



## AGENDA ITEM: 6

### SUMMARY

<b>Report for:</b>	<b>Licensing and Health &amp; Safety and Enforcement Sub Committee</b>
<b>Date of meeting:</b>	<b>1 March 2012</b>
<b>PART:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Proposed changes to the medical requirements for Hackney Carriage and Private Hire Drivers.</b>
Contact:	Kathryn Ashton, Environmental Health, Team Leader, Regulatory Services
Purpose of report:	To advise the Licensing and Health & Safety Enforcement Sub Committee of proposed changes to the requirements for a satisfactory medical policy to be provided in respect of Hackney Carriage and Private Hire Drivers and Applicants.
Recommendations:	That the Licensing and Health and Safety Enforcement Sub Committee consider the proposed changes and approve the recommendations contained within the report.
Financial Implications	n/a
General Policies:	Members of the Licensing Sub Committee act in a quasi-judicial capacity under delegated powers to determine licensing matters on behalf of the Council.
Key Policies:	All of the Council's key policies are relevant to its licensing function. Principal issues include: supporting the local economy; encouraging the provision of leisure facilities for people in Dacorum particularly where measures are taken to combat social exclusion, whilst at the same time minimising the impact (particularly crime disorder and noise) of licensable activities on the environment.

## **1.0 Background**

- 1.1 Section 51 of the Local Government Miscellaneous Provisions Act 1976 requires that a District Council shall on receipt of an application grant that person a licence to drive private hire vehicles unless it is considered that they are not a fit and proper person to hold a licence.
- 1.2 Section 59 of the Local Government Miscellaneous Provisions Act 1976 states that a District Council shall not grant a Hackney Carriage licence unless they are satisfied that the applicant is a fit and proper person to hold a drivers licence.
- 1.2 In order to determine whether a person is a fit and proper person to hold a Private Hire or Hackney Carriage Drivers Licence, a number of checks are carried out. These include a criminal record bureau check, a driving vehicle licensing agency, (DVLA) check and submission of a satisfactory medical report.
- 1.3 All persons applying for a licence are required to provide a satisfactory medical which meets Group 2 entitlement as provided by the DVLA. This is consistent with the majority of Licensing Authorities in the UK. Currently persons applying to hold a licence can obtain this medical report from any GP or practice.
- 1.4 All Hackney Carriage and Private Hire Drivers who have obtained a licence from Dacorum Borough Council are also required to provide a satisfactory medical report which meets Group 2 entitlement in accordance with the DVLA. A satisfactory medical is required upon first licensing and at intervals of 3 years thereafter until their 65<sup>th</sup> birthday when the requirement is annual.
- 1.5 There are concerns that where individuals choose to seek a satisfactory medical from a General Practitioner other than their own, no access can be obtained to that persons records and therefore should there be any underlying medical condition which may affect the person's ability to act a licensed driver this may go unnoticed. Indeed this has happened over the last few months where a driver obtained a licence with an underlying medical condition which may have affected his ability to obtain a licence and this later resulted in an accident.
- 1.6 The Group 2 requirement is provided by the DVLA however in addition to this, the Council has additional requirements for insulin dependent patients. This requirement was more stringent than the DVLA guidelines. The guidelines are attached as Annex 1.
- 1.7 However, the DVLA guidelines were updated in respect of insulin dependent patients in November 2011 which addresses the majority of matters contained within the Council's Guidelines.

## **2.0 Proposals**

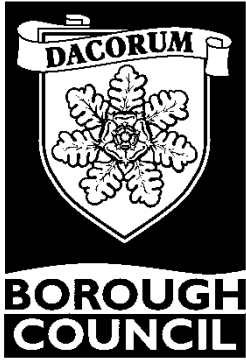
- 2.1 It is recommended that the requirement for a satisfactory medical report to be submitted in order to satisfy the 'fit and proper' test for all applicants and

drivers be amended to require that such medical is obtained by the applicant's/driver's own GP or by a medical practitioner who has access to the persons medical records. There is no recommendation to change the intervals for the requirement of such medical report.

- 2.2 It is recommended that the Council's Guidelines in respect of insulin dependent applicants/Drivers be amended as this is now covered by the amended DVLA guidelines for Group 2. The amended Council Guidelines are attached as Annex 2.

### **3.0 Options available to the Committee**

- 3.1 To agree the recommendations contained within 2.1 and 2.2 above;
- 3.2 To agree the recommendations contained within 2.1 and 2.2 above with any appropriate amendments;
- 3.3 To make no changes to existing requirements.



## **GUIDELINES ON LICENSING INSULIN DEPENDANT DIABETICS AS HACKNEY CARRIAGE OR PRIVATE HIRE DRIVERS**

All applications involving individuals with insulin treated diabetes will be dealt with in accordance with the following: -

### **Applicants for a private hire or taxi driver's licence will be required to:**

Satisfy the Licensing Authority that he/she meets the medical requirements, which would allow a private hire/hackney carriage to be issued.

In this regard the applicant will need to provide a medical report from a hospital consultant specialising in diabetes confirming:

- The applicant has been undergoing insulin treatment for over four (4) weeks;
- During the twelve (12) months prior to the date of the licence application, the applicant has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and
- The applicant has a history of responsible diabetic control and is at minimal risk of hypoglycaemic attack resulting in incapacity.

The applicant will also be required to submit a signed declaration that:

- He/she will comply with the directions for treatment given to him/her by the Doctor supervising that treatment;
- Immediately report to the Licensing Authority, in writing, any change in diabetic condition; and,
- Provide to the Licensing Authority, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at time relevant to driving a hackney carriage or private hire vehicle during employment.

### **On application for renewal of the hackney carriage or private hire driver's licence the applicant will be required to:**

Provide a medical report from a hospital consultant specialising in diabetes confirming:

- That during the preceding twelve (12) months the licensee has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving;

And

- The licensee has a history of responsible diabetic control and is at minimal risk of hypoglycaemic attack resulting in incapacity.

Licensees are reminded that the requirements of the declaration signed on the issue of licence remain an obligation.



## GUIDELINES ON LICENSING INSULIN DEPENDENT DIABETICS AS HACKNEY CARRIAGE OR PRIVATE HIRE DRIVERS

All applications involving individuals with insulin treated diabetes will be dealt with in accordance with the following: -

### **First time applicants and renewals for a private hire or hackney carriage driver's licence will be required to:**

Satisfy the Licensing Authority that he/she meets the Group 2 DVLA Guidelines in respect of Insulin dependency.

In addition the applicant will need to provide a medical report from a hospital consultant specialising in diabetes confirming:

- The applicant has been undergoing insulin treatment for a minimum of four (4) weeks;

The applicant will also be required to submit a signed declaration that:

- He/she will comply with the directions for treatment given to him/her by the Doctor supervising that treatment;
- Immediately report to the Licensing Authority, in writing, any change in diabetic condition; and,
- Provide to the Licensing Authority, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at time relevant to driving a hackney carriage or private hire vehicle during employment.