

864 REVIEW OF MEDICAL STANDARDS OF FITNESS FOR PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCES (DLPPHS) -

Under the Local Government (Miscellaneous Provisions) Act 1976 a local authority could require an applicant for Hackney Carriage or Private Hire Vehicle Driver's Licences to submit a medical certificate signed by their own registered general practitioner which stated that the applicant was physically fit to drive a Hackney Carriage or Private Hire Vehicle.

The current policy required that, assuming that the licences continued without a break, that the applicant would not be required to have a further medical until his/her renewal application following his/her 60th birthday.

The legal basis to drive lay in the EC Directives on driver licensing, the Road Traffic Act 1988 and subsequent regulations which included in particular a Motor Vehicles (Driving Licences) Regulations 1999. The DVLA was legally responsible when deciding if a person was medically unfit to drive and had compiled medical standards which were broken down into two groups:

Group 1 - medical standards applied to licences which allowed the use of, amongst others, motor cars and motor cycles.

Group 2 - medical standards applied to licences which included large lorries and buses. The medical standards for Group 2 were very much higher than those of Group 1 because of the size and weight of the vehicle, and also the length of time the driver might spend at the wheel in the course of his/her occupation.

Group 2 licences could be issued from age 21 and were valid until the age of 45. Group 2 licences were renewable thereafter every five years on production of a medical report until the age of 65 unless restricted to a shorter period for medical reasons. The licence was then renewable annually with no upper age limit. There was no legal basis for refusing Hackney Carriage or Private Hire Vehicle Driver's Licences to an applicant less than 21 years of age, but this would not affect the requirement for such an applicant to comply with Group 2 medical standards. Current best practice advice for taxi licensing was contained in the booklet 'Medical Aspects of Fitness to Drive' published by the Medical Commission on Accident Prevention in 1995. This recommended that the Group 2 medical standards applied by the DVLA in relation to bus and lorry drivers should also be applied by local authorities to taxi drivers. Enquiries with a number of other Welsh Local Authorities had shown that the majority of authorities have already adopted Group 2 medical standards, many soon after the initial best practice advice issued in 1995.

Mr. Steve Thomas, Chairman of the A2B Taxi Forum expressed concerns on behalf of the trade in respect of existing drivers having Grandfather Rights in line with what was granted for lorry and bus drivers. Members considered this request but decided that the Licensing Section's responsibility for Public Safety outweighed this consideration. It was deemed that a Taxi driver

should be of a suitable medical fitness and not liable to lapses when driving the fare paying public around. The public had a right to know they were in a vehicle of which the driver of was not prone to lapses of a particular medical condition. Mr. Thomas then asked whether there was any way in which a driver who failed a Group 2 medical could obtain a licence, particularly where he was suffering from a medical condition which was controlled by prescribed drugs. The Chairman advised that any driver who felt that he was fit to hold a licence, even though he had failed a medical, could appear before the Committee for consideration, where each application would be considered on its merits.

After careful consideration of the facts of the report and after hearing representations from a member of the taxi trade and considering the written representations from members of the trade, the Committee

RESOLVED -

(1) T H A T the report be accepted and adopted as the policy for new applicants and applicants for the renewal of Hackney Carriage and Private Hire Vehicle Driver's Licences be required to submit a Class 2 Medical Certificate after the 1st September, 2009.

(2) T H A T applicants for the renewal of Hackney Carriage and Private Hire Vehicle Driver's Licences be required to provide satisfactory Group 2 medical reports on their first renewal post 1st September, 2009 then on their first renewal following their 45th birthday and every five years thereafter, and finally on their 1st renewal following their 65th birthday and annually on renewal thereafter.