

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 Summer 2021 (Issue 94) edition there has been some interesting licensing law and regulatory developments...

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Birmingham Announces Independent DBS Checks.

On 1st September 2021, it was reported, Birmingham City Council will introduce independent DBS checks on home-to-school drivers. This follows the cancellation of transport contracts amidst safeguarding concerns (*'Independent Service Review of SEND Home to School Transport' (2020)*). The Council, it is understood, wrote to all providers on 1st September 2021.



Court of Appeal Rules on London Streetspace Plan.

On 30th July 2021 the Court of Appeal handed down its judgement on a Transport for London (TfL) appeal against a High Court decision concerning the Streetspace Plan and Bishopsgate Low Traffic Scheme (*R (United Trade Action Group Ltd & Others v Transport for London & Others [2021] EWCA Civ 1197*). It found in favour of TfL, set aside the earlier High Court decision and dismissed the judicial review claims. A subsequent appeal was lodged with the Supreme Court on 19th August 2021.

Northumberland Considers Single Zone.

On 30th August 2021, it was reported, Northumberland County Council would consult on its *'Hackney Carriage Zones'*. The unitary authority is presently divided into six zones which inhibit the ability of a hackney carriage to ply for hire outside its designated zone. Consideration is now being given, amongst other proposals, to replacing the current system with a single zone. A consultation is expected in the coming months.

DfT Updates Coronavirus Guidance.

On 19th July 2021 the Department for Transport (DfT) published an update to its *'Coronavirus (COVID-19): Taxis & PHVs'* guidance. It accommodates changes, following the easing of lockdown restrictions, to the rules on face coverings and social distancing measures. Separate guidance has been issued in Northern Ireland, Scotland and Wales.

Home Office Extends Right to Work Online Checks.

On 26th August 2021 the Home Office updated its *'Coronavirus (COVID-19): Right to Work Checks'* guidance. It extends the ability for employers to conduct remote immigration checks using internet-based technology. This facility remains temporary and will end on 5th April 2022.

TfL & National Database.

On 19th July 2021 Transport for London (TfL) confirmed it will submit data to the *'National Register of Taxi Licence Revocations & Refusals (NR3 Database)'* (*TfL Notice 11/21*). It will cover details of all hackney carriage and private hire driver licence refusals or revocations since 1st January 2018. Weekly uploads of decisions will take place after 1st September 2021.

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Greater Manchester Starts Adoption of Licensing Standards.

On 26th August 2021, it was reported, Tameside Metropolitan Borough Council had approved the first stage in adopting the 'Greater Manchester Taxi & Private Hire Minimum Licensing Standards'. The standards focus on drivers, operators and licensing authorities. Measures include changes to DBS checks, medical examinations, knowledge tests and English language requirements. A report on vehicle standards is expected in the coming months.

DfT Best Practice Guidance Consultation Plans.

On 15th July 2021 the Ministry of Housing, Communities & Local Government (MHCG) wrote to licensing authorities in relation to the Regulatory Services Task & Finish Group ('Delivery & Recovery of Local Authority Regulatory Services'). It also confirmed the Department for Transport (DfT) is in the process of updating its 'Taxi & Private Hire Vehicle Licensing: Best Practice Guidance (2010)'. A consultation on the proposals is expected in the near future.

Court of Appeal Rules on Worker & Collective Bargaining Rights.

On 24th June 2021 the Court of Appeal handed down its judgement in an appeal against 'worker right' claims (*The Independent Workers Union of Great Britain v The Central Arbitration Committee [2021] EWCA Civ 952*). It found that riders, engaged by Deliveroo, are not in an employment relationship and do not possess the right to form a trade union. This decision, notably, goes against recent judgements favouring the designation of worker status.

Crown Court Rules on Administrative Refusal.

On 21st June 2021, it was reported, Nottingham Crown Court had ruled on an appeal against a conviction for unlawfully driving a hackney carriage vehicle (*Cartledge v Gedling Borough Council [2021]*). It centred on whether a delay in an administrative decision on a licence renewal application, submitted in good time, constituted a refusal. If so, the driver was entitled to continue working, pending conclusion of an appeal process, at the time of the alleged offence. The court concluded it did and allowed the appeal.

New Taxi & Private Vehicles Bill.

On 18th June 2021 Peter Gibson MP tabled, in the House of Commons, a Private Members' Bill entitled 'Taxis & Private Hire Vehicles (Safeguarding & Road Safety) Bill'. It focuses on the improvement of data sharing between licensing authorities and, amongst others, proposes the creation of a centralised database. A second reading is set for the 10th September 2021.

Other News.

On 31st August 2021 the DVLA confirmed delays to the processing of licence applications in its 'DVLA Coronavirus (COVID-19) Update'. It cites ongoing industrial action and social distancing measures as the primary cause. The Parliamentary & Health Service Ombudsman has invited affected individuals to submit complaints.

On 13th August 2021 the Surveillance Camera Commissioner (SCC) launched a consultation on the 'Surveillance Camera Code of Practice'. It is the first proposed revision of the Code which governs use of surveillance cameras by local authorities. The deadline for response is 8th September 2021.

On 30th June 2021 the Department for Transport (DfT) published its annual 'Taxi & Private Hire Vehicle Statistics, England: 2021'. It shows the total number of licensed hackney carriages, private hire vehicles and drivers has decreased. The number of licensed private hire operators has also decreased since 2020.

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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@travisormorley.com or visit us at www.travisormorley.com.

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