

# WIRRAL COUNCIL

## LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

21 MARCH 2011

<b>SUBJECT:</b>	<b>REVIEW OF MEDICAL REQUIREMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR SUE TAYLOR – COMMITTEE CHAIR</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for Members to review the current medical requirements for Hackney Carriage and Private Hire Drivers.

### 2.0 RECOMMENDATION/S

- 2.1 That Members consider adopting more frequent medical checks for Hackney Carriage and Private Hire Drivers.

### 3.0 REASON/S FOR RECOMMENDATION/S

- 3.1 Hackney Carriage and Private Hire Drivers must be fit and proper persons when granted a licence and throughout its duration. Medical checks are used to determine the physical fitness of a driver.

### 4.0 BACKGROUND AND KEY ISSUES

- 4.1 It is a requirement that an applicant for a Hackney Carriage or Private Hire Driver Licence is a fit and proper person to hold such a licence and subsequently remain a fit and proper person whilst holding that licence.
- 4.2 In accordance with section 57(1) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may request such information it considers necessary to determine whether conditions should be attached to the licence.
- 4.3 The provisions of the Local Government (Miscellaneous Provisions) Act 1976 s57(2) specifically allow a local authority to require a medical certificate certifying that the applicant for a Hackney Carriage or Private Hire Driver Licence is physically fit to undertake that role.

- 4.4 The current requirements for a Hackney Carriage or Private Hire Driver Licence are:
- Vocationally Related Qualification (VRQ)
  - Knowledge test pass
  - Satisfactory driving licence
  - Satisfactory Disclosure (Criminal Record Bureau check)
  - Satisfactory medical
- 4.5 Once licensed Hackney Carriage and Private Hire Drivers are not required to undertake a further medical check until they reach the age of 65 years, when medical checks are required annually on renewal of the licence.
- 4.6 The Department for Transport (DfT) Best Practice Guidance states:
- ‘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.’
- 4.7 The renewal period for driver licences may be up to three years. The recommendation made by the DfT for the frequency of medicals to be at each renewal is therefore not necessarily on an annual basis.
- 4.8 In September 2010 the Local Government Regulation (LGR) published a standardised conditions template following a review undertaken by the LGR Working Group. This Group was made up of representative from each region in England and Wales as well as the Institute of Licensing (IoL) and National Association of Licensing and Enforcement Officers (NALEO). The template is intended to act as a guide and sets out minimum standards. In respect of the requirement for medicals the template sets out the following minimum standard:
- ‘All drivers, regardless of age, should have Group 2 medical checks on initial application and at regular intervals thereafter’
- 4.9 Group 2 medical checks are required for holders of Light Goods Vehicle (LGV) or Public Carriage Vehicle (PCV) licences. These licences are renewable from age 45 years and every 5 years thereafter until the age of 65 years, unless restricted to a shorter period for medical reasons. Licences are renewable annually from the age of 65 years.
- 4.10 It is recognised by the General Medical Council that passengers of taxi and private hire vehicles have expectations of a safe driver and reliable service and that “Drivers need to meet the physical and mental demands of the task...”
- 4.11 Members are asked to consider the following options with a view to adopting one of the options as an amendment to the requirement to medical checks to be undertaken by licensed drivers.
- 4.11 **Option 1** is to require medical checks to be undertaken on initial application and every three years to coincide with the current requirement for three yearly Criminal Records Bureau checks.

- 4.12 **Option 2** is to require medical checks on initial application and subsequently every five years from the age of 45 years until the age of 65 years, when checks would be undertaken annually. This would be in line with Driver and Vehicle Licensing Agency (DVLA) requirements for LGV and PCV drivers.
- 4.13 **Option 3** would be to require medical checks on initial application and annually on renewal of their licence.
- 4.14 The fees charged by General Practitioners for medical examinations are typically between £100 and £140.

## **5.0 OTHER LOCAL AUTHORITIES**

- 5.1 The frequency of medicals imposed by other local authorities on Merseyside are as follows:

Knowsley: initial application, age 50, age 55, age 60, age 65 and then annually

Sefton: initial application, age 45, age 55, age 65 and then annually

Liverpool: initial application, age 45, age 50, age 55, age 60, age 65 and then annually

St Helens: initial application, age 45, age 55, age 65 and then annually

## **6.0 RELEVANT RISKS**

- 6.1 There are none arising directly from this report.

