



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 20th February 2014

Subject: Private Hire and Hackney Carriage Licensing

Author of Report: Steven Lonnia Chief Licensing Officer,
Business and Strategy, Place Portfolio

Summary: Report –Drivers/ Applicants Medical Referrals Policy

Category of Report: OPEN

New Applicants and Licensed Drivers Medicals
Private Hire & Hackney Carriage Licensing

1. PURPOSE

- 1.1 To review the current policy on;
- (a) the arrangements made for the frequency and standards of medicals for new applicants and current licensed drivers; and
 - (b) who will conduct Driver Medicals in the future.

2.0 BACKGROUND

- 2.1 The Licensing Committee at its meeting of 3rd of December 2009 expanded the choice of Medical Examiners that it would allow to under take the DVLA Group 2 medical of applicants and current drivers.
- 2.2 At the same meeting the Licensing Committee made no changes to the frequency of medical testing it required drivers to undertake.

3.0 THE LEGAL SITUATION

- 3.1 The Board may determine policies on any area it considers appropriate to do so. The only legal restrictions on setting of policies are that proper consideration be given to all relevant factors. Consideration should not be given to factors which are not relevant to the issue. The Policy must be proportionate and reasonable bearing in mind its aim.
- 3.2 The Local Government (Miscellaneous Provisions) Act 1976 deals with driver suitability. Section 51 relates to Private Hire drivers and Section 59 relates to Hackney Carriage drivers. The wording used in both sections is identical;
- "...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that a person is a fit and proper person..."*
- 3.3 The Council has a duty to grant only if it is satisfied the person is fit and proper and the onus of proving fitness is on the applicant. It is not for the Council to demonstrate that an applicant is not fit and proper.
- 3.4 The duty on the Council is clear – the Licensing Authority must refuse an application for a drivers licence unless the applicant has satisfied it that he/she is fit and proper to hold a licence.

- 3.5 The Licensing Sub Committee current policy requires an applicant to undergo a medical examination to help determine whether someone is fit and proper.
- 3.6 This is in accordance with the Local Government (Miscellaneous Provisions) Act 1976 which provides specific authority for Councils to apply medical standards to applicants and a requirement for applicants to submit to a medical examination.

Section 57(2)(a)(ii) states;

A district council may require an applicant for a drivers licence in respect of a hackney carriage or private hire vehicle to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be a driver.

- 3.7 A policy determined by the Licensing Committee is not immutable. Where an application is received which complies with all the requirements set by the Committee then it can be dealt with by Officers under delegated authority.

Where an application is received that falls outside the requirements in any way the Officers accept the application, but refer that application to the Licensing Sub Committee for determination.

4.0 CURRENT SITUATION / CONDUCTING OF MEDICALS

- 4.1. Medicals are undertaken by Doctors currently listed at Appendix 1 of this report.
- 4.2 The medicals are conducted in accordance with the Group II DVLA guidance.
- 4.3 All Doctors are asked to sign the up to the protocols, copies of which are attached at appendix 2 of this report.
- 4.4 There have been no reported problems from both the Doctors and the licensees with the current procedures since its inception in 2010.
- 4.5 Fees for medicals are paid directly to the Doctor by applicants and licensees.

5 FREQUENCY OF MEDICALS

- 5.1 All new applicants for the grant of a driver's licence (this includes a person who has previously held a licence but who has allowed it to lapse for more than 12 months) are required to under go a medical.
- 5.2 Thereafter unless the Committee determine otherwise a person must undergo a medical examination at the nearest renewal to their 45th, 50th 55th and 60th birthdays and then every three years thereafter.
- 5.3 As indicated above medicals are conducted to Group II DVLA standards.

5.4 The Licensing Authority for Taxi and Private Hire Driver Licensing (the City Council) has the discretion to set the standard for the provision of a medical but that standard must be reasonable, proportionate, consistent and objective bearing in mind the purpose of determining if an applicant is a fit and proper person.

5.5 DFT issue best practice guidance issued in March 2010 to local Licensing Authorities indicated:

“... is its good practice for a medical check to be made on each driver before the initial grant of a licence and thereafter on each renewal...”

