

Committee: Licensing
Date: 10 November 2004
Agenda Item No: 5
Title: Medical Standards of Fitness to Drive
Author: Murray Hardy (01799) 510598

Summary

- 1 This report is to inform Members of the recommendations that have been made by DVLA to all Local Authorities relating to their Hackney Carriage and Private Hire Licensing.

Background

- 2 In April 1992 this Council resolved to adopt the Local Government (Miscellaneous Provisions) Act 1976 which dealt with the licensing of Hackney Carriage and Private Hire issues which includes matters relating to drivers, vehicles and operators.
- 3 Included in the licensing procedure is the requirement to undergo a medical examination for all new applicants and existing drivers. This must be conducted by a general registered medical practitioner, and they must certify that the patient is fit to drive Hackney Carriage or Private Hire vehicles.
- 4 Guidelines are issued to medical practitioners by the Drivers Medical Group at DVLA and these are revised from time to time. The current medical standards are either Group 1 or Group 2.
- 5 In adopting the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the Council at the time resolved to accept Group 1 medicals as the appropriate standard for licensing drivers within this district.
- 6 On 16 August 2004 DVLA advised this Council that they were updating the information of Hackney Carriage/Private Hire licensing relating to driver medicals and in the light of that review were advising Local Authorities to apply the higher Group 2 medicals with effect from 1 September 2004. This would mean that the medical standards to be applied would be the same as drivers applying to drive Large Goods Vehicles and Passenger Carrying Vehicles.
- 7 The reasons why this Council introduced a medical examination can be summarised as follows:

- (a) Drivers avail themselves to serve the public for reward and have the responsibility of the passengers' safety.
 - (b) They can carry up to a maximum of 8 passengers including babies and children at any one time.
 - (c) It is a sedentary occupation.
 - (d) Drivers may work extended hours either daytime or nighttime covering higher mileages than other motorists and therefore the possibility of being affected by illness whilst they are driving is greater.
 - (e) It is a responsible and sometimes a stressful occupation requiring vigilance and a greater degree of concentration and fitness.
- 8 The main differences between Group 1 and Group 2 medicals is that after an illness the driver will need a longer period of recuperation or depending on the type of illness then the recommendation is to refuse or revoke a licence. Whilst it is not practicable to list all illnesses they do include neurological, cardiovascular, psychiatric, visual and drug dependency. A copy of the current Guide to Medical Standards of Fitness to Drive with effect from 1 September 2004 has been supplied to this Council by DVLA.
- 9 Currently, all existing drivers are subject to a medical examination as follows:
- Drivers aged between 18 and 60 years – every 5 years
- Drivers over 60 years of age – annual.
- The cost of the examination is paid by the patient direct to the general medical practitioner and this does vary from surgery to surgery.
- 10 Information regarding the proposals from DVLA have been sent to all operators within the Uttlesford District and the response received supports the applying of the higher standards albeit one operator wishes the current standards to continue.

RECOMMENDED

- 1 Members approve the higher medical standards for Hackney Carriage and Private Hire Licensing.

Background Papers: Letter from DVLA dated 16 August 2004.
Medical Standards of Fitness to Drive

Committee: Licensing Committee
Date: 10 November 2004
Agenda Item No: 6
Title: CHANGE OF LICENSING CONDITIONS FOR PRIVATE HIRE VEHICLES
Author: Murray Hardy (01799) 510598

Summary

- 1 This report recommends that the Private Hire Vehicle Licence conditions be amended to allow 1200 cc vehicles to be licensed by this Council.

Background

- 2 Since the introduction in April 1992 for licensing of Hackney Carriage and Private Hire Vehicles, our current conditions state that vehicles under 1300 cc may not be licensed. The reasoning for this was mainly due to the size and carrying capacity of the vehicle.
- 3 The Council have now been approached by a Private Hire Operator to consider introducing a special condition that allows him to operate a few 1200 cc vehicles purely on school contract work.
- 4 The vehicles that he has in mind are manufactured by the Fiat Motor Company and appear to be suitable for licensing for such use of this type of work. This view is supported by VOSA and the DSO at the Dunmow Depot.
- 5 Whilst not wishing to undermine our conditions, it does seem a reasonable request which has been generated by an operator from the licensed trade and by the submission of this report it does show that officers are working in partnership with our clients.
- 6 Consultation with other authorities in Essex and Cambridgeshire reveal that Colchester, Brentwood, Epping, Chelmsford, Braintree, Basildon and South Cambs do license vehicles of 1200 cc.
- 7 There does appear to be certain advantages by licensing a small engine vehicle in terms of being more fuel efficient and environmentally friendly.
- 8 Based on the views of VOSA and the DSO at Great Dunmow there appears to be no reason why a smaller engine capacity cannot be licensed as a private hire vehicle subject to special conditions. The conditions referred to are listed below:-
 - i. Use to be restricted to solely educational contracts
 - ii. Capacity to be determined by the number of seats. Where the entry to the vehicle is less than 2, then the carrying capacity will be

reduced accordingly. This to be determined by the examiners at Great Dunmow.

- iii. Vehicles to have a minimum of four doors
- iv. Vehicles to be tested by the Dunmow workshops either annually or a six monthly basis depending on the age of the vehicle
- v. All other manufacturers safety specifications to be complied with

RECOMMENDED that a new condition be introduced to allow 1200 cc vehicles to be licensed subject to the above conditions.

Background Papers: None

Committee: LICENSING
Date: 10 November 2004
Agenda Item No: 7
Title: DRAFT LICENSING POLICY
Author: Michael Perry (01799) 510416

Summary

- 1 On 9 August 2004 this Committee approved a draft licensing policy as a basis for consultation. An interim report on the response received was considered by this Committee at a special meeting on 27 October 2004. As a result two amendments were agreed – namely that references in the policy to ‘the Council’ would be changed to refer to ‘the Licensing Authority’ and references to the wind-down period and last admission time would be omitted.
- 2 Members further agreed a variation to the policy relating to the exhibition of films where young persons may be present to give the licensing authority a degree of control over films which were not classified for public exhibition. These amendments have been incorporated in the draft accompanying this report.
- 3 This report seeks Members approval of the final policy document (subject to any further amendments Members may require) and to recommend the same to full Council for adoption as the licensing policy for the Council

Background

- 4 Since the report for the special meeting was prepared two further representations have been received, these being from the Live Music Forum and the Campaign for Real Ale.

- 5 The Live Music Forum requests the Council to take a positive stance in relation to the performance of live music. It supports a statement made by Tessa Jowell to the effect that local authorities have an important and often under-rated role to play in the country's musical and broader cultural life and that local authorities can use opportunities provided by the Act to develop a range of cultural activities, including the performance of live music, in local communities. They suggest a wording to be incorporated in the policy which is attached for Members consideration.

- 6 The Campaign for Real Ale make a number of comments. However, officers consider that all comments which have been made are already covered by the draft policy.

RECOMMENDED that Members consider what further amendments (if any) they wish to be made to the policy and recommend the draft policy document to full Council for adoption as the Council's Licensing Policy.

Background Papers: Letter dated 14 October, 2004 from Live Music Forum;
Letter dated 18 October 2004 from Campaign for Real Ale.

