

Hackney Carriage and Private Hire Licensing – Driver Medical Assessments

Ward(s) Affected: All

Purpose

To consider a recommendation to require Hackney Carriages and Private Hire drivers to notify the Council of specific medical conditions which may affect their fitness to drive.

Background

1. The conditions and requirements relating to Hackney Carriage and Private Hire Drivers are regulated by the Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 (The Act).

Current Position

1. Every district council which adopted The Act, in the mid-1970s, has had the right to set conditions and regulations relating to Hackney Carriage and Private Hire Drivers on the grounds of public safety.
2. One of the conditions set in Surrey Heath relates to a requirement that all licensed drivers undergo a medical examination upon application and then every 3 years subsequently, until the age of 65 and where examinations will take place annually.
3. There is presently no requirement for a licensed driver to notify the Council should they have a medical condition or undergo treatment between triennial medicals.

Driver Medicals

4. The Council has a responsibility to ensure that persons who are granted a licence to drive a Hackney Carriage or Private Hire Vehicle are 'fit and proper' under the provisions of Sections 51 and 53 of The Act and continue to remain so while licensed.
5. One part of this 'fit and proper' test relates to medical standards and the generally accepted practice nationwide is to adopt a similar standard to that used by the DVLA who require a 'Group 2' standard to be applied to every person who holds a lorry or bus licence.
6. This Council requires licensed drivers and new applicants to obtain a Group 2 medical from their own GP, which is then referred to the Council's Medical Advisor should anything untoward be revealed. The medical advisor would then make the decision to grant or refuse the application.
7. DVLA guidance makes it clear that a driver of any class of vehicle may be prosecuted and fined up to £1000 if they do not tell the DVLA about a medical condition which affects their driving and are involved in an accident as a result.
8. However, currently as per DVLA guidance, any action taken against a taxi driver would not have the Group 2 medical standard applied, only the lower Group 1

standard for any private car or motorcycle. There would be no regard as to whether the driver holds a hackney carriage or private hire licence issued by a local authority.

9. Officers recommend that driver conditions be amended to include a requirement that Hackney Carriage and Private Hire drivers shall notify the Council in writing should they develop a condition or receive treatment for a notifiable medical condition, as defined by the DVLA Group 2 standard, and as summarised in Annex A.
10. Such notification shall be as soon as is practicable and in any case before driving a licensed vehicle.

Legislation

11. The provisions of Section 51 and 53 of the Act provides that a licence shall be granted if satisfied that the applicant is 'fit and proper' to hold a licence. Section 61 provides powers to suspend, revoke or refuse to renew a driver's licence.

Recommendations

12. The Committee is advised to resolve that:
 - i. The proposed revisions to the conditions for Hackney Carriage and Private Hire drivers as set out in paragraph 9, above be adopted.

Background Papers: None

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