

On 20th January 2021 the High Court handed down its judgement in the case of *R (United Trade Action Group & Others) v Transport for London & Others [2021] EWHC 72 (Admin)*.

It had been tasked with hearing a **consolidated judicial review**, brought by the United Trade Action Group (“UTAG”) and Licensed Taxi Drivers Association (“LTDA”), against **road space restrictions** introduced by the Mayor of London (“Mayor”) and Transport for London (“TfL”). Such restrictions aim to **reduce traffic, widen footpaths and improve the cycle network**. These, as set out in the judgement (at para. 1), were encapsulated within:

The London Streetspace Plan (“Plan”)

- (1) **Interim Guidance to Boroughs (“Guidance”)**
- (2) **A10 GLA Roads (Norton Folgate, Bishopsgate...) (Temporary Banned Turns & Prohibition of Traffic & Stopping) Order 2020 (“A10 Order”)**

The **grounds for challenging** the introduction of these measures, as summarised (at para. 10), were as follows:

“Ground 1: In making and promulgating the Plan and Guidance and the A10 Order, the Mayor and TfL failed to distinguish taxis from “general traffic”. In doing so, they failed to have regard to relevant considerations...”

“Ground 2: In making the Plan and Guidance and the A10 Order, TfL and the Mayor failed to have proper regard to the public sector equality duty, pursuant to section 149 of the Equalities Act 2010...”

“Ground 3: The Plan, the Guidance and A10 Order were a disproportionate interference, by “control of use”, with the property rights of taxi owners and drivers in breach of Article 1 of Protocol 1 to the European Convention on Human Rights...”

“Ground 4: The Plan and Guidance and the A10 Order breach the Claimants’ legitimate expectation to pass and repass on London’s roads, and to use lanes reserved for buses.”

“Ground 5: The treatment of taxis in the Plan and Guidance and the A10 Order is irrational.”

In giving judgement, on Ground 4 (at para. 247), Mrs Justice Lang expressed the damning view TfL “... considered it had an **untrammelled discretion** to exclude taxis, **which was erroneous** both in fact and law...”. It was, perhaps unsurprising, therefore the Court concluded (at para. 277) “**The claims for judicial review are allowed** on Grounds 1 (in part [excepting the A10 Order]), 2, 4 and 5, but refused on Ground 3.” Consequently, the Court ruled (at para. 283):

“The Plan, the Guidance and the A10 Order all need to be reconsidered...and substantially amended in the light of my judgement.”

TfL, and the Mayor, have **sought to appeal** this decision and, reportedly, filed to do so on 10th February 2021. Accordingly, the judgement is **stayed**, or otherwise on hold, pending the conclusion of the appeals process.



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