
TITLE: **DETERMINATION OF PROPOSED AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER AND VEHICLE CONDITIONS**

Committee: Licensing Committee

Date: 19 November 2014

Author: Licensing Officer

[P129]

1.0 PURPOSE/SUMMARY OF REPORT

1.1 That Members determine the proposed amendments to the Council's Taxi and Private Hire Guide regarding joint hackney carriage and private hire driver licence condition 19 'medical evidence' and private hire vehicle licence condition 2.6 and hackney carriage vehicle licence condition 3.1 'Council approved stickers' following the 12 week consultation approved at the Council's Licensing Committee on 13 November 2013.

2.0 RECOMMENDATION(S)

2.1 That Members agree a change to the wording of the original proposed amendments to joint hackney carriage private hire driver licence condition 19 'medical evidence' having regard to consultees' responses received during the 12 week consultation period.

2.2 That Members agree to the proposed amendments with no further changes required to private hire vehicle licence condition 2.6 and hackney carriage vehicle licence condition 3.1 'Council approved stickers' having regard to consultees' responses received during the 12 week consultation period.

3.0 BACKGROUND/OPTIONS

Joint hackney carriage and private hire driver licence condition 19 'medical evidence'

3.1 The original proposed amendments to driver condition 19 (highlighted below in bold italics) were considered by Members at the Council's Licensing Committee of 13 November 2013. The minutes of the Licensing Committee of 13 November 2013 are **Appendix 1** to this report.

On *initial application and on* reaching the ages of 45, 50, 55, 60, 65 and annually thereafter *or at the request of the Council, an applicant / existing* driver must provide a medical certificate *in accordance with DVLA Group 2 Medical Standards for Licensed Drivers* duly certified *by a registered*

medical practitioner from the Council approved list or alternatively from his/her own GP as to his/her medical ability and suitability to **be granted or** continue to drive as a **joint** hackney carriage and private hire driver. ¹

¹ Applies to licensed drivers as soon as granted / renewed

- 3.2 Members of the Council's Licensing Committee of 13 November 2013 determined that the draft conditions should be circulated to the whole of the taxi trade, to local GPs and the local Clinical Commissioning Group and that a request be made to local GPs to re-consider their charging levels for DVLA Group 2 medical examinations.
- 3.3 On 8 January 2014 a consultation letter was sent to all licensed hackney carriage and private hire drivers, operators and proprietors requesting their comments in writing or by email regarding the proposed amendments to Council licence conditions by 11 April 2014. **(Appendix 2)**
- 3.4 On 8 January 2014 all GP surgeries in the East Cambridgeshire district and the local Clinical Commissioning Group were asked to comment on the following matters:
- If they considered it possible for an independent medical practitioner to carry out a DVLA Group 2 medical examination without the individual's full medical notes being made available; and
 - If their medical practice would consider lowering fees for DVLA Group 2 medical examinations and making examination appointments more frequently available to address the needs of licensed drivers. **(Appendix 3)**
- 3.5 An email response from Mrs Julie Goodson and Mr Rodger Goodson, J R Cars, received on 11 January 2014 raises concerns regarding DVLA medical examinations carried out by a GP that is not aware of an individual's medical history and without reference to an individual's full medical history notes. **(Appendix 4)**
- 3.6 An email response from Mr John Skipper, A10 Taxis, received on 12 January 2014 states that medicals should be obtained from any qualified medical practitioner as medical records are now available to all doctors and hospitals on line. Mr Skipper states he is against using a specific list of approved doctors to carry out DVLA medical examinations for financial reasons. **(Appendix 5)**
- 3.7 An email response from Mr Clifford Smith, joint hackney carriage and private hire driver, received on 24 January 2014 advises that he does not agree to the proposed change of Council driver licence condition 19 requiring a DVLA medical examination to be carried out either by a registered medical practitioner from the Council approved list or alternatively from his/her own GP, but does agree to the Council having the ability to request a medical on an ad hoc basis. **(Appendix 6)**

