

Licensing Committee

Monday, 8 July 2019

MINUTES

Present:

Councillor Salman Akbar (Chair), Councillor Michael Chalk (Vice-Chair) and Councillors Joanne Beecham, Brandon Clayton, Andrew Fry, Julian Grubb, Mark Shurmer and Yvonne Smith

Also Present:

Officers:

Dave Etheridge and Vanessa Brown

Committee Services Officer:

Sarah Sellers

1. APOLOGIES

Apologies for absence were received from Councillors Pattie Hill, Ann Isherwood and Gareth Prosser.

2. DECLARATIONS OF INTEREST

In relation to Agenda item 6, Reform of Annual Licensing Report, Councillor Joanne Beecham declared that she was the owner of a cattery. However, as the report was only for noting and Members were not making a decision that would affect Councillor Beecham, she remained present during consideration of this item.

3. MINUTES

RESOLVED that

the Minutes of the Licensing Committee held on 4th March 2019 be confirmed as a correct record and signed by the Chair.

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Chair

4. PUBLIC SPEAKING

There were no registered speakers.

5. REPORT RE MEDICAL ARRANGEMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Members received a report regarding the arrangements for licensed drivers of hackney carriage and private hire vehicles to be assessed as medically fit. The report highlighted a number of aspects where officers believed the arrangements could be improved and invited Members to consider undertaking a consultation exercise to seek views on potential amendments.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and summarised the rules that currently applied around medical examinations for Hackney Carriage and Private Hire drivers.

Historically the Council had chosen to impose the requirement that all drivers must meet “Group 2” medical standards as defined by the Driver & Vehicle Licensing Agency (DVLA). It was noted that these standards were more onerous on drivers, being the standards that were applied to bus and lorry drivers in the UK.

New applicants for drivers licences were required to show that they were medically fit, and the current practice was for a medical certificate to be provided following a medical assessment by the Council’s appointed medical practitioner.

Originally there had been two doctors appointed, but one had subsequently retired. The remaining council approved doctor was based in Alcester and officers had received reports from drivers with regard to delays in getting appointments and that the times available for appointments were sometimes quite restrictive. As there was now only one doctor authorised undertake the medical assessments, the whole of the work in this regard was falling to be carried out by one doctor and there was no element of choice for the drivers. Officers also pointed out that the system would be vulnerable if the remaining doctor decided to retire, or stop doing the assessments.

With regard to frequency of testing, it was noted that currently a medical assessment was required upon application and then every 5 years until the age of 60. From the age of 60 to 65 frequency of testing changed to every three years, and then from over 65 upwards, testing was required annually.

The SPL explained that this was out of line with the DVLA guidelines as set out in the publication “Assessing Fitness to Drive” (Appendix 1), which required drivers to be medically assessed upon application and then again at age 45. From 45 to 65 assessments were required every 5 years and over 65 annually.

Drivers in Redditch were therefore having to undergo a higher number of tests than bus and lorry drivers and it was questioned whether this could be justified.

The third matter that officers wished to consult on was ending the practice of the medical assessment being combined with a drug test which was carried out at the doctor’s surgery. In the last 6 years no licence holders had failed a drugs test as part of their medical assessment, and officers were concerned that the pre-planned nature of the appointments meant that drivers could have a period of abstinence before the assessment which would render the drug testing ineffective.

It was noted that the drugs test had been introduced some years previously and had been added to the medical assessment because of concerns around incidents of drug taking at the time.

Officers were now questioning whether it was still useful in that format, and were of the view that random roadside testing in partnership with the police would be a more effective approach.

In response to questions from Members the SPL confirmed the following points:-

- That in Worcestershire the other District Councils required medical testing in accordance with the frequency recommended in the DVLA guidelines; Redditch was the only Council that combined drug testing with the medical assessment.
- That if roadside drug testing was introduced, this would be intelligence led.
- That the medical assessment consisted of basic checks including blood pressure, blood sugar and other tests, and an assessment based on the driver’s medical history that they would meet Group 2 standards.

Members discussed a number of points in detail:

That the changes proposed to the current arrangements seemed sensible, particularly adding more choice regarding the identity of the medical practitioner undertaking the assessment, and the proposal to end the pre-planned drug testing.

A rule to allow drivers to be assessed by any GP at their doctors practice, rather than their named GP would make arrangements more flexible.

That if the system was changed to allow drivers a wider choice of GPs, then it would be up to those GPs to decide how much to charge. The SPL confirmed that the amount for the test currently charged by the approved council doctor was £50, but if the requirements were changed to allow other GPs to carry out the assessments they might charge more.

There was concern that if the current arrangements were expanded to include more GPs, that high standards in completing the tests would need to be maintained. The SPL assured Members that officers would monitor this element and pick up if one particular doctor began to take on a disproportionate number of assessments.

Further liaison could be carried out with the police under the consultation to make sure that they had sufficient resources to support a move to random drug testing. It was noted that one option would be to combine the drug testing with the taxi enforcement exercises which are carried out about twice a year and currently focus on vehicle checks.

In conclusion, Members were in agreement that a consultation should proceed and that the questions should include:-

- i. Medical Assessments
Options for expanding the number of doctors available to carry these out including retaining a Council approved list with additional names added to it, or being able to go to any GP or being able to go to your own GP/ GP's practice.
- ii. Frequency of Medical Assessments
Bringing the frequency of medical assessments in line with the DVLA guidance.
- iii. Drug Testing
Ending the requirement for drug testing to be included in the medical assessment, and moving to a system of random roadside drug tests.

RESOLVED that

Officers be requested to carry out consultation on 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, and for the consultation to include the questions agreed by Members as detailed in points i to iii of the Minutes above.

6. LICENSING ANNUAL REPORT 2018 - 19

Members considered the Licensing Annual Report 2018/2019 which provided an overview of activities under the Licensing Act 2003, the Gambling Act 2005 and other aspects of licensing activity, and to inform the Committee of any issues anticipated in the ensuing year.

The report set out the number of new licences issued in 2018/2019 broken down by type of licence, together with total numbers of licences that were in force for each category.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) responded to questions from Members with regard to:

- The numbers of new applications for licences to drive hackney carriages / private hire vehicles, of which there were between 20 to 40 new drivers per year representing a slight upward trend. There had not been an increase in the number of applications for licenced vehicles, the number of which remained fairly consistent.
- Licences had been issued under the newly introduced Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 to 10 establishments in the Borough made up of different types of businesses. Members requested more detail on this aspect be included in the 19/20 annual report.
- Members requested that for the next report more information also be included in relation to Street Trading. Officers were planning to look into this area as they believed that there were likely to be a number of unlicensed operators, particularly around the employment areas in Redditch.
- Scrap metal dealers and the different regulatory requirements that applied to site licences and mobile collector licences. Although reports of issues in this area were low, it was noted that where intelligence was received, taking enforcement action could be difficult as there were

challenges with being able to link the holders of mobile collector licences to the vehicles they used.

RESOLVED that

The Licensing Annual Report 2018/2019 be noted.

7. WORK PROGRAMME

In discussing the work programme, Members indicated that if possible they would like to see the response from the consultation on medical assessments on the agenda of the November meeting, provided that this did not compromise the quality of the exercise and gave respondents sufficient time to reply.

Members discussed the option of adding an item to the work programme around welfare of taxi drivers, and whether there were any national initiatives encouraging respect towards taxi drivers and providing support for them. The SPL confirmed that he would make some enquiries in this regard and report back to Members.

Subject to these matters it was

RESOLVED that

The Licensing Committee Work Programme 2019/20 be noted.

The Meeting commenced at 7.00 pm
and closed at 8.20 pm