

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

25 MARCH 2015

SUBJECT:	MEDICAL REQUIREMENT FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS
WARD AFFECTED:	ALL WARDS
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION & ENVIRONMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for Members to consider the outcome of the consultation that has taken place in respect of a review of the medical requirements for Hackney Carriage and Private Hire Drivers and to determine the future medical requirement for Hackney Carriage and Private Hire Drivers in Wirral.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 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.
- 2.2 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.
- 2.3 The current requirements that must be met before an individual may be granted a Hackney Carriage or Private Hire Driver Licence are as follows:
- Vocationally Related Qualification (VRQ)
 - Knowledge Test - pass
 - Satisfactory driving licence
 - Satisfactory enhanced certificate from the Disclosure and Barring Service (criminal record check)
 - Satisfactory medical
- 2.4 Currently licensed Hackney Carriage and Private Hire Drivers in Wirral 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. This requirement has been in place for over twenty years and has not been reviewed.
- 2.5 Since this requirement has been in place there have been a number of guidance documents and recommendations published that include reference to the medical requirement for licensed drivers.

- 2.6 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.'
- 2.7 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.
- 2.8 Best practice advice contained within the booklet "Fitness to Drive: A guide for Health Professionals" recommends that the Group 2 medical standards applied by the DVLA should also be applied by local authorities to taxi drivers.
- 2.9 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 representatives 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'
- 2.10 Group 2 medical standards are applied to 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.
- 2.11 The medical standards are higher than those required for a licence to drive Group 1 vehicles ie. motor cars and motor cycles. This higher standard is required to reflect the demands placed on the drivers of such vehicles due to the size and weight of the vehicle and the length of time the driver may spend at the wheel in the course of their occupation. A copy of the medical form used to assess drivers against these standards is attached at **Appendix 1**.
- 2.12 On 19 November 2014 Members approved a draft consultation document to be circulated in order to seek views from Private Hire and Hackney Carriage Driver, Vehicle and Operator licence holders and members of the public in respect of a review of the medical requirements for Hackney Carriage and Private Hire Drivers. It was also resolved that the consultation should take place over a period of six weeks. In order to avoid the Christmas period and maximise the potential response to the consultation the consultation opened on 23 January 2015 and the closing date was set at 6 March 2015.

2.13 The consultation took place through the following methods:

Newsletter to all 1350 licence holders
Questionnaires on Licensing Office front desk
Wirral Intranet news
Wirral Internet news page
Wirral Globe
Chief Executive's Message to Staff

A copy of the consultation document is attached at **Appendix 2**.

2.14 The total number of responses to the consultation was **209**. A summary of the responses received is presented in the table at **Appendix 3**. Comments received with some of the responses are shown in **Appendix 4**.

2.15 The majority of respondents, 138 (69%) stated that more regular medical checks should be undertaken by Private Hire and Hackney Carriage Drivers. The most popular option selected by those respondents wanting a change in the current requirement is for medical checks to be undertaken on initial application and thereafter every 3 years with checks being undertaken annually from age 65 years.

2.16 In January 2014 the Council's current requirement for Private Hire Drivers to undertake an annual medical from age 65 years was challenged by a Private Hire Driver on the grounds that he considered the policy discriminated against him in respect of his age. This challenge was considered in the county Court and it was determined that whilst the policy did discriminate in respect of age there was evidence that it was a proportionate means of achieving a legitimate aim namely that of protecting public safety. Evidence was provided that there is a direct correlation between conditions such as cardiovascular disease and diabetes and increasing age. Further evidence was cited to demonstrate that 65 was not an arbitrary age but one that was recognised by the DVLA as carrying a higher risk which is reflected in their requirement for HGV and lorry Drivers to undertake an annual medical after this age.

2.17 It is, however, recognised that whilst certain health conditions may increase in prevalence with age, the health and wellbeing of an individual can be affected at any time and by many factors. An individual who is employed and becomes ill would be likely to report this illness to their employer who would then be in a position to require that individual to undergo a medical to assess their fitness for undertaking the particular role for which they are employed. As Hackney Carriage and Private Hire Drivers are self employed this in-built checking system does not exist. Members are asked to consider this factor in determining the frequency of Medical Checks for Hackney Carriage and Private Hire Drivers

2.18 Representatives of the Hackney Carriage and Private Hire Joint Consultative Committee (JCC) were consulted at meetings on 19 February 2014 and 9 December 2014. Members of the JCC were supportive of more frequent medicals for drivers and recognised that Group 2 medical standards should be applied, however there was concern regarding the financial burden on drivers if more frequent medicals are required.

3.0 OTHER LOCAL AUTHORITIES

3.1 The frequency of medicals imposed by other local authorities on Merseyside is as follows:

Knowsley: initial application, age 45, 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

4.0 RELEVANT RISKS

4.1 There are none arising directly from this report.

5.0 OTHER OPTIONS CONSIDERED

5.1 There is no provision for other options to be considered.

6.0 CONSULTATION

6.1 Consultation has taken place over a six week period from 23 January 2015 until 6 March 2015.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are no specific implications arising from this report.

8.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

8.1 There are none.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 There are no specific implications arising from this report.

10.0 LEGAL IMPLICATIONS

10.1 A decision of the Committee may be subject to legal challenge.

11.0 EQUALITIES IMPLICATIONS

11.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

Yes. The Equality Impact Assessment is attached to this report.

12.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

12.1 There are no specific carbon reduction implications arising from this report.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no Planning or Community Safety implications arising out of this report.

14.0 RECOMMENDATION/S

14.1 That Members adopt the following Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers:

Medical checks are undertaken by a General Practitioner in the medical practice to which the individual is registered on initial application and thereafter every three years with checks being undertaken annually from age 65.

14.2 That Members confirm that the standards applied to the medical examination required to be undertaken by Private Hire and Hackney Carriage drivers are the Group 2 medical standards applied by the DVLA and that the medical form attached at **Appendix 5** is adopted to be used by doctors undertaking the medical.

14.3 Members set the implementation of the Policy to be effective from 1 August 2015 requiring each driver to present a satisfactory medical certificate for their first renewal from this date. It is submitted that this will give officers the opportunity to give sufficient notice to licensed drivers in Wirral and to give sufficient time to those drivers to prepare for the changes approved.

15.0 REASON FOR RECOMMENDATION/S

15.1 The current medical requirement has not been subject to a review.

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APPENDICES

- **APPENDIX 1** – Medical examination report for Group 2 (lorry or bus) licence
- **APPENDIX 2** – Consultation document
- **APPENDIX 3** – Summary of responses
- **APPENDIX 4** – Comments submitted by respondents
- **APPENDIX 5** – Medical assessment form for licensed drivers

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

SUBJECT HISTORY (last 3 years)

Council Meeting	Date