- 3.8 A letter dated 14 January 2014 from Dr A Green, Senior Partner at St George's Medical Centre, supports the proposal for DVLA medical examinations to be carried out by a driver / applicant's own GP who would be in possession of the individual's complete medical history. Dr Green raises concerns regarding 'sharing' medical information and the administration and costs involved. Dr Green further raises concerns regarding an independent medical practitioner carrying out a satisfactory medical assessment without an individual's full medical notes being made available.
- 3.9 With regard to the lowering of medical fees, Dr Green advised that the medical fees charged for DVLA Group 2 medical examinations are in line with other examinations and cover doctor's time with the patient, completion of forms and surgery administration. **(Appendix 7)**
- 3.10 A letter dated 12 February 2014 from Dr D McCormack, St Mary's Surgery, advises that there are currently no clear systems to enable the sharing of patients' medical records between GP practices. Where GPs are asked to undertake a medical for a patient who is not registered at the surgery, in the past the GPs have asked the patient for the details of their medical history and have subsequently requested a copy of the medical records in the event that they are uncertain concerning the completion of the report.
- 3.11 With regard to the lowering of medical fees, Dr McCormack did not think that this would be possible. **(Appendix 8)**
- 3.12 An email from Ms Deborah Everitt, Burwell Surgery Practice, received on 12 February 2014 advises that Burwell Surgery can share medical history but only if the alternative medical practitioner uses the same computer programme, but there is a risk is that records on the medical system cannot be considered complete without access to the paper record as well. Ms Everitt states that in relying purely on the patient to provide their medical history it is possible that vital information may not be disclosed.
- 3.13 With regard to the lowering of medical fees, Ms Deborah Everitt advised that it is not possible for Burwell Surgery to reduce the fees for DVLA medical examinations. **(Appendix 9)**
- 3.14 No representations were received during the consultation period in support of a DVLA Group 2 medical examination ***'being carried out by a registered medical practitioner from the Council approved list'***.
- Private hire vehicle licence condition 2.6 and hackney carriage vehicle licence condition 3.1 'Council approved stickers'.
- 3.15 The proposed amendments to private hire vehicle licence condition 2.6 and hackney carriage vehicle licence condition 3.1 'Council approved stickers' (highlighted below in bold italics) were considered by Members at the Council's Licensing Committee of 13 November 2013. The minutes of the Licensing Committee of 13 November 2013 are **Appendix 1** to this report.

Private hire vehicles are to carry the council approved sticker on the front passenger and driver doors at all times, in a central position, which includes the wording 'advance booking only', the licence plate number, company name excluding the word 'taxi' and 'cab' and company telephone number. The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered. ***The use of magnets to display the Council approved stickers is not permitted.*** This new condition applies to all new/ transferred licensed private hire vehicles on issue of licence from 1/1/12. Existing licensed private hire vehicles will be required to comply with this condition when the licences are renewed and issued for the first time during 2013.

Hackney carriage vehicles are to carry the Council Approved sticker on the front passenger and driver doors at all times, in a central position. The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered with no advertisement (or any other vehicle markings) within 75 mm of the surround of the sticker. ***The use of magnets to display the Council approved stickers is not permitted.*** This new condition applies to all new/transferred licensed hackney carriage vehicles on issue of licence from 1/1/12. Existing hackney carriage vehicles that were licensed prior to 1/1/12 will be required to comply with this condition when the licences are next renewed and issued for the first time during 2013.

- 3.16 Members at the Council's Licensing Committee of 13 November 2013 determined that the draft conditions should be circulated to the whole of the taxi trade and on 8 January 2014 a consultation letter was sent to all licensed hackney carriage and private hire drivers, operators and proprietors requesting their comments in writing or by email regarding the proposed amendments to Council licence conditions by 11 April 2014. **(Appendix 2)**
- 3.17 An email response from Mrs Julie Goodson and Mr Rodger Goodson, J R Cars, received on 11 January 2014 advises that they do not agree with taxis using magnets to display Council stickers. **(Appendix 4)**
- 3.18 An email response from Mr John Skipper, A10 Taxis, received on 12 January 2014 states he is in agreement with the wording of the proposed amendments to Council licensing conditions 2.6 and 3.1. **(Appendix 5)**
- 3.19 An email response from Mr Clifford Smith, joint hackney carriage and private hire driver, received on 24 January 2014 advises he accepts that a magnet is not a sticker and therefore agrees with the proposed amendments to licensing conditions 2.6 and 3.1 to clarify this. **(Appendix 6)**
- 3.20 No representations were received during the consultation period in support of the use of magnets to display the Council's approved stickers on licensed hackney carriage and private hire vehicles.

4.0 ARGUMENTS/CONCLUSIONS

Joint hackney carriage and private hire driver licence condition 19 'medical evidence'

4.1 The Council has a duty to ensure that a safe and secure taxi service is available to the travelling public. The over-riding consideration for Members of the Council's Licensing Committee when making their decision regarding the proposed amendments to joint hackney carriage and private hire driver licence condition 19 'medical evidence' is the safety, well-being and protection of the travelling public.

4.2 Concerns have been raised during the consultation period regarding DVLA medical examinations being carried out by any medical practitioner (including those on an approved list) other than the driver / applicant's own GP due to there being:

- no current clear systems available to enable the sharing of patient's medical records between GP practices;
- any sharing of medical information that might be possible would involve greater administration for GPs and additional costs to the driver / applicant;
- full patient history not being readily available;
- risk that records on the medical system cannot be considered complete without access to the paper record as well;
- possibility that vital information might not be disclosed.