Members need to be aware that a licence may be granted for a period of up to three years. Most large local authorities grant licenses for 12 months.

Sheffield grant a licence for 18 months in normal circumstances. New applicants normally receive a 9 then 12 then 18 month licence.

5.6 A driver could be granted a licence from the age of 18 years, and then not have a medical until the driver is 45 years old some 27 years after the initial checks were made.

5.7 All other checks for fitness are undertaken on a more regular basis. DBS (criminal records) are checked every 3 years. Driver's licenses are checked every 18 months.

6.0 COMMENTS FROM MEDICAL EXAMINOR

6.1 The licensing section have received a comment from Dr Gill, in relation to the frequency of medicals currently, and concerns over the length of time that could elapse from the initial medical to the first check up. Dr Gill has been invited to attend this meeting and inform members of his concerns. A copy of his comments are attached at Appendix 3.

7.0 RECOMMENDATION

7.1 That the Chief Licensing Officer & Head of Licensing would recommend that additional medical checks are required based on Dr Gill's advice and would ask members to consider carefully how many additional medicals and at what periods.

8.0 CONSULTATION

8.1 A consultation paper was circulated to the trades in 2013 and this report was circulated to them in February 2014.

8.2 Representatives of the trades associations have been invited to attend this meeting this meeting and advised that, subject to the consent of the chair, they may address the meeting.

8.3 Doctors on the register were asked to comment on the review any comments at the time of writing the report none have been received.

9.0 FINANCIAL IMPLICATIONS

9.1 There are no financial implications to the Council arising from this report.

9.2 Any changes to the frequency of Medical testing will have a financial burden on applicants.

9.3 There may be a small increase in the administration costs if the frequency of medicals and number of doctors increases. Any costs have to be recovered as part of the application process and these would be reviewed on an annual basis as part of the overall Fees review report.

10.0 OPTIONS

10.1 Members may deem the current Policy is appropriate and make no changes.

10.2 Members may change the policy based on the information set out in this report and after considering any evidence presented to them in writing or verbally at this meeting

APPENDIX 1

SHEFFIELD CITY COUNCIL – TAXI DRIVERS MEDICALS

Register of Doctors/Medical Practices available to Applicants

Name and Address	Booking Details	Costs	Available Times	Further Comments
Stonecroft Medical Centre 871 Gleadless Road Sheffield S12 2LJ	www.hgv-medical.co.uk	£60	Mon – Wed Friday lunchtime	
Michael Boyle GP Birley Health Centre 120 Birley Lane Sheffield S12 3BP	Diane Levick 0845 1221881	£100	Monday AM Monday 6pm - 7:30pm Thursday 6pm – 7:30pm	Results issued within 1 week
Barnsley Road Surgery 899 Barnsley Road Sheffield S5 QJ	0844 5769269	£80		
Manor Park Medical Centre 204 Harborough Road Sheffield S2 1QU	Sue Peat – 0114 2390034	£65	Most days	
Tramways Medical Centre (O'Connell) 54 Holme Lane Sheffield S6 4JQ	0845 1266411	£80		
www.gettingamedical.com C/o R S Jutley Medicals Ltd 29 The Pastures, Tuxford, Newark Nottinghamshire NG22 0NJ	01777 800256	£40	Evening & Weekends	
Sloan Medical Practice Little London Road Sheffield S8 0TW	0845 127 2001	£80	Flexible times to suit drives – can offer daytime	Mornings Thu/ Fri Evenings Tue/ Wed
Sheffield City GP Health Centre Rockingham House 75 Broad Lane Sheffield S1 3PD	0114 241 2700 www.walkinwhenyouneedsus.com	£80	8am to 8pm 7 days a week	If registered at the Practice the price is £65. Credit & Debit cards accepted.
Selborne Road Medical Centre 1 Selborne Rd Crosspool Sheffield S10 5ND	07712090693 Dr Anil Gill	£40	Monday to Friday all day	

