

Report to Regulatory Panel

Agenda
Item:

A.2

Meeting Date: 14th October 2020
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and
Budget Framework YES
Public / Private Public

Title: Hackney Carriage and Private Hire Drivers – Medicals

Report of: Corporate Director of Governance and Regulatory Services
Report Number: GD 49/20

Purpose / Summary:

A mandatory medical examination for Hackney Carriage and Private Hire Drivers was adopted by the Council in October 2000 and was to be undertaken by the drivers registered practitioner. During the current Covid pandemic, some local practices are not undertaking private medicals, and this has now become an issue as new applicants are not able to proceed with their application if their practice has not commenced this service. The report details proposals for new and existing drivers to have a medical with an alternative provider for a period of 12 months.

Recommendation: -

That Members agree that for a 12-month period new applicants and existing drivers will be authorised to have their medical examination undertaken by an alternative provider, if their registered practice is not undertaking taxi and private hire medicals. A declaration will be required from the examining practitioner that they have had access to the patient's relevant medical history from their registered practice.

1. Background

- 1.1. A mandatory medical examination for Hackney Carriage and Private Hire Drivers was adopted by the Council in October 2000.
- 1.2. It was resolved that the medical examination should be undertaken by the applicant's medical practitioner and be approved by the guidelines issued by the DVLA.
- 1.3. Paragraph 14 in the Hackney Carriage Drivers Code of Conduct refers:

The driver shall, every three years, produce to the Council a certificate signed by his registered medical practitioner, to the effect that he is fit to be the driver of a Hackney Carriage. He should come to this decision using Group 2 standards for vocational drivers as laid down in the current issue of "At a glance guide to the current medical standards of fitness to drive" issued by the Drivers Medical Unit, DVLAS, Swansea. In addition he shall if so required, whether or not such medical certificate has been produced, submit to an examination by a registered medical practitioner selected by the Council as to his fitness to be such a driver.
- 1.4. Paragraph 18 of the Private Hire Drivers Conditions refers:

The driver shall every three years, produce to the Council a certificate signed by his registered medical practitioner, to the effect that he is fit to be the driver of a Private Hire Vehicle. He should come to this decision using Group 2 standards for vocational drivers as laid down in the current issue of "At a glance guide to the current medical standards of fitness to drive" issued by the Drivers Medical Unit, DVLAS, Swansea. In addition he shall if so required, whether or not such medical certificate has been produced, submit to an examination by a registered medical practitioner selected by the Council as to his fitness to be such a driver.
- 1.5. Although Members were informed that some GP practices in the district are now undertaking medicals for drivers, not all are. Existing drivers have been able to submit a self-declaration, however, there becomes a delay if a new applicant's GP practice have not recommenced their occupational medical service.
- 1.6. The Department of Transport have written to all licensing authorities urging that solutions are identified to resume services to fulfil the licencing function in order for driver licences to be issued. (Appendix 1)

2. Proposal

- 2.1. It has been suggested by one local practice that they will provide a relevant medical history of the driver/applicant to a practice who can undertake the private medical.
- 2.2. All practices in the area are being contacted to ascertain whether they are taking private medicals and if not, whether they would cooperate with the proposal to provide the relevant medical history to an alternative provider. Further information will be provided at the meeting of the Panel.
- 2.3. The practitioner undertaking the medical would need to declare that they have been provided with the medical history and considered this as part of the examination.
- 2.4. It is proposed that for a 12 month period new applicants and existing drivers will be authorised to have their medical examination undertaken by an alternative provider, if their registered practice is not undertaking taxi and private hire medicals, and as detailed above a declaration will be required from the examining practitioner that they have had access to the patients relevant medical history from their registered practice.

3. Recommendation

- 3.1. That Members agree that for a 12-month period new applicants and existing drivers will be authorised to have their medical examination undertaken by an alternative provider if their registered practice is not undertaking taxi and private hire medicals. A declaration will be required from the examining practitioner that they have had access to the patient's relevant medical history from their registered practice.

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Appendices Department of Transport letter to all Licensing Authorities dated
attached to report: 10th September 2020

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

TC. 123/00 Report to Regulatory Panel 10/10/2000

CORPORATE IMPLICATIONS:

LEGAL – NONE

FINANCE – NONE

EQUALITY – NONE

INFORMATION GOVERNANCE – NONE



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10 September 2020

Dear colleague,

TAXI & PHV LICENSING – SUPPORTING THE SECTOR & SCHOOL RETURN

Many thanks for all the hard work that has been undertaken by you and your teams, to overcome the challenges to the licensing system created by the Coronavirus outbreak.

The Department recognises that the pandemic has created a very challenging environment for local government to operate in, with the need to adapt quickly and decisively to maintain business as usual. We appreciate, too, that taxi and private hire vehicle licensing teams have been particularly affected, as a key part of many licensing regimes was face to face interactions with applicants to determine if they are fit and proper to hold a licence,

You will be aware that as the economy has started to reopen it is important there are sufficient licensed taxi and private hire drivers and vehicles available to meet the returning passenger demand. Concerns have been recently raised with the Department that, in some places, difficulties in licensing new drivers and operators could lead to shortages of supply in the sector. We understand that, in response to the initial lock down restrictions, a number of licensing authorities put new applications on hold in order to focus on dealing with renewal applications, and that some have not yet resumed their processing.

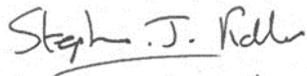
Taxi and private hire vehicle licensing is a statutory function of local licensing authorities and it is important that it continues during these challenging times, both to support the restart of schools and support local economies and to limit any long-term impacts on the sector. We are aware that licensing authorities across England have come up with innovative solutions to overcome challenges around issues such as DBS checks, identification verification, medical and local tests and training requirements to enable the continued processing of all applications. If your authority is one of these many thanks for your efforts and hard work.

If your authority is not yet processing new applications, however, we would urge you to urgently identify solutions that will enable you to resume this service to ensure that you can fulfil your statutory licensing function. You may wish to seek advice from your representative bodies, such as the Local Government Association or the Institute of Licensing, and/or other local licensing authority contacts in areas that are accepting new applications.

Hopefully some of the solutions found will help make the licensing function easier to carry out in the long-term. I appreciate it has been a difficult time and welcome your continued commitment to a fully functioning licensing system that ensures public safety.

If you have any questions about this letter please contact the Department's taxi and private hire vehicle policy team at taxis@dft.gov.uk.

Yours faithfully,

A handwritten signature in black ink that reads "Stephen J. Kelly". The signature is written in a cursive style with a horizontal line underlining the first part of the name.

Director: Local Transport