

## ABERDEEN CITY COUNCIL

---

<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	21 August 2018
<b>REPORT TITLE</b>	Review of Policy on Medical Standards for Taxi and Private Hire Car Drivers
<b>REPORT NUMBER</b>	GOV/18/069
<b>DIRECTOR</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Lynn May
<b>TERMS OF REFERENCE</b>	No7

---

### 1. PURPOSE OF REPORT

- 1.1. to ask the Committee to agree that that the current policy on medical standards applied by Aberdeen City Council to applicants for taxi and private hire car drivers' licences, is fit for purpose.

### 2. RECOMMENDATION(S)

#### **That the Committee:**

- 2.1. agree that the current policy on medical standards applied to applicants for taxi and private hire car drivers' licences, namely DVLA Group 2 Medical Standards, is fit for purpose.

### 3. BACKGROUND

- 3.1 The Committee instructed officers to review the current policy on medical standards for taxi and private hire car drivers. This stemmed from the Committee's consideration of an application with a medical report. The Civic Government (Scotland) Act 1982, permits Licensing Authorities to require applicants for a taxi or private hire car drivers' licence to submit to a medical examination for the purpose of satisfying themselves that he or she is physically fit to drive a taxi or private hire car. The responsibility for determining the standards against which applicants and licence holders will be assessed currently rests with the licensing authority. The application form requires applicants to disclose any medical condition they may have.
- 3.2. In June 2010 the Committee agreed to adopt the DVLA Group 2 medical standards when assessing an applicant for a licence or a licence holder's fitness to drive a taxi or private hire car. See paragraph 3.5.2 below for further detail on DVLA Group 2 medical standards. They further agreed to adopt the DVLA C1/C1E exemption arrangement for insulin dependent drivers. The

exceptional arrangements for C1/C1E allows insulin dependent drivers to be classed as medically fit providing they meet certain qualifying criteria relating to the monitoring and management of their diabetes.

- 3.3. From 2010 all applicants who disclose a medical condition on their application form or report a medical condition during the currency of their licence are referred to the Council's occupational health service provider for assessment and report. All drivers who are aged 65 years or over when they apply for a taxi or private hire car driving licence are also now referred to the Council's occupational health service for assessment in accordance with the DVLA group 2 Medical Standards.
- 3.4. If an applicant for the grant or renewal of a driver's licence does not meet the required DVLA Group 2 Medical Standards and is therefore deemed by the Council's Occupational Health Provider to be unfit to drive a taxi or private hire car, the Committee must refuse the application.
- 3.5. The DVLA states in its introduction to its medical standards that driving involves a complex and rapidly repeating cycle that requires a level of skill and the ability to interact simultaneously with both the vehicle and the external environment. The whole process is coordinated by complex interactions involving behaviour, strategic and tactical abilities and personality. In the face of illness or disability, adaptive strategies are important for maintaining safe driving. Safe driving involves many elements including vision, visuospatial perception, hearing, attention and concentration, memory, insight and understanding, judgement, adaptive strategies, good reaction time, planning and organisation, ability to self-monitor, sensation, muscle power and control, and coordination. Therefore, many body systems need to be functional for safe driving.
- 3.6. The DVLA has two standards Group 1 and Group 2, which are kept under regular review, and relate to the types of vehicle which are being driven. Group 1 generally covers cars and motorbikes and Group 2 generally covers HGV (category C) large lorries and buses. The medical standards for both of these groups are set out in the DVLA's Guidance for medical practitioners "Assessing fitness to drive – a guide for medical professionals" dated January 2018, [www.gov.uk/dvla/fitnesstodrive](http://www.gov.uk/dvla/fitnesstodrive). However, the DVLA does state that the medical standards for Group 2 drivers are substantially higher than for Group 1 drivers. They explain that this is because not only due to the size and weight of the vehicle but also because of the length of time an occupational driver typically spends at the wheel. Taxi and Private Hire Drivers are such occupational drivers who spend a considerable length of time at the wheel.
- 3.7. Currently the DVLA Assessing Fitness to Drive – A Guide for Medical Professionals published in January 2018 states that the responsibility for determining medical standards against which applicants and licence holders will be assessed, rests with the licensing authority.
- 3.8. The Department for Transport's best practice guidance 2010 for taxi and private hire vehicle licensing for local authorities in England and Wales recommends that Group 2 medical standards should apply to taxi and private hire car drivers.

