

<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	13 September 2023
<b>LEAD OFFICER:</b>	Head of Planning, Public Protection & Countryside Services
<b>CONTACT OFFICER:</b>	Senior Licensing Officer <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706433
<b>SUBJECT:</b>	Review of Hackney Carriage and Private Hire driver medical requirements

## 1. **PURPOSE OF THE REPORT**

- 1.1 Following the publication of the Welsh Government White Paper on the proposals to reform the taxi licensing regime, a review of our current practices has taken place and some areas have been identified where we can make improvements to the current regime.
- 1.2 Officers have identified an existing practice that could be adopted that would meet with the Welsh Government proposals and improve our policy whilst also bring the authority into line with other Welsh authorities, namely implementing Group 2 medical checks, in place of the current Group 1 medical check.

## 2. **EXECUTIVE SUMMARY**

- 2.1 To seek approval to review the current medical requirements in line with the proposals set out in the Welsh Government White Paper and Department for Transport standards.
- 2.2 To seek approval to consult with the licensed trade on the proposals should members be minded to approve.

## 3. **POWER TO MAKE THE DECISION**

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976

## 4. **BACKGROUND INFORMATION**

- 4.1 Responsibility for determining the standards, including medical requirements, to be applied to taxi drivers rests with the Local Authority.

- 4.2 Current best practice advice is contained in the booklet 'Fitness to Drive: A Guide for Health Professionals' published on behalf of the Department by The Royal Society of Medicine Press Limited (RSM) in 2006
- 4.3 In March 2023 the Welsh Government published a White Paper "Taxi and Private Hire Vehicle (PHV) (Wales) Bill" to help modernise the taxi and private hire sector and bring greater consistency throughout Wales by proposing national minimum standards for the licensed trade.
- 4.4 Consultation on the White Paper closed on the 1<sup>st</sup> June 2023 however, there are no set timescales for the results of the consultation to be published due to the high volume of responses received, it is therefore proposed to continue reviewing our current practices with the Welsh Government proposals in mind, with the first review being our current medical standards.
- 4.5 There are currently two DVLA Licence Groups for medical standards:  
Group 1 – includes motor cars and motor cycles.  
Group 2 – includes large lorries (category C) and buses (category D).
- 4.6 The medical standards for group 2 drivers are more stringent than those for Group 1 because of the size and weight of the vehicle and the higher risk emanating from drivers' hours.
- 4.7 Group 2 medical standards have been implemented throughout 19 of the 22 local authorities in Wales, which includes all of our neighbouring authorities.
- 4.8 The Council currently requests a medical examination to Group 1 standard signed by a registered medical practitioner on application for a licence and every 3 years thereafter. At 60 years of age a medical certificate is required annually. A copy of the current medical form is attached at appendix A.
- 4.9 Officers propose that applicants and existing drivers would need to meet the DVLA Group 2 medical standards of fitness to drive, and the following conditions are proposed:
  - i. The medical must be carried out by the applicant's own general practitioner (GP) or another GP at the applicant's registered practice that has full access to their medical records.
  - ii. In exceptional circumstances, and only with prior agreement from the Licensing authority, a medical assessment may be carried out

by another registered GP practice as long as the applicant's full medical history has been viewed and assessed by that GP.

- iii. For existing licence holders, during the transition to move from Group 1 to Group 2 medical standards, the licensing authority may direct any licence holder to supply satisfactory evidence in the form of a medical certificate, stating the licence holder meets the required Group 2 standards, should their medical fitness be called into question.
- iv. Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard shall not have a licence granted to them, or the licence shall not be renewed, or shall be revoked.
- v. The requirement for applicants/licensed drivers to complete a medical examination is as follows:
  - A. Upon application and on first renewal following the implementation of Group 2 medical standards and every 3 years thereafter between the ages of 45 and 65 ie if you are under 45 years of age after the grant or renewal of your licence you will not require another medical until you are 45 years of age and then every three years thereafter.
  - B. Every year when the driver is aged 65 years or over
  - C. Or anytime as required by the licensing authority or a medical practitioner.
- vi. The medical form is valid for 4 months from the date the examining doctor, optician or optometrist signs it.
- vii. All licence holders are required to inform the licensing authority of any illness or condition that affects their ability to drive.
- viii. All costs associated with obtaining the relevant medical certificate are to be met by the applicant/licence holder.
- ix. At each renewal of licence (3 years) up to the age of 45 years the licence holder will be required to declare any medical issues that they may be aware of affecting their suitability to meet the Group 2 medical standards. Any medical declarations may require a Group 2 medical certificate at that renewal.

4.10 Welsh Government have also developed a standardised Group 2 standards medical form for Welsh local authorities to implement, which

can be found at Appendix B.

- 4.11 To assist Members, the costs associated with both Group 1 and 2 medicals have been sourced from a number of GP Surgeries throughout Denbighshire and the current average costs are detailed below, which are met by the applicant/licence holder:

Group 1: £60 - £75      Group 2: £95 - £140

- 4.12 Should Members be minded to support the proposed changes to the medical standards it is suggested that at least 6 months' notice is given to existing licence holders before the proposed changes come in to force. This will allow licence holders time to comply with the new requirements and provide a new medical certificate on their next renewal. However, for new applicants it is proposed that the new medical standards come in to force sooner at an agreed date.

## 5. **CONSULTATION**

- 5.1 Any proposed change to the current policy will require the requisite consultation with all licence holders and interested parties.
- 5.2 It is therefore proposed that a 6 week consultation process will take place and the responses received will be taken into consideration.
- 5.3 Should objections be received to the proposals, Officers will report back to the next scheduled Licensing committee after the end of consultation.
- 5.4 However, should there be no representations objecting to the proposals, the proposed standards will come into effect at an agreed date.

## 6. **RECOMMENDATION**

- 6.1 It is recommended that Members consider the contents of the report and resolve to:
- 6.2 Authorise officers to consult with current licensed drivers and licensed Operators and Proprietors on the implementation of Group 2 medical standards, and
- 6.3 Where no objections are received following the consultation period, Members authorise officers to:
- i. Implement a requirement for Group 2 medical certificates for

licensed drivers as set out at 4.5 above, with effect from 1<sup>st</sup> December 2023 for new applicants and 1<sup>st</sup> June 2024 for renewal licence holders.

- 6.4 Where objections are raised during the consultation period, Members instruct officers to prepare a report for a future Licensing Committee meeting where objections can be considered.