

REPORT TO: LICENSING COMMITTEE

DATE: 8 MARCH 2022

TITLE: DURATION OF HACKNEY CARRIAGE
AND PRIVATE HIRE DRIVER LICENCES
AND THE EFFECTS OF MEDICAL
CERTIFICATION ON LICENCES

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RECOMMENDED that:

- A** The Licensing Committee recommends to Full Council that the licensing process for Hackney Carriage and Private Hire drivers continue to permit 1-year and 3-year licence applications.
- B** The Licensing Committee notes the procedural change to medical certification requirements that will allow drivers the option to apply for a 3-year licence at each renewal.
- C** Subject to A and B, the timescale for the introduction of the procedural changes be implemented as agreed by the Assistant Director Environment and the Chair of the Licensing Committee to allow administrative and software adjustments to be made.

BACKGROUND

1. The Council is responsible for licensing Hackney Carriage and Private Hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
2. On 21 July 2020 the Department for Transport (DfT) published “Statutory Taxi and Private Hire Vehicle Standards.” The publication of these standards has been awaited for some time and follows an extensive period of consultation by the Department for Transport following a number of high-profile incidents and issues

highlighting the risk to members of the public and to drivers. The standards reflect the significant changes within the industry in recent years, and lessons learned in respect of safeguarding children and vulnerable adults, and cases of child sexual abuse and exploitation (CSAE). The Policing and Crime Act 2017 made provisions for the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions, to protect children and vulnerable individuals who are over 18 from harm when using these services. Although the focus of the standards produced, is on protecting children and vulnerable adults, it is expected that any passengers of these licensed vehicles will benefit from the recommendations, which aim to better regulate the taxi and private hire vehicle sector as a whole. It is felt that these issues are, in part, a result of the significant differences in standards applied to the licensing of drivers and vehicles across the country.

3. For reference purposes, the DfT standards can be viewed at www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards
4. At the Licensing Committee meeting on 19 January 2021 Members noted and agreed an action plan in relation to the implementation of the DfT standards. For the purposes of the action plan the DfT standards were grouped into the following categories;
 - **GROUP A- NO POLICY CHANGE REQUIRED; Standards with which the Council already complies, or for which only minor procedural changes that do not require changes in policy are required;**
 - **GROUP B- POLICY CHANGE CAN BE RECOMMENDED AT THIS TIME; Standards that require policy changes which are relatively straightforward and for which recommendations can be made at this stage;**
 - **GROUP C- REPORT TO BE BROUGHT TO A FUTURE MEETING; Standards that require policy changes which will take some time to develop, and thus will require further reports to be brought to future meetings of the Committee.**
5. This report considers the duration of Hackney Carriage and Private Hire driver licences and how licences are affected by medical requirements. The action plan identified this area of taxi licensing under Group C above.
6. The Local Government (Miscellaneous Provisions) Act 1976 (as amended by the Deregulation Act 2015) sets a standard length at three years for taxi and private hire vehicle driver licenses. It states any shorter duration of licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee makes such a request (for a 1-year licence) or where required (when the licence holder's leave to remain in the UK is time-limited) then a shorter licence can be provided.

7. To be licensed, taxi and private hire drivers in Harlow are required to meet the Group 2 medical standard, this standard is regularly updated and published online by the DVLA in 'Assessing Fitness to Drive: a Guide for Medical Professionals.'
8. Drivers can attend a Group 2 medical assessment with any medical provider, but are encouraged to attend with the Council's preferred providers due to our professional working relationships with those organisations, being Cotswold Medicals and Harlow Occupational Health Service. All drivers must attend a medical assessment with a qualified medical practitioner and all doctors are checked on the General Medical Council Register at www.gmc-uk.org/

ISSUES/PROPOSALS

Current Process

9. All applicants for a taxi or private hire driver licence have the choice of a 1-year or 3-year licence. This choice is currently restricted by the requirement for a medical certificate to cover the duration of the licence being applied for.
10. When a driver's medical is due for renewal, it shall ideally be booked and passed shortly before a licence is issued. This is a flexible arrangement, whereby drivers are provided a four calendar month window before the licence renewal date, allowing a driver plenty of time to attend. The 4 month 'window' is standard procedure with the Group 2 medical format for large lorry and bus drivers alike.
11. Medical certificates are usually issued for five years, a licensed driver who wishes to make full use of their five year medical, will routinely have one 3-year licence and two 1-year licences to cover this five year period.
12. New driver applicants currently follow the same guidance as a licensed driver and by default have the same licensing restrictions placed on them by Group 2 medical certification.

