

| Report of: | Meeting | Date | Item no. |
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| Michael Ryan Corporate Director of People and Places | Licensing Committee | 29 October 2015 | 6 |

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| Amendment to Group 2 medical policy for Wyre licensed drivers |
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1. Purpose of report

1.1 To request that members amend the current Group 2 medical policy.

2. Outcomes

2.1 That the Group 2 Medical Policy be amended to include provision for individual cases, where a current driver does not meet the Group 2 standard.

3. Recommendation

3.1 That Members consider amendment of the policy to include 2 new paragraphs.

4. Background

4.1 On 24 April 2014 members resolved to adopt the following policy to ensure that all Wyre licensed drivers are assessed as medically fit to hold a licence by a doctor. Extract taken from the minutes of that meeting;

REVIEW OF MEDICAL STANDARDS OF FITNESS TO DRIVE FOR WYRE LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Corporate Director of People and Places submitted a report to provide Members of the Licensing Committee with information to assist them at a hearing relating to the current medical standard required by this Authority prior to the granting of a new or renewal of a licence to drive Hackney Carriage or Private Hire vehicles licenced by this Authority under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The report fully outlined all the necessary details and information. Members discussed the recommendations thoroughly and agreed the following:-

1) *To adopt the group 2 medical standard for this authority and related Wyre Medical Examination Report.*

2) *A Group 2 medical will be required as follows:-*

All new drivers will be required to undertake and pass a medical before their application can progress, then at six yearly intervals until the age of 45 (or around the time of renewal at a driver's 45th birthday), then 45 and over, medicals will be required at three yearly intervals up to the age of 65, 65 and over, they will be required annually.

3) *Existing drivers will be required to pass a medical at the time of their next renewal.*

4) *Those drivers that fail a group 2 medical will have their licences suspended pending a further Group 2 assessment which must be undertaken by the same doctor or another doctor at the driver's medical practice, to enable the doctor to have access to all the relevant medical records. If the driver passes the medical and the doctor's opinion is that the driver is fit to drive, the suspension will be lifted. Should the driver fail this medical then the driver's licence will be revoked.*

5) *Applicants must apply to their own GP or another doctor within their own medical practice, to enable the doctor to have access to all the relevant medical records.*

4.2 Please refer to **Appendix 1** which details the Group 2 medical policy as adopted by members in April 2014.

4.3 Members may also refer to the legislation relevant to this report at **Appendix 2.**

5 Key issues and proposals

5.1 Although members have approved the current medical policy, it is felt that additional provision should be included to take into account individual cases involving current licensed drivers who are unable to be passed as medically fit to drive by a doctor, under the Group 2 standards.

5.2 There is also no provision in the current policy for non-diabetic drivers to inform the Council if any aspect of their health changes, which may affect their ability to drive.

5.3 It is therefore proposed that the following two paragraphs be added to the Policy:-

1) Where there remains any doubt about the fitness of a current licensed driver, the Licensing Committee will review the medical evidence and make any final decision in light of the medical evidence available. This may include grant of an application in full, grant of a limited term licence, or

revocation of an existing licence.

and

- 2) **Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. Licence holders must do so within 2 weeks of such recognition of deterioration or medical referral.**

- 5.4** Any changes agreed my members at this meeting or subsequent changes made by officers will be included in the overall Wyre Taxi Policy.

| Financial and legal implications | |
|----------------------------------|---|
| Finance | No financial implications |
| Legal | Responsibility for determining the medical requirements to be applied to taxi drivers, rests with the Local Authority |

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

| risks/implications | ✓ / x |
|------------------------|-------|
| community safety | ✓ |
| equality and diversity | x |
| sustainability | x |
| health and safety | ✓ |

| risks/implications | ✓ / x |
|--------------------|-------|
| asset management | x |
| climate change | x |
| data protection | x |

| report author | telephone no | email | date |
|------------------|--------------|------------------------------|------------|
| Christa Ferguson | 887476 | christa.ferguson@wyre.gov.uk | 12/10/2015 |

| List of background papers: | | |
|---------------------------------------|-------------|--------------------------------|
| Name of document | date | where available for inspection |
| Taxi Licensing and Enforcement Policy | August 2004 | Licensing Section |

List of appendices

- Appendix 1 – Copy of current Wyre medical policy
Appendix 2 – Relevant legislation

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| LICENSING COMMITTEE THURSDAY 24 APRIL 2014 |
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Members agreed the following

Group 2 Medical Standard

- 1) To adopt the Group 2 medical standard for this authority and related Wyre Medical Examination Report.

The date of implementation will be **1 August 2014**, to allow for documents to be produced, medical practices notified and forms to be included in application packs for new and existing drivers.

- 2) That a Group 2 medical assessment will be required as follows:-
- New drivers will be required to undertake and pass a medical before their application can progress, then at
 - Six yearly intervals until the age of 45 (or around the time of renewal at a driver's 45th birthday), then
 - 45 and over, medicals will be required at three yearly intervals up to the age of 65
 - 65 and over, they will be required annually.

