



Public Sector Legal News Update

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Cases

PLANNING

Friends of the Earth Ltd's Application for Judicial Review, Re. [2017] NICA 41. Court of Appeal (Northern Ireland) (CA (NI)). Morgan LCJ; Weatherup LJ; Keegan J. June 28, 2017

The precautionary principle applied to the question of whether to issue a stop notice in relation to sand extraction from a lough. It operated on the basis that there should be no planning permission until it was established that there was no unacceptable impact on the environment.

Appeal allowed

Legislation

HOUSING

Mobile Homes and Park Homes Bill 2017 (HC Bill 61).

A Bill to require the use of published criteria to determine whether mobile homes and park homes are liable for council tax or non-domestic rates; to make provision in relation to the residential status of such homes; to amend the Mobile Home Acts; and for connected purposes.

[Read full text here.](#)

Hansard: HC Vol 628 col 104 (1st Reading)
Commons 1st Reading: 5/9/2017; 2nd Reading: 20/10/2017 provisional

Regulatory Development

LOCAL GOVERNMENT

New opportunities for councils to benefit from growth. By Department for Communities and Local Government. 1 September 2017

Councils are being encouraged to come together and put forward plans to retain the growth in their business rates income, following the Government's announcement that from April 2018 pilots across economic areas will be able to retain 100% of the growth in income raised locally through business rates. Findings from the pilots will assist in the development of options for local authorities to retain more of the

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money raised in the future.

[Read full text here](#) and [here](#).

News

LICENSING

Uber drivers forced to have new criminal record check. *Sunday Times*, 3 September 2017, 5. By Andrew Gilligan.

Transport for London, which licenses taxis in London, is to compel Uber drivers to undergo new criminal record checks after it rejected Uber's vetting process, where it worked with London-based company, Onfido, to carry out checks. Police have accused Uber of failing to report sex attacks on passengers by its drivers and of "allowing situations to develop that clearly affect the safety and security of the public".

Companies referred: Onfido; Uber

Further Reading

CONSTRUCTION LAW

Grenfell Tower and the failure of building and fire safety regulations. *J.H.L.* 2017, 20(5), 110-115. By Helen Carr.

Reviews the regulatory framework on building and fire safety following the Grenfell Tower fire. Examines the evolution of building regulations since the 1960s, the involvement of building control inspectors at Grenfell, the application of fire precaution legislation, and why establishing whether the tower cladding met regulatory standards poses a challenge. Discusses the problems of an outcome-based regime and the need for radical reforms.

Legislation referred: Building Regulations 2010 (SI 2010/2214); Building Act 1984 (England and Wales (UKEW)); Fire Precautions Act 1971; Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541)