Current Licensed Drivers

13. It is proposed, to allow drivers to make greater use of the 3-year licence option, that the Council no longer require a medical certificate to cover the duration of the licence being applied for at the time of application.
14. It shall be a licensed driver's responsibility to ensure they have a current Group 2 medical certificate in place at all times. The Licensing Team shall send out an early reminder that a medical is due to expire to assist drivers with the process. Licensed drivers who fail to obtain a certificate in the 4 month window allowed will be subject to enforcement action to ensure compliance. In such a situation, a temporary licence suspension is one option that might be considered appropriate.
15. It is also proposed that the Council continue to offer 1-year and 3-year licence options. It is anticipated that more licence holders will take the 3-year option without the medical restriction and thus achieve a cost saving.

New Driver Licence Applicants

16. The Licensing Team has given consideration to the frequency of Group 2 medicals. It is proposed that the Council implement the same frequency of medicals as is required for heavy lorry and bus drivers.

17. It is proposed that drivers be required to provide a Group 2 medical certificate at:

- a) Time of application for a new driver licence
- b) At age 45, 50, 55, 60 and 65
- c) Annually from the age of 65
- d) A person aged 41-44, will still be required to provide a new medical certificate at the age of 45; this will allow an applicant to continue with these new medical arrangements.
- e) There may be exceptions to this where a medical practitioner specifically issues a Group 2 medical certificate for less than a 5-year period.
- f) To satisfy itself that a driver meets the Group 2 medical standard, the Council will reserve the right at any time to request a driver to attend a medical assessment with a suitably qualified medical provider approved by the Council.
- g) Where a medical is due for renewal on the applicant's next birthday at the ages stated above, the driver will continue to have the 4 month window before their birthday to book and pass their medical.

18. It is proposed, that a current licensed driver may change over to the new 'birthday' medical arrangements if they so wish. Alternatively, they remain on the current arrangements whereby their medical is due every 5 years, no matter what their age.

19. The difference for licensed drivers whether they continue providing a medical certificate on their licence anniversary date or change over to the new 'birthday' arrangements, is modest, but these new medical arrangements will benefit a licensed driver by:

- a) If under the age of 40, then their next medical would not be due until their 45th birthday. However, their current medical was issued by a medical practitioner on the basis of a new one being required in 5 years' time or for a lesser time as stated. Therefore a replacement medical would be required to ensure the issuing doctor is satisfied that their next Group 2 medical will be at the age of 45.
- b) A drivers medical shall cover up until their 65th birthday (as long as their current medical would have gone beyond this date), potentially they could benefit up to an extra 12 months of medical certification compared to the current format, this is due to a medical certificate currently being required as part of the licence renewal that follows the 64th birthday (this current procedure is in place so that at the time of reaching their 65th birthday, they have had a medical in the last 12 months).

Administrative amendments

20. It would be a requirement that any driver who wants a 1-year licence should inform the licensing team of their reason for requesting a shorter licence with their application so it may be considered appropriately.
21. As a matter of good practice, in addition to providing routine Group 2 medical certificates there would be a new self-declaration on the driver licence application form that the applicant has no medical issues that they are aware of affecting their suitability to meet the Group 2 medical standard.
22. Updates will be required to the medical certification and documentation to put these changes into effect.

IMPLICATIONS

Strategic Growth and Regeneration

None specific.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

None specific.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

None specific.

Author: Andrew Murray, Director of Housing

Communities and Environment

As set out in the report.

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

None specific.

Author: Simon Hill, Director of Governance and Corporate Services

Background Papers

DFT Statutory Taxi & Private Hire Vehicle Standards

www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards

DVLA Assessing Fitness to Drive: A Guide for Medical Professionals
www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals

Glossary of terms/abbreviations used

CSAE- Child Sexual Abuse and Exploitation

DfT - Department for Transport

DVLA - Driver & Vehicle Licensing Agency