- 3) Existing drivers will be required to pass a medical at the time of the next renewal that coincides with the expiry of their DBS report.

- 4) Those drivers that fail a group 2 medical will have their licences suspended pending a further Group 2 assessment, which must be undertaken by the same doctor or another doctor at the driver's medical practice. This will enable the doctor to have access to all the relevant medical records.

If the driver passes this medical and the doctor's opinion is that the driver is fit to drive, the suspension will be lifted immediately.

Should the driver fail this medical then the driver's Wyre licence will be revoked.

- 5) Applicants must apply to their own GP or another doctor within their own medical practice, to enable the doctor to have access to all the relevant medical records.
- 6) The current list of doctors previously nominated by this Council to carry out Group 1 medicals will be rescinded.
- 7) An exemption for a Wyre medical will be granted to those drivers who hold a current entitlement to drive a Public Service Vehicle (PSV), a Heavy Goods Vehicle (HGV) or any other employment that requires them to have passed a Group 2 medical within 3 years of the date of driver licence application.

8) The following policy will be adopted for diabetic drivers

All hackney carriage or private hire driver licence applicants who are treated either with insulin or tablets to control their diabetes will be required to satisfy the Licensing Authority that he/she meets the Group 2 DVLA Guidelines in respect of treatment, on each application.

In addition the applicant must also:

- Provide a medical report from a hospital consultant specialising in diabetes confirming that the applicant has been undergoing insulin treatment for a minimum of three months.
 - Undertake blood glucose monitoring using a glucose meter with a memory function, at least twice daily and at times relevant to driving a hackney carriage or private hire vehicle. Evidence that this is being carried out should be provided to the Licensing Authority, upon request.
 - At the Group 2 medical examination the applicant will be required to produce 3 months of blood glucose readings to assist the doctor in assessing the stability of the condition. Should 3 months of readings not be available to the doctor at the time of the examination for a driver who is renewing their licence, then a further examination must be undertaken and passed within 3 months, to allow the doctor to view a full 3 months readings.
 - Submit a signed declaration, confirming that they will:
 - Comply with the directions for treatment given to him/her by the Doctor supervising that treatment;
 - Immediately report to the Licensing Authority, in writing, any change in diabetic condition.
 - Drivers in this category will also be aware of diabetic eye problems affecting visual acuity or visual fields and may have to produce a separate eye test report available for inspection at this examination.
- 9) Members also agreed that the Corporate Director of People and Places be given delegated authority to implement the resolution of the Members and arrange for any change to medical standards to be actioned by the appropriate officers.

Part II, Local Government (Miscellaneous Provisions) Act 1976 S51(1a), 53(1a, b), 57(1, 2)(a)(i), 59(1a), 61(1b) & (2a)

SECTION 51(1a) –

LICENSING OF DRIVERS OF PRIVATE HIRE VEHICLES

(1) Subject to the provisions of this part of this Act, a District Council, shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a drivers licence:

Provided that a District Council shall not grant a licence:-

(a) Unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence

SECTION 53(1)(a,b) –

DRIVERS' LICENCES FOR HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES.

(1)(a) Every licence granted by a District Council under the provisions of this part of this Act to any person to drive a Private Hire vehicle shall remain in force for three years from the date of such licence or for such lesser period as the District Council may specify in such licence.

(b) Notwithstanding the provisions of the Public Health Act, 1875, and the Town Police Clauses Act, 1889, every licence granted by a District Council under the provisions of the Act of 1847 to any person to drive a Hackney Carriage shall remain in force **for three years** from the date of such licence or for such lesser period as they may specify in such licence.

SECTION 57(1,2)(a)(i) –

POWER TO REQUIRE APPLICANTS TO SUBMIT INFORMATION.

(1) A District Council may require any applicant for a licence under the Act of 1847 or under this part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.

(2) Without prejudice to the generality of the foregoing Subsection:-

(a) a District Council may require an applicant for a driver's licence in respect of a Hackney Carriage or a Private Hire vehicle:-

- (i) to produce a certificate signed by a registered medical practitioner to the effect that he is fit to be the driver of a Hackney Carriage or a Private Hire vehicle;

SECTION 59(1a) –

QUALIFICATIONS FOR DRIVERS OF HACKNEY CARRIAGES

(1) Notwithstanding anything in the Act of 1847, a District Council shall not grant a licence to drive a Hackney Carriage:-

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence;

SECTION 61(1b) & (2a) - SUSPENSION AND REVOCATION OF DRIVERS' LICENCES.

(1) Notwithstanding anything in the Act of 1847 or in any part of this Act, a District Council may suspend or revoke or (on application therefore under Section 46 of the Act of 1847 or Section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a Hackney Carriage or a Private Hire vehicle on any of the following grounds:-

(a) that he has since the grant of the licence:-

(i) been convicted of an offence involving dishonesty, indecency or violence: OR

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this Act; OR:

(b) any other reasonable cause.

(2) (a) Where a District Council suspend, revoke or refuse to renew any licence under this Section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the District Council the driver's badge issued to him in accordance with Section 54 of this Act.