

# CHESHIRE EAST COUNCIL

## LICENSING COMMITTEE

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**Date of meeting:** 30<sup>th</sup> March 2009  
**Report of:** Mrs K Khan – Licensing Solicitor

**Title:** Taxi Licensing - Medicals

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### **1.0 Purpose of Report**

- 1.1 The purpose of the report is to request approval from the Committee for the proposals in relation to medical certification relating to applicants for hackney carriage and private hire drivers licences.

### **2.0 Decision Required**

- 2.1 The Licensing Committee is requested to:
- 2.1.1 confirm the application of the Group II medical standards in relation to applicants for hackney carriage and private hire drivers licences;
  - 2.1.2 approve the medical certification form as appended to the report;
  - 2.1.3 approve the adoption of the C1 standards in relation to applicants with insulin treated diabetes.

### **3.0 Financial Implications for Transition Costs**

- 3.1 None

### **4.0 Financial Implications 2009/10 and beyond**

- 4.1 None.

### **5.0 Legal Implications**

- 5.1 Subsection 57(2) of the Local Government (Miscellaneous Provisions) Act 1976 provides that applicants for drivers licences may be required to produce (i) a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or private hire vehicle; and (ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or private hire vehicle.

## **6.0 Risk Assessment**

- 6.1 Appropriate medical certification is required in order for the Council to properly determine whether an applicant is fit to drive a licensed vehicle. The Committee is requested to adopt Group II standards to ensure that all drivers meet the level of fitness which is recognised to be applicable to professional drivers. The recommendations within the report therefore seeks to avoid risk to the public by ensuring that drivers are medically fit to drive licensed vehicles.

## **7.0 Background and Options**

- 7.1 As Members will be aware the Council, as Licensing Authority, must issue drivers licences to applicants who have held a driving licence for twelve months and who are a 'fit and proper' person to hold a licence. To assist local authorities with the determination of applications, the legislation (namely section 57 Local Government (Miscellaneous Provisions) Act 1976) provides the Council with the power to require applicants to submit certain information. Subsection 57(2) provides that applicants may be required to produce (i) a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or private hire vehicle; and (ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or private hire vehicle.
- 7.2 In February 1995 the House of Commons Select Committee on taxis and private hire vehicles recommended that taxi licence applicants should pass a medical examination before a licence could be granted. Current best practice advice in relation to such medical examinations is contained with the document "Medical Aspects of Fitness to Drive" published by the medical commission on accident prevention and reiterated in "At a Glance Guide to the Current Medical Standards of Fitness to Drive for Medical Practitioners." This recommends that the Group II medical standards should be applied by local authorities to taxi drivers. Group II imposes a higher medical standard, applicable under UK legislation to the drivers of larger vehicles. These higher standards are justified because professional drivers spend substantially longer at the wheel than do private motorists, so that the risk of illness occurring whilst actually driving is greater.<sup>1</sup>
- 7.3 All three of the existing district licensing authorities currently apply the Group II medical standards. The Committee is requested to confirm the continued application of the Group II standards for Cheshire East.
- 7.4 The medical form proposed to the Committee for adoption on behalf of Cheshire East and annexed as Appendix A to this report is in the form originally adopted by Macclesfield Borough Council in 2007. This was drafted in consultation with Occupational Health Advisors and asks questions specifically

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<sup>1</sup> Page 13 "Medical Aspects of Fitness to Driver" (Medical Commission on Accident Prevention)

relating to the elements of the Group II requirements as set out within “Medical Aspects of Fitness to Drive.”

- 7.5 It is recognised that the Group II standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 kgs lorries). In the Department of Transport publication “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” it is suggested as best practice that licensing authorities apply the C1 standards to taxi and private hire drivers with insulin treated diabetes. In the light of the DfT best practice guidance, the Committee is requested approve the application of these C1 standards (set out at Appendix B) to taxi and PHV drivers with insulin treated diabetes. The medical form as drafted makes provision for certification in relation to the C1 standards at page 7.

## **8.0 Overview of Day One, Year One and Term One Issues**

- 8.1 The need to resolve the medical standards which shall be applicable to applicants hackney carriage and private hire drivers licences is a Day One requirement.

## **9.0 Reasons for Recommendation**

- 9.1 The Council is required to determine whether applicants for hackney carriage and private hire drivers and physically fit to drive such licensed vehicles. In order to make this determination the Council must confirm the medical standards it will apply and the form of certification which applicants are required to provide as part of the application process.

### ***For further information:***

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### ***Background Documents:***

None