Updated 7th February 2013

Sharrow Lane Medical Centre 129 Sharrow lane Sheffield S11 8AN	Dr B Islam 0845 123 8891	£45	Flexible times arranged with the Doctor	
Porter Brook Medical Centre 9 Sunderland Street Sheffield S11 8HN	Mrs Jenny Macpherson 08451 245 567	£89.50	Monday to Friday (middle of the day)	Extra costs for GP or Specialist Reports if needed. Do not accept Credit or Debit Cards
Duke Medical Centre 28 Talbot Road Sheffield S2 2TD	Contact Lynsey Hardy Tel 2720689 / 2262803	£55 + VAT	Monday to Friday	
Walkley House Medical Centre 23 Greenhow Street Sheffield S6 3TN	0114 234 3561	£50	Appointments at various times during the week	
Handsworth Medical Practice 432 Handsworth Road Sheffield S13 9BZ	Tel Nicola or Claire 0114 2697505 / 2293171	£50-£60	Monday to Friday	
Meersbrook Medical Centre 234-235 Chesterfield Road Sheffield S8 0RT	Practice Manager 0845 1242627	£100	Flexible Times Arranged with the Doctor	
Carfield Medical Centre Carfield Street Sheffield S8 9SG & Brinsworth Medical Centre 171 Bawtry Road Rotherham S60 5ND	Secretary Tel 01709 371504	£35	Flexible times to suit (Weekdays)	

Updated 7th February 2013

APPENDIX 2

SHEFFIELD CITY COUNCIL TAXI DRIVER MEDICALS.

Thank you for applying to be a registered Doctor or Medical Practice with Sheffield City Council for the purpose of undertaking Taxi Driver and Taxi Driver Applicants Medicals. In the document below we have set out the procedures and protocols for the administration of taxi driver medicals.

We would ask you to sign this document as an agreement to those protocols and procedures. You should then return this to the Taxi Licensing Section and also retain a copy for your own records.

The City Council deals with two types of applicants :-

- those already licensed who are applying to renew their licence. Under current policy they will be asked to complete and pass a medical at 45, 50, 55 and 60 years of age and then every 3 years whilst they continue to be licensed. There is currently no age restriction on Hackney Carriage and Private Hire drivers.
- new applicants who are applying for their first licence in Sheffield. These applicants may have licences with other Authorities but the current policy of Sheffield City Council is that an applicant has to undertake all tests required by The Licensing Board whether they are licensed elsewhere or not, and this includes the medical examination.

PROCEDURES FOR BOOKING MEDICALS

The Licensing Section will provide applicants with a list of the Doctors and Medical Practices that are registered with us. The applicants will then decide which doctor or practice they wish to use. They will be given your instructions on how to make a booking which will be supplied as part of the information on the list.

ON ARRIVAL AT THE MEDICAL EXAMINATION .

Existing License Holders

- will have been given at the point of application the medical certificate form based on the D4 form for a DVLA group II medical.
- will also have copies of any past medical examination history.
- Identification – They must supply you with their Photo Card DVLA drivers licence, or if not, photo ID such as a passport. They will also present their current Private Hire and Hackney Carriage drivers identification badge. The number on the Badge should match the number on the medical (D4) form.

New Applicants

- Again the applicant will have been supplied with their Sheffield City Council medical form.
- Identification – They must provide a Photo Card drivers licence, a second form of identification which must be either a passport or other form of photo id, and a bank statement or utility bill.

If there are any doubts about the identification of ANY attendee – either an existing licence holder or new applicant - then the medical should be aborted until those matters are resolved.

IF THE DRIVER PASSES THE MEDICAL - NEW OR RENEWAL

If the driver passes the medical, you must, upon completion, inform him/her of this and (in the case of existing license holders) return to him/her the copies of previous medicals. You should then supply them with the completed passed medical form. If this is not at the point or time of the medical you must make the appropriate arrangements with the applicant to supply that information.

Please be aware that any renewal applicant cannot receive their licence until they have presented the pass certificate to the licensing section and must allow 3 working days for the administration process.

IF THE DRIVER FAILS THE MEDICAL - NEW OR RENEWAL

If the driver fails the medical, you are required to explain the reason for failure to the applicant. You must retain the medical notes and failure certificate, and these must then be returned securely to the Taxi Licensing Section, within 7 working days of the date of the medical.

IF YOU NEED FURTHER INFORMATION

In some circumstances you may require information from other sources such as consultants or the drivers own GP.

