

Consideration to Amend Private hire and Hackney Carriage Drivers medical requirements

Licensing Committee

Date: 15 March 2018

Author: Kathryn Ashton – Licensing Manager

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 The purpose of this report is to consider amending the current policy in respect of Medical Examination certificates.

2. Recommendations

That the Committee:

- 2.1 Approve the amendment to the current Private Hire and Hackney Carriage policy so that:

The Group 2 Medical Examination be completed by the applicants own General Practitioner (GP) or another GP in the same practice or a GP in another practice, provided they have access to the applicants full NHS records at the time of the examination:. and

- 2.2 To continue to grant delegated authority to the Licensing Manager to refuse to licence any driver who does not meet the Councils policy on Medical examinations.

3. Detail

- 3.1 Section 57 of the Local Government (Miscellaneous Provisions) Act, 1976, empowers a council to require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle to produce a certificate signed by a registered medical practitioner to the effect that the driver is physically fit to drive a hackney carriage or a private hire vehicle.

- 3.2 Swindon Borough Council's current requirements for hackney carriage and private hire drivers allows an applicant to use **any** registered Medical Practitioner.

A certificate is required:

- (i) At the time of the first application for a licence
- (ii) At the age of 47 and every 3 years thereafter
- (iii) At the age of 65 and every year thereafter.

- 3.3 The Council may withhold the issue of a driver's licence pending receipt of a satisfactory medical certificate. As a taxi or private hire vehicle driver driving

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

Consideration to Amend Private hire and Hackney Carriage Drivers medical requirements

Licensing Committee

Date: 15 March 2018

members of the public in all weathers, day or night, they are required to have the same standards of fitness as any other public service vehicle driver. These are higher than those who hold an ordinary driving licence.

- 3.4 Officers are of the opinion the overarching principle behind the licensing of private hire and hackney carriage vehicles is one of public safety. Based on this overarching principle officers consider that the current policy may allow pre-existing medical conditions to be overlooked.
- 3.5 Changes in lifestyle also mean that conditions such as diabetes are now more prevalent and although recent changes in medication mean that applicants and existing drivers may be continued to be licensed with those conditions, it means that unless requests for information are made from the applicants own practice a pre-existing condition may not be disclosed.
- 3.6 It is becoming increasingly apparent that many drivers are choosing to seek the medical assessment from an independent GP rather than from their own GP and no history is then available to the independent GP when assessing fitness. The 'questionnaire' is completed based purely on the information the driver provides.
- 3.6 Therefore we would ask the Committee to agree to the following proposed policy change:

The Group 2 Medical Examination is to be completed by the applicants own General Practitioner (GP) or another GP in the same practice or a GP in another practice, provided they have access to the applicants full NHS records at the time of the examination.

- 3.7 No other changes other than those at 3.6 are proposed.

4.0 Options

- 4.1 The current policy on Medical Examination certificates remains the same.
- 4.2 Replace the existing policy with the one at point 3.6.

5.0 Consultation with the trade

- 5.1 There has been no separate formal consultation by the Licensing office directly with individual licence holders. However on the 18th of January 2018 at a Taxi forum meeting held with representatives from the Swindon Taxi Association and a number of private hire operators the matter was discussed and no objections were made to officers putting the matter to the Licensing Committee.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

Consideration to Amend Private hire and Hackney Carriage Drivers medical requirements

Licensing Committee

Date: 15 March 2018

6. Conclusion

- 6.1 It is intended that if Members agree to the policy change, that any change in conditions will be implemented from the 1st of April 2018.

7 Financial and Procurement Implications

- 7.1 There may be a direct financial implication for individual licence holders arising from the change recommended by this report, as they will be limited in their choice of providers.
- 7.2 The change to the policy would not impose additional costs nor generate any income for the Council.

8 Legal and Human Rights Implications

- 8.1 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

- 8.2 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

This report relates to the requirements of licensing legislation.

9.0 Diversity Impact Assessment

A DIA has been produced in respect of this report and is available on request.

10.0 Consultees

The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

12.0 Appendices

- 12.1 Appendix A – Current Group 2 Medical Examination Report