

Your Licensing Law Brief!

Travis Morley are proud to be the official LPHCA legal advisors and are pleased to continue our regular update column for Private Hire News.

TRAVIS MORLEY
Legal Consultants

Since the publication of the Spring 2020 (Issue 89) edition there has been some interesting licensing law developments...

Targeted Coronavirus Tests for Taxi Drivers

On 10th June 2020 the Prime Minister announced targeted coronavirus testing will be extended to include taxi drivers. His statement, in the House of Commons, recognised the risk of infection faced by the trade. Accordingly, it was confirmed testing of drivers would be available with, or without, symptoms. Whether this also includes private hire drivers remains, as yet, unclear.

Calls for Remote Hearings in Licensing Appeals

On 9th June 2020 the Institute of Licensing published an open letter calling for the use of audio and video technology in licensing appeals. It expressed concerns that magistrates courts are, as a matter of routine, adjourning hearings to unspecified future dates. This is not, it states, in the public interest and encourages remote hearings.

LGA Issues Partition Screen Guidance

On 3rd June 2020 the Local Government Association issued its 'Approaches to the use of screens in private hire vehicles (PHVs) and taxis during the COVID-19 pandemic' guidance. It seeks to support licensing authorities with decisions on the installation of partition screens. This guidance is subject to, and pending, national advice from the Department for Transport.

APPG Publishes Air Quality Strategy

On 29th May 2020 the All Party Parliamentary Group on Air Pollution published its 'Air Quality Strategy to Reduce Coronavirus Infection'. Its recommendations cover scrappage schemes, the electrification of taxis and the extension of congestion zones, low emission zones and ultra low emission zones. The proposals have been put to Government.

Uber Worker Rights Claim Update

On 26th May 2020, it was reported, the Supreme Court will remotely hear Uber's appeal against a claim for worker rights. If successful, the Uber drivers making the claim could be entitled to £12,000 each. The hearing is listed for 21st – 22nd July 2020.



Unlawful Emissions Tests Claim

On 17th May 2020, it was reported, Mercedes-Benz may be subject to a claim for compensation. It is alleged the manufacturer sought to pass EU regulatory emission tests using an unlawful device. The potential for litigation is being investigated by Marcus Parker, a law firm, and affected vehicle owners are invited to join a group.

Government Guidance on Transport Restart

On 13th May 2020 the Department for Transport published a letter entitled 'Local Transport Restart'. It offers the trade directions to guidance and advice on personal protective equipment, partition barriers, financial support and medical transport services. Subsequently, the 'Coronavirus (COVID-19): Safer Transport Guidance for Operators' was published on 28th May 2020 which complimented the earlier 'Coronavirus (COVID-19): Safer Travel Guidance for Passengers' of 12th May 2020.

Judicial Review Possible on Driver PPE

On 12th May 2020, it was reported, the Independent Workers Union of Great Britain (IWGB) had written to the Department for Work & Pensions. It alleged the Government was failing to protect drivers, under safety at work regulations, by not providing personal protection equipment. The option of a judicial review is being considered.

National Taxi & Private Hire Standards Update

On 6th May 2020 Rachel Maclean MP, the Parliamentary Under-Secretary of State for Transport, confirmed statutory taxi and private hire vehicle standards are to be issued shortly. In response to a question from Florence Eshalomi MP, the Secretary also informed the House of Commons an updated best practice guidance will be consulted on later this year.

Annual Taxi & Private Hire Data Collection

On 4th May 2020, it was reported, the Department for Transport had postponed the annual collection of data on taxi and private hire services. The purpose of this step is to ease, or otherwise minimise, the current burdens on licensing authorities. A replacement survey is expected in September 2020.

High Court Refuses Judicial Review

On 24th April 2020 the High Court refused a United Trade Action Group (UTAG) application for judicial review on Transport for London's (TfL) decision not to immediately revoke Uber's operator licence. It was contested that Uber represented a public safety risk and, as such, should not be able to continue operating during its appeal. No further challenge is planned.

*Travis Morley 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.

OTHER NEWS

On 10th June 2020 the Guide Dogs for the Blind Association published 'Guidance for Taxi & Minicab Staff'. It offers useful advice on how best to help, whilst complying with social distancing measures, blind or partially sighted passengers during the pandemic.

On 4th June 2020 the Transport Secretary, Grant Shapps MP, confirmed use of face coverings on public transport would be mandatory from 15th June 2020. Whilst the trade is not directly covered by these recommendations, some licensing authorities are issuing mirror requirements.

On 15th May 2020 the Mayor of London, following receipt of £1.6billion bailout from Government, announced the reinstatement of the Congestion Charge, Ultra Low Emission Zone and Low Emission Zone. Additional temporary measures, including a charge increase and time extension, are expected from 22nd June 2020.

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 now on **01159 724928** or by email on enquiries@travismorley.co.uk or visit us at www.travismorley.co.uk.

TRAVIS MORLEY
Legal Consultants

Leading experts for over 19 years
in Licensing Law, Contract Law
and Data Protection Law.

Travis Morley Associates Limited
© 2019-2020

T: 01159 724928
E: enquiries@travismorley.co.uk
W: www.travismorley.co.uk