

Hackney carriage and Private Hire Licensing – Driving and Medical Assessments

Portfolio:	Community
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Ward(s) Affected:	All
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Purpose

To consider a recommendation to accept alternative sources for Hackney Carriages and Private Hire driving assessments.

To consider a recommendation to accept an alternative method for Hackney Carriages and Private Hire driver's medical reports regarding 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

2. Every district council which adopted The Act, in the mid-1970s, has had the right to set local conditions and regulations relating to Hackney Carriage and Private Hire Drivers on the grounds of public safety.
3. One of the local conditions set in Surrey Heath related to a requirement for all applicants to successfully pass a driving assessment test set by the Driver and Vehicle Standards Agency (DVSA, and previously DSA) prior to a licence being granted.
4. Another local condition required all licensed drivers to undergo a medical examination upon application and then once every 3 years until the age of 60 and annually thereafter. Some drivers with certain ailments were required to undergo medicals on an annual basis regardless of age.

Taxi Driver Assessments

5. Surrey Heath, along with the majority of Licensing Authorities nationwide, has adopted a requirement that satisfactory completion of a driving assessment was an obligatory step in the application process for a Hackney Carriage or Private Hire Licence.
6. In September 2016, the Council received correspondence from the DVSA, in the form of a national circulation, advising Licensing Authorities that the Taxi Driver Assessments Services currently provided would be withdrawn with effect from 31 December 2016 (Annex 1)
7. The DVSA have recognised the road safety benefits of such an assessment and pointed out that there are other bodies that either may, or do, provide an alternative service.
8. Since receiving notification of the withdrawal of the Taxi Driver Assessments Service officers have sought to identify alternative suppliers and have been in communication

with a number of national organisations with a view to providing applicants with a choice of service providers in order to maintain a high and consistent standard of driving assessments with a realistic waiting time and at a competitive fee.

9. One body identified is The Blue Lamp Trust who already provide a service throughout the county of Hampshire and to one other Surrey District. The Blue Lamp Trust is looking to expand their operation nationwide and have agreed to provide a service to Surrey Heath and other Surrey Authorities with immediate effect. It is considered that entering into an agreement with the Blue Lamp Trust for the provision of driver assessments would enable the Council to maintain a high and consistent standard of licensed drivers in the Borough. A copy of the Trust's webpage can be seen at Annex 2

Driver Medicals

10. 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.
11. 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 DVSA who require a 'Group 2' standard to be applied to every person who holds a lorry or bus licence. The Group 2 standard requires drivers to obtain a medical report from a medical practitioner registered with the General Medical Council (GMC). The applicant then sends the report to the DVSA for assessment by a member of the Secretary of State's Medical Advisory Panel.
12. The Council's current medical advisers for taxi drivers, Park Road Surgery in Camberley, have recommended the same procedure however they have also stated that to collate information relating to a patient not registered with them would be clinically wrong as they do not have ready access to the patient's medical records. They have therefore recommended that this part of the procedure should be conducted by the driver's own GP. The report should then subsequently be reviewed if required by a designated medical advisor.
13. Officers have sourced an alternative medical practitioner, Dr Fraser of Upper Gordon Road Surgery, Upper Gordon Road, Camberley who provides medical advisory services to the Council's Housing Team and the Surrey Heath Clinical Commissioning Group. In addition, Dr Fraser already acts as a Medical Advisor to a neighbouring Licensing Authority and has offered to provide a Medical Advisory service to the Council in respect of medical examination reports made to a Group 2 DVLA standard.
14. The proposed revised procedure would involve drivers obtaining, at their own expense, a medical report from their own doctor. This would be submitted to the Licensing Team and if no medical issues are shown to exist then the licence would be granted. However, if medical issues were apparent the Officers would refer the matter to the Council's medical adviser, initially by the paper report but with the driver attending in person if required, and at the applicant's expense. The medical adviser would then make the decision to grant or refuse the application. This procedure is outlined at Annex 3
15. The frequency of medical re-tests varies amongst Licensing Authorities and this summarised at Annex 4. Some Councils keep close to the DVSA timescales whilst

others, including Surrey Heath, require medicals more frequently. For example, every 3 years from grant rather than a second medical upon reaching the age of 45. Then continuing every 3 years rather than 5 and annually from 60 rather than 65.

16. Members will recall; that in provisions of the Deregulation Act 2015, previously reported to this Committee, the default period for the grant of a driver's licence was relaxed from 1 to 3 years. This falls into line with the triennial criminal record check with the Disclosure and Barring Service (DBS).
17. Officers are of the view that the current 3 year medical frequency should be maintained to dovetail with requirements for Disclosure and Barring Service (DBS) checks, but to include some degree of flexibility with the medical examination where it is out of phase with the DBS, so as to allow a period of up to 5 years between medicals on one occasion only, providing a medical issue requiring an annual check does not exist.

Legislation

18. The provisions of Section 51 and 53 of the Act provides that a licence shall be granted if is 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

19. The Committee is advised to **RESOLVE** that:
 - i. The requirement for all applicants for a licence to drive a Hackney Carriage or Private Hire Vehicle are dependent upon passing a driving assessment specific for taxi drivers and that the requirement for this to be solely obtained from the Driving Standards Agency be removed.
 - ii. The proposed revisions to the Driver Medical Procedures, set out in paragraph 14, above be approved
 - iii. The Council's Licensing Team enter into an arrangement for the provision of a medical advisory service with Dr Fraser, Upper Gordon Road Surgery, Upper Gordon Road, Camberley.
 - iv. The age at which licensed drivers are required to undergo annual medicals be changed from 60 years of age to 65 years of age.
 - v. The application process for licensed drivers be amended to allow a period of up to 5 years between medicals on one occasion only, providing a medical reason requiring an annual check does not exist in order to bring the requirements for the frequency of medical examinations in line with requirements for regular Disclosure and Barring Service checks

Background Papers: None

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