ITEM 8 Licensed Driver Medical Policy

Report of the Head of Administration (Portfolio: Corporate)

Recommended:

That the current policy regarding the requirement for licensed hackney carriage and private hire vehicle drivers to have a medical is amended in line with this report.

SUMMARY:

- The authority licenses hackney carriage and private hire vehicle drivers.
- Following a recent audit it is necessary to revise the policy regarding the requirement for drivers to have a medical so that it reflects how medicals are requested.

1 Introduction

1.1 The Head of Administration has delegated powers to issue, suspend, revoke or refuse hackney carriage or private hire vehicle licences under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. It is necessary to make a minor change to part of the policy relating to the issue of driver licences and member approval of these changes is required as they constitute changes to policy that fall outside of the delegated powers of the Head of Administration

2 Background

- 2.1 The Borough Council licenses hackney carriages (taxis) and private hire vehicles (minicabs) as well as the drivers of these vehicles and in the case of private hire vehicles, the operators of those vehicles. The current procedures for the issuing of these licences have been in place for a number of years and were last subject to a substantial revision in 2006 to take account of changing demands, to increase efficiency and to address potential deficiencies in the issue of driver's licences.
- 2.2 One of the changes made in 2006 was the introduction of a requirement for drivers to meet DVLA Group 2 medical requirements. This required drivers to submit a medical upon initial application and then again when they reached the ages of 45, 50, 55, 60 and 65. Beyond 65 they are required to submit an annual medical. DVLA Group 2 requirements are those applied to lorry, bus and coach drivers and are the standard recommended by the Department for Transport in their guidance to local authorities. Thus the standard is applied not just within Hampshire but also the rest of the country.

3 Corporate Objectives and Priorities

3.1 The licensing of hackney carriage vehicles, drivers and operators is a statutory requirement and as such does not directly relate to any of the authority's corporate objectives and priorities.

4 **Consultations/Communications**

4.1 The taxi trade has not been consulted on this change as the proposed change will merely revise the current policy to reflect what currently happens. The change is recommended following dialogue between the Legal and Democratic Service and the Internal Audit Team of the Finance Service.

5 Options and Option Appraisal

- 5.1 This authority (along with all others in Hampshire) has adopted a policy that it will follow the DVLA Group 2 medical requirements in respect of licensed private hire and hackney carriage drivers. Those requirements are that a driver should undergo a medical upon initial application, then again when aged 45, 50, 55, 60 and then annually once they reach the age of 65. A recent internal audit report criticised the Licensing Team for not following this policy rigidly in that e.g. if a driver reached one of these milestone ages in March but their licence renewal was not due until September then officers were waiting until the renewal was due before asking for a medical.
- 5.2 The authority's policy is worded as follows: The Council requires a new applicant for either a Hackney Carriage or Private Hire driver's licence to show proof of satisfactory medical fitness. Once licensed, the Council will continue to ask for proof of fitness at specified ages, or at any other reasonable time. Generally speaking, medicals must be produced on first application, and then at the age of 45, 50, 55, 60 until 65. After this age medicals will be required annually. It is the view of the Licensing Team that the wording of the policy specifically the phrases "or at any other reasonable time" and "generally speaking" allows a degree of flexibility in how the policy is applied.
- 5.3 When first introduced the policy was applied rigidly but this meant that potentially a driver could receive two communications from the authority within months of one another, once when their licence needed to be renewed and then again when they needed to provide a new medical report. As this was unhelpful for both the driver and the authority a degree of flexibility was applied to the policy such that requests for medicals would where possible be sent at the same time as licence renewal paperwork.
- 5.4 Whilst the Head of Legal and Democratic (Legal Services Manager) understands why this approach is advantageous for administrative reasons, he recommends that the policy be reworded to reflect current practice. Therefore it is suggested that the policy be revised such that it will be worded as in paragraph 5.2 above except for penultimate sentence which will read as follows: *Generally speaking, medicals must be produced on first application,*

and then when a licence is renewed if the driver will within the term of that licence reach the age of 45, 50, 55, 60 or 65.

6 **Resource Implications**

6.1 There are no direct resource implications as a result of the recommendation.

7 Legal Implications

7.1 There are no direct legal implications relating to the recommendation.

8 Equality Issues

8.1 An Equalities Impact Assessment has previously been undertaken and a further assessment is not needed because the issues covered have previously been considered by this Committee and the proposed change does not constitute a significant change in policy.

9 Other Issues

- 9.1 Community Safety none.
- 9.2 Environmental Health/Sustainability Issues none.
- 9.3 Property Issues none.
- 9.4 Wards/Communities Affected none specifically but potentially the whole Borough.

10 Conclusion

10.1 The rationale behind the licensing regimes that cover hackney carriages and private hire vehicles is that as an important part of the public transport network of this country a service should be provided to the public that is safe, accessible and seen to be so. The current regimes work well in ensuring that operators, vehicles and drivers are properly licensed and the requirement for drivers to provide a medical report at certain intervals is an important part of this. Following an internal audit undertaken last year it is necessary to alter the wording of the policy regarding provision of medical reports so that the policy reflects current practice.

Background Papers (Local Government Act 1972 Section 100D) Report to Licensing Committee 16 November 2006

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	Nil		
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