



TAXI AND GENERAL LICENSING COMMITTEE – 28TH NOVEMBER 2019

**SUBJECT: MEDICAL FITNESS TEST FOR HACKNEY CARRIAGE AND PRIVATE
HIRE VEHICLE DRIVERS**

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To inform Members of the process and rationale used by other authorities in Wales for applying “grandfather rights” to existing licensed drivers when changing from Group 1 to Group 2 Medical standards. This was requested by an elected Member at the previous Taxi and General Licensing Committee meeting on the 26th September 2019.

2. SUMMARY

- 2.1 The process to determine the ‘fit and proper’ person status of prospective or existing holders of Hackney Carriage / Private Hire Vehicle Driver Licences includes a requirement to provide a ‘Group 2 Medical. This requirement was approved by Members of the then Licensing Committee on 28th May 2015, when the Authority amended its position from a Group 1 to Group 2 Medical requirement which became effective from the 1st July 2015. Members determined at this meeting to require all new applicants to provide a Group 2 Medical from this date, whilst existing drivers were required to provide a Group 2 Medical at their next medical due date.

3. RECOMMENDATIONS

- 3.1 That Members note the content of the report in response to the question posed by the elected Member.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To address the question posed by the elected Member.

5. THE REPORT

- 5.1 Responsibility for determining the medical standard to be applied to taxi drivers rests with the Local Authority and current best practice advice is that this should be the DVLA Group 2 standard. Members of this Committee considered two reports in 2015 on increasing the medical standard required in CCBC from Group 1 to 2. The latter was to bring the authority into line with the majority of authorities in England and Wales and Department of Transport best practice guidance. The Group 2 standard was approved by Members on the 28th May 2015, to be implemented from the 1st July 2015 for all new drivers and for existing drivers from

the date that their next medical was due.

- 5.2 The authority currently has 465 licensed drivers, at the time of writing this report 338 i.e. 72.7% already meet the Group 2 medical standard; the remaining 127 will be subject to Group 2 when their next medical due date is reached.
- 5.3 A 2019 report on “Taxi and Private Hire Vehicle Statistics, England: 2019” found that 96% of licensing authorities in England base the medical fitness assessment on the DVLA Group 2 standard. 72% from the applicant/licensee’s own GP, while 10% use a licensing authority appointed GP/medical professional. It is understood that 18 of the 22 Authorities in Wales require the Group 2 medical standard.
- 5.4 At a meeting of this Committee on the 26th of September 2019 an elected Member requested a report on how some authorities in Wales had issued “grandfather rights “to existing drivers when introducing the Group 2 standard.
- 5.5 A request was made to all 22 authorities in Wales via the All Wales Licensing Technical Panel for information on the type of medical standard applied. In addition this request asked whether “grandfather rights” were given to existing drivers for those that increased their standard from Group 1 to 2. The response indicated that 18 of the 22 authorities in Wales currently require drivers to meet the Group 2 DVLA Medical standard. Information on whether or not ‘grandfather rights’ was provided was received for 12 local authorities. To date, officers in CCBC are only aware of two authorities who gave such rights to existing drivers, Powys and Swansea. Many authorities increased to the Group 2 medical standard so long ago that current officers do not have any knowledge of the change process. Both Swansea and Powys councils have been approached concerning their decision to allow grandfather rights for existing drivers, however in view of the time elapsed and changes in personnel since implementation, 2004 in Swansea and 2008 in Powys, neither could assist with grounds for this decision.
- 5.6 Searches of committee reports and minutes showed that Powys County Council Licensing Committee on the 19th of July 2008 agreed that Group 1 standard certificate of fitness to drive a licensed vehicle would be the basic medical test for existing hackney carriage and private hire licence holders and that Group 2 standard certificate of fitness to drive a licensed vehicle would be required for new applicants and previous licence holders that had allowed their licence to lapse. The minutes of the meeting do not give any detail as to why that decision was made. Officers involved at the time have retired and current personnel do not have any information on the rationale for the decision.
- 5.7 It is understood that Swansea Council introduced changes in their medical requirements in 2004 and it is believed gave “grandfather rights” for existing licensed drivers to be assessed against Group 1 and new applicants Group 2. Swansea could not find any records or minutes regarding the change despite a request for their Committee services to search their archives. No current personnel have any knowledge of the change or rationale behind it as it was so long ago.
- 5.8 Comments of Authorities which did not permit grandfather rights in relation to existing drivers referred to the local authorities’ responsibility to protect public safety and the potential of creating a double standard, if existing drivers were allowed to remain under the provisions of a group 1 medical, whereas new drivers had to provide a group 2 medical.
- 5.9 Caerphilly CBC position in respect of requiring existing and new drivers to provide a group 2 medical is therefore no different to many other Authorities in Wales or indeed England. It is noted that 96% of licensing authorities in England require a Group 2 medical as evidenced by “Taxi and Private Hire Vehicle Statistics, England: 2019”
- 5.10 As stated above 72% of existing CCBC licensed drivers are already assessed to the Group 2 standard which is recommended as best practice and required by the vast majority of local

