

Taxi Driver Medicals Consultation (Environmental Services, Robert Smith)

Synopsis of report:

The purpose of this report is to seek approval for amending Runnymede's Hackney Carriage and Private Hire Licensing Policy regulating the assessment of a person's medical fitness to drive hackney carriage and private hire vehicles.

Recommendation that:

Members approve the proposed amendments to Runnymede's Hackney Carriage and Private hire Licensing Policy with regards to the assessment of a person's medical fitness to drive hackney carriage and private hire vehicles.

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 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. The medical form is attached at Appendix 'A'.
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 (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), 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.
- 2.5 As Members will note, time scales for medical assessments in Runnymede 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.
- 2.6 For those with known medical conditions medicals may be requested when required. Drivers with medical conditions are commonly asked not provide yearly medicals.
- 2.7 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.
- 2.8 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

2.9 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 medical 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 than the Group 2 requirements has made transport by taxis any safer.

Consultation

2.10 A consultation was approved by this Committee on 15 March 2023, the consultation document can be seen at Appendix 'B'.

2.11 The consultation took place over the period 22 March 2023 to 17 May 2023, a period of 8 weeks.

2.12 The total number of responses was 24, (18 from drivers or operators and 6 from members of the public). All responders agreed with the proposed change in policy. Some responders (4) left comments for this Committee's attention, these are shown below-

- 1. *Perfect sense for everyone. One little point to ponder is '65 years old' which I guess is aligned to NRA. Given the Government seems to be constantly upping the retirement age for everyone, should this be the point at which annual medicals are required?*
- 2. *Most people drive all their lives without a medical test.*
- 3. *There should be one set of requirements for all drivers across the country set by the DVLA and local authorities should not implement their own rules.*
- 4. *You should be in line with DVLA guidelines and annual test should only be in line with retirement age.*

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 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.

Officers Recommendation

- 2.14 Officers recommend the Council approves the proposed amendments to Runnymede's policy to reflect the frequency of medical checks as required by the DVLA Group 2 medical standard as set out in Appendix 'C'.

3. Policy framework implications

- 3.1 This would entail a small change to our policy 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.

- 5.2 All drivers will be notified of this Committee's decision by email or letter.

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) 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 Impact Screening Assessment has been completed and reviewed by the Equalities Group. This is attached at Appendix 'D'.
- 7. **Timetable for Implementation**
- 7.1 Officers would recommend that if this proposal is approved it comes into effect immediately.

(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://publishing.service.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england)

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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