

# 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 Spring 2021 (Issue 93) edition there has been some interesting licensing law developments...

TRAVIS MORLEY  
Legal Consultants

## Uber London Issues Proceedings on Private Hire Bookings & Contracts

On 20<sup>th</sup> May 2021 Transport for London (TfL) issued Notice 08/21 entitled 'High Court Declaration Proceedings Relating to Supreme Court Judgement'. It states Uber London has applied for a High Court declaration on whether the Private Hire Vehicles (London) Act 1998 "...requires an operator accepting a booking from a passenger to enter into a contract with that passenger to provide the journey...". Parties wishing to join proceedings were invited to do so no later than 24<sup>th</sup> May 2021.

## HMRC Issues Tax Conditionality Update

On 17<sup>th</sup> May 2021 HMRC published initial guidance on 'Tax Conditionality' for licensing authorities. It represents the first in a series of updates which seeks to help regulators introduce tax checks to licensing processes. The new measures, as proposed within the Finance Bill 2021, are expected to be implemented in April 2022.

## High Court Rules on Continuation of Online Meetings

On 28<sup>th</sup> April 2021 the High Court handed down its judgement on a judicial review challenge against the ending of online council meetings (*R (Hertfordshire County Council & Others) v Secretary of State for Housing, Communities and Local Government & Others [2021] EWHC 1093 (Admin)*). Emergency legislation had enabled this activity until 7<sup>th</sup> May 2021 - a deadline which Hertfordshire County Council had sought to extend. The court ruled against an extension and cited the need for primary legislation.

## DfT Statutory Standards Deadline

On 27<sup>th</sup> April 2021 the Department for Transport (DfT) issued a letter to all licensing authorities in England. It instructs regulators to review current policy against the measures outlined within the 'Statutory Taxi & Private Vehicle Standards (July 2020)'. The deadline set for completing this process is 31<sup>st</sup> December 2021.

## Court of Appeal Rules on Worker Rights Claim

On 22<sup>nd</sup> April 2021 the Court of Appeal handed down its judgement on Addison Lee's appeal against a worker rights claim (*Addison Lee Ltd v Lange & Others [2021] EWCA Civ 594*). It dismissed the appeal and found, in upholding an earlier finding by an Employment Tribunal, the drivers were workers. This status entitles those claimants to holiday pay and the national minimum wage. It is understood Addison Lee have not sought an appeal.

## Judicial Review on FREE NOW Licence

On 20<sup>th</sup> April 2021 the High Court granted permission for judicial review on Transport for London's decision to grant Transopco UK Ltd a private hire operator licence (*R (United Trade Action Group) v Transport for London & Others [2021]*). It will consider, amongst others, whether the FREE NOW ride-hailing mobile application, used by Transopco UK Ltd, unlawfully facilitates plying for hire. A hearing is expected in due course.

## TfL Appeals Bishopsgate Judgement

On 1<sup>st</sup> April 2021, it was reported, Transport for London (TfL) had been granted permission to appeal the High Court decision on the Bishopsgate low traffic scheme (*R (United Trade Action Group & Others) v Transport for London & Others [2021] EWHC 72 (Admin)*). The court had found against the regulator and quashed, on the basis it was unlawful, the Scheme. A Court of Appeal hearing has been listed for 15<sup>th</sup> June 2021.

## Welsh Government Issues Licensing Guidance

On 22<sup>nd</sup> March 2021 the Welsh Government published the 'Taxi & Private Hire Vehicles: Licensing Guidance'. It offers short term recommendations to ensure operators and vehicle drivers meet licensing requirements. This coincides with plans to develop new legislation over the next 12 months.

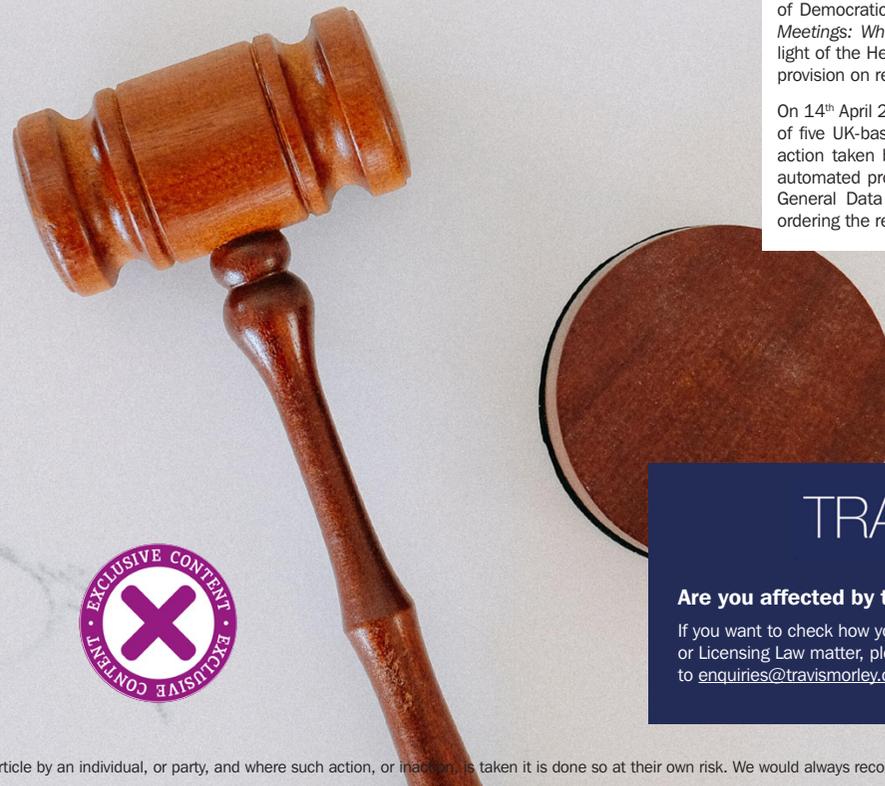
## DfT Publishes Safety Screen Guidance

On 3<sup>rd</sup> March 2021 the Department for Transport (DfT) published the 'Coronavirus (COVID-19): Safety Screens for Taxis & PHVs' guidance. It was issued in response to trade calls and the continuing effects of the pandemic. Matters covered include choosing and fitting screens as well as communicating with passengers and notifying insurance companies.

## Other News

On 25<sup>th</sup> May 2021 the Lawyers in Local Government (LLG) and Association of Democratic Services Officers (ADSO) published the 'Guidance on Remote Meetings: What Next for Local Authorities?'. It offers to local authorities, in light of the Hertfordshire case, general advice following the end of the express provision on remote meetings.

On 14<sup>th</sup> April 2021 an Amsterdam Court ruled on a case involving the dismissal of five UK-based drivers by Uber BV (*Case C/13/696010/HA ZA 21-81*). The action taken by Uber BV followed allegations of fraudulent activity based on automated processing and profiling. It was found to be contrary to Article 22 General Data Protection Regulation (GDPR) (EU) 2016/679 with the court ordering the reinstatement of five UK-based drivers.



TRAVIS MORLEY  
Legal Consultants

### Are you affected by these issues?

If you want to check how you are affected by the above issues, or any other Contract Law or Licensing Law matter, please contact Travis Morley now on 01159 724928 or by email to [enquiries@travismorley.com](mailto:enquiries@travismorley.com) or visit us at [www.travismorley.com](http://www.travismorley.com).

\*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.