

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 Winter 2020/21 (Issue 92) edition there has been some interesting licensing law developments...

HMRC Considers VAT & Digital Platforms

On 3rd March 2021 HMRC closed its 'VAT & the Sharing Economy: Call for Evidence'. It sought stakeholder views on Government concerns about the application of VAT amid the growth of digital platforms. This coincides with reported investigations into Uber, Gett, Deliveroo and Airbnb. A summary of responses will be published within 12 weeks.

York Police May Stop 'Out of Area' Vehicles

On 21st February 2021, it was reported, North Yorkshire Police would remove 'out of area' Uber drivers. This follows communication with York Private Hire Association on the interpretation of operating in a controlled district (section 46 Local Government (Miscellaneous Provisions Act 1976)). It is, as yet, unclear whether the Police will pursue such enforcement action.

Supreme Court Rules on Worker Rights

On 19th February 2021 the Supreme Court handed down its judgement on Uber's appeal against a worker rights claim (*Uber BV & Others v Aslam & Others* [2021] UKSC 5). In dismissing the appeal, the court found the drivers were entitled to holiday pay, sick pay and other protections. Similar claims are also reportedly ongoing against Addison Lee, CitySprint, Excel and eCourier. Additional commentary, on the ruling, can be found in this edition of PHN.

Supreme Court Rules on Business Interruption Insurance

On 15th January 2021 the Supreme Court handed down its judgement on business interruption insurance (*The Financial Conduct Authority v Arch Insurance (UK) Ltd & Others* [2021] UKSC 1). Six insurance companies had contested lockdown measures, and enforced closures, were not covered by such policies. The Court ruled the policyholders, in respect of those insurers, did have cover and do have valid claims.

CMA Launches Autocab Merger Inquiry

On 29th January 2021 the Competition & Markets Authority ("CMA") announced an inquiry into the *Uber Technologies, Inc. / GPC Software Limited (Autocab)* merger. The regulator is investigating whether the takeover would result in a substantial lessening of market competition. A decision, on whether to investigate further, is expected by 29th March 2021.

Group Action Against Uber

On 21st January 2021, it was reported, civil action for damages was being planned against Uber for unlawful booking practices ('RGL BULit21'). It is being conducted by RGL Management on behalf of London taxi drivers. If successful, Uber may face liability for the potential loss of earnings of 30,000 drivers over a 6-year period.

High Court Rules on Streetspace Plan

On 20th January 2021 the High Court handed down its judgement on a judicial review challenge to TfL's Streetspace Plan (*R (United Trade Action Group & Others) v Transport for London & Others* [2021] EWHC 72 (Admin)). It found against the regulator and quashed, amongst other measures, the Plan. TfL sought permission to appeal on 10th February 2021.

TfL Consults on CCTV

On 9th February 2021 Transport for London ("TfL") launched the 'In-vehicle Closed Circuit Television in Taxis & Private Hire Vehicles' consultation. It seeks views on whether CCTV should be mandated and the impacts of such a step.

TfL Considers New Boundary Charge

On 15th January 2021, it was reported, TfL was giving consideration to the introduction of a 'Greater London Boundary Charge'. It forms part of wider revenue raising proposals and will impose, at a minimum, a £3.50 levy for entering Greater London. If pursued, it is expected to be adopted within 2 years.

Clean Air Zone Delays

On 17th December 2020, it was reported, local authorities have been deferring the introduction of 'Clean Air Zones'. The reduction in pollution levels, amid the Coronavirus (COVID-19) pandemic, has been cited as a key reason. Creation of a new 'Clean Air Act', setting defined environmental targets, is gaining political support and expected to be brought before Parliament.

Manchester Standards Consultation

On 4th December 2020 Greater Manchester authorities closed its 'Minimum Licensing Standards' consultation. It proposes a number of changes relating to the licensing of drivers, vehicles and operators. Feedback is now under consideration whilst various impact assessments are also being conducted. A final report is expected before summer 2021.

Other News

On 18th January 2021 the Scottish Government announced a new £57 million fund for taxi and private hire drivers affected by the pandemic ('Support for Taxi & Private Hire Drivers'). Local authorities will be empowered to issue the grants and contact those drivers who are eligible.

On 13th January 2021, it was reported, the Secretary of State for Local Government, Robert Jenrick MP, is considering extending the right to convene remote meetings (*Local Authorities & Police & Crime Panels (Coronavirus) (Flexibility of Local Authority & Police & Crime Panel Meetings) (England & Wales) Regulations 2020*). This will enable local authorities to continue holding virtual meetings, which includes licensing matters, beyond 7th May 2021.

On 5th January 2021 the Chancellor, Rishi Sunak MP, announced additional grants and funding support ('£4.6 billion in new lockdown grants to support businesses and protect jobs', *HM Treasury*). These include a new £594 million discretionary fund for businesses impacted by lockdown restrictions. Distribution of the funds, which may be granted to the trade, will be decided by local authorities.