In such cases, you should retain the notes of the applicant, and inform him/her of the reasons for this. You must then inform the applicant of what is required and what he/she or you will have to do next.

We have informed applicants that in these cases, the doctor who undertook the medical and retained the papers will be the doctor that has to deal with their particular case, and that they will have to return to you to be passed medically fit.

RECOMMENDATIONS AS TO TERM OF LICENCE

The current Council Policy is to issue drivers with a licence for 18 months on a renewal application, and 9 months on a first time licence.

You can make recommendations to the Council on the length of the Licence granted, up to the maximum of 18 months. You may see some underlying health issues that you believe require monitoring, and you may wish to inform the Council that, in your opinion, the applicant should be granted a shorter than normal term licence and that at the end of that licence he/she should be medically examined again.

If a doctor makes a recommendation that a driver should be medically examined again within a period of time that is outside the current policies, the licence issued will reflect that, eg the doctor may state that the driver should be seen in 12 months, thus a licence would be issued only for a 12 month period.

Doctors may also recommend that the applicant or driver be medically examined again outside of the normal referral policy, e.g. that a driver is seen prior to the birthday trigger points as set out by the policy or every three years rather than five years periods etc. This would be recorded by the licensing section and would not alter unless a doctor, after a full

medical examination, determined that the driver could be placed back on the normal referrals procedure and timescales.

RIGHTS TO APPEAL DECISIONS

As with all legislative matters, with any judgement made on an application to the Council there are some avenues for applicants to appeal the Decision of the Council. Your decision as a doctor becomes the Council decision as the reasons for refusal.

The applicant may challenge your findings, and if they wish to do so they may firstly ask for their particular application to be referred to the Licensing Board for consideration. If the Board decide to revoke or refuse to grant or renew their licence the applicant has a right of appeal to a Magistrates Court.

If an applicant asks for a Board Referral, or appeals a decision of the Council taken as recommended by you as the doctor, then you will be required to supply the Council with written statements explaining the decision. This is at no extra cost to Sheffield City Council.

Please be aware that on very rare occasions doctors have been summoned to Court or the Licensing Board to give evidence in person. This is usually at the request of the appellant or their legal representatives. In winning cases at the Magistrates Court, costs can be applied for. Invariably, full costs are never awarded to the Council and appellants usually only have to pay a contribution to the costs. Any attendance cost you incur for such instances will have to be recovered through the legal system and not from Sheffield City Council.

On Completion of the Examination

You are required to inform the Licensing Section of the attendance of the applicant, and the outcome of the medical within 48 hours of the date of the medical. Email communication will be accepted.

This does not override the need to supply the full written details of a failed medical within 7 working days of the date of the test.

ACCEPTANCE OF THE TERMS OF REFERENCE AND PROTOCOLS

I/we the undersigned agree to the above terms or reference as detailed and are fully aware that Sheffield City Council cannot guarantee that any medical applicants will use your offered services. We are fully aware that signing these terms of reference means that we will be accepted as a registered supplier of DVLA Group II Medical examinations for Private Hire and Hackney Carriage drivers.

I/we are fully aware that once accepted as a registered supplier, we will have to give the Council at least 2 months notice of withdrawal from the list, and at least 1 month's notice of any changes to fees charged or business details.

SIGNED _____ POSITION _____

PRINT NAME _____

DATE _____

If you require any further information about medicals please contact the Taxi Licensing Section on 2734005 Or 2734690, or email at taxi.licensing@sheffield.gov.uk

APPENDIX 3

HELLO CLIVE

WE SPOKE A FEW WEEKS AGO REGARDING MY CONCERNS ABOUT THE AGE REQUIREMENTS FOR SCC TAXI DRIVERS WHEN THEY UNDERGO THEIR SECOND MANDATORY MEDICAL EXAMINATION AT 45.

MY MAIN CONCERN IS THE GAP BETWEEN THE FIRST MEDICAL, WHICH COULD BE AT THE AGE OF 18 I UNDERSTAND, UNTIL THE MANDATORY SECOND MEDICAL AT THE AGE OF 45.

