

Wiltshire Council

Licensing Committee

16 September 2024

Agenda Item 5 – Public Participation

**Question from Desmond Broster, National Director – Safeguarding,
Veezu**

To

Licensing Committee

Question 24-01:

With reference to Agenda item 11 and in particular page 28 paragraph 5, reproduced below (my emphasis):

‘Private Hire drivers are not restricted by zone and can take bookings for anywhere in the Country. It is interesting to note that we have more private hire drivers living outside of the county than in the east of the county. **Recent best practice has provided the authority with the power to ask applicants from outside the area where they intend to undertake the majority of their work, if they will not be working in Wiltshire, we now have the power to refuse the application.** For information the area in which the private hire drivers are registered is as follows;’

Can I see what the ‘recent best practice’ is, please.

In relation to the statement, ‘we now have the power to refuse the application’, can you show me the statutory power for a refusal in such circumstances. If that perceived power is based on a Wiltshire policy, can you share that with me along with the audit trail leading up to such a policy.

If the ‘power’ is based on legal advice, can you share that with me also, please.

Response:

In relation to your questions, as you are aware that in 2023 the Government issued new guidance titled ‘Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England’. It can be found in full at [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118111/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england.pdf).

In this guidance under article 6.12 it states ‘Licensing authorities should require an applicant for a taxi driver licence to declare that they intend to work predominately

within the licensing authority's area. The residential address provided by the application should be considered in assessing the likelihood of this declaration being adhered to when assessing an application for a taxi driver licence.'

Wiltshire Council has the power to refuse a licence under the Local Government (Miscellaneous Provisions) Act 1976 Section 51 & 59.

Section 51 relates to Private Hire and states:

Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

(a) unless they are satisfied [F1—

(i)] that the applicant is a fit and proper person to hold a driver's licence;

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

Section 59 relates to Hackney Carriage and states:

(1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied

(i)] that the applicant is a fit and proper person to hold a driver's licence.

In the report it would appear that there has been some confusion regarding private hire and hackney carriage where the standard for hackney carriage has been applied to private hire only drivers. This will be raised and dealt with during the course of the meeting, and we thank you for pointing this correction out.

We currently have not implemented the latest guidance as mentioned above, however; Wiltshire Council is working hard to implement the guidance as issued and will be taking steps to ensure that we are compliant with as much as is applicable and sensible for the locality.