

**To the Chair and Members of the
Licensing COMMITTEE**

**Hackney Carriage and Private Hire Licensing Policy – Amendment to
section 3.4 Medical Fitness**

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cynthia Ransome	All	No

EXECUTIVE SUMMARY

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) requires all licensed hackney carriage and private hire drivers to produce a class 2 medical standards certificate signed by their registered medical practitioner on application and periodically throughout the time they continue to be licensed. (Appendix A – section 3.4 HC & PH Licensing Policy – Medical Fitness)
2. This reports seeks to:
 - a. correct the error regarding the references to DVLA ‘Class 2’ medical standards by replacing the term ‘Class 2’ with the correct term ‘Group 2’; and
 - b. remove the requirement for the medical certificate to be signed by the applicant’s/ existing driver’s registered medical practitioner / practice and replace with the requirement for the medical certificate to be signed by a doctor registered or practising in the United Kingdom or in any other EU/EEA country.

EXEMPT REPORT

3. Not applicable

RECOMMENDATIONS

4. It is recommended that the amended section 3.4 (Medical Fitness) of the HC & PH Licensing Policy, as set out in Appendix B, is approved to be implemented immediately.

BACKGROUND

5. The current HC & PH Licensing Policy was adopted on 19th January 2012 following extensive consultation with the trade and interested

parties. In line with many other licensing authorities and the Department for Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance Doncaster Council made it policy to apply the Group 2 medical standards – applied by the DVLA to the licensing of lorry and bus drivers – to taxi and private Hire drivers.

6. When drafting the Policy it seemed sensible to include reference to the medical certificate being signed by the applicant's/existing driver's own registered medical practitioner or by their medical practice. Whilst the Authority was aware and explained in the Policy that the medical would most probably incur a fee, which was the responsibility of the applicant/driver, it was not envisaged that the fees charged by medical practitioners would vary so greatly. Figures ranging from £30 to several hundred pounds have been quoted.
7. By requiring applicants to obtain a certificate from their own medical practitioner the Authority has indirectly limited the applicant's options as to where they can go to obtain a medical certificate. In line with the current DVLA information on medical reports it is proposed that the Authority amends section 3.4 of the HC & PH Policy to the effect that medical reports are required to be completed by a doctor registered or practising in the United Kingdom or in any other EU/EEA country. (Appendix B)
8. The current version of the HC & PH Policy refers to a Class 2 Standard Medical. References to Class 2 were errors and should have stated Group 2. It is proposed that all references to Class 2 in the HC and PH Policy be replaced by the term Group 2.

OPTIONS CONSIDERED

- 9.1 Leave the Policy in its current form and require hackney carriage / private hire drivers to obtain a medical certificate from their own GP.
- 9.2 Recommended Option - Amend the Policy to allow medical certificates to be completed by any doctor registered or practising in the UK or in any other EU/EA country and correct the references to Class 2 medical standards to Group 2 medical standards.

REASONS FOR RECOMMENDED OPTION

10. The recommended option is in line with the latest DVLA Medical Examination Report information.

IMPACT ON THE COUNCIL'S KEY PRIORITIES

11. No significant impact

Priority Theme	Mayor's Priorities for 2011/12	Implications of this initiative
1. Creating a strong, connected and inclusive economy	<ul style="list-style-type: none"> • Drive forward the Doncaster economy • Get the balance of public and private transport right 	

	<ul style="list-style-type: none"> • Promote Doncaster as a tourist destination • Regenerate Doncaster's town centres 	
2. Developing stronger communities	<ul style="list-style-type: none"> • Encourage community harmony and cohesion. Treat people as individuals, not by reference to labels and artificial groupings 	
3. Increasing and improving housing	<ul style="list-style-type: none"> • Raise housing standards and ensure that there are enough homes to suit all requirements 	
4. Protecting and improving all our children's lives	<ul style="list-style-type: none"> • Continue to improve education and skills • Build on a strengthening Children's Service 	
5. Improving health and support for independent lives	<ul style="list-style-type: none"> • Encourage attitudes of self-reliance, self-improvement and mutual respect within Doncaster communities 	
6. Tackling crime and anti-social behaviour	<ul style="list-style-type: none"> • Reduce crime and all forms of anti-social behaviour 	
7. Creating a cleaner and better environment	<ul style="list-style-type: none"> • Continue to protect the environment from developers, decay and architectural vandalism 	
8. Internal Transformation	<ul style="list-style-type: none"> • Ensure local people get value for money from council services 	