4.3 In accordance with the views of consultees, it is suggested that Members agree to delete from the proposed amendment to condition 19 'medical evidence' the wording '**by a registered medical practitioner from the Council approved list or alternatively**' and that Members agree that the new condition is as follows:

On **initial application and on** reaching the ages of 45, 50, 55, 60, 65 and annually thereafter **or at the request of the Council, an applicant / existing** driver must provide a medical certificate **in accordance with DVLA Group 2 Medical Standards for Licensed Drivers** duly certified **from his/her own GP** as to his/her medical ability and suitability to **be granted or** continue to drive as a **joint** hackney carriage and private hire driver. ¹

1 Applies to licensed drivers as soon as granted / renewed

Private hire vehicle licence condition 2.6 and hackney carriage vehicle licence condition 3.1 'Council approved stickers'

4.4 In accordance with the views of consultees, it is suggested that Members determine the proposed amended conditions as follows:

Private hire vehicles are to carry the council approved sticker on the front passenger and driver doors at all times, in a central position, which includes

the wording 'advance booking only', the licence plate number, company name excluding the word 'taxi' and 'cab' and company telephone number. The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered. **The use of magnets to display the Council approved stickers is not permitted.** This new condition applies to all new/ transferred licensed private hire vehicles on issue of licence from 1/1/12. Existing licensed private hire vehicles will be required to comply with this condition when the licences are renewed and issued for the first time during 2013.

Hackney carriage vehicles are to carry the Council Approved sticker on the front passenger and driver doors at all times, in a central position. The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered with no advertisement (or any other vehicle markings) within 75 mm of the surround of the sticker. **The use of magnets to display the Council approved stickers is not permitted.** This new condition applies to all new/transferred licensed hackney carriage vehicles on issue of licence from 1/1/12. Existing hackney carriage vehicles that were licensed prior to 1/1/12 will be required to comply with this condition when the licences are next renewed and issued for the first time during 2013.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 There are no costs associated with this report, other than Licensing and Legal Officer time.
- 5.2 Equality Impact Assessment (INRA) completed on 18 October 2013 which shows that there is no adverse impact on the community.

6.00 APPENDICES

- Appendix 1 Minutes of the Licensing Committee of 13 November 2013
- Appendix 2 Consultation letter was sent to all licensed hackney carriage and private hire drivers, operators and proprietors dated 8 January 2014
- Appendix 3 Consultation letter sent to all GP surgeries in the East Cambridgeshire district and the local Clinical Commissioning Group on 8 January 2014
- Appendix 4 Email response from Mrs Julie Goodson and Mr Rodger Goodson, J R Cars, received on 11 January 2014
- Appendix 5 Email response from Mr John Skipper, A10 Taxis, received on 12 January 2014

- Appendix 6 Email response from Mr Clifford Smith, joint hackney carriage and private hire driver, received on 24 January 2014
- Appendix 7 Letter dated 14 January 2014 from Dr A Green, Senior Partner at St George's Medical Centre
- Appendix 8 Letter dated 12 February 2014 from Dr D McCormack, St Mary's Surgery
- Appendix 9 Email from Ms Deborah Everitt, Burwell Surgery Practice, received on 12 February 2014
- Appendix 10 Equality Impact Assessment (INRA) completed on 18 October 2013

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Taxi & Private Hire Guide, July 2013 (Blue Book)	Room SF208 The Grange	Lin Bagwell Licensing Officer lin.bagwell@eastcambs.gov.uk
Button on Taxis, Licensing Law and Practice, Third Edition	Ely	
Group 2 Medical Standards Fitness to Drive https://www.gov.uk/current-medical-guidelines-dvla-guidance-for-professionals#national-medical-guidelines-of-fitness-to-drive		
Local Government (Miscellaneous Provisions) Act Part 2 1976		

Minutes of a meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday 13 November 2013 at 9.30am

P R E S E N T

Councillor Michael Allan (Chairman)
Councillor Sue Austen
Councillor Lavinia Edwards
Councillor Lindsey Harris
Councillor Tony Goodge
Councillor Elaine Griffin-Singh
Councillor Chris Morris
Councillor Tony Parramint
Councillor Philip Read
Councillor Sue Willows
Councillor Andy Wright

APOLOGIES

Councillor Allen Alderson
Councillor John Palmer

I N A T T E N D A N C E

Amanda Apcar – Principal Solicitor
Lin Bagwell – Licensing Officer (Enforcement)
Elizabeth Bailey – Principal Environmental Health Officer
Stephen Carrington - Licensing Officer (Enforcement)
Tracy Couper – Principal Democratic Services Officer
Liz Knox – Head of Environmental Services

A L S O I N A T T E N D A N C E

2 members of the public attended the meeting.

20. **DECLARATIONS OF INTEREST**

There were no interests declared.

21. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 9 October 2013 be confirmed as a correct record and signed by the Chairman.

22. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

Scrap Metal Dealers Act 2013

At the previous Licensing Committee meeting on 9 October 2013, the Committee approved the level of fees for a Site Licence and for a Collectors Licence as part of the new licensing regime under the Scrap Metal Dealers Act 2013, and for public consultation to be conducted on these fees.

Consultation on the level of licence fees set under the new Scrap Metal Dealers Act 2013 ended on 6 November 2013.

The consultation was advertised on East Cambridgeshire District Council's website and to neighbouring authorities, the Police and the Environment Agency. Existing local scrap metal dealers were also contacted for their views and were asked if they considered the proposed fees to be too high, too low or about right.

3 consultation responses were received as follows:

- The Environment Agency stated that *'as the Environment Agency is the main regulator for the waste industry, we are unable to comment on the proposed charges and fees for any individual or business'*;
- A neighbouring authority stated that the fees were in line with the levels they were setting; and
- A site licence applicant stated that the fees were considered too high for those companies whose main business was not scrap, so a separate cheaper licence should be available in such circumstances, and that consideration should be given to setting fees relevant to turnover.

The Principal Environmental Health Officer provided an explanation to the site licence applicant on how central government guidance directed Local Authorities in the setting of fees, and that there was no flexibility for the Council to provide for any other type of licence other than a site or a collectors licence. The Principal Environmental Health Officer confirmed with the individual that they did not wish to continue with a formal objection - written confirmation of withdrawal of the objection had been received by the Principal Environmental Health Officer.

Therefore, as no objections were required to be considered by the Licensing Committee, all applicants would now be contacted requesting payment of the relevant licence fee and, on receipt; applications processed if the person was considered 'suitable' in line with the Act.

Scrap Metal Dealers Act 2013 Training

The Chairman thanked Members for confirming attendance at the Scrap Metal Dealers Act 2013 Training on Monday 18 November here in the Council Chamber. Members were reminded that registration was at 9.45am. Fellow Members from neighbouring local authorities had been notified of the training

and to date the Chairman of the Licensing Panel from Huntingdonshire District Council and the Gypsy and Traveller Site Team Leader from South Cambridgeshire District Council would be attending the training.

Information/Training Session

The Chairman reminded Members to remain in the Council Chamber at the conclusion of the Licensing Committee meeting for an information/training session on the Licensing Act 2003 - Premises Licence Applications and Hearings.

Start Time of Meetings

Members discussed the start time of Licensing Committee meetings. Some Members expressed a preference for a later start time of 10am, whilst other Members still in employment stated that they preferred a start time of 9am or 9.30am since this made it more feasible for them to return to work later in the morning. After detailed discussion, it was agreed to retain the current start time for meetings of 9.30am.

23. PROPOSED AMENDMENTS TO HACKNEY AND PRIVATE HIRE DRIVER CONDITION 19 AND VEHICLE LICENCE CONDITIONS 2.6 AND 3.1

The Licensing Committee was presented with a report, (N130) previously circulated, to consider proposed amendments to the Council's Taxi and Private Hire Guide regarding Joint Hackney Carriage and Private Hire Driver Licence Condition 19 'Medical Evidence' and Private Hire Vehicle Licence Condition 2.6 and Hackney Carriage Vehicle Licence Condition 3.1 'Council Approved Stickers'.

The Licensing Officer (Enforcement) explained that the proposed change to Condition 19 would allow medical examinations to be carried out by an individual's own GP or one of two approved medical practitioners which charged lower fees than local GPs. The list would be provided in application packs and at the medical reminder stage. It would be possible to add more private medical practices to the list over time. In addition, the condition would be amended to give the ability for the Council to formally request that a Medical be taken at any time (e.g. after serious illness) to confirm fitness in line with Group 2 Medical standards. The proposed change to Private Hire Vehicle Licence Condition 2.6 and Hackney Carriage Vehicle Licence Condition 3.1 'Council Approved Stickers' related to prohibiting the use of magnets to display the Council approved door stickers, as this contravened the requirement that approved signs should not be removed whilst a vehicle continued to be licensed. The Licensing Officer (Enforcement) reported that if the proposals to amend the conditions were agreed to, a 12 week consultation would be held with the Trade.

The Chairman stated that he was pleased to be advised that local GPs would be included in the consultation, since this may encourage them to consider setting more reasonable local fees for Medicals, rather than drivers

using one of the two approved practitioners who were based outside of the District in Cambridge. Councillor Read also expressed concern that local GPs who had knowledge of patients from their records should be charging higher fees and suggested that the local clinical commissioning body should also be written to. The Head of Environmental Services confirmed that the local clinical commissioning body was on the list of consultees. In that connection, a number of Members suggested that local GPs should be requested to re-consider their charging levels for medicals. The Licensing Officer (Enforcement) stated that this matter would be raised during the consultation process. The Vice-Chairman suggested that it may be worthwhile to consider adding 2-3 local GPs charging lower fees to the approved list in the future.