authorities in England and Wales. Any move to give “grandfather rights” to existing drivers would mean that those currently assessed to group 2 would then be required to meet the lower Group 1 standard which goes completely against current guidance and practice. Caerphilly would be taking a backward step at a time when public safety and safeguarding is paramount and standardisation of conditions / requirements by Licensing authorities is being called for by central and Welsh Government. Licensing officers would also have to administer two systems for medical checks for far longer than is currently expected.

5.11 Conclusion

The grounds or rationale for permitting ‘grandfather rights’ in Swansea and Powys local authority areas are unclear in view of the time that has elapsed since implemented and changes in personnel over time.

6. ASSUMPTIONS

6.1 No assumptions have been made in compiling this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

7.1 There are a number of policies and conditions relevant to driver, operator and vehicle licensing and in particular a policy requiring drivers of hackney carriages and private hire vehicles to comply with Group 2 Medical standards.

7.2 Corporate Plan 2018-2023.

The aim of licensing is generally public safety and protection and to ensure a fair and level market place for licensable activities.

The report impacts on the following Corporate Well-being Objectives, which are:

Objective 2 - Enabling employment

Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment

8. WELL-BEING OF FUTURE GENERATIONS

8.1 The Authority has a duty to improve the social, economic, environmental and cultural well-being of Wales. The areas covered in this report contribute to the following Well-being Goals

- A prosperous Wales
- A resilient Wales
- A more equal Wales

They are consistent with the five ways of working as defined within the sustainable development principle in the Act and support the objectives of other stakeholders. There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. The prime focus for the Council is to ensure public safety and to provide an efficient and effective licensing service

9. EQUALITIES IMPLICATIONS

- 9.1 The Council ensures that it treats all individuals who are renewing or making new applications for licences, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020. As this report is information in response to a request from a Member of the Committee an Equality Impact Assessment has not been carried out. It is believed that the current requirements for medical fitness protect the travelling public and are consistent with best practice guidance and the majority of requirements in other Local Authorities in England and Wales.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications.

11. PERSONNEL IMPLICATIONS

- 11.1 There are no personnel implications.

12. CONSULTATIONS

- 12.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

13. STATUTORY POWER

- 13.1 Part II of the Local Government (Miscellaneous Provisions) Act 1976

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Consultees: Cllr Denver Preece Chair, Taxi and General Licensing Committee
Cllr Julian Simmonds, Vice Chair, Taxi and General Licensing Committee
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection.
Mark S. Williams, Interim Corporate Director Communities
Robert Hartshorn, Head of Public Protection, Community and Leisure Services
Robert Tranter, Head of Legal Services and Monitoring Officer
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager

Background Papers:

Proposal to Introduce Higher Standards of Medical Fitness for Hackney Carriage and Private Hire Vehicle Drivers – Taxi and General Licensing Committee: 28.5.2015 and 12.2.2015

Taxi and Private Hire Statistics, England: 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/83569/taxi-and-phv-england-2019.pdf