



Report Reference Number: L/21/4

To: Licensing Committee
Date: 15 November 2021
Ward(s) Affected: Whole District
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Lead Officer: Alison Hartley, Solicitor to the Council

Title: Review of the temporary departure from Selby's taxi licensing policy for driver medicals

Summary:

Drivers need to be in a good condition of health to ensure the safety of their passengers, themselves, and other road users. As well as driving, the day-to-day work of a licensed driver may also include lifting heavy items of luggage, wheelchairs, and shopping etc.

Selby's taxi licensing policy states that the group 2 medical must be carried out by the drivers own General Practitioner (GP). Due to the COVID19 pandemic GP practices ceased offering group 2 medicals, and whilst some practices have resumed this service the majority have not.

In December 2020 the Licensing Committee resolved to temporarily depart from Selby's taxi licensing policy, to allow drivers to find an alternative General Practitioner (GP) to carry out the requirement to have a group 2 medical, if their own practice was not offering this service.

Holders of Public Service Vehicles (PSV) and/or Large Goods Vehicles (LGV) licences, where the holder was able to produce proof of current medical examination less than 3 months old, should not be required to undergo a medical examination on first application or when their medical was due.

Recommendations:

The Committee are recommended to: -

Consider the continuation of the temporary measure to depart from Selby's taxi licensing policy, to allow drivers to:

- i) find an alternative GP to carry out the requirement to have a group 2 medical, if their own practice is not offering this service.

ii) Holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application or when their medical is due.

iii) if agreed to extend, to specify when this should be reviewed again.

Reasons for recommendation

The Council needs to be satisfied that all licensed hackney carriage and private hire drivers are medically fit. To assess an individual's medical fitness, the Council applies the standard required for a DVLA Group 2 licence which requires a higher level of fitness than is needed for an ordinary driving licence.

- 1.** Selby's taxi licensing policy states that every licence holder must undergo a medical check upon application and then every 3 years until the age of 65, after which a medical check must be done annually, carried out by the driver's own GP.
 - 1.1** Due to the COVID19 pandemic GP practices reduced their services, making it difficult and sometimes impossible for drivers to abide by the condition to have an up-to-date Group 2 medical. This is still an on-going situation.
 - 1.2** In December 2020 the Licensing Committee resolved to temporarily depart from Selby's taxi licensing policy, to allow drivers to find an alternative General Practitioner (GP) to carry out the requirement to have a group 2 medical, if their own practice was not offering this service.
 - 1.3** Holders of Public Service Vehicles (PSV) and/or Large Goods Vehicles (LGV) licences, where the holder was able to produce proof of current medical examination less than 3 months old, should not be required to undergo a medical examination on first application or when their medical was due.
 - 1.4** In this scenario, the licensing team would inform the driver that they would need to provide the temporary GP with their medical history. To obtain this information, the driver would need to contact their own GP surgery on how to apply for this (usually a written request but it could be an application form supplied by their practice). The Group 2 medical form that the doctor completes would be updated, so that the GP carrying out the medical would need to confirm and stamp that they had seen the drivers medical records at the time of the medical.
 - 1.5** The Council can depart from its policy where it considers it appropriate to do so, in this case it would be an on-going temporary measure until normal service resumes with GP practices and the licensing committee resolve to cease the temporary departure and go back to the Council's policy requirement. Continuation of the temporary departure would mean that drivers are still able to abide by the medical requirement of the policy of providing an

update to date Group 2 medical, while the country and GP practices recover from the interruption of the Covid pandemic.

- 1.6** On the 10th September 2020, the Department for Transport (DfT) wrote to all licensing authorities (appendix A) acknowledging the challenges faced by licensing authorities during the pandemic. The letter confirmed the importance of continuing to provide the statutory function and identifying solutions that will enable the service to continue. By resolving to continue to temporarily depart from Selby's taxi licensing policy for medicals during the pandemic the authority will be complying with its obligations.

2. Implications

The overriding aim of the Council when carrying out its functions relating to the licensing of taxi drivers, vehicles and operators, is the protection of the public and others who use (or can be affected by) hackney carriage and private hire services.

If drivers are unable to meet the requirement for a Group 2 medical this would lead to the driver being suspended until they are able to provide one. In most cases this will be out of the drivers control and an alternative measure should be in place during the COVID pandemic to avoid this.

By requiring drivers to undergo a medical the Council can ensure they are medically fit to drive the vehicle which members of the public will be transported in, this could include children and/or vulnerable persons.

2.1 Legal Implications

Public Safety is a paramount requirement of the taxi licensing regime.

A temporary measure can be easily removed when appropriate. It ensures that drivers are still submitting the appropriate medical check and ensuring driver and passenger safety.

It works in the driver's best interests.

It maintains local authority control of the licensing of drivers and public safety. It would not be appropriate to continue to suspend the requirement of medicals as it could put driver and passenger safety at risk and could cause an unreasonable delay in satisfaction of the licensing requirement.

It is a proportionate and reasonable response.

It is not clear when all surgeries will be operating fully again and therefore further delay and repeated suspensions ought to be avoided with alternative options put in place to remedy the present situation.

2.2 Financial Implications

There are no financial implications arising from this report as drivers will pay for their own medical

2.3 Policy and Risk Implications

Selby's Taxi Licensing Policy states:

'8.1 Medical checks

Drivers need to be in a good condition of health to ensure the safety of their passengers, themselves and other road users. As well as driving, the day-to-day work of a licensed driver may also include lifting heavy items of luggage, wheelchairs and shopping etc. Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard will not be issued a licence.

The Council have a standard medical form which is filled in by the applicants own GP, the costs of which must be met by the applicant. Every licence holder must undergo a medical check upon application and then every 3 years until the age of 65, after which a medical check must be done annually.

The driver must be fit to drive up to the DVLA Group 2 standard.

In addition, all licence holders are required to inform the Council of any illness or condition that affects their ability to drive, as soon as possible but always within 3 days. If the Council offices are closed during this time, please email: licensing@selby.gov.uk or put in writing to the Council'.

2.4 Corporate Plan Implications

N/A

2.5 Resource Implications

N/A

2.6 Other Implications

N/A

3. Equalities Impact Assessment

N/A

4. Conclusion

- 4.1** For members to resolve to continue to depart temporarily from Selby's Taxi Licensing Policy to allow drivers that inform the licensing team that their own GP practice is not providing medicals:

- to go to a different practice or company who can carry out the Group 2 medical. To do this the driver would be expected to share with the temporary GP their medical history
- for holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, who are able to produce proof of current medical examination less than 3 months old, to not be required to undergo a medical examination on first application or when their medical is due.
- If the above is agreed, to specify when this should be reviewed again.

5. Background Documents

N/A

6. Appendices

Appendix A – letter from the DfT

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