- 3.9 The Scottish Government in its latest Taxi and Private Hire Car Licensing 'Best Practice Guidance to Scottish Local Authorities' in 2012 stated that "It is common for Scottish licensing authorities to apply the Group 2 medical standards (applied by DVLA to the licensing of lorry and bus drivers) to applicants for taxi and private hire car drivers' licences".
- 3.10 In November 2016 the Scottish Government issued a letter to the Conveners of Scottish Licensing Authorities which advised that the appropriate medical standard which taxi drivers should meet is the DVLA Group 2 medical standard which is the one the Council has adopted.
- 3.11 Currently we are aware that the list of licensing authorities that use DVLA Group 2 medical standards to assess the fitness to drive of their taxi and private hire car drivers includes, but is not restricted to:-

Aberdeen City, Aberdeenshire, Angus, Argyll and Bute, Dundee City, East Lothian, Edinburgh City, Falkirk, Fife, Glasgow City, Highland, Inverclyde, Moray, Perth and Kinross, Scottish Borders, and West Lothian.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1. There are no financial implications as a result of noting the recommendations in this report.

#### **5. LEGAL IMPLICATIONS**

- 5.1. In terms of Section 13(4) of the Civic Government (Scotland) Act 1982 the Council, as the licensing authority for taxis and private hire cars may at any time, for the purposes of satisfying themselves that an applicant or licence holder is physically fit to drive a taxi or private hire car, require them to submit to a medical examination, at the authority's expense, by a medical practitioner nominated by them. The purpose of this is to ensure public safety.
- 5.2 In order to ensure the safety of the general public and the paying customers of the licensed Taxi and private hire car vehicles in the City it is necessary to have a policy in terms of Section 13(4) and undertake at the very least medical examinations of all applicants and licence holders who declare medical conditions to the licensing authority and/or are 65 years of age or older. There could be legal, financial and reputational risks to the Council if it failed to medically assess a driver with a known medical condition who then had a medical event whilst working as a licensed taxi driver and as a result, members of the public suffered injury and loss. The current adoption of the DVLA Group 2 medical standards as the licensing authority's policy mitigates any such risk to the council. Any change to the current policy, applying the DVLA Group 2 medical standards, could increase those risks to the council. Any reduction in the standards of the current policy would cause an increased risk to public safety.

## 6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
<b>Financial</b>	There are no financial risks arising from the recommendations of this report	L	N/A
<b>Legal</b>	Any change to the current policy would be a legal risk.	M	Compliance with the statutory requirements and continuation of the current policy.
<b>Employee</b>	There is no risk to employees arising from the recommendations of this report	L	N/A
<b>Customer</b>	As per paragraph 5 above	M	Compliance with the statutory requirements and the Council's medical standards policy
<b>Environment</b>	There is no risk to the environment arising from the recommendations of this report	L	N/A
<b>Technology</b>	There is no risk to technology arising from the recommendations of this report	L	N/A
<b>Reputational</b>	As per paragraph 5 above.	M	As this report is presenting the Council's Policy for Medical Standards for assessment of fitness to drive for taxi and private hire drivers, which is in accordance with the legislation and current guidance and practice, any risk is mitigated.

## 7. OUTCOMES

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Customer Service Design</b>	The continuing use of the DVLA group 2 medical standards as the Committee's current policy will have a positive impact on the people of Aberdeen as the purpose is to protect public safety.
<b>Partnerships and Alliances</b>	The continuing use of the DVLA group 2 medical standards on taxi and private hire drivers and potential applicants in Aberdeen does mean that they require to meet a higher standard than normal car drivers. However, it should be noted that other commercial drivers are also subject to more stringent tests and these are deemed necessary in the interests of public safety.

## 8. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	Completed
<b>Privacy Impact Assessment</b>	Not required
<b><u><a href="#">Children's Rights Impact Assessment/Duty of Due Regard</a></u></b>	Not applicable

## 9. BACKGROUND PAPERS

9.1. None

## 10. REPORT AUTHOR CONTACT DETAILS

Lynn May  
[LynMay@aberdeencity.gov.uk](mailto:LynMay@aberdeencity.gov.uk)  
01224 523173