

LICENSING AND REGULATION COMMITTEE

10 October 2013

UPDATE TO REVIEW OF STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS

REPORT OF HEAD OF LICENSING

Contact Officer: Carol Stefanczuk Tel No: 01962 848 188

RECENT REFERENCES:

[LR 411](#) - Review of Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators – 13 June 2013

EXECUTIVE SUMMARY:

This report is to consider comments made during the consultation period for amendments to the Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators regarding medical assessments.

RECOMMENDATIONS:

- 1 That Members consider the comments made following the consultation period to review the Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators and decide whether to make any changes.
- 2 That the Head of Licensing be given delegated authority to amend the Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators accordingly, and implement any changes with immediate effect.

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### UPDATE TO REVIEW OF STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS

#### REPORT OF HEAD OF LICENSING

#### DETAIL:

##### 1 Introduction

1.1 At the Licensing and Regulation Committee on 13 June 2013, Members considered a report on the review of the Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators (the Policy).

1.2 Members resolved that the amended Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators be approved for consultation with the taxi and private hire trade.

##### 2 Consultation

2.1 The licensing section wrote to all hackney carriage and private hire drivers and private hire operators on 21 June 2013 to consult on the changes made to the Policy. The consultation period finished on 31 July 2013.

2.2 During the consultation, the licensing section received one letter from a licensed hackney carriage and private hire driver, Mr Chris Smith. He raised concerns regarding the fitness of licensed drivers who have diabetes and only provide a medical report every five years (if they are under 63 years of age).

##### 3 Consideration by the Head of Licensing

3.1 Following the consultation period, the Head of Licensing considered that the Licensing and Regulation Committee consider the addition of the following paragraph to section 8.9 (medical fitness) of the Policy:-

*Where the applicant has been diagnosed with Diabetes Mellitus, other than treatment by diet only, applicants must provide on renewal of their hackney carriage and/or private hire driver licence, or every 12 months in the case of a driver with a 3 years driver licence (when a medical report is not due) confirmation that they meet the Group 2 medical standards of fitness to drive in the form prescribed by the Council. This must be signed by the applicant's registered GP or a diabetic consultant.*

3.2 The proposed paragraph in 3.1 above was sent to all hackney carriage and private hire drivers, and private hire operators, for consultation from 28 August 2013 until 27 September 2013.

3.3 During this consultation period, the licensing section received one email from Mr Maurice Couzens, who is a licensed private hire driver; he agreed with the proposed change to the Policy.

#### 4 Decision

4.1 Members are asked to consider the comments received, and the proposal by the Head of Licensing to add the paragraph as shown in 3.1 above, or to make no changes to the Policy and retain the amended version following the decision on 13 June 2013.

#### OTHER CONSIDERATIONS:

##### 5 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

5.1 This report relates to ensuring the safety of the public using taxis and private hire vehicles licensed by the Council.

##### 6 RESOURCE IMPLICATIONS:

6.1 It is anticipated that the cost of implementation will be covered in the existing budget and will equate to approximately 5 hours of a Licensing Officer's time.

##### 7 RISK MANAGEMENT ISSUES

7.1 It has been noted that should the proposed paragraph be included in the Policy, this could have a financial impact on the drivers who would be required to provide confirmation that they meet the Group 2 medical standards of fitness to drive completed by the applicant's registered GP or diabetic consultant. The Head of Licensing considers that the responsibility for ensuring the safety of the public using licensed vehicles outweighs the financial impact to a small number of drivers.

#### BACKGROUND DOCUMENTS:

At a glance Guide to the current Medical Standards of fitness to Drive (2013 Edition)

#### APPENDICES:

- |            |   |
|------------|---|
| Appendix 1 | Extract of the Policy showing the proposed amendments |
| Appendix 2 | Letter from Mr Chris Smith                            |
| Appendix 3 | Email from Mr Maurice Couzens                         |

