
Report of the Assistant Chief Executive (Corporate Governance)

To the Licensing and Regulatory Panel

Date: 18th November 2008

Subject: GROUP 2 MEDICAL REPORT

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

Although the Council requires applicants for Hackney Carriage and Private Hire Vehicle Driver licences to submit a medical disclosure to confirm that their General Practitioner is satisfied that they are fit to drive a hackney carriage or private hire vehicle, no specific standards have been set to enable applicants or General Practitioners to measure this fitness against. The purpose of this Report is to recommend a recognised occupational health standard in respect of taxi drivers and private hire drivers in the interest of public safety.

The Driver Vehicle Licensing Authority (DVLA) sets the medical standards for some categories of drivers within the transport and passenger service industry, but Hackney Carriage and Private Hire drivers are not defined as a specific group.

1.0 PURPOSE OF THIS REPORT

- 1.1 To consider the adoption of Group 2 Medical standards for Hackney Carriage (HC) and Private Hire (PH) drivers as applied by the DVLA to bus and lorry drivers, together with considering the C1 criteria, which enables licensed drivers and new applicants with insulin treated diabetes to continue driving.

2.0 BACKGROUND INFORMATION

- 2.1 The main reason for licensing HC & PH vehicles is public safety and an important aspect of that is that the driver is medically fit to drive.
- 2.2 The Group 2 Medical standard is a more defined examination of a driver's medical fitness. The DVLA states that medical standards for Group 2 are very much higher than those for Group 1 because of the size and weight of the vehicle, and also the length of time the drivers may spend at the wheel in the course of their occupation. It should be noted that whilst the size and weight of HC & PH vehicles may be less than coaches and buses, the Tachograph Legislation does not apply to them and therefore there is no limit on the hours a HC or PH driver can work, as opposed to drivers of coaches and buses.
- 2.3 The responsibilities of a HC & PH driver also involves carrying children (i.e. school contracts), the elderly and vulnerable people. It is a matter of knowledge that licensed drivers often work long hours, work through the night and drive vehicles as a second occupation. Some licensed drivers have advised officers that they could regularly exceed a 60 hour driving working week. On one specific occasion a driver has to be suspended because of fatigue issues.
- 2.4 The responsibility for determining the medical requirements to be applied to HC & PH, over and above DVLA licensing requirements, rests with the local authority.
- 2.5 Current best practice advice contained within the booklet "Medical Aspects of Fitness to Drive", published by the Medical Commission on Accident Prevention, recommends that the Group 2 Medical standards applied by the DVLA in relation to bus and lorry drivers, should also be applied by local authorities to HC & PH drivers. The existing Taxi and Private Hire Licensing medical examination form is attached at Appendix A. The DVLA Group 2 medical examination form is attached at Appendix B.
- 2.6 The Department for Transport's best practice guidance was issued in October 2006 with the aim of assisting local authorities. It stated that it was clearly good practice for medical checks to be made on each driver and concurred with the DVLA to apply 'Group 2' medical standards to HC & PH drivers. This advice has subsequently been widely adopted by local authorities across the country.
- 2.7 A number of medical issues have gained wider prominence in recent years. For example, conditions including Chronic Fatigue, Depression, Alcohol misuse, Prosthesis Malfunction, Visual Disorders, Cardio Vascular i.e. Arrhythmia and Disabled Drivers. The distinctions between Group One and Group Two medicals are listed in the DVLA guide, medical standards of fitness to drive.

3.0 MAIN ISSUES

- 3.1 The power to issue HC & PH Vehicle Driver's Licences is contained in the Town Police Clauses Act 1847, Section 46 and the Local Government (Miscellaneous Provisions) Act 1976, Section 57. The Council is required under these Acts to consider whether an applicant is a "fit and proper" person before a licence is granted.
- 3.2 The Council has an existing policy in respect of medical examinations for hackney carriage and private hire driver licensing. This report suggests an amendment to that policy.
- 3.3 The adoption of the Group 2 Medical standard in light of best practice guidance, mentioned earlier in this report, would satisfy the Council's obligation under the mentioned Acts of Parliament, providing it was fixed within a reasonable time scale.

4.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

None

5.0 LEGAL CONSULTATION AND RESOURCE IMPLICATIONS

- 5.1 Limited consultation has taken place on the grounds that this is a safety issue for the Council to which will have significant beneficial effects for the public, licence holders and the Council. However, the Hackney Carriage trade have been supportive of its introduction but accept that the cost will have to be borne by individuals. It is accepted that this is recognised best practice. There will be no detrimental effect on new applicants or existing licence holders that will effect their livelihoods unless they are medically unfit.

6.0 CONCLUSIONS

- 6.1 That it is proportionate, reasonable and in the public interest to recognise a medical standard prior to the grant or renewal of a HC, or PH driver licence or during the lifetime of an existing licence should a medical concern be raised.

7.0 RECOMMENDATIONS

- 7.1 That Council adopts the Group 2 Medical standards for fitness to drive Hackney Carriage & Private Hire Vehicles in accordance with the DVLA and Department for Transport best practice guidance.
- 7.2 That this policy requirement be applied to: -
- All new HC or PH driver applications, to those HC or PH driver applications
 - Those HC or PH drivers who are required to undertake a medical examination during the lifetime of an existing licence
 - Renewals of existing licences
 - Those drivers who attain 65 years of age during the lifetime of a licence.
- 7.3 That Group 2 Medical reports are only accepted from the applicant's own doctor, or another doctor in the same practice.

- 7.4 That where the Group 2 Medical has already been carried out for any other purpose, the Council will accept that but it must cover the entire period of the licence being granted.
- 7.5 That the C1 criteria for insulin treated diabetes be adopted in relation to Hackney Carriage and Private Hire Drivers. **(See Appendix C)**
- 7.6 That Officers will undertake to inform the existing licence holders of this change by way of a Newsletter to be sent to every licensed driver.
- 7.7 To enable reasonable arrangements to be made by licensed drivers that the commencement date of this decision be 1st February 2009.
- 7.8 That any subsequent amendments or changes to the policy or Conditions are dealt with by way of 'Delegated Powers'.

BACKGROUND PAPERS

Department for Transport, Taxi and Private Hire Best Practice Guidance.

This document can be found at:

www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_613442.hcsp.

DVLA guide to current Medical Standards of Fitness to drive.

This document can be found at:

<http://www.dvla.gov.uk/medical/ataglance.aspx>