I AM NOW IN MY 3RD YEAR OF PERFORMING A LARGE NUMBER OF MEDICALS ON BEHALF OF SCC AND I TAKE MY PUBLIC SAFETY DUTIES VERY SERIOUSLY, BALANCED AGAINST THE NEEDS OF THE DRIVERS TO BE ABLE TO WORK.

I AM BECOMING INCREASINGLY WORRIED ABOUT THE SIGNIFICANT NUMBER OF DRIVERS I AM SEEING AT THE AGE 45 MEDICAL WHO HAVE UNDERLYING DISEASES WHICH HAVE CLEARLY NOT BEEN DIAGNOSED UNTIL THEY ATTEND AT THE MEDICAL, WHICH POSE A RISK TO PUBLIC SAFETY.

IN THE LAST YEAR I HAVE SEEN MANY DRIVERS WHO HAVE PRESENTED WITH CONDITIONS WHICH ARE LIKELY TO HAVE STARTED IN THEIR 30'S, SUCH AS UNCONTROLLED HYPERTENSION AND UN-DIAGNOSED DIABETES, BOTH OF WHICH COULD LEAD TO A HEART ATTACK OR STROKE WHILE DRIVING, AND IN SOME CASES SEVERE EYESIGHT PROBLEMS ONLY DETECTED WHEN THEY SEE ME AT THE MEDICAL EXAM.

I HAVE ONLY GIVEN THEM 3-6 MONTH LICENCES WITH STRICT INSTRUCTIONS TO SEE THEIR GP'S AND GET THE CONDITIONS UNDER CONTROL AND TO RE-PRESENT WITH THE NEW MEDICATIONS AND READINGS TO ME AT THE REPEAT MEDICAL. IN THE CASE OF THE REDUCED EYESIGHT I REFUSE TO SIGN OFF THE FORM UNTIL THEY ATTEND WITH GLASSES AFTER SEEING AN OPTICIAN.

IN ADDITION I HAVE A FEW DRIVERS WHO HAVE BEEN STARTED ON INSULIN WITHOUT HAVING A TAXI MEDICAL, AND SEVERAL WHO HAVE HAD HEART ATTACKS 3-5 YEARS BEFORE THE AGE 45 MEDICAL WHO HAVE NOT BEEN SEEN BY A SCC APPROVED DOCTOR BUT HAVE JUST CONTINUED DRIVING.

RECENTLY I SAW 2 DRIVERS WHO ARE DUE HEART OPERATIONS BUT WERE STILL DRIVING, BOTH IN THEIR EARLY 40'S. I HAVE HAD SEVERAL DRIVERS WHO COULD HARDLY SEE THE EYE

TEST CHART, AND CLEARLY HAD BEEN DRIVING FOR PERHAPS 10 YEARS LIKE THIS BEFORE THE AGE 45 MEDICAL.

I DO MEDICALS FOR NE DERBYSHIRE DRIVERS; THEY HAVE A 3 YEAR GAP BETWEEN MEDICAL, AND I HAVE NOTICED THAT I SEE VERY FEW WITH UN-DIAGNOSED DISEASES, AND IF I DO IT IS USUALLY AROUND THE AGE OF 30-35.

I SUSPECT SCC IS AT RISK OF LEGAL CHALLENGE IF ONE OF THEIR DRIVERS KILLS OR SEVERELY INJURES A MEMBER OF THE PUBLIC IN AN RTA AND THE DRIVER WAS FOUND TO HAVE A CONTRIBUTORY MEDICAL CONDITION WHICH COULD HAVE BEEN DETECTED IF A TAXI MEDICAL HAD BEEN DONE WITHIN THE LAST THREE YEARS.

ANY SENSIBLE LAWYER WOULD ENQUIRE WHAT ARRANGEMENTS OCCUR IN SURROUNDING COUNCILS, AND SCC WOULD STRUGGLE TO DEFENDSITS CURRENT PRACTICE I FEEL.

COULD YOU DISCUSS THIS WITH YOUR LICENCING BOARD PLEASE ?

REGARDS

DR GILL

SELBORNE RD MEDICAL CENTRE

1 SELBORNE RD

CROSSPOOL

SHEFFIELD S10 5ND