## 8.9 Medical Fitness

- a All applicants must undergo a medical examination with regard to their fitness to carry fare paying passengers and must provide a medical assessment form completed by the examining doctor.
- b Such examination is to be carried out on initial application and every fifth year thereafter until the age of 63 years and 65 years, and every year thereafter.
- c The examination must take place at the surgery where the applicant is registered in order that the examining doctor has access to their medical records, or, at another surgery provided that the examining doctor has access to the applicant's medical records.
- d The Licensing Sub-Committee and the Head of Licensing have discretion to require any licensed hackney carriage or private hire driver to undergo a medical examination where satisfied that a condition has arisen which might affect the person's fitness to hold a licence.
- e The Drivers Medical Group of the Driver and Vehicle Licensing Agency recommends that the DVLA Group 2 medical standards should be applied by local authorities to taxi and private hire drivers. This recommendation has been adopted by the Council. Therefore, all hackney carriage and/or private hire drivers licensed by Winchester City Council must meet the Group 2 medical standards.
- f Where the applicant has been diagnosed with Diabetes Mellitus, other than treatment by diet only, applicants must provide on renewal of their hackney carriage and/or private hire driver licence, or every 12 months in the case of a driver with a 3 years driver licence (when a medical report is not due) confirmation that they meet the Group 2 medical standards of fitness to drive in the form prescribed by the Council. This must be signed by the applicant's registered GP or a diabetic consultant.
- fg In particular, a new applicant's standard of acuity of vision, using corrective lenses if necessary, is considered unsatisfactory if it is below 6/9 in the better eye or 6/12 in the other eye. Also, the uncorrected acuity in each eye must be at least 3/60.
- gh Complete loss of vision in one eye or corrected acuity of less than 3/60 in one eye will bar the applicant from holding a hackney carriage or private hire driver licence.
- hi Persons who have held a hackney carriage or private hire driver licence prior to 5 February 2008 must have a visual acuity of at least 6/12 in one eye and 6/36 in the other.

- | ii Persons who have held a hackney carriage or private hire driver licence prior to 1 January 1991, AND where the licensing officer was aware of the loss of sight in one eye before that date are exempt from "gh" above.

**Note:** If an applicant has not fulfilled all of the above criteria within 12 months of submitting their application to drive a hackney carriage and/or private hire vehicle, the application will be refused.

C. SMITH

HACKNEY CARRIAGE 112

HACKNEY DRIVER 121

TO THE LICENSING OFFICES

IT HAS COME TO MY NOTICE THAT DRIVERS UNDER THE AGE OF 65 YEARS ONLY HAVE A MEDICAL EXAMINATION EVERY 5 YEARS BEING DIABETIC MYSELF I HAVE TO CONTROL MY BLOOD AND SUGAR LEVELS VERY CAREFULLY WITH DIET AND MEDICATION, ALSO I ATTEND A DIABETIC CLINIC EVERY SIX MONTHS, AS WELL AS MY ANNUAL MEDICAL.

I KNOW OF DRIVERS DRIVING TAXIS WITH THE CONDITION HAVING PASSED THEIR MEDICAL SAYING THEY ARE NOW SAFE FOR ANOTHER FIVE YEARS.

THAT MAY ATTEND CLINICS BUT CAN KEEP THEIR RESULTS FROM THE COUNCIL AS THERE SEEMS TO BE NO WAY THAT THEY ARE CHECKED BY THE LICENSING OFFICERS. I FEEL THAT DRIVERS WITH DIABETES SHOULD SHOW THAT ARE MAINTAINING THEIR DIABETES TO THE LICENSING OFFICERS

YOURS SINCERELY

-----Original Message-----

From:  
Sent: 31 August 2013 12:36  
To: Licensing  
Subject: Re: Review of Hackney Carriage and Private Hire Policy

Hi, Carol,

I agree with this policy, as with any pro drivers a very tight control should be kept on these illnesses.

regards

Maurice Couzens

-----Original Message-----

From: licensing@WINCHESTER.GOV.UK  
Sent: Wed, 28 Aug 2013 23:36  
Subject: Review of Hackney Carriage and Private Hire Policy

To all Hackney Carriage and Private Hire Drivers and Private Hire Operators

Following the meeting of the Licensing and Regulation Committee on 13 June 2013, the consultation has now closed for comments on the review of the Statement of Licensing Policy with respect to the Hackney and Private Hire Vehicles, Drivers and Private Hire Operators.

We will be preparing a report to the next Licensing and Regulation Committee on 10 October 2013 to include a new section on driver medicals.

The proposal is to include the following paragraph under section 8.9 Medical Fitness;

Where the applicant has been diagnosed with Diabetes Mellitus, other than treatment by diet only, applicants must provide on renewal of their hackney carriage and/or private hire driver licence, or every 12 months in the case of a driver with a 3 years driver licence (when a medical report is not due) confirmation that they meet the Group 2 medical standards of fitness to drive in the form prescribed by the Council. This must be signed by the applicant's registered GP or a diabetic consultant.

If you wish to comment on this, please write to the Head of Licensing at the address below or email [licensing@winchester.gov.uk](mailto:licensing@winchester.gov.uk) no later than 27 September 2013. Alternatively, you may attend the Licensing and Regulation Committee on 10 October 2013 to address the Committee under the Public Participation item on the agenda.

Please contact the Licensing Office if you have any queries.

Kind regards

Carol Stefanczuk  
Licensing Officer