2019 the Transport Committee, of the London Assembly, published its '*Raising the Bar: Taxi & Private Hire Services in London*' report. It makes a number of recommendations, following investigation, on ride-sharing, congestion charging, capping vehicles and, amongst others, the introduction of a Charter Mark Scheme. The LPHCA's initial thoughts on this wide-ranging review are covered on pages 54 to 66 of this edition of Private Hire News.

### 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](mailto:enquiries@travismorley.co.uk) or visit us at [www.travismorley.co.uk](http://www.travismorley.co.uk).

\*Travis Morley Associates accepts no liability for any action or inaction taken based on this article by an individual or party and where such action or inaction is taken it is done so at their own risk. We would always recommend, prior to taking any steps, seeking professional legal advice.

## Addison Lee Refused Worker Rights Appeal.

On 1<sup>st</sup> April 2019, it was reported, the Court of Appeal had refused Addison Lee permission to appeal earlier judgements favouring a courier's entitlement to, amongst others, holiday pay by the Employment Appeal Tribunal and Employment Tribunal (*Addison Lee v Ltd v Gascoigne UKEAT/0289/17/LA*). The wider effect of this refusal remains to be seen.

## Taxis & Private Hire Vehicles Database.

On 24<sup>th</sup> April 2019 the *Air Quality (Taxis & Private Hire Vehicles Database) (England & Wales) Regulations 2019* was approved by Parliament. It requires licensing authorities to upload, on a central database, specified information about the taxis and private hire vehicles it licenses. The regulations came into force on 1<sup>st</sup> May 2019. The Taxi & Private Hire Vehicle Database is covered in several articles in this edition of Private Hire News.

## Centre for London Proposes ULEZ & Congestion Charge Alternative.

On 29<sup>th</sup> April 2019 the Centre for London published a report entitled '*Green Light: Next Generation Road User Charging for A Healthier, More Liveable, London*'. It recommends replacing the congestion charge and ultra-low emission zone with a per-mile based scheme facilitated through a mobile application operated by Transport for London. If, and whether, the Mayor will adopt such a new strategy remains to be seen. The London Congestion Charge is covered in several articles in this edition of Private Hire News.

## Uber Drivers Strike.

On 8<sup>th</sup> May 2019 the United Private Hire Drivers, part of the Independent Workers of Great Britain, organised strikes by Uber drivers across the United Kingdom. It sought to raise the profile of ongoing complaints about pay and conditions prior to Uber's stock market float. Additional protests were conducted in the US. The wider effect, or damage, of this action remains to be seen.

### Other News...

On 15<sup>th</sup> February 2019 Transport for London launched a new consultation entitled '*Have your say on reducing the maximum age limits for Taxis*'. It closed on 26<sup>th</sup> April 2019 and a report is expected later in 2019.

On 12<sup>th</sup> March 2019, it was reported, the Good Law Project had written to HMRC raising the potential for judicial review proceedings. Specific complaints relate to an alleged failure by HMRC to properly assess Uber's VAT liabilities. If, and whether, this matter proceeds to litigation remains to be seen. A concurrent claim is continuing against Uber.

On 18<sup>th</sup> March 2019 Daniel Zeichner MP wrote to the Government seeking Parliamentary time to discuss new taxi and private hire legislation. A one-off House of Commons Transport Committee evidence session, with the *Chair of the Task & Finish Group on Taxi & Private Hire Vehicle Licensing*, took place on 27<sup>th</sup> March 2019.

On 22<sup>nd</sup> April 2019 the Department for Transport '*Taxi & Private Hire Vehicle Licensing: Protecting Users*' consultation closed. An analysis of the feedback is now being conducted and a response expected in due course. The LPHCA's response is covered in this edition of Private Hire News.

On 2<sup>nd</sup> May 2019 it was reported that Sussex Police have requested taxi drivers to notify them of intoxicated passengers who are being transported to Gatwick Airport. This approach forms part of '*Project Disrupt*' which seeks to reduce the number of arrests for alcohol-related offences at the airport.