## **7.0 OTHER OPTIONS CONSIDERED**

- 7.1 This report provides a number of options for consideration by Members of this Committee.

## **8.0 CONSULTATION**

- 8.1 The Hackney Carriage and Private Hire Joint Consultative Committee (JCC) support amendments to the current medical requirements which was discussed at the meeting held on 9 November 2010. The minutes of that meeting are attached at Appendix 1.

## **9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 9.1 There are no specific implications arising from this report.

## **10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

10.1 There are no specific implications arising from this report.

## **11.0 LEGAL IMPLICATIONS**

11.1 A decision of this Committee may be subject to legal challenge.

## **12.0 EQUALITIES IMPLICATIONS**

12.1 There are no specific implications arising from this report.

## **13.0 CARBON REDUCTION IMPLICATIONS**

13.1 There are no specific implications arising from this report.

## **14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

14.1 There are no planning implications arising from this report.

14.2 There are Community Safety implications as Private Hire and Hackney Carriage Drivers should be fit and proper persons when granted a licence and throughout its duration due to their involvement with the general public.

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## **APPENDICES**

Minutes of Hackney Carriage and Private Hire Joint Consultative Committee meeting dated 9 November 2010

**WIRRAL PRIVATE HIRE / HACKNEY CARRIAGE  
JOINT CONSULTATIVE COMMITTEE**

**9 November 2010**

Present:

Councillor S Taylor (Chair)  
M O'Donnell  
C Clayton  
M Calvert  
J Smith  
P Barton  
A Holmes  
A Norbury  
J Dunne  
C Jordan  
A Thomas  
N Brierley  
T Brougham  
R Kelly

Licensing, Health & Safety, General Purposes Committee  
Law HR and Asset Management Department  
Law HR and Asset Management Department  
Law HR and Asset Management Department  
Technical Services Department  
Technical Services Department  
Merseyside Police  
Merseylearn  
Argyle Park  
Wirral Satellite Cars  
Wirral Satellite Cars  
Unite (Private Hire Section)  
Independent Hackney Carriage Drivers Association  
Independent Hackney Carriage Drivers Association

**1. APOLOGIES**

Action

Councillor J Salter	Licensing, Health & Safety, General Purposes Committee
R Beresford	Law HR and Asset Management Department
K Abraham	Law HR and Asset Management Department
S Atkins	Technical Services Department
M Byrne	Heswall Taxis
M McGhee	Hackney Carriage Night Drivers

**2. MINUTES**

The minutes were approved.

**3. MATTERS ARISING**

Item 4

PB reported that he had contacted Merseytravel regarding the bus shelters removed from taxi ranks and he had been advised that the advertising company used advertising revenue from the shelter to clean and maintain the shelters but the initial capital to provide a new shelter had to be provided by Merseytravel and this capital is not available at the present time.

Item 8

MOD reported that no comments had been received regarding driver medicals.

#### **4. RANKS - UPDATES**

PB reported that the Wallasey Road rank was now up and running and there had been no complaints.

CC advised that he had received a call from a Moseley Avenue resident who complained that there was still some level of over ranking. However, the complainant had accepted that the situation had improved.

RK reported that private cars still park on the Liscard Crescent rank. CC advised that Sgt Garrigan had issued a considerable numbers of tickets to vehicles obstructing the rank.

ST asked for feedback from GG and MM regarding the use of ranks in Liscard.

JS reported on the major development work taking place in Birkenhead. He advised that it was scheduled to take about 46 weeks to complete. He advised that he had consulted trade representatives regarding the rank issues during this work.

JS advised that there would be some inconvenience to drivers and passengers using the Yates' rank, however the Milton's rank was being increased and temporary ranks were being set up. One temporary rank was to be set up by Motorbility on Oliver Street and signs were to be erected directing the public.

RK confirmed that meetings had taken place with the trade and there was recognition that there were limited places where ranks can be placed.

RK asked that Parking Services act leniently towards drivers during this period. JS assured members that he had spoken to SA who was aware of the difficulties resulting from the development work.

MOD requested that trade representatives communicate the reasons for the temporary changes to the trade.

JS advised that laminated drawings would be displayed on hoardings.

