

Medical Standards of Fitness to Drive

Licensing, item 8

Committee: Licensing

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Title: Medical Standards of Fitness to Drive

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Agenda Item

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Item for
decision

Summary

- 1 This report is to inform members of proposed changes to the current standards regarding the criteria that new applicants and existing drivers need to meet in order to obtain a Hackney Carriage/Private Hire Driver's Licence.

Recommendations

- 1 Members amend our current conditions regarding a driver's medical fitness to drive to require drivers to have a medical examination at the time of first application for a licence and thereafter at three year intervals and that the Assistant Chief Executive may require a medical examination at any other time if in his opinion circumstances suggest that there may have been a deterioration in a driver's condition so that his or her fitness to drive may be in question.

Background Papers

Government guidance for Best Practice relating to taxis

Impact

Communication/Consultation	Consultation with members of the trade associations has received favourable support for these proposals.
Community Safety	Amending the standards of driving would not compromise safety to the general public.
Equalities	The existing policy discriminates against drivers based on their age
Finance	No implications to this Authority
Human Rights	Under human rights legislation a licence is property and public authorities may not

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	interfere with a persons property unless in accordance with the law and for the public good. Requiring drivers to undergo periodic medicals to ensure they are fit to drive clearly falls within that criteria. However the HRA prohibits discrimination on any ground in the exercise of an individual's human rights. Arguably to require some drivers to undergo medical examinations more frequently than others because of their age breaches this provision.
Legal Implications	Although at present UK legislation only makes discrimination unlawful in the workplace and in the provision of vocational training Council policy is against discrimination of any form.
Ward – Specific	None
Impacts	None
Workforce/Workplace	None

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
Older drivers may have the potential of developing an illness rather than a younger driver which at present can be detected annually after 60 years of age.	Low Medicals every 3 years could minimise any risk	A greater degree of consistency would be developed for all drivers	If evidence came to light that may affect a persons ability to drive then the Council could request a medical at less than 3 year intervals

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Situation

- 1 On 10 November 2004 the Licensing Committee resolved to adopt amending the licence conditions regarding a driver's medical fitness to drive Hackney Carriage and Private Hire Vehicles. Currently were operating to level 2 standards in accordance with DVLA guidelines issued to all local authorities. The majority of Councils in Essex and surrounding counties operate to this standard which is equivalent for driving Heavy Goods Vehicles and Public Service Vehicles.
- 2 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 passenger's 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's 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.
- 3 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.
- 4 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.
- 5 Following meetings with the Equalities and Diversity Working Group it was felt that our current policy discriminates against persons over the age of 60. Current government guidance is that drivers should have a

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medical on each renewal but recommend that a licence should be issued for 3 years.

6 In this authority it is our policy to issue an annual licence which enables officers to monitor any changes in individual's circumstances and also a greater degree of control in managing the licensing system. It is on this basis that there is a level playing field for all drivers in respect of their medical fitness to drive a licensed vehicle.

7 Should information be forthcoming that may compromise public safety then it is requested that an individual undergo a medical examination on a more frequent basis.