

# 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 2021 (Issue 96) edition there has been some interesting licensing law and regulatory developments...

## Law Commission Reports on Automated Vehicle Reforms.

On 26<sup>th</sup> January 2022 the Law Commission published its 'Automated Vehicles: Joint Report'. It recommends the introduction of a new Automated Vehicles Act to regulate self-driving vehicles. In respect of the trade, it advocates the need for additional evidence and recommends use of interim passenger permits. A Government response is expected in the future.



## Progress on Safeguarding & Road Safety Bill.

On 24<sup>th</sup> January 2022 the House of Lords concluded its first reading 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 second reading stage and awaits a date for such consideration.



## Progress on Disabled Persons Bill.

On 14<sup>th</sup> January 2022 the House of Commons concluded its second reading of the 'Taxis & Private Hire Vehicles (Disabled Persons) Bill'. The Bill focuses on reducing discrimination against passengers with disabilities and proposes measures to strengthen the Equality Act 2010. It now moves to the Committee Stage and awaits a date for such consideration.

## DfT Updates Highway Code.

On 30<sup>th</sup> December 2021, it was reported, the Department for Transport (DfT) planned to update the 'Highway Code'. It introduces, amongst others, a hierarchy of road users which also includes a higher level of legal responsibility for drivers. The new changes will come into effect on 29<sup>th</sup> January 2022.

## DLUHC Rejects Continuation of Remote Council Meetings.

On 15<sup>th</sup> December 2021 the Department for Levelling Up, Housing & Communities (DLUHC) confirmed it does not intend to extend the use of remote council meetings (under the *Local Government Act 1972*). This response was given by, Minister of State for Building Safety & Fire, Lord Greenhalgh. It appears unlikely any substantive re-introduction of this practice will occur in the near future.

## Magistrates Court Rules on Ola Licence Appeal.

On 13<sup>th</sup> December 2021 the Magistrates Court handed down its judgement on Ola's appeal against Transport for London's (TfL) decision not to renew its private hire operator licence (*Ola UK Private Limited v Transport for London [2021] (unreported)*). The regulator had found the company to be no longer "fit and proper" based on, amongst other concerns, use of unlicensed drivers and vehicles. The court, upon reviewing Ola's new steps on safety, allowed the appeal and approved a 15-month licence with conditions.

## DVLA Closes Consultation on Healthcare Professionals.

On 6<sup>th</sup> December 2021 the Driver & Vehicle Licensing Agency (DVLA) closed its consultation on 'Amending the Road Traffic Act 1988 to allow registered healthcare professionals to complete DVLA medical questionnaires'. It sought views on reforms to the Road Traffic Act 1998 to enable professionals, other than registered doctors, to complete medical questionnaires. The outcome of the consultation is expected in the near future.

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## High Court Rules on Private Hire Booking Contracts.

On 6<sup>th</sup> December 2021 the High Court handed down its judgement on Uber London's request for clarification on the contractual position regarding private hire bookings (*Uber London Limited v Transport for London & Others [2021] EWHC 3290 (Admin)*). It decided private hire operators are required, under the Private Hire Vehicles (London) Act 1998, to enter as principal a contractual obligation with a passenger to provide a journey upon accepting a booking. Transport for London (TfL) has issued, albeit generalised, guidance in 'Taxi & Private Notices' 19/21 and 22/21.

## High Court Rules on Free Now Licence.

On 6<sup>th</sup> December 2021 the High Court handed down its judgement on a judicial review application against Transport for London's decision to grant Transopco UK Ltd a private hire operator licence (*R (United Trade Action Group Limited) v Transport for London & Others [2021] EWHC 3290 (Admin)*). It considered whether the Free Now ride-hailing mobile application, used by Transopco UK Ltd, unlawfully facilitates plying for hire. The court dismissed the claim finding Free Now does not facilitate or encourage such an offence. It is understood an appeal may be sought.

## 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.

\*Travis Morley Associates Limited (trading as 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.

## Other News.

On 13<sup>th</sup> January 2022 the Greater Manchester Combined Authority issued a statement on its concerns about plans for a 'Clean Air Zone' (CAZ). It raises questions surrounding the amount of financial support from Government. The CAZ is set for implementation on 30<sup>th</sup> May 2022.

On 10<sup>th</sup> January 2022 the Department for Transport announced its support for developing a new 'Disabled Persons Passenger Charter'. It will be produced in conjunction with Scope and seeks to consolidate existing guidance into a single document.

On 20<sup>th</sup> December 2021 the Department for Transport updated its 'Coronavirus (COVID-19): Taxis & PHVs Guidance'. The changes incorporated new advice on the taking of lateral flow tests.

## 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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