#### **5. ENFORCEMENT**

CC advised that he had spoken to John Bamber regarding illegally plying for hire operations in Liverpool. John advised that he did not prosecute the large numbers reported by the trade. He also reported that John was impressed with the operations undertaken on Wirral and although John continues to offer his support to Wirral that at this time he could not offer anything to improve the way the operations are undertaken.

CC reported on the two operations undertaken since the last JCC. The first one involved Police Officers and Parking Services as well as Wirral Enforcement Officers. Six fixed penalty notices were issued for parking offences and that police vehicles were used to stop phvs in the Conway Street area. During the operation a number of drivers and customers were spoken to but evidence of illegally plying for hire was not detected.

The second operation used undercover Police Officers to detect illegally plying for hire. Two drivers were found to pick them up without being pre-booked. The behaviour of one of the drivers during one of the journeys was so concerning that their licence was suspended with immediate effect.

AN advised that the Council's dress code had been reported to his members at a recent branch meeting and he asked how the Council expected to enforce it.

CC advised that a newsletter was going to be issued to all drivers which would include information regarding the dress code. He re-stated the enforcement position as stated at the last JCC. In that the initial objective was to inform and educate drivers of the dress code and not target drivers in relation to their dress to take enforcement action.

MC

AN reported that the banning of tracksuit bottoms was a concern as drivers find them very comfortable to drive in.

ST gave examples of other long distance drivers who do not wear tracksuit bottoms and advised that there are other forms of comfortable trousers.

## **6. LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE UPDATE**

MOD reported that the Committee had approved the appointment of Halcrow to undertake the survey. She advised that she had been asked to consult the JCC regarding timescales.

CJ enquired as to what a demand survey entails.

MOD provided details of what is involved in a survey that seeks to establish whether there is any unmet demand for taxis.

RK suggested that February/March would be the best time for the survey.

NB remarked that November was a quiet month.

AN suggested that once the trade were aware that a survey was taking place, there would be a rush for plates. He advised that if the issue was closed plates would have a value and that would create problems.

ST suggested that the rank surveys take place in February but all the other preparatory work could start in January.

MOD advised that following a request from Liscard trade reps a HCV tariff increase had been agreed by Members and was to be advertised in the newspaper.

MOD advised that AN had made a presentation to the Committee regarding driver training that informed Members there was funding still available. Members resolved that the training requirements were to remain the same.

CJ advised that there is a problem with funding as there is very little left and no new funding was available.

AN advised that if drivers got in touch with him he could direct them to available training places. He also advised that he was to set up workshops to advise drivers regarding training.

MOD reported that two applications were considered by the Committee to licence vehicles as Hackney Carriages that were over 3 years old and both applications were refused.

RK advised that he could not understand the finality of the cut off point for HCV licences and suggested that perhaps the driver did not understand.

CJ stated that although he is normally in favour of this type of thing he did not think that the penalty fits the crime in this particular case. He suggested the financial penalty was very high for this driver.

MOD explained the legal process and that the applicants have a right to appeal against the decision to refuse a HCV licence.

CC reported that a procedure had been set up to contact drivers/vehicle proprietors prior to expiry of their licences where arrangements had not been made to renew them.

## **7. DRIVER MEDICALS**

MOD stated that a review of the medical requirements for drivers was to be undertaken. She explained that currently new applicants are required to obtain a satisfactory medical report prior to being issued with a licence and they are not required to undertake a further medical until they reach age 65.

AT suggested that more frequent medicals should be required as a driver gets older. He suggested that this should be done every 3 years.

NB suggested medicals should be undertaken every 5 years and then every 2 years from age 60.

RK and TB both suggested medicals should be undertaken every 5 years.

JD suggested the frequency should be every 3 years after age 45.

CJ was supportive of more regular medical checks for drivers and suggested



that there should be some form of counselling service also provided for drivers.

AN agreed with CJ and suggested that due to the sedentary nature of the job, drivers live a very unhealthy lifestyle. He suggested that drivers undertake an annual "MOT" which could be facilitated by the big firms.

MOD reported that the DfT Best Practice guide suggests that one doctor should be doing all medicals for licensed drivers.

MOD summed up the members' responses as an initial medical, further medicals at 3 or 5 year intervals and age is a factor in determining the frequency.

## **8. REPORTS FROM INDIVIDUAL MEMBERS**

There were none.

## **9. NEXT MEETING**

Thursday 27 January 2011 at 10.00am in Committee Room 1.