

# 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 2021 (Issue 95) edition there has been some interesting licensing law and regulatory developments...

TRAVIS MORLEY  
Legal Consultants

## High Court Considers Declaration on Private Hire Booking Contracts.

On 23<sup>rd</sup> November 2021 the High Court heard submissions on Uber London's request for clarification as to the contractual position regarding private hire bookings (*Uber London Limited v Transport for London & Others [2021]*). It seeks a declaration that private hire operators do not enter into a contract, under the Private Hire Vehicles (London) Act 1998, with passengers. Developments in this case will be updated in future editions.

## High Court Considers Challenge on FREE NOW Licence.

On 23<sup>rd</sup> November 2021 the High Court heard submissions against Transport for London's (TfL) decision to grant a licence to Transpoco UK Ltd (*United Trade Action Group Limited v Transport for London & Others [2020]*). It will consider whether the FREE NOW ride-hailing mobile application, used by Transpoco UK Ltd, unlawfully facilitates plying for hire. Developments in this case will be updated in future editions.

## Reform Plans on Mobile Phone Use.

On 19<sup>th</sup> November 2021 the Department for Transport (DfT) published the 'Using a Mobile Phone while Driving Consultation Outcome' report. It recommends, amongst others, new penalties for those caught using and holding mobile phones whilst driving. The proposed changes will be implemented in 2022.

## DfT Best Practice Guidance Consultation Plans.

On 18<sup>th</sup> November 2021 the Department for Transport (DfT) confirmed it will shortly launch a consultation on its updated best practice guidance to licensing authorities. This assurance was given by Trudy Harrison MP, Parliamentary Under-Secretary of State at the DfT, in response to a question tabled at the House of Commons ('Taxis: Regulation' (UIN 73969)). A consultation on the proposals is expected in the near future.

## HMRC Consults on Tax Conditionality Regulations.

On 18<sup>th</sup> November 2021 HMRC closed its 'Draft Regulations: Tax Conditionality for the Hidden Economy' consultation. It invited views on the proposed administrative processes for ensuring compliance with the tax conditionality requirements to be introduced by the Finance Act 2021. The outcome of the consultation is expected, following analysis of the feedback, in the near future.

## High Court Rules on Vehicle Licence Transfer Dispute.

On 3<sup>rd</sup> November 2021 the High Court handed down its judgement in a dispute over the proprietorship of a hackney carriage vehicle licence (*Camayo v Colchester Borough Council & Others [2021] EWHC 2933 (Admin)*). It considered whether the licence was attached to the vehicle and its new owner or the owner of business, and original licence-holder, using the vehicle. The court found in favour of the latter and dismissed the claim.

## New Taxi & Private Hire Vehicles Bill.

On 3<sup>rd</sup> November 2021 the House of Commons concluded its Committee Stage consideration of the 'Taxis & Private Hire Vehicles (Safeguarding & Road Safety) Bill'. The Bill focuses on improving data sharing between licensing authorities and proposes the creation of a centralised database. It now moves to the report and third reading stages on 21<sup>st</sup> January 2022.

## HMRC Publishes Tax Conditionality Guidance.

On 13<sup>th</sup> October 2021 HMRC issued its 'Changes for Taxi, Private Hire or Scrap Metal Licence Applications from April 2022' guidance. It forms part of a wider catalogue guidance and covers steps licence applicants will need to take to comply with tax conditionality. The new tax conditionality requirement will take effect from 4<sup>th</sup> April 2022.

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## Employment Tribunal Claim on Facial Recognition Software.

On 8<sup>th</sup> October 2021, it was reported, the Independent Workers Union of Great Britain (IWGB), alongside the App Drivers & Couriers Union (ADCU), were supporting a claim filed at the Employment Tribunal (*Manjang & Raja v Uber [2021]*). It alleges Uber's use of facial recognition software to identify drivers contravenes the Equality Act 2010. Developments on this claim will be updated in future editions.

## Home Office Publishes Immigration Status Guidance.

On 29<sup>th</sup> September 2021 the Home Office issued new '*Licensing Authority Guide to Right to Work Checks*' guidance. It updates, in light of changes to the right to work scheme, advice to licensing authorities on how to check the immigration status of applicants / licence-holders. The guidance supports the requirements implemented by the Immigration Act 2016.

## About Travis Morley...

Travis Morley is a leading legal consultancy specialising in Taxi Licensing Law. Our advisers uniquely combine over 30 years professional expertise as lawyers, academics and licensing officers. We have been providing sound legal solutions to trade organisations, businesses and individuals since 2010.

## Other News.

On 4<sup>th</sup> November 2021 Derby City Council indicated it would consider a report on introducing a mandatory CCTV requirement. A public consultation recommendation on the proposal has also been put forward for consideration. If pursued, it is expected to take place in the near future.

On 29<sup>th</sup> October 2021 the Greater Manchester Combined Authority (GMCA) considered the progress of the '*Minimum Licensing Standards for Taxi & Private Hire*'. It reviewed the final set of proposed standards, which include emission specifications and age limits, for vehicles. Compliance with the provisions is expected by 2024.

On 25<sup>th</sup> October 2021 the Mayor of London confirmed the implementation of an expanded 'Ultra Low Emission Zone'. It will cover an area up to the North / South Circulars and charges will apply, unless exempt, to the trade (*TPH Notice 15/21*). The extension took immediate effect.

On 1<sup>st</sup> October 2021 Transport for London (TfL) introduced a new 'Safety, Equality & Regulatory Understanding' (SERU) requirement (*TPH Notice 14/21*). It also changed the approach to the 'English Language Assessment' for drivers. These new measures have immediate effect and TfL has indicated it will contact all affected applicants / licence-holders.

## 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).

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