

## Taxi Driver Medicals Consultation (Environmental Services, Robert Smith)

### Synopsis of report:

The purpose of this report is to seek approval for consultation on an amended policy regulating the assessment of a person's medical fitness to drive hackney carriage and private hire vehicles.

### Recommendation that:

Members approve a consultation with the public and the taxi trade regarding the proposed amendments to Runnymede's Hackney Carriage and Private hire Licensing Policy, to be undertaken in accordance with the provisions set out in the Council's Constitution regarding consultation requirements.

## 1. Context and background of report

- 1.1 The Council as Licensing Authority is responsible for the licensing of Hackney Carriage (HC) and Private hire drivers (PHV) under the Local Government (Miscellaneous) Provisions Act 1976 part II. For the purposes of this report the terms Hackney Carriage (HC) and Private hire drivers (PHV) will be replaced with the generic term taxi driver.
- 1.2 Licensing Authorities are required to satisfy themselves that those holding a taxi driver licence are 'fit and proper'. In a case where evidence is obtained that suggests that a licensed individual is not a 'fit and proper' person the licensing authority is entitled to suspend, revoke, or refuse to renew a licence.
- 1.3 Part of this 'fit and proper' assessment relates to the medical fitness of drivers, to ensure drivers licenced by Runnymede Borough Council are fit to carry out the duties of a taxi driver. There is general recognition that it is appropriate for taxi drivers to have more stringent medical standards than those applicable to normal car drivers because:
  - they carry members of the public who have expectations of a safe journey;
  - they are on the road for longer hours than most car drivers; and
  - they may have to assist disabled passengers and handle luggage
- 1.4 The Department for Transport's best practice guidance for taxi licensing dated 2010 for local authorities in England and Wales recommends that DVLA Group 2 medical standards should apply to taxi drivers.
- 1.5 The proposed updated best practice guidance (consulted upon in 2022) for taxi licensing for local authorities in England and Wales recommends that DVLA Group 2 medical standards should apply to taxi drivers and specifically makes mention that the Group 2 timescales for medicals should be followed.
- 1.6 The purpose of this report is to propose a consultation on amendments to Runnymede's Policy so that it reflects the DVLA Group 2 frequency for medical examinations.

- 1.7 The standard of driver's fitness in Runnymede has been in place for over 25 years and is, apart from the frequency of medical examinations, identical to the standards which have been applied by the DVLA in their Group 2 standard for bus and lorry drivers since approximately 1992.
2. **Report**
- 2.1 The DVLA has medical standards for each group of vehicle being driven. Group 1 covers cars and motorbikes while Group 2 covers buses and lorries. Most councils use the Group 2 standard for taxi driver licensing.
- 2.2 The DVLA publication 'Assessing Fitness to Drive – A Guide for Medical Professionals', defines the medical standards considered safe for driving. All Group 2 applicants require a medical assessment by a medical practitioner on a DVLA D4 form (Appendix A). The criteria includes the nervous system, diabetes, psychiatric illness (including drug/alcohol dependency), cardiac related illnesses and sleep disorders.
- 2.3 The DVLA require a Group 2 medical for lorry and bus drivers at initial licensing this medical is then valid until the age of 45. Licence Holders' of course have a legal duty to notify DVLA of any medical condition which may affect their ability to drive in the intervening years and must declare any medical condition change on the 5-yearly renewal of their lorry or bus licence. Upon reaching the age of 45 years a medical examination is then required every five years and at the age of 65 years an annual medical is required. For those with known medical conditions medicals may be requested yearly or when required.
- 2.4 Runnymede have within their Hackney Carriage and Private Hire Licensing Policy (5.56 – 5.60, shown below), a longstanding requirement that taxi drivers must meet DVLA Group 2 standards. However, this authority in common with many others applied different timescales for the frequency of medicals.

#### 5.56 *RELEVANT MEDICAL STANDARDS*

5.57 *As recommended best practice by the Department for Transport (DfT), the licensing authority will only normally consider and determine medical and physical fitness standards to drive a hackney carriage and/or private hire vehicle by reference to the extant Group 2 standards of medical fitness applied by the DVLA.*

5.58 *General frequency of medical checks*

5.59 *To ensure currency and relevance the licensing authority will normally require applicants to submit a suitable medical report which is dated no more than three months prior to the initial application and then every five years from the date the licence was initially granted.*

5.60 *However, in order to protect the safety of those using licensed vehicles and/or those who may otherwise be put at risk by unfit drivers (e.g. other road users etc.), the licensing authority considers it legitimate and proportionate to require more frequent and/or additional medical assessments in the following circumstances. Where*

*appropriate, the costs of any additional requirements shall be met by the applicant.*

