



Leicester  
City Council

**WARDS AFFECTED**  
**All**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
**Licensing and Public Safety Committee**

**30 September 2015**

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**Policy on licensing hackney carriage and private hire vehicle drivers**

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**Report of the Director of Local Services and Enforcement**

**1. Purpose of Report**

- 1.1. To obtain the Licensing and Public Safety Committee's views on a proposed policy to deal with candidates for private hire and hackney carriage drivers' licences who are found to have been dishonest in relation to their application.

**2. Recommendations**

- 2.1. Members are asked to confirm that applicants who have been found to be dishonest during the application process may have their application, and any subsequent application during the succeeding twelve months, refused on the basis that their dishonesty means they are not a fit and proper person to hold a licence.

**3. Background**

- 3.1 The licensing authority sets pre-licensing requirements for hackney carriage and private hire vehicle drivers. All of these requirements must be met before an applicant is licensed, in order to satisfy the authority that they are a fit and proper person to hold such a licence.
- 3.2 The purpose of the topographical test is to demonstrate that the applicant has sufficient knowledge of the streets and places in Leicester, thereby enabling them to take the most appropriate route to transport a passenger to their required destination. However, applicants must show that they are a fit and proper person in other respects as well. This includes not being dishonest.
- 3.3 An incident during a topographical test earlier in 2015 gave officers cause for concern, to the extent that all persons in the test were questioned and one candidate was strongly suspected of having cheated during the test. This was reported to the Head of Regulatory Services for consideration, and then on to the Licensing Enforcement Sub-Committee, who determined that the application should be refused on the ground that the candidate was not a fit

and proper person to be a licensed driver due to dishonesty and they could not reapply during the next twelve months.

#### **4 Proposals**

- 4.1 It is proposed that it is made clear to applicants that anyone found to be cheating during the topographical test or to have been dishonest in any other aspect of their application may be refused a licence on the grounds that they are not a fit and proper person to hold a licence due to dishonesty.

#### **5 Financial, Legal and Other Implications**

##### **Financial Implications**

- 5.1 There are no financial implications arising from this report.

*Colin Sharpe, Head of Finance, ext. 37 4081*

##### **Legal Implications**

- 5.2 Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 states that a Council shall not grant a taxi licence unless they are satisfied that the applicant is a fit and proper person to hold such a licence

In accordance with the guidance in the case of McCool v Rushcliffe Borough Council (1998), one of the factors that the Council will be concerned about are acts of dishonesty, albeit that cheating during tests which form the application process may not amount to criminal conduct, they will still impact an applicant's standing as a fit and proper person.

The Council already has a policy to refuse applications for 12 months from any applicant who has failed a test 3 times. It is therefore deemed reasonable and proportionate that any act of cheating be met with a 12 month refusal on further applications.

*Nicki Agalamanyi, Solicitor Advocate - Legal Services*

#### **6 Other Implications**

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within the Report</b>
Equal Opportunities	No	
Policy	Yes	Throughout
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

Corporate Parenting	No	
Health Inequalities Impact	No	

**7 Background Papers – Local Government Act 1972**

None

**8 Consultations**

None

**9 Report Author**

Rachel Hall, Licensing Team Manager

0116 4543047

[Rachel.hall@leicester.gov.uk](mailto:Rachel.hall@leicester.gov.uk)