

Report of: Transport & Parking Business Manager

To: General Purposes Licensing Committee

Date: 16th January 2008 **Item No:**

Title of Report : Medical Examinations for Hackney Carriage and Private hire drivers.

Summary and Recommendations

Purpose of report: To ensure that when medical examinations take place that the examining physician has access to the applicant's previous medical history.

Key decision: No

Portfolio Holder: N/A

Scrutiny Responsibility:

Ward(s) affected: All

Report Approved by:

Graham Smith. Transport and Parking Business Manager
Daniel Smith Legal & Democratic Services

Policy Framework: None

Recommendation(s):

The Committee is RECOMMENDED to:-

To approve the amendment to the Conditions relating to the medical examinations of applicants for private hire and hackney carriage driving licences

Background

1. Medical examinations are carried out to the standards required by the Driver and Vehicle Licensing Agency for large vehicles which is termed 'Group 2', a variation is for existing drivers with insulin treated diabetes who are permitted to continue to drive with conditions and an annual medical.
2. Recently, medicals have been submitted that have revealed both alcohol and drugs abuse sufficient to warrant the refusal of a licence. In each case the doctor reporting was the applicant's own general practitioner.
3. It has become a matter of concern to the taxi-licensing officers that although medical examinations are carried out fully and satisfactorily, unless admitted by the applicant, there may be some matters that may only come to light from the doctor's previous knowledge of the applicant and his medical records.
4. Access to the applicants previous history would enable the completion of Section 4, headed Psychiatric Illness in relation to the abuse of alcohol or drugs and to more easily confirm that the applicant is complying with licensing requirements in respect of existing drivers with insulin treated diabetes.
5. Enquiries of other licensing offices in Oxfordshire have shown that only one does not require that the examination is carried out by the applicants own GP. It would appear that nationally the majority of authorities make this requirement.

Consultation

6. All Operators and drivers organisations have been consulted. The primary concern seems to be that the requirement will increase the expenses of those drivers who have been 'shopping around'. **(Appendix 1)** It is accepted that in some cases there may be an additional cost to the applicant however the charge made by individual doctors is a matter over which the Council has no control. Except for older applicants the examination is required only every six years and should be a tax deductible expense.

Amended Condition

7. It is proposed that a requirement be made that only a doctor at an applicant's group practice may carry out medical examinations.
8. Below is the recommended change in condition


The Authority requires that Medical reports be completed by a doctor from the applicant's Group Practice with access to the applicant's medical records. An exception to this requirement may be granted if the applicant can show that he does not have a General Practitioner.

Legal Considerations

9. Section 51 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence to drive private hire vehicles:
 - (a) unless it is satisfied that the applicant is a fit and proper person to hold a driver's licence.

10. Section 57 (1) allows a district council to require any such information as they may reasonably consider necessary to enable them to determine whether a licence should be granted.
11. Section 57(2) provides that **without prejudice to the generality of section 57(1)** a district council may require an applicant for a drivers licence in respect of a hackney carriage or a private hire vehicle to produce 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
Whether or not such a certificate has been produced, to submit to an examination by a registered medical practitioner selected by the district council as to his physical fitness to be a driver of a hackney carriage or a private hire vehicle.
12. It should be noted that the provisions of section 57(2) refer to an applicant's "physical fitness" only. However, the generality of section 57(1) would appear to also allow a requirement for information on any psychiatric illness known by the GP, if the authority considers it reasonably necessary..
13. The proposed amendment is legally acceptable if it can be shown to be reasonably necessary for assessing the fitness of an applicant.

Appendix 1 Letters from trade

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