

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 13 JUNE 2023
title: MEDICAL REPORTS FOR DRIVERS OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
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1 PURPOSE

1.1 To inform Committee of an issue which has arisen in relation to provision of medical reports for applicants for new and renewed driving licences for hackney carriages and private hire vehicles, and to seek Committee's approval for commencement of consultation on revision of the policy for Licencing of Hackney Carriage Drivers and Vehicles and of Private Hire Operators, Drivers and Vehicles ("the Policy").

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – }
 - Corporate Priorities – }
 - Other Considerations – }
- The Council aims to be a well-managed Council providing efficient services based on identified customer needs.

2 BACKGROUND

2.1 A Group 1 licence is the "normal" driving licence for non-professional drivers and does not require medical assessment. Medical input in respect of such a licence only tends to arise when a doctor has concerns about a patient's capability to drive, when a report would be submitted to the DVLA. Group 2 licences include large lorries and buses, and an application requires a medical assessment.

2.2 Responsibility for determining any higher standard and medical requirements for Hackney Carriage and Private Hire Drivers, over and above the Group 1 driver licensing requirements, rests with the licensing authority. Ribble Valley Borough Council, along with almost all other authorities, has determined that such drivers, on application or on some renewals (depending on how much time has elapsed since the last medical), should provide a mandatory Group 2 medical certificate. The Council requires this to be signed by the applicant's GP or by a GP from the same practice who has access to the applicant's medical records. This requirement is incorporated in the Policy.

2.3 The Council's standard medical report form includes a request that the doctor certifies whether they consider the applicant meets the Group 2 medical standards to act as driver of a Hackney Carriage or Private Hire Vehicle to carry the public for commercial gain. This is in addition to submission of medical information following analysis of medical records and an examination of the applicant.

3 ISSUES

3.1 Some medical practices have taken issue with the requirement for the GP to certify that the applicant meets the Group 2 medical standards, arguing that this decision

rests with the licensing authority following receipt of information from the GP. Whilst they are content to examine and compile a report on the applicant, they consider that determination of fitness to drive is a matter for the DVLA in respect of Group 1 licences, and for the licensing authority in the case of a requirement for Group 2 compliance. On this basis, they are refusing to sign the certificate. Whilst this position has, so far, only been taken by a small number of practices, they do state that this follows advice from the Lancashire and Cumbria Local Medical Committees, and therefore the number of such refusals may increase in the future. Without this certificate applicant's cannot progress their application or renewal.

3.2 Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 gives authorities the power to require applicants to submit information. Section 57(2)(a) provides that a district council may require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle:

- (i) to provide 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 a private hire vehicle;
- (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 a private hire vehicle.

3.3 Therefore, the licensing authority has a discretion as to how, and by who, medical information is provided. It is noted that some licensing authorities do not require input specifically from the applicant's GP, but instead have preferred providers who will examine the applicant, review their medical records, and provide a report and possibly a certificate. Alternatively, there are private GP's and specialist reporting agencies who can provide this service, and applicants could be allowed to make their own arrangements.

3.4 In the course of preparation of this report, it was noted that the fees charged by GP's and agencies to applicants vary considerably, from £47 to £180 or more. Removal of the requirement for the applicant's own GP to provide a report would also enable applicants to seek the best value for provision of a report and any certificate.

3.5 Having reviewed the options available, it is proposed that applicants be required to obtain the necessary either from their own GP or from another GP who has had sight of their medical records. This would ensure that the GP providing the report has access to all the relevant information and the report is accurate and that applicants are able to obtain a report within a reasonable period of time or at all.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – None.
- Technical, Environmental and Legal – The legal issues arising from this matter have been incorporated into the report.
- Political – None.
- Reputation – None.

- Equality & Diversity – None.

5 RECOMMENDED THAT COMMITTEE:

- 5.1 Authorise the Head of Legal and Democratic Services to consult with drivers, operators, the Police and LCC (as they commission private hire drivers and vehicles for work in support of children) on amendment of the Policy and conditions to require examination of the applicant by their own GP or by any qualified GP who has had sight of their medical records.

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For further information, please ask for Stephen Barker, extension 3216.