It was resolved:

That approval be given to the proposed amendments to Joint Hackney Carriage and Private Hire Driver Licence Condition 19 in accordance with paragraph 3.1 of the submitted report, Private Hire Vehicle Licence Condition 2.6 and Hackney Carriage Vehicle Licence Condition 3.1 in accordance with paragraph 3.9 of the submitted report; and for:

- (i) the draft conditions to be circulated to the taxi trade for a period of 12 week's consultation, and
- (ii) the results of the consultation be brought back to a future Licensing Committee meeting for Member decision prior to the amended conditions being published.

24. **FORWARD AGENDA PLAN**

The Committee received and considered the Licensing Committee forward agenda plan.

The Chairman reported that the Licensing Committee meeting date on 11 December 2013 was likely to be cancelled due to insufficient business. In addition, the meeting on 21 May 2014 now would need to be cancelled due to the announcement of the date for the European Elections being set for 22 May 2014. In both cases, the dates would be kept available for use for a Licensing Sub-Committee, as necessary.

It was resolved:

That the Licensing Committee forward agenda plan and cancellation of the meetings scheduled for 11 December 2013 and 21 May 2014 be noted.

25. **EXCLUSION OF THE PRESS AND PUBLIC**

Councillor Wright questioned the reasons for the item being held in Exempt session and expressed the view that the item should be held in public session since it related to a Private Hire Operator Licence Condition which affected all of the relevant Trade. The Principal Democratic Services Officer explained what Exempt categories 1, 2 and 5 related to and the Principal Solicitor explained the reasons that Officers believed it appropriate for the matter to be considered in Exempt session based on these categories. Members discussed in detail whether or not to resolve to consider the matter in Exempt session, and

It was resolved (by a majority):

That the press and public be excluded during the consideration of the remaining item because it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information of Category 1, 2 and 5, Part 1 Schedule 12A to the Local Government Act 1972 (as amended).

*The Chairman adjourned the meeting at 10.04am to allow for a comfort break.
The meeting resumed at 10.10am.*

26. **PRIVATE HIRE OPERATOR LICENCE CONDITION 3(e)**

The Licensing Committee considered an Exempt report regarding Private Hire Operator Licence Condition 3(e) in the light of representations received and subsequent legal advice. Having discussed in detail the issues and implications of the legal advice,

It was resolved:

1. That the representations received and subsequent legal advice be noted.
2. That Private Hire Operator Licence Condition 3(e) be retained.

The meeting concluded at 10.55am.

Chairman:.....

Date: 12 February 2014



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
DX41001 ELY Fax: (01353) 665240
www.eastcambs.gov.uk

This matter is being dealt with by:

Elizabeth Bailey

Telephone: 01353 616243

E-mail: Elizabeth.bailey@eastcambs.gov.uk

My Ref:

Your ref

8 January 2014

Dear ****

Local Government (Miscellaneous Provisions) Act 1976, Part II Notification of Hackney Carriage and Private Hire Vehicle Door Stickers Consultation and DVLA Group 2 Medical Consultation

1. Hackney Carriage and Private Hire Vehicle Door Sticker Consultation

For public safety reasons, Members of the Council's Licensing Committee of 13 November 2013 considered proposed amendments to the Council's current private hire vehicle licence condition 2.6 and hackney carriage vehicle licence condition 3.1 which relate to vehicle 'Council approved stickers'.

The proposed amendments to vehicle licence conditions 2.6 and 3.1 are highlighted in italics in each condition as follows

'Private hire vehicles are to carry the council approved sticker on the front passenger and driver doors at all times, in a central position, which includes the wording 'advance booking only', the licence plate number, company name excluding the word 'taxi' and 'cab' and company telephone number. The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered. ***The use of magnets to display the Council approved stickers is not permitted.*** This new condition applies to all new/ transferred licensed private hire vehicles on issue of licence from 1/1/12. Existing licensed private hire vehicles will be required to comply with this condition when the licences are renewed and issued for the first time during 2013'.

'Hackney carriage vehicles are to carry the Council Approved sticker on the front passenger and driver doors at all times, in a central position. The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered with no advertisement (or any other vehicle markings) within 75 mm of the surround of the sticker. ***The use of magnets to display the Council approved stickers is not permitted.*** This new condition applies to all new/transferred licensed hackney carriage vehicles on issue of licence from 1/1/12. Existing hackney carriage vehicles that were licensed prior to 1/1/12 will be required to comply with this condition when the licences are next renewed and issued for the first time during 2013'.

Members agreed that the draft conditions should be circulated to the trade and relevant organisations for a period of 12 week's consultation and the results of the consultation brought back to a future Licensing Committee meeting for Member decision prior to the amended conditions being published.

We welcome your comments on the above proposals which should be made in writing or by email to the Licensing Authority by **Friday 11th April 2014**.

