

Your Licensing Law Brief!

Travis Morley are proud to be the official LPHCA legal advisors and are pleased to continue our regular update column for Private Hire News.

TRAVIS|MORLEY
Legal Consultants

Since the publication of the Winter 2019/20 (Issue 88) edition there has been some interesting licensing law developments...

Uber London Refused Licence Renewal.

On 25th November 2019 Transport for London (TfL) refused to renew Uber London Limited's private hire operator licence. It concluded, citing public safety concerns, the company is no longer "fit and proper" to hold a licence. Additional details on TfL's rationale were released on 23rd January 2020. A preliminary appeal hearing took place at Westminster Magistrates Court on 13th February 2020.

TfL Responds on Illegal Driver Qualifications.

On 3rd December 2019 Transport for London issued 'Private Hire Vehicle Drivers: Topographical Assessments' Notice 06/19. It responded to the alleged issuing of fraudulent BTEC qualifications by Vista Training Solutions in Newham. The regulator confirmed it had revoked 143 private hire driver licences and removed a concession which permitted acceptance of such vocational qualifications. A similar problem was identified, outside of London, by Sefton Council on 6th January 2020.

Court of Appeal Rules on Uber Tax Case.

On 4th December 2019 the Court of Appeal ruled HMRC must disclose whether it had assessed Uber's tax payments (*R (Good Law Project Limited) v HMRC [2019] CO/2150/2019*). The Good Law Project calculates Uber may be liable for an estimated £1.5 billion in unpaid VAT.

Protests on Buckinghamshire Transport Contracts.

On 5th December 2019 Buckinghamshire Contractors Association, supported by the LPHCA, conducted a protest against, and presented a petition to, Buckinghamshire County Council. It follows the authority's attempt to introduce financially onerous new terms for its transport services. Travis Morley are assisting with these complaints.

Court of Appeal Rules on Licensing Fees.

On 10th December 2019 the Court of Appeal handed down its judgement in *R (Rehman) v Wakefield City Council [2019] EWCA Civ 2166*. It decided the costs of compliance, not just application, are directly recoverable from private hire driver licence fees (under the Local Government (Miscellaneous Provisions) Act 1976). This re-affirms the financial independence of the driver, vehicle and operator licensing regimes.

Solihull Consults on New Sanctions Policy.

On 16th December 2019 it was reported that Solihull Metropolitan Borough Council would conduct a consultation. It will consider proposals relating to, amongst others, sanctions for drug possession, dishonesty and illegal plying for hire. The deadline for responses was 19th January 2020.

Edinburgh Complaints on Drivers.

On 8th January 2020 it was reported that an Edinburgh City Council report showed increasing numbers of public complaints against taxi and private hire drivers. The figures were to be considered by the Regulatory Committee. This follows a motion in October 2019 which called for a capping of private hire car numbers.

ARE YOU AFFECTED BY THESE ISSUES?

If you want to check how you are affected by the above issues, or any other Licensing Law matter, please contact Travis Morley now on 01159 724928 or by email to enquiries@travismorley.co.uk or visit us at www.travismorley.co.uk.

*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.

Wolverhampton Licences Drivers UK-Wide.

On 9th January 2020 it was reported that Wolverhampton City Council had licenced 15,000 private hire drivers in 2019. This includes applicants based in different districts (including, but not limited to, Manchester, Coventry and Leicester). Criticism has been raised by other licensing authorities over enforcement and fees.

Leeds Protests on Driver Penalty Points.

On 15th January 2020 it was reported that Leeds Hackney Carriage & Private Hire Drivers protested against Leeds City Council plans. The new policy will enable a 3-year suspension where 6-penalty points are received in a year. This follows Institute of Licensing (IoL) suitability guidance which, after criticism, prompted the IoL to issue a press release, on 6th February 2020, justifying and maintaining its advice.

Manchester Consults on Driver Dress Code.

On 16th January 2020 it was reported that Manchester City Council are proposing to introduce minimum dress standards for male and female drivers. Whilst not a uniform requirement, it aims to improve the image of drivers, and reduce complaints against them, in the city. A 12-week consultation, it is understood, has commenced.

Highland Consults on Wheelchair Accessible Vehicle List.

On 19th January 2020 it was reported that Highland Council will consult on the creation of a wheelchair accessible vehicle list. It is intended, any driver of a listed vehicle who refuses a disabled passenger, will be charged with a criminal offence.

National Taxi & Private Hire Standards Coming Soon.

On 30th January 2020 the Parliamentary Under-Secretary of State for Transport, Nusrat Ghani MP, confirmed the Government "... will be issuing statutory taxi and private hire standards shortly...". Additional assurances were given to the House of Commons in response to a question from Wes Streeting MP.

Birmingham Renews Uber Licence.

On 9th February 2020 it was reported that Birmingham City Council had renewed Uber's private hire operator licence. This decision was made despite earlier media articles in January 2020 inferring the licensing authority intended to await the outcome of Uber's appeal in London.

OTHER NEWS...

On 17th December 2019 DEFRA confirmed licensing authorities will receive a new burdens payment of £597 for 2019/20. This is intended to help with the costs of implementing the Air Quality (Taxi & Private Hire Vehicles Database) (England & Wales) Regulations 2019.

On 17th January 2020 the Department for Transport announced it had commenced a 6-month project trialling wireless charging for taxis in Nottingham. Five charge stations have been fitted across the city at a cost of £3.4 million.

**TRAVIS MORLEY AT LPHCA NATIONAL FORUM
ON THURSDAY 16TH APRIL 2020 AT EMIRATES
OLD TRAFFORD, MANCHESTER**



We are delighted to be taking part in the second LPHCA National Forum following last year's successful inaugural event. As well as the Travis Morley stand Neil Morley will be taking part in the panel sessions and will be on hand all day to discuss all PHV & taxi licensing matters for operators and drivers.