

Report Title:	Changes to Private Hire and Hackney Carriage Driver Application Requirements in Respect of the Certificate of Fitness
Contains Confidential or Exempt Information?	No – Part 1
Member reporting:	Councillor Cannon, Lead Member for Public Protection
Meeting and Date:	Licensing Panel 8 October 2019
Responsible Officer(s):	David Scott, Head of Communities, Enforcement and Partnerships
Wards affected:	All



REPORT SUMMARY

Applicants for a RBWM private hire or hackney carriage driver's licence are required to submit a Certificate of Fitness signed by their GP.

This requirement is set out in the Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively.

This report seeks a change to this requirement such that the Certificate of Fitness is signed either by the applicant's GP or by another appropriate medical doctor

1. DETAILS OF RECOMMENDATION

RECOMMENDATION: That the Licensing Panel notes the report and:

- i) Agrees to change to the Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively to allow a Certificate of Fitness to be signed either by the applicant's GP or by another appropriate medical doctor**

2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED

- 2.1 The medical fitness to drive and operate a RBWM licenced private hire vehicle (PHV) or hackney carriage (HC) is an essential and long standing requirement.
- 2.2 The means of establishing an applicant's medical fitness is set out in the RBWM Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions ("the Policies") respectively. Both of the Policies state that licence applicants must provide a Certificate of Fitness signed and stamped by the applicant's General Practitioner. This has been a standard requirement for some considerable time
- 2.3 This requirement applies both to new licence applicants and to existing drivers renewing their licence.

- 2.4 It has been brought to our attention by a number of applicants that some GPs are no longer willing to sign and stamp a Certificate of Fitness due to workloads and other pressures.
- 2.5 This means that an applicant in this situation cannot comply with the requirements of the Policies and therefore, strictly speaking, should not be able to obtain a RBWM licence even if they could obtain a Certificate of Fitness from another appropriate medical doctor.
- 2.6 A simple means of addressing this problem would be to change the respective PHV and HC Policy and Conditions to allow an applicant to have their Certificate of Fitness signed and stamped either by their GP or by another appropriate medical doctor.
- 2.7 This would provide some flexibility for the applicants and remove potential delays in the licensing process, whilst ensuring that the essential requirement that their medical fitness to hold a licence is properly established and maintained.
- 2.8 The amendments to the Policies that would introduce this change are set out in Appendix A and Appendix B.
- 2.9 The Licensing Panel is invited to agree these changes.

3. KEY IMPLICATIONS

- 3.1 Making the recommended changes to the Policies would remove a potential barrier to obtaining a RBWM PHV or HC licence that has come about for reasons beyond the control of licence applicants. The essential requirement to establish the applicant's medical fitness to drive and operate a RBWM licenced (PHV) or (HC) would remain unchanged.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There may be some financial implications for licence applicants as they may be charged for a Certificate of Fitness (although some are already charged by their own GP). However, this is not something that can be avoided as establishing an applicant's medical fitness to operate a PHV or HC is essential, and this can only be done by either a GP or an appropriate medical doctor.
- 4.2 There are no financial implications for the Licensing team or RBWM.

5. LEGAL IMPLICATIONS

- 5.1 Conditions can be attached to vehicle licenses by virtue of sections 47 & 48 Local Government (Miscellaneous Provisions) Act 1976.

6. RISK MANAGEMENT

- 6.1 Any new condition attached to Policy and Conditions is in theory subject to challenge or judicial review. However, given that the changes proposed in this report are specifically designed to remove a barrier that some licence applicants are experiencing, the possibility of any challenge to the proposed changes is remote.

7. POTENTIAL IMPACTS

- 7.1 No EQIA is anticipated at this stage.
- 7.2 There are no impacts of the recommendations in relation to climate change or sustainability.
- 7.3 There are no new Data Protection or GDPR implications arising from the revisions proposed in this report.

8. CONSULTATION

- 8.1 Legal advice provided in 2014 recommended that any proposed revisions to Policy should be consulted upon before adoption as drivers have a reasonable expectation of being asked for their views.
- 8.2 That has been done by e-mailing PHV operators and HC representatives to ask for their views on the changes proposed in this report.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 If Members are minded to amend the Policy and Conditions as set out in this report, the changes would come into force immediately

10. APPENDICES

- Appendix A – Proposed Amendment to Policy – Private Hire Vehicles
Appendix B – Proposed Amendment to Policy – Hackney Carriages

11. BACKGROUND DOCUMENTS

None.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Cannon	Lead Member for Public Protection	10 Sept 2019	16/09/2019
Cllr Haseler	Chair of the Licensing Panel	10 Sept 2019	11/09/2019
Duncan Sharkey	Managing Director	4 Sept 2019	No comments
Andy Jeffs	Executive Director Communities Directorate	4 Sept 2019	13/09/2019
David Scott	Head of Communities, Enforcement and Partnerships	14 Aug 2019	Minor edits added 3 Sept 2019

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No
Report Author: Greg Nelson, Trading Standards & Licensing Lead 01628 683561 / 07970 446526	

Appendix A

Proposed Amendment to Policy – Private Hire Vehicles

In Section 2 “Application Requirements”;

Replace paragraph (k) with

“All applicants must submit a Certificate of Fitness which must be signed and stamped by their own General Practitioner or by another appropriate medical doctor. Medicals are required at first application, then ever five years until the licence holder reaches the age of 65. Thereafter Certificate of Fitness must be provided every year”

Appendix B

Proposed Amendment to Policy – Hackney Carriages

In Section 2 “Application Requirements”;

Replace the 11th paragraph with;

“All applicants must submit a Certificate of Fitness which must be signed and stamped by their own General Practitioner or by another appropriate medical doctor. Medicals are required at first application, then ever five years until the licence holder reaches the age of 65. Thereafter Certificate of Fitness must be provided every year”