Please provide your name and contact details (**including your email address**) with your comments to Licensing East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambridgeshire CB7 4EE or email licensing@eastcambs.gov.uk

2. Joint Hackney Carriage and Private Hire Driver Licence Condition 19 'Medical Evidence' Consultation

During the Private Hire and Hackney Carriage Trade Meeting on 4 September 2013, there was a consensus of opinion of those present at the meeting for there to be flexibility in driver licence condition 19. This would allow an applicant / existing driver the choice as to where a Group 2 medical examination is undertaken. During the meeting it was raised for example, that Cambridge City drivers are required to go to one of two specified independent medical practices, and as such the cost of their medical examination is between £50.00-£70.00 as opposed to £96.00-£110.00 by GP's within East Cambridgeshire. During a subsequent Licensing Committee meeting of 13 November 2013, Members agreed for a consultation to be held regarding the following proposed amendments to joint hackney carriage and private hire driver licence condition 19. The proposals include the option of obtaining Group 2 medical assessments from either the driver's own GP or from a listed independent medical practitioner. The proposals also include the requirement to obtain a Group 2 assessment at the request of the Council, where for example, illness has occurred during the course of a licence period, and an assessment is required to confirm fitness to drive.

The proposed amendments to joint hackney carriage and private hire driver condition 19 are highlighted in bold italics as follows:

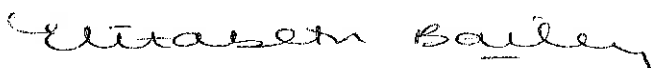
On ***initial application and on*** reaching the ages of 45, 50, 55, 60, 65 and annually thereafter ***or at the request of the Council, an applicant / existing*** driver must provide a medical certificate ***in accordance with DVLA Group 2 Medical Standards for Licensed Drivers*** duly certified ***by a registered medical practitioner from the Council approved list or alternatively from his/her own GP*** as to his/her medical ability and suitability to ***be granted or*** continue to drive as a ***joint*** hackney carriage and private hire driver.

Members agreed that the draft condition should be circulated to the trade and relevant organisations, including General Practitioners and other relevant organisations for a period of 12 week's consultation and the results of the consultation brought back to a future Licensing Committee meeting for Member decision prior to the amended conditions being published.

We welcome your comments on the above proposals which should be made in writing or by email to the Licensing Authority by **Friday 11th April 2014**.

Please provide your name and contact details (**including your email address**) with your comments to Licensing East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambridgeshire CB7 4EE or email licensing@eastcambs.gov.uk.

Yours sincerely



Elizabeth Bailey
Principal EHO (Commercial)

APPENDIX 3

Currently, it is Council policy for a Group 2 Medical examination to be completed by the individual's own GP, which has the advantage of the medical practitioner already being aware of the individual's medical history.

Cambridge City Council specifies a choice of two medical practitioners that applicants / licensed drivers may use for medical examinations at a cost of £50.00 or £70.00, as opposed to the higher cost of using the applicant / driver's own GP which trade members confirmed range between £96 and £110.

Both practices in Cambridge have confirmed that they undertake Group 2 medical assessments for Local Authorities.

By amending condition 19 in relation to 'medical evidence', drivers and applicants will have the option to obtain a Group 2 Medical from either their own GP, or from the Council approved list. This provides a choice to the applicant / driver in terms of GP location, appointment times and price.

We welcome your comments on the above proposal which should be made in writing or by email to the Licensing Authority by Friday 29 March 2014. In particular, we are interested to hear your views on the following matters:

- If you consider it possible for an independent medical practitioner to carry out a DVLA Group 2 medical examination without the individual's full medical history notes being made available.
- If your medical practice would consider lowering fees for DVLA Group 2 medical examinations and making medical examination appointments more frequently available to address the needs of licensed drivers.

Lin Bagwell

From: rodger goodson [jrcars2009@hotmail.com]
Sent: 11 January 2014 18:16
To: Licensing
Subject: taxi stickers and medicals

Hi

With regards to the letter dated 08.01.14 regarding taxi stickers and medicals

Point 1, re stickers, We have stickers on our taxis and do not agree with any other taxis using magnetic stickers

when these stickers first came out we did feel that they would spoil the look of the vehicles but like all things we have got use to them

Point 2 re medical, We feel that having your own GP carry out your medical is the only way to do this as they have all the information needed from your history notes, any medication that may be taken is listed and logged by your own GP.

