

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE**22 JANUARY 2020**

REPORT TITLE	HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER MEDICAL ASSESSMENTS
REPORT OF	DIRECTOR OF GOVERNANCE AND ASSURANCE

REPORT SUMMARY

The purpose of this report is for the Committee to consider a request from a representative of the Hackney Carriage and Private Hire trade to review the requirement that Hackney Carriage and Private Hire Drivers undertake a medical assessment with a General Practitioner in the medical practice to which the individual is registered.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

That the Committee review the requirement that Hackney Carriage and Private Hire Drivers must undertake a medical assessment with a General Practitioner in the medical practice to which the individual is registered.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 A request has been made by a representative of the Hackney Carriage and Private Hire trade to review the current requirements due to the financial costs of having to have a medical assessment with a General Practitioner in the medical practice to which the individual is registered as well as the availability of appointments.

2.0 OTHER OPTIONS CONSIDERED

The Licensing Authority continue with the current requirement that Hackney Carriage and Private Hire Drivers must undertake a medical assessment with a General Practitioner in the medical practice to which the individual is registered.

3.0 BACKGROUND INFORMATION

- 3.1 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.

- 3.2 The provisions of the Local Government (Miscellaneous Provisions) Act 1976 at Section 57(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. The provision refers to the requirement for a medical certificate and medical examination by a registered medical practitioner. A registered medical practitioner includes but is not limited to a General Practitioner. There are different categories of registration which are:

- Full Registration
- Provisional Registration
- Specialist Registration
- GP Registration

- 3.3 GPs have overall responsibility for the management of patient care outside of hospitals, including the diagnosis and treatment of health problems and the referral of patients for specialist treatment where necessary. Rather than having a specific specialist area, GPs can diagnose many illnesses or ailments, and determine whether a patient needs to see a doctor with more specialist training.

- 3.4 On 25 March 2015 this Committee resolved:

That the following Policy in respect of the medical requirement for Private Hire and Hackney Carriage Drivers be adopted:

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.

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.

That the Policy be implemented to be effective from 1 August 2015 requiring each driver to present a satisfactory medical certificate for their first renewal from this date.

- 3.5 Representations have been made for the Council to accept medical forms that are completed by individuals other than a General Practitioner in the medical practice to which an applicant for a Private Hire or Hackney Carriage Drive Licence or renewal is registered. This includes private companies who offer their services to HGV and taxi drivers at a reduced rate.
- 3.6 The representations made relate to the cost incurred in respect of the medical assessment undertaken by a General Practitioner in the medical practice to which the individual is registered and the time it takes to get an appointment.
- 3.7 Details of the requirements set by the other local authorities in the City Region are set out below:

Liverpool

The medical assessment must be carried out by the individual's own GP or by a registered GP/Medical Practitioner who has access to the applicants medical records.

St Helens

The medical must be completed by a GP at either the individual's own surgery or by a GP who has access to their medical records.

Sefton

The medical assessment may be carried by an individual's own General Practitioner or a GP at another practice provided they have access to the applicant's medical records at the time of the examination or any doctor GMC registered and licensed to practice in the United Kingdom.

Knowsley

The medical assessment must be carried out by a General Practitioner in the medical practice to which the individual is registered or by a GP who has access to their medical records which must be reviewed prior to completion of the assessment.

Halton

Medicals conducted in accordance with the DVLA Group 2 standards can only be undertaken as follows:

1. An applicant's own registered medical practitioner (or another registered medical practitioner from the same practice or group practice) who has access to their medical history can conduct the medical examination and complete the certificate of fitness
2. North West Boroughs Healthcare NHS Foundation Trust, Occupational Health Services, Hollins Park House, Hollins Lane, Winwick, Warrington, WA2 8WA

3.8 Officers report that the medical assessment undertaken by a General Practitioner in the medical practice to which the individual is registered provides confidence that the full medical records of an individual have been available to the GP making the assessment. There have been circumstances where matters relating to the fitness of an individual may not have been identified should an applicant have taken the medical assessment form to an individual outside the medical practice to which the applicant is registered. It is therefore considered that the current policy is the most effective in determining whether an individual is a fit and proper person to hold a Hackney Carriage or Private Hire Driver Licence.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no cost implications to the Council. It is reported by representatives of the Hackney Carriage and Private Hire trade that the cost of providing a Group II Medical Certificate to the Licensing Authority completed by a General Practitioner in the medical practice to which they are registered can be up to £200.00 but that the cost of having the medical form completed at other sources can be £40.00.

5.0 LEGAL IMPLICATIONS

5.1 In accordance with Section 57(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 a district council may require an applicant for a driver's licence in respect of a hackney carriage or private hire vehicle –

- (i) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or a private hire vehicle; and
- (ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to the physical fitness to be the driver of a hackney carriage or private hire vehicle

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RISKS

7.1 There is a risk that should the Committee determine that the medical assessment may be completed by persons other than a General Practitioner in the medical practice to which an individual is registered full details of the medical condition of that individual may not be revealed.

8.0 ENGAGEMENT/CONSULTATION

8.1 The proposal to review the medical requirement is made by a member of the Joint Consultative Group representing Private Hire and Hackney Carriage Drivers.

9.0 EQUALITY IMPLICATIONS

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

It is not considered necessary to undertake an Equality Impact Assessment at this time.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no implications arising directly from this report.

REPORT AUTHOR: Margaret O'Donnell
Licensing Manager
telephone: (0151) 691 8606
email: margaretodonnell@wirral.gov.uk

APPENDICES

BACKGROUND PAPERS

Email from a representative of the Hackney Carriage and Private Hire trade

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Health and Safety and General Purposes Committee	25 March 2015