

REDDITCH BOROUGH COUNCIL

**LICENSING
COMMITTEE**

8th July 2019

**ASSESSING THE MEDICAL FITNESS OF THOSE APPLYING AND
HOLDING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES**

Relevant Portfolio Holder	Councillor Grubb
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Members are asked to consider carrying out consultation in relation to potential amendments to the Council's current requirements in relation to licence holders and applicants demonstrating their medical fitness to drive hackney carriage and private hire vehicles.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To direct officers to carry out consultation on potential options for amending the Council's current requirements in relation to licence holders and applicants demonstrating their medical fitness to drive hackney carriage and private hire vehicles.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of any consultation approved would be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 A district council cannot grant a licence to someone to driver either hackney carriage or private hire vehicles unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.
- 3.3 Once licensed, a district council can suspend, revoke or refuse to renew a driver's licence on any of the following grounds:
- a) That he has since the grant of the licence:-

- (i) been convicted of an offence involving, dishonesty or violence, or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this act,
- aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- b) any other reasonable cause.

Service / Operational Implications

- 3.4 The Council has a duty to ensure that all those that it licences to drive hackney carriage and / or private hire vehicles are “fit and proper” persons to hold such licences.
- 3.5 There is no definition of “fit and proper” provided in the relevant legislation, however Council’s usually consider the following sorts of matters when reaching a decision on an individual’s suitability:
- Criminal conviction history
 - Driving licence history
 - Geographic knowledge
 - Ability to communicate
 - Competency in basic mathematics
 - Ability to learn and follow rules and regulations
 - Medical fitness
- 3.6 In terms of judging medical fitness, the vast majority of Councils have adopted a requirement that those that it licences to drive hackney carriage and private hire vehicles must meet the “Group 2” medical standards described in the DVLA publication “Assessing fitness to drive – a guide for medical professionals.” A copy of this publication is attached at **Appendix 1**.
- 3.7 The “Group 2” standards are the standards that are applied to bus and lorry drivers and are a higher standard than is required generally by all those licensed by the DVLA to drive a car on UK roads.
- 3.8 Redditch Borough Council’s current policy on the licensing of individuals to drive hackney carriage and / or private hire vehicles imposes the following requirements:

Applicants should be medically fit to drive hackney carriages or private hire vehicles and shall give proof of their medical fitness by completing and submitting a medical certificate carried out by a registered medical practitioner authorised by this Council (to the Driver and Vehicle Licensing Agency's Group 2 medical standards). This medical will include a drugs test.

- 3.9 Currently all those who hold licences to drive hackney carriage and / or private hire vehicles are required to undertake a medical examination on initial application and then every 5 years until they reach the age of 60. From the age of 60 – 65 the medical is required every 3 years and then those over 65 have to provide a medical certificate annually.
- 3.10 When these requirements were introduced, the Council had in place two authorised medical practitioners to undertake the medical examinations. One of these two medical practitioners has subsequently retired leaving just one in place.
- 3.11 Officers have a number of concerns about the current arrangements:
- Licence holders and applicants are reporting that it has become increasingly difficult to obtain appointments in a timely manner due to the limited availability of the approved medical practitioner.
 - The authorised medical practitioner's surgery is not located within the Borough of Redditch meaning applicants and licence holders having to travel a long distance to undertake their medical examinations.
 - The authorised medical practitioner effectively has a monopoly on providing this service, for which he is paid by the licence holder / applicant.
 - The frequency of medical examinations required is not consistent with the DVLA publication "Assessing fitness to drive – a guide for medical professionals."
- 3.12 Officers would like to carry out consultation on a number of potential changes to the current requirements in relation to licence holders and applicants demonstrating their medical fitness to drive hackney carriage and private hire vehicles.
- 3.13 This would include considering whether medical examinations could be carried out by the individuals own GP or any other registered medical practitioner, rather than by a medical practitioner authorised by the Council. This may help address some of the concerns listed above.

- 3.14 Officers would also like Members to consider amending the frequency at which medicals assessments are required. In the DVLA publication “Assessing fitness to drive – a guide for medical professionals” it states:

“Group 2 entitlement to drive lorries (category C) or buses (category D) is normally given to people over 21 and is valid until the age of 45. Group 2 licences issued since 19th January 2013 are valid for a maximum of five years. Group 2 licences must be renewed every 5 years or at age 45 whichever is the earlier until the age of 65 when they are renewed annually without an upper age limit. Shorter licences may be issued for medical reasons.”

“All initial Group 2 licence applications require a medical assessment by a registered medical practitioner. The same assessment is required again at 45 years of age and on any subsequent reapplication.”

- 3.15 This means that Redditch Borough Council is requiring those between the ages of 21 and 65 to undertake medical assessments more frequently than those who are licensed by DVLA to drive buses and lorries. Officers believe this could be imposing disproportionate financial burdens on licence holders.
- 3.16 Officers also believe the requirement for the completion of a drugs test as part of the medical could and should be revisited. Officers believe that the current arrangements are not effective at detecting licence holders who may be taking illegal drugs as the licence holder has prior notice of the medical assessment. Furthermore, no licence holders have failed a drugs test as part of their medical assessments for at least six years.
- 3.17 Officers believe that it would be far more effective to work in partnership with the Police to undertake roadside drug testing both randomly and on an intelligence-led basis.
- 3.18 Removing the requirement to undertake a drugs test as part of the medical assessment may also help to facilitate the Council in making some of the potential changes described above in relation to the frequency of medical assessments and who they are conducted by.
- 3.20 Members are therefore asked to resolve to direct officers to carry out consultation on potential options for amending the Council’s current requirements in relation to licence holders and applicants demonstrating their medical fitness to drive hackney carriage and private hire vehicles.

- 3.21 Consultation would take place with relevant stakeholders including licence holders, national and local trade associations, the Police, the Council's current approved medical practitioner. The consultation would also be open to contribution from the wider public who utilise taxi and private hire services in the Borough.
- 3.22 The results of this consultation would be brought back before the Licensing Committee at a future date for consideration before any decisions are taken about what amendments, if any, Member wish to make to the Council's current requirements in relation to licence holders and applicants demonstrating their medical fitness to drive hackney carriage and private hire vehicles.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 – Assessing fitness to drive – a guide for medical professionals”

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