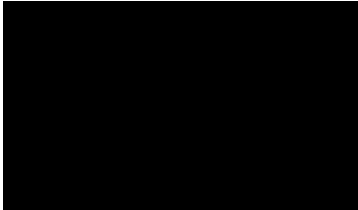


Reference: [REDACTED]

Date: 11 April 2017



Dear [REDACTED]

### **Private Hire Vehicle Operators licence**

We are required to ensure that all operators are fit and proper to hold a licence. In accordance with our policies and regulatory requirements, we are required to ensure the following requirements continue to be met:

- Fitness of every individual associated with the operator licence;
- Operating centre(s) continue to meet all the required licensing criteria;
- The history of compliance with the regulatory requirements during any current or previous licences;
- Whether anyone associated with the licence has come to any adverse attention and/or whose actions have raised concerns with regards to public safety; and
- For shared premises, we will not normally consider applications unless it is from a licensed operator who has been licensed for at least twelve months.

We have received notification of an adverse nature, regarding your fitness to be licensed. In line with our policies and regulatory requirements we have considered if it is appropriate for you to continue to be licensed.

The information we have received is:

- We attempted to conduct an inspection on **18 September 2015** but were unable to do so as the operating centre does not appear to be at the address we have on record.

Before we made a decision, we wrote to you on **22 January 2017** and provided you with an opportunity to comment on your fitness to remain licensed and also to provide any further relevant information for us to consider.

In making a decision on your continued licence status we have considered the following points:

- You have not provided any further information for us to consider.
- As we are unable to contact you and conduct a compliance inspection we cannot be certain if you are fulfilling your licensing conditions or still have control of your business and are able to provide a safe service to the public. Having taken all these points into consideration we have decided to **revoke** your licence as we no longer consider you to be a fit and proper person to hold a licence.

I recognise that this will not be the outcome you desire, however we have an obligation to maintain both public safety and confidence in the licensed taxi and private hire trades.

### **Right of appeal**

You may appeal our decision, information on how to do this is enclosed with this letter, please read the notice entitled 'Right of Appeal'.

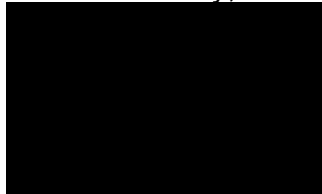
If you do not appeal our decision, you **must** return all copies of your licence us within 21 days. If you fail to do this you are committing an offence and maybe prosecuted.

### **Additional Information**

Information regarding powers conferred on TfL and the standards applied in making this decision can be found in the enclosed notice.

If you have any further queries regarding this decision, please contact us via the details contained at the top of this letter. **It is important you quote your reference number [REDACTED] in all communication with us.**

Yours sincerely,



Licensing Manager  
London Taxis and Private Hire|Service Operations|Transport for London  
6th Floor, 230 Blackfriars Road, London SE1 8NW



## **Private Hire Vehicle Operator Licence Revocation or Suspension Additional Information**

### **Requirements**

Under Section 16(2)(a) of the Private Hire Vehicles (London) Act 1998, Transport for London may suspend or revoke a London PHV Operator's licence, if TfL is no longer satisfied that the licence holder is fit to hold such a licence.

In determining whether a licensee is fit and proper, TfL takes account of information provided on:

- The PHV/101 Application Form;
- The PHV/103 Self Declaration form for each person associated with the application;
- The PHV/108 Operating Centre Details form for every proposed operating centre on the application;

as well as any previous history as a licensed operator and any other relevant information provided by the police, other licensing authorities, etc.

**Please note:** Further information on our policies and guidelines can be found on our website at [www.tfl.gov.uk/tph](http://www.tfl.gov.uk/tph)

### **Right of Appeal**

If you wish to appeal against the decision to revoke your licence you may appeal to the Westminster Magistrates' Court **within 21 days** from the date of receipt of this letter.

Please find enclosed with this notice a copy of Section 25 of the Private Hire (Vehicles) Act 1998 which applies to any appeal against a decision of Transport for London in relation to a licence.

In order to lodge an appeal, please refer to the enclosed guidelines which have been issued by the court.

### **Return of your London PHV operator's licence**

#### Immediate suspension or revocation

If you have been advised that the suspension or revocation of your licence has immediate effect, your licence should be surrendered immediately in the envelope enclosed (please affix postage) to this office or any officer acting with this office's authority in accordance with Section 22 of the Private Hire Vehicles (London) Act 1998. Should you fail to do so, you are guilty of committing an offence and may be liable to prosecution.