Using a GP that does not know your history could mean that some drivers may not be truthful with any history they may have regarding illness and medication they may be taking

Regards

Mrs Julie & Mr Rodger Goodson

J R Cars
Littleport
07904 555 953

Lin Bagwell

From: Liz Knox
Sent: 16 September 2014 10:38
To: Lin Bagwell
Subject: FW: Door Stickers/Medicals

From: A10 Taxis [mailto:a10-taxis@supanet.com]
Sent: 13 January 2014 10:34
To: Elizabeth Bailey
Subject: Re: Door Stickers/Medicals

Thanks

----- Original Message -----

From: Elizabeth Bailey
To: 'A10 Taxis'
Sent: Monday, January 13, 2014 9:13 AM
Subject: RE: Door Stickers/Medicals

Dear Mr Skipper

Thank you very much for your prompt response. These will now be logged as part of the consultation process, and will be contained within the report which will go to a future Licensing Committee for decision.

Best wishes

Elizabeth Bailey
Principal EHO

From: A10 Taxis [mailto:a10-taxis@supanet.com]
Sent: 12 January 2014 17:17
To: Elizabeth Bailey
Subject: Door Stickers/Medicals

Elizabeth
I am replying to your letter of the 8th January regarding Door Stickers and Medicals

Firstly I totally agree with comments and all of A10s vehicles are now compliant.

With regard to Medicals. I would propose that these should be able to be obtained from any Qualified Medical Practitioner. Medical records are now available to all Doctors and Hospitals on line. I feel that if we went down the route of a specific list to use these to would then increase their prices and we would be back in the position we are now.

Many Thanks

John Skipper

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Lin Bagwell

From: Cliff Smith [Cliff@TNPGuild.co.uk]
Sent: 24 January 2014 13:45
To: Licensing
Subject: Door Stickers and Medical Consultations

Dear Ms Bailey

Thank you for your letter dated 8th January 2013 including me in your consultation; I have the following comments on the issued proposals:

1. Hackney Carriage and Private Hire Vehicle Door Sticker Consultation

I would agree that a magnet is not a sticker and therefore agree with the proposed change to clarify this. While on the subject I would add that I don't find the stickers very pleasing to the eye and think that a transparent background for the sticker may give a more acceptable appearance.

2. Joint Hackney Carriage and Private Hire Driver Licence Condition 19 'Medical Evidence' Consultation

Reading the existing Condition 19 I see no restriction on where a medical certificate can be obtained, as long as from a registered medical practitioner. Therefore, the changes proposed would appear to apply new restrictions rather than add flexibility and hence I do not agree with this proposed change.

The proposed changes also reintroduce the requirement of a medical on application, which was removed between the blue and the green book, and introduces the ability for the council to request a medical on an ad hoc basis. I would be happy for these changes to be made.

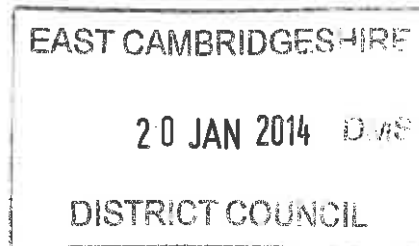
Best regards

Clifford Smith

Parsons Lane
Littleport Ely
Cambs CB6 1JU

Tel: 01353 864100
Fax: 01353 864171

14th January 2014



Ms E Bailey
Principal EHO (Commercial)
East Cambs District Council
The Grange
Nutholt Lane
Ely Cambs
CB7 4EE

Dear Ms Bailey

Group 2 Medical Consultation – Hackney Carriage and Private Hire Drivers

Thank you for your letter of 8th January 2014.

We note your comments and appreciate the concerns of the drivers with regard to the fees for medical assessments. Our comments are as follows:

1. We feel that the driver's own GP is probably best placed to complete the medical assessment as he/she is in possession of the complete medical record. However, it would be possible to "share" information with another practitioner, with the driver's consent. Our concern would be that this could mean a great deal of administration and a fee would naturally be involved. (This would not be a problem if the records were being shared with another GP who uses the same clinical system as we do.)
2. The doctors at this practice do not consider it possible for an independent medical practitioner to carry out a satisfactory medical assessment without the driver's full medical notes being made available.
3. Unfortunately we are not in a position to lower our fees for the DVLA Group 2 medical examination. The fees we charge for this group of patients are in line with other examinations and it covers the doctor's time with the patient, completion of the necessary forms and other surgery administration time. At this time we are not able to offer any more appointments other than for those of our own patients.

We trust that this information is helpful to you.

Yours truly,

A handwritten signature in black ink, appearing to be "A Green", written over a horizontal line.

Dr A Green
Senior Partner

37 St Mary's Street, Ely, Cambs, CB7 4HF
Telephone: Ely (01353) 663434
Secretary Fax: (01353) 669532
Admin Fax: (01353) 645655
Dispensary Fax: (01353) 645656

Mrs Elizabeth Bailey
Principal Environmental Health Officer
Commercial Team
East Cambridgeshire District Council
The Grange, Nutholt Lane
ELY
Cambs
CB7 4EE

12th February 2014

Dear Mrs Bailey

We have been advised by the Clinical Commissioning Group that you are seeking the views of local practices in relation to medical licensing for taxi drivers. The Partners at St Mary's Surgery have discussed the queries that you have raised in your consultation; please find our thoughts shown below:

Whether there are any systems in place to enable an individual's medical history notes to be obtained/shared between their own GP, GP's in another medical practice and Independent Medical practitioners.

