

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 Autumn 2020 (Issue 91) edition there has been some interesting licensing law developments...

Judicial Review on TfL Streetspace Scheme.

On 25th November 2020 the High Court began hearing a judicial review application against Transport for London's (TfL) Streetspace Scheme (*R (United Trade Action Group & Others) v Transport for London & Others [2020] CO/2854/2020 & CO/2995/2020*). It challenges emergency measures, used to promote walking or cycling, involving cycle lanes, car-free zones and pavement expansion. The hearing concluded on 26th November 2020 and a judgement is awaited.



DfT Promotes National Revocations & Refusals Register.

On 29th October 2020 the Department for Transport (DfT) wrote to licensing authorities regarding use of a national register (*'Taxi & PHV Licensing – Use of The National Register of Taxi & Private Hire Licence Revocations & Refusals (NR3)*, Stephen Fidler (Director)). It recommends authorities sign up, and start using, the database. The DfT advocates its use as a practical way to check if an applicant has had a licence refused or revoked elsewhere.



Manchester Launches Standards Consultation.

On 3rd October 2020 Greater Manchester authorities launched a *'Minimum Licensing Standards'* consultation. It proposes a number of changes relating to the licensing of drivers, vehicles and operators. A concurrent consultation is also being run on *'Clean Air Zone'* proposals. The consultation closed on 3rd December 2020.



DfT Issues Taxis & Private Hire Guidance.

On 18th November 2020 the Department for Transport (DfT) published the *'Coronavirus (COVID-19): Taxis & PHVs'* guidance. It provides advice on actions drivers, operators and owners of taxis or private hire vehicles can take to protect against coronavirus. This was updated on 26th November 2020 and 2nd December 2020 to accommodate the introduction of local restriction tiers.



TfL Refuses Ola Licence Renewal.

On 4th October 2020 Transport for London (TfL) confirmed it will not renew the private hire operator licence of Ola UK (*TPH Notice 14/20*). The regulator found the company to be no longer *'fit and proper'* based on the use of unlicensed drivers and vehicles. Additional complaints relate to reporting failures on that use. The licence expired on 3rd October 2020. Ola UK, reportedly, will appeal.



Magistrate Rules on Uber London Licence.

On 28th September 2020 Westminster Magistrates Court handed-down its judgement on Uber London's appeal against Transport for London's refusal to grant a licence (*Uber London Limited v Transport for London & Others [2020] EW Misc 20 (MagC) (28 September 2020)*). The court found Uber now *'fit and proper'*, despite previous failings, and granted it a new 15-month licence with conditions. TfL does not intend to appeal.



Judicial Review on Personal Protective Equipment.

On 13th November 2020 the High Court handed down its judgement on the entitlement of workers to health and safety at work rights (*R (Independent Workers of Great Britain) v Secretary of State for Work and Pension & Others [2020] EWHC 3050 (Admin)*). It found the United Kingdom had failed to comply with European Law. No appeal was filed prior to the deadline on 27th November 2020. Workers may now claim the right to refuse unsafe work and are entitled to request personal protective equipment.



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Face Masks Mandatory in Taxis & Private Hire Vehicles.

On 22nd September 2020 the Government announced it would introduce new regulations requiring the wearing of face coverings in licensed vehicles (*The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place and on Public Transport) (England) (Amendment) (No.2) Regulations 2020*). It came into effect on 23rd September 2020.



TfL Delays English Language Requirement.

On 16th September 2020 Transport for London (TfL) confirmed it has moved the deadline for its English Language Requirement (TPH Notice 12/20). The regulator cited, as reasons for the delay, problems related to the pandemic and its impact on resources. A new compliance date has been set for private hire drivers of 30th September 2021.



DfT Encourages Regulatory Restart.

On 10th September 2020 the Department for Transport (DfT) wrote to licensing authorities regarding service continuation (*'Taxi & PHV Licensing – Supporting The Sector & School Return'*, Stephen Fidler (Director)). It reminds authorities of statutory duties regarding the licensing regime. A key concern centres on supply shortages, caused by delays in the issuing of licences, and the need for workable solutions.



Other News.

On 18th November 2020 the Government issued an announcement the 'Sales of new petrol and diesel cars to end in the UK by 2030'. This includes plans to invest £1.3 billion on chargepoint infrastructure. In addition £582 million in grants will be offered to incentivise the purchasing of zero, or ultra-low, emission vehicles.



On 17th October 2020 the Department for Transport (DfT) launched the 'Expanding The Offence of Using A Handheld Mobile Phone While Driving To Include Non-Connected Mobile Application Actions' consultation. It seeks to bring driving offences, allowing for exemptions, into line with developments in mobile technology. The consultation closes on 17th January 2021.



On 9th November 2020 Ian Byrne MP tabled an Early Day Motion in the House of Commons (*'Dismissals of App-Based Courier & Private Hire Driver Workers' (EDM1110)*). It called on Government to tackle the issue of unfair dismissals by app companies in respect of private hire drivers and couriers. Various remedies were proposed and supported by sixty-five Members of Parliament.



On 7th September 2020, it was reported, the Good Law Project had commenced judicial review proceedings to force the Government into re-considering its 'Clean Air Strategy'. It centres on concerns regarding the lack of meaningful targets given the wealth of evidence. A Pre-Action Protocol letter was sent to the Department for Environment (DEFRA) on 3rd September 2020.



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