5.61 *Age-related frequency of medical checks*

*In recognition that physical deterioration and medical conditions generally become more prevalent with age, following the 60th birthday of any applicant the licensing authority will normally require an annual medical examination every year from the date the licence was initially granted.*

- 2.5 Taxi driver licence Holders' have a legal duty to notify the Council of any medical condition which may affect their ability to drive and as part of the renewal application must declare any change in the medical condition.
- 2.6 For members information there are 90 drivers licenced in Runnymede, their age ranges being as follows:
- 21 drivers are in the age range 21 – 45  
34 drivers are in the age range 46 – 60  
20 drivers are in the age range 61 – 65  
15 drivers are over 65
- 2.7 As Members will note, time scales for medical assessments are different to those required by DVLA for bus and lorry drivers. Runnymede require a medical on initial application and then every 5 years up to the age of 60, thereafter a yearly medical is required.
- 2.8 For those with known medical conditions medicals may be requested yearly or when required.
- 2.9 The responsibility for determining standards and medical requirements for taxi drivers, rests with the local council and in light the following factors it is appropriate to review our frequency for medicals:
- i) The draft revised best practice guidance which recommends the DVLA Group 2 frequency for medicals be used by licensing authorities.
  - ii) To reduce the cost to drivers, the cost of a typical Group 2 medicals can vary between £100 and £150.
  - iii) To reduce the amount of officer time spent sending medical reminders to drivers and checking of medicals when they are received.
  - iv) Officers are aware of the difficulty drivers are having in many cases trying to arrange a medical appointment with their GP. It may be that these are unnecessary and place a further burden on GP surgeries.
  - v) There is no evidence to show that having medicals of a greater frequency that the Group 2 requirements has made transport by taxis any safer.
- 2.10 It is proposed that the Council consult on making amendments to our policy so that it reflects the frequency of medical checks as required by the DVLA Group 2 medical standard as set out below:

A group 2 medical assessment will be required at the following frequencies:

- (i) On submission of a new HC or PHV driver licence application.
- (ii) At age 45 and thereafter every five years until the age of 65
- (iii) At age 65 and thereafter on an annual basis.
- (iv) In the event of a disability or medical condition which may affect an applicant's ability to drive being disclosed to the Council's licensing section whilst the grant of a licence is in force.

- 2.11 The proposed consultation document can be seen at Appendix 'B'.
- 2.12 The consultation, if approved, would take place over the period 22 March 2023 to 17 May 2023, a period of 8 weeks. Following consultation, a further report on this matter with results of the consultation would be brought before this Committee on 20 June 2023.

### Benchmarking

- 2.13 Officers have ascertained that the other 10 Surrey authorities all use the Group 2 standards but there are variations in the frequency and age requirements as shown below.
  - i) Identical to the Group 2 frequency/ages – 2 authorities
  - ii) A medical on licensing and then every 3 years from age 45 till age 65, thereafter yearly – 1 authority
  - iii) A medical on licensing and then every 3 years until age 65, thereafter yearly – 2 authorities
  - iv) Same as Runnymede – 2 authorities, one of which is are considering changing to the Group 2 frequency/age
  - v) A medical on licensing and then every 5 years until age 65, thereafter yearly – 1 authority
  - vi) A medical on licensing and then every 5 years from age 45 till age 65, thereafter yearly – 2 authorities but they are considering changing to the Group 2 frequency/age

## **3. Policy framework implications**

- 3.1 This would entail a small change to our policy at 5.59 – 5.61 to amend the medical frequency requirements.

## **4. Resource implications**

- 4.1 Any change in the frequency of medical assessments would save Officers' time in the administration of driver medicals.

## **5. Legal implications**

- 5.1 The Council has a duty to ensure that all current holders and applicants for private hire and hackney carriage licences are fit and proper to do so. Failure to carry out necessary steps to ensure medical fitness to DVLA group 2 standards could result in a risk to public safety.

## **6. Equalities implications**

- 6.1 The Council has a duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;
- a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
  - b) to advance equality of opportunity
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.
- 6.2 We should at all times act in a way that is non-discriminatory through our policies and procedures and interactions with people.
- 6.3 An Equalities screening assessment will be submitted prior to the further report on this subject and included within that further report.

**(To resolve)**

Background papers

Department for Transport Best Practice Guidance

[Taxi and Private Hire Vehicle Licensing. Best Practice Guidance for Licensing Authorities in England. \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/424222/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england.pdf)

DVLA Medical Guidance

<https://www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals>

[Runnymede Borough Council Policy](https://www.runnymede.gov.uk/downloads/file/572/hackney-carriage-and-private-hire-licensing-policy)

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