

Licensing Committee

Licensed Driver Medicals

Report of Executive Member for Neighbourhoods & Culture

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Executive Summary

This report requests that Members approve an amendment to the Council's taxi and private hire licensing policy relating to driver medicals.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Approve the policy amendment as outlined in the report.
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Licensed Driver Medicals

1. Purpose of the report

- 1.1 The purpose of this report is to request that Members approve an amendment to the Council's Taxi and Private Hire Licensing Policy relating to driver medicals.

2. Introduction

- 2.1 Elected Members, acting in their capacity as the Licensing Authority, set local policy on the licensing of both taxi and private hire drivers, amongst other things.
- 2.2 As part of that policy a set of licensing standards are set in order to ensure that, upon licensing, a driver is a 'fit and proper' person. This is supported by legislation and national guidance and best practice guidance issued by the Government.
- 2.3 Part of that vetting process is a medical standard, known as the Group 2 medical, which is the commercial driver medical standard set by the Government, via DVLA, for those working in certain sectors.
- 2.4 Our current policy states:

The Council has adopted the Group 2 licence medical standard for licensed drivers.

The medical certificate required by the Council requests medical practitioners to have regard to the guidelines issued by the DVLA on fitness to drive.

Medical certificates must be issued by a general practitioner who has had full access to the applicant's medical notes and history.

This rule is designed to ensure that full disclosure is made of the applicant's medical condition. Group 2 medical forms must be dated within the last three months.

Any licence holder must, as soon as is reasonably practicable, notify the Council of any newly diagnosed medical condition which may restrict their entitlement to a driver's licence requiring a DVLA Group 2 medical standard.

3. Current Position

- 3.1 Many general practitioners (GP's) in medical centres are currently following the advice of the British Medical Association which is to not undertake private medicals. A few are still providing this service, but it is the exception rather than the rule. Officers are led to believe this guidance will be in place for some time to come.
- 3.2 That leaves both licensed drivers and applicants in the difficult position in that they are unable to provide the Licensing Authority to a medical declaration of fitness.
- 3.3 Since the outbreak of COVID-19 Officers have been allowing those who have been unable to provide a medical to self-declare any change in circumstances. This is not sustainable much longer. In addition, Officers have been reluctant to licence new drivers who are simply self-declaring as this could result in an inaccurate health picture being portrayed.
- 3.4 In addition to the above new applicants have been turning to apply to other licensing authorities who have different rules around medicals.
- 3.5 Members are therefore asked to amend policy to allow for Officer discretion to use private companies who offer medicals, with a GP performing it, but having seen a summary of medical records rather than a print of the whole medical file or record held by the patients own GP.
- 3.6 This matter has been discussed at GM level and agreement has been reached that this is a path that Officers support with no evidence that this deviation of the full record requirement will have any impact on the performing of a medical to the Group 2 standard. This is only intended to be a short term measure.

4 Legal Services Comments

- 4.1 Under section 57 of the Local Government (Miscellaneous Provisions) Act 1976, the Council can require an applicant for a licence under the Town Police Clauses Act 1847 (in respect of hackney carriages) or the Local Government (Miscellaneous Provisions) Act 1976 (in respect of private hire vehicles and private hire operators) to submit such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted or whether conditions should be attached to any such licence. Any person aggrieved by the refusal to grant him a licence may appeal to the magistrates' court. (A Evans)

5 Co-operative Agenda

- 6.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

6 Environmental and Health & Safety Implications

- 6.1 None

7 Equality, community cohesion and crime implications

8.1 None

8 Equality Impact Assessment Completed?

8.1 No

9 Key Decision

9.1 No

10 Key Decision Reference

10.1 N/A

11 Background Papers

12.1 None

13.0 Appendices

13.1 None