RISKS AND ASSUMPTIONS

12. There are no risks or assumptions

LEGAL IMPLICATIONS

13. Section 47(1) of the Local Government (Miscellaneous) states that a District Council may attach to the grant of a licence of a hackney carriage under the Act of 1847 (Town Police Clauses Act) such conditions as the District Council may consider reasonably necessary.

Section 48(2) of the Local Government (Miscellaneous) Provisions Act 1976 states that a district council may attach to the grant of a (Private Hire) licence under this section such conditions as they may consider reasonably necessary.

The Department For Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance states that 'It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- (1) They carry members of the general public who have expectations of a safe journey;
- (2) They are on the road for longer hours than most car drivers; and
- (3) They may have to assist disabled passengers and handle luggage.

It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers’.

FINANCIAL IMPLICATIONS

14. There are no Financial Implications associated with this report.

CONSULTATION

15. All existing licensed drivers have been made aware of the need to submit a Group 2 medical standards certificate periodically and this review of who the certificate should be completed by has resulted from comments received from existing drivers.

This report has no significant implications in terms of the following:

Procurement		Crime & Disorder	
Human Resources		Human Rights & Equalities	
Buildings, Land and Occupiers		Environment & Sustainability	
ICT		Capital Programme	

BACKGROUND PAPERS

15. Doncaster Council - Hackney Carriage and Private Hire Licensing Policy
16. DVLA Medical Examination Report D4 - Information and useful notes INF4D

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Appendix A:

Doncaster Council Hackney Carriage and Private Hire Licensing Policy – Version 1 Approved 19th January 2012

3.4 Medical Fitness

There is a general recognition that it is appropriate for HC/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the public who have expectations of a safe journey;
- they are on the road for longer hours than most drivers; and
- they may have to assist disabled passengers and handle luggage.

Doncaster Council supports the widely held view that Class 2 medical standards applied by DVLA in relation to bus and lorry drivers should also be applied by local authorities to HC/PHV drivers.

A Class 2 medical certificate signed by the applicant's registered medical practice/practitioner will be required from all applicants regardless of any medical checks they may have undertaken for other purposes. The applicant is responsible for the payment of all fees required for any medical examination direct to his/her medical practitioner.

Once licensed, medical certificates will remain valid until the driver's 45th birthday or, in the case of new drivers aged 40 years and over, for a minimum of five years and, thereafter, will be required at five yearly intervals up to age 65 unless restricted to a shorter period for medical reasons. From age 65 years a Class 2 medical certificate will be required annually.

The Class 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles. It is the policy of Doncaster Council to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes. The criteria is summarised in Appendix 3.

Should concerns arise regarding the health of a licensed driver, the Council at any time may request further information or a further medical examination to be carried out and submitted. The Council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out his/her duties as a licensed driver.

Appendix B

Doncaster Council Hackney Carriage and Private Hire Licensing Policy – Proposed revision

3.4 Medical Fitness

There is a general recognition that it is appropriate for HC/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the public who have expectations of a safe journey;
- they are on the road for longer hours than most drivers; and
- they may have to assist disabled passengers and handle luggage.

Doncaster Council supports the widely held view that **Group 2** medical standards applied by the DVLA in relation to bus and lorry drivers should also be applied by local authorities to HC/PHV drivers.

A **Group 2** medical standards certificate signed by a doctor registered or practising in the United Kingdom or in any other EU/EEA country will be required from all applicants regardless of any medical checks they may have undertaken for other purposes. The applicant is responsible for the payment of all fees required for any medical examination.

Once licensed, medical certificates will remain valid until the driver's 45th birthday or, in the case of new drivers aged 40 years and over, for a minimum of five years and, thereafter, will be required at five yearly intervals up to age 65 unless restricted to a shorter period for medical reasons. From age 65 years a **Group 2** medical standards certificate will be required annually.

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