

Report to: Licensing Committee Meeting – 11 December 2025

Director Lead: Matthew Finch, Director – Communities & Environment

Lead Officer: Damian Wilkins, Environmental Health & Licensing Manager

Report Summary	
<b>Report Title</b>	Joint Authorisation for the Purpose of Licensed Vehicle Enforcement.
<b>Purpose of Report</b>	To seek approval from the Committee for authorisation of officers from the City of Wolverhampton Council to undertake compliance functions under Section 68 and 73 of the Local Government Act (Miscellaneous Provisions) Act 1976, as amended.
<b>Recommendations</b>	That the Licensing Committee approve a specified list of officers working for the City of Wolverhampton be given delegated authority to undertake compliance functions under Section 68 and 73 of the Local Government (Miscellaneous Provisions) Act 1976, as amended.
<b>Reason for Recommendation</b>	To deliver a reciprocal arrangement with officers from the City of Wolverhampton following their authorisation of our officers to enforce vehicle standards licenced by their Licensing Authority.

## **1.0 Background**

- 1.1 The City of Wolverhampton Council licence more private hire vehicles and drivers than any other council in the UK.
- 1.2 Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 makes provisions to permit journeys pre-booked through a private hire vehicle operator to start, drive through and end in any area of the country, regardless of which licensing authority issued their licences.
- 1.3 This is known as the ‘right to roam’ and has been in place for 50 years. Section 48 of the same Act states that the Council, “shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council”. Therefore, it is illegal for the Council to refuse applications for private hire vehicles to limit their numbers.
- 1.4 We understand that currently 96% of drivers licensed by Wolverhampton live outside the city and the term ‘out of town drivers’ refers to the fact they are licensed by another authority to their local council, rather than that they actually live ‘out of town’. A licensed private hire driver may only undertake bookings for a private hire vehicle operator licensed by the same authority. The City of Wolverhampton’s compliance officers work across the country, wherever their licensed drivers and vehicles work, including into the early hours on Friday and Saturday nights.

- 1.5 In order for officers from other local authorities to take action in a different authority area, authorisation to do so must be provided. In March 2024 Wolverhampton's Regulatory Committee authorised the enforcement team of Milton Keynes City Council to undertake some compliance functions in relation to private hire vehicles. At the time, there were 171 private hire drivers and 105 private hire vehicles proprietors licensed by City of Wolverhampton Council who live in Milton Keynes. This enabled licensing officers from Milton Keynes City Council to take enforcement action on the City of Wolverhampton licensed drivers and vehicles, in their area.
- 1.6 Section 5.3 of the Department for Transport's 'Taxi and Private Hire Vehicle Licensing Best Practice Guidance for licensing authorities in England' states:
- "Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of compliance and enforcement powers regardless of which authority within the agreement employs the officer and which issued the licence. This will mitigate the opportunities for licensees to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the LGA Councillors' handbook."*
- 1.7 As a consequence, Milton Keynes City Council were granted a 6-month authorisation for their officers, to allow for immediate suspensions of a vehicle licence. For example, where a vehicle is found to have tyre tread below the legal limit of 1.6mm.
- 1.8 The results of the enforcement undertaken by Milton Keynes City Council are that of the roadside checks conducted, 91 were Wolverhampton licensed vehicles, and using the delegated authority from the pilot, two vehicles were suspended.
- 1.9 Following concerns raised by our Councillors during a previous Licensing Committee regarding the increasing amount of vehicles circulating our area, particularly high footfall locations such as Northgate Railway Station, officers contacted Wolverhampton to enquire about joint authorisations for our Licensing Team (as have other Licensing Authorities in Nottinghamshire).
- 1.10 This limited authorisation is for powers under Sections 68 and 73 of the Local Government (Miscellaneous Provisions) Act 1976, as amended. Section 68 relates to the fitness of a vehicle and Section 73 relates to obstructing officers investigating offences under the Act.
- 1.11 We are now in receipt of this limited authorisation allowing our Senior Licensing Officer and Licensing Enforcement Officers to take positive action on any vehicles licensed by Wolverhampton, trading in our area.

## **2.0 Proposal /Options Considered**

- 2.1 Officers request that the Licensing Committee provide the same limited authorisation to named officers working for Wolverhampton, permitting these officers to take positive action on vehicles/drivers licensed by us as a reciprocal arrangement to the authorisation already provided to our Licensing Team. These authorisations may be revoked at any time in writing by the Council.

- 2.2 A letter of authorisation for each named officer will be provided and this can be shown to licensees. Copies of the licence conditions and relevant policies will be exchanged, as well as information on enforcement action.
- 2.3 All of our licensees in the Newark & Sherwood area will be written to, advising of the joint authorisation.

### 3.0 **Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

<b>Implications Considered</b>			
<b>Yes – relevant and included / NA – not applicable</b>			
Financial	Yes	Equality & Diversity	NA
Human Resources	NA	Human Rights	NA
Legal	Yes	Data Protection	NA
Digital & Cyber Security	NA	Safeguarding	NA
Sustainability	NA	Crime & Disorder	NA
LGR	NA	Tenant Consultation	NA

#### Financial implications FIN25-26/3613

- 3.1 Production of the authorisation documents will be met through existing revenue budgets. There are no proposals for recharge for officer time between the authorities.

#### Legal implications LEG2526/7624

- 3.2 The power of the Licensing Committee to authorise a person to undertake the functions in S.68 of the 1976 Act can be exercised by virtue Section 101 (1) of the Local Government Act 1972 and Part C of the Newark & Sherwood District Council Constitution dated July 2025.
- 3.3 Powers under S.68 of the Local Government (Miscellaneous Provisions) Act 1976 permit suspension of a vehicle licence. Under this recommendation officers of City of Wolverhampton Council will be permitted to suspend vehicle licences which are licensed by Newark & Sherwood District Council based on their condition. Such decisions should be made in accordance with the Council's own Hackney Carriage & Private Hire Licensing Policy to ensure consistency of approach.
- 3.4 S.73 of the Local Government (Miscellaneous Provisions) Act 1976 creates an offence of obstructing those authorised by Newark & Sherwood District Council in carrying out their functions under Part 2 of the Act. This includes the powers under S.68. As before to ensure consistency of approach such enforcement should be in accordance with the Council's own enforcement policy.

**Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None