

Your Licensing Law Brief!

Travis Morley are proud to be the official LPHCA legal advisors and pleased to continue our regular update column for Private Hire News. Since the publication of the Summer 2020 (Issue 90) edition there has been some interesting licensing law developments...

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Uber London Licence Appeal.

On 28th August 2020 Westminster Magistrates Court conducted a pre-trial review on Uber

London Limited's appeal against Transport for London's (TfL) decision not to renew its licence (*Uber London Limited v Transport for London [2019]*). The court considered key issues, including party agreement on the framing of allegations, and the evidence. The hearing took place in the days preceding this magazine being published and the judge's decision is expected on Monday 28th September.

Judicial Review on London Streetspace Plan.

On 14th August 2020 the United Trade Action Group (UTAG) and Licensed Taxi Drivers Association (LTDA) commenced proceedings against Transport for London's (TfL) Streetspace Plan (*R (UTAG & LTDA) v Transport for London [2020]*). It challenges emergency measures, used to promote walking or cycling, involving cycle lanes, car-free zones and pavement expansion. Interim relief, by way of emergency injunction, to stop a road closure on Bishopsgate was refused on 28th August 2020. The claimants are seeking an expedited hearing in light of the immediate effects on the trade and its customers.

Worker Rights Claim Update.

On 21st July 2020 the Supreme Court remotely heard the Uber BV appeal against a claim for worker rights (*Uber BV et al v Aslam et al [2019] USC 2019/0029*). The hearing concluded on 22nd July 2020 with a judgement expected later this year.

HMRC Tax Checks on Driver & Operator Licences.

On 21st July 2020 HMRC confirmed checks on tax registration are to become conditional for licences (*Finance Bill 2020-21*). Each applicant will be required to satisfy HMRC of their compliance with respective tax obligations. This tax check will then be confirmed by the relevant licensing authority before granting, or renewing, a licence. It will apply to England and Wales from 4th April 2022.

DfT Publishes Statutory Taxi & Private Hire Vehicle Standards.

On 21st July 2020 the Department for Transport (DfT) published its 'Statutory Taxi & Vehicle Standards'. It makes numerous recommendations on how regulatory authorities, in exercising taxi and private hire licensing functions, can safeguard children and vulnerable adults (under s.177(1) *Crime & Policing Act 2017*). The new standards replace, where applicable, the previous DfT Best Practice Guidance from 2010.

Leeds, Birmingham & Manchester Delay Clean Air Zones.

On 6th July 2020 Leeds City Council, Birmingham City Council and the Greater Manchester Combined Authority have been permitted to delay implementation of Clean Air Zones. Each authority informed the Joint Air Quality Unit, representing the DfT and DEFRA, of logistical problems caused by the pandemic. Implementation is, at the earliest, expected sometime after January 2021.

Northern Irish Committee Calls for Trade Support.

On 1st July 2020 the Committee for Infrastructure called on the Minister for Infrastructure, Ms Nicola Mallon, to present proposals and guidance to support the trade. In response, new regulations were announced on 13th August 2020 enabling automatic vehicle licence renewals without applications, charges or tests (*Taxi Licensing (Amendment No. 2) (Coronavirus) Regulations (Northern Ireland) 2020*). It will apply to all licences expiring between 10th March 2020 and 9th March 2021.

Judicial Review on Driver PPE.

On 9th July 2020 the Independent Workers Union of Great Britain (IWGB) confirmed it had filed, and been granted permission, for a judicial review. It alleges the Government is failing to protect drivers, under safety at work regulations, by not providing personal protection equipment. A hearing is to be listed for a date after 7th September 2020.

TfL Implements Temporary Congestion Charges.

On 22nd June 2020 Transport for London (TfL) implemented changes to its Congestion Charge Scheme (*Greater London (Central Zone) Congestion Charging (Exceptional Variation) Order 2020*). The changes include, amongst others, a new charge increase and extension of its operating hours. Whilst TfL maintains these measures are temporary and under review, it is unclear how long it will remain in effect.

Scottish Government Updates Covid-19 Guidance.

On 18th June 2020 the Environmental Health / Trading Standards Expert Officers Group, under instruction from the Scottish Government, issued its 'Updated Guidance for Holders of Taxi & Private Hire Licences'. The notice covers social-distancing, partition screens, vehicle cleaning and face coverings. A discretion is still however, afforded to local licensing authorities on aspects of the requirements.

Other News.

On 31st August 2020 the Ministry of Housing, Communities & Local Government launched a consultation entitled 'Parking code of enforcement framework'. It covers creation of an independent Code of Practice for private parking companies to improve industrial regulation. The response deadline is 12th October 2020.

On 8th August 2020 the Disabled Persons Transport Advisory Committee (DPTAC) published its 'Position on Taxis & Private Hire Vehicles'. It makes a number of recommendations to Government on improving the accessibility of trade services.

On 28th July 2020 the DTI launched a consultation proposed changes to the 'Highway Code'. These include a hierarchy of road users, clarity on pedestrian prioritisation and safe passing distances. The response deadline is 27th October 2020.

On 20th July 2020 the App Drivers & Couriers Union (ADCU) issued a claim against Uber B.V. for data, under the *General Data Protection Regulation 2016/679 (GDPR)*, relating to its decision-making processes. The ADCU is seeking to ascertain whether drivers are subject to discrimination or unequal treatment.

On 13th July 2020 the Welsh Government confirmed face coverings would be mandatory in taxis (*Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020*). This requirement took effect on 27th July 2020.

On 29th June 2020 the DfT confirmed re-introduction of mandatory MOT tests. All drivers whose car, motorcycle or van is due for an MOT test from 1st August 2020 will be required to get a test certificate.

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**.



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