#### Non-Immediate suspension or revocation

### **No Appeal**

Should you decide not to exercise your right of appeal, the decision of the Licensing Authority will take effect at the end of the 21 days from the date when the letter was served upon you. You will then have **7 days** in which to return your licence to this office or any officer acting with this office's authority in accordance with Section 22 of the Private Hire Vehicles (London) Act 1998.

If your licence is being suspended, the period of suspension will commence on receipt of your licence.

### **Appeal**

If you exercise your right of Appeal, you can retain your licence and continue to act as a PHV operator pending the outcome of the appeal. If your appeal is unsuccessful, you will be notified of when and how to surrender your licence and badge.

## **Private Hire Vehicles (London) Act 1998**

### **Section 25 – Appeals**

- (1) This section applies to any appeal which lies under this Act to a magistrates' court against a decision of the Secretary of State, a constable or an authorised officer in relation to, or to an application for, a licence under this Act.
- (2) If the Secretary of State has exercised the power to delegate functions under section 24, such an appeal shall be heard by the magistrates' court for the petty sessions area in which the person to whom the functions have been delegated has his office or principal office.
- (3) Any such appeal shall be by way of complaint for an order and the Magistrates' Courts Act 1980 shall apply to the proceedings.
- (4) The time within which a person may bring such an appeal is 21 days from the date on which notice of the decision appealed against is served on him.
- (5) In the case of a decision where an appeal lies, the notice of the decision shall state the right of appeal to a magistrates' court and the time within which an appeal may be brought.
- (6) An appeal against any decision of a magistrates' court in pursuance of an appeal to which this section applies shall lie to the Crown Court at the instance of any party to the proceedings in the magistrates' court.
- (7) Where on appeal a court varies or reverses any decision of the Secretary of State, a constable or an authorised officer, the order of the court shall be given effect to by the Secretary of State or, as the case may be, a constable or authorised officer.

### **Section 26 – Effects of appeal on decision appealed against**

- (1) If any decision of the Secretary of State against which a right of appeal is conferred by this Act-
  - (a) involves the execution of any work or the taking of any action;
  - (b) makes it unlawful for any person to carry on a business which he was lawfully carrying on at the time of the decision, the decision shall not take effect until the time for appealing has expired or (where an appeal is brought) until the appeal is disposed of or withdrawn.
- (2) This section does not apply in relation to a decision to suspend, vary or revoke a licence if the notice of suspension, variation or revocation directs that, in the interests of public safety, the decision is to have immediate effect.

If you intend to appeal against the decision of Transport for London (TfL) to revoke, vary, suspend, or refuse to grant you a private hire licence you must carry out the following procedure.

**You must apply to Westminster Magistrates' Court for a summons against TfL within 21 days of receiving the written notice of the decision.**

- You should write to Westminster Magistrates' Court, applying for a summons against TfL. (Please note: there are no official forms for this procedure, you will have to write a letter stating that you wish to appeal against the decision). The address of the court is 181 Marylebone Road, London, NW1 5BR and the telephone number is 020 3126 3050.
- You should enclose the notice of refusal/revocation/suspension/variation from TfL, and any other relevant correspondence with the envelope showing the postal date.
- A mandatory fee of £205.00 is required for this application: the fee may be waived if you are receiving State Benefits. If you are eligible to receive benefits, please complete the online exemption form on <http://www.gov.uk/get-help-with-court-fees>.

In order for us to process your application, you must complete a proforma and return it to us. To request a proforma, please email [Lmac1@hmcts.gsi.gov.uk](mailto:Lmac1@hmcts.gsi.gov.uk) or call the London Magistrates Application Centre on 0203 126 3040. Unless the court receives the fee or your exemption code on the proforma, your summons will not be considered.

IF THE APPLICATION IS GRANTED: a summons will be issued against TfL for hearing at a later date. This date will be an effective date and you will be required to attend on this and any further dates. You must inform the court in advance of any dates that are not suitable for you to attend for the hearing.

**You MUST attend on the hearing date. The District Judge or Justices sitting will hear evidence from both parties and then decide whether or not to uphold the original decision. If the original decision is upheld, costs may be awarded against you (approx. £600.00). Likewise, if you do not attend the appeal, it may be dismissed and costs awarded against you.**

If you wish to withdraw your appeal you must inform the court and TfL in writing before the hearing date. If you do not give prior notice of your withdrawal you may incur costs.

Please note that, as this is a civil matter, the court will not provide interpreters in these cases, although a list of qualified interpreters can be obtained from the court if you wish to book and pay for one yourself. The services of an interpreter must be arranged by you before the date of your appeal. If you wish to know if you can carry on driving/operating once the appeal is lodged, please contact TfL.