No, there are currently no clear systems to enable the sharing of patients' medical records between GP practices

Any concerns regarding an independent medical practitioner carrying out a DVLA Group 2 medical examination without the individual's full medical history notes being made available.

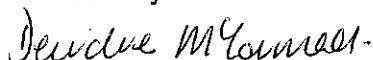
Where GPs are asked to undertake a medical for a patient who is not registered at the Surgery, in the past the GPs have asked the patient for the details of their medical history, and have subsequently requested a copy of the medical records in the event that they are uncertain concerning the completion of the report

Whether there is an opportunity for GP medical practices to lower fees for DVLA Group 2 medical examinations and make medical examination appointments more frequently available to address the needs of licensed drivers.

Whilst to some degree this may depend on the volume of medical reports undertaken (i.e. whether there was some form of block contract in place), in essence the answer to this question is that this is not thought to be possible

I hope that these responses are of help with your consultation.

Yours sincerely



Dr D McCormack

Drs D McCormack, A S Douglas, S Mee, K M Young, K Norris, S Case-Upton, S Knight
Sessional GPs: Drs C J McDonald, C Walcott, J Kitson,

Lin Bagwell

From: Everitt Deborah (NHS CAMBRIDGESHIRE AND PETERBOROUGH CCG)
[deborah.everitt1@nhs.net]
Sent: 12 February 2014 15:43
To: Licensing
Subject: Medical examinations for hackney carriage and private hire drivers

Dear Elizabeth Bailey

Further to your letter dated 8th January in relation to medical examinations for hackney carriage and private hire drivers, I am writing on behalf of the practice with the GP responses to your questions.

Is there a system in place to enable sharing between an individuals GP, GP's in another practice and an independent medical practitioner?

We use a medical system called SystmOne. This does have a sharing facility with patient consent at both ends (ie. our practice and the other organisation) if the alternative practitioner also uses the same program. The risk is still that the record on SystmOne cannot be considered complete without access to the paper record as well.

Is medical examination possible without full medical history?

This is really a question for the alternative practitioner, but if relying purely on the patient to provide the medical history it is possible that vital information may not be disclosed.

Would our medical practice consider reducing fees?

No

Kind regards

Debbie Everitt
Practice Manager
Burwell Surgery

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Impact and Needs/Requirements Assessment (INRA)
Initial Screening

Initial screening needs to take place for all new/revised Council policies. 'Policy' needs to be understood broadly to include all Council policies, strategies, services, functions, activities and decisions. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an INRA for this activity.

Name of Policy:	PROPOSED AMENDMENTS TO HACKNEY AND PRIVATE HIRE DRIVER AND VEHICLE CONDITIONS
Lead Officer (responsible for assessment):	E Bailey
Department:	Environmental Services
Others Involved in the Assessment (i.e. peer review, external challenge):	Liz Knox Head of Environmental Services
Date Initial Screening Completed:	October 17 th 2013

- (a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

Amendment to Hackney Carriage Driver Condition 19

The aim of the policy is to provide

- a) New hackney carriage and private hire driver applicants and existing licensees a choice as to where they obtain their Group 2 Medical assessment; either from their own GP or from a GP on the Council Approved list. This will provide applicants and drivers a choice of GP, price and more flexibility of time of appointment.
- b) to ensure that within the amended condition that there is the ability for the Council to require a medical assessment to determine fitness to continue or resume driving, where medical fitness is unknown.

Amendment to private hire vehicle licence condition 2.6 and hackney carriage vehicle licence condition 3.1

The aim of this amendment to the councils current licence condition is to clarify that magnets are not permitted to be used to adhere the council approved sticker on to vehicles. It is important that the travelling public are aware of those council licensed vehicles. The use of magnets means that council approved stickers on magnets can be removed easily from vehicles and be applied to other non licensed vehicles, meaning that members of the travelling public could be enticed into illegal, unlicensed vehicles, for which the journey is not insured, and the driver and operator are unlicensed. The aim of clarifying the condition is to protect public safety.

(b) Who are its main beneficiaries? i.e. who will be affected by the policy?

New and existing driver and vehicle proprietors and members of the travelling public.

(c) Is this assessment informed by any information or background data? i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

The medical issue was raised during a private hire and hackney carriage trade meeting.

(d) Does this policy have the potential to cause an impact (positive, negative or neutral) on different groups in the community, on the grounds of (please tick all that apply):

Ethnicity
Gender
Disability

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Age
Religion and Belief
Sexual Orientation

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please explain any impact identified (positive, negative or neutral): i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

(e) Does the policy affect service users or the wider community?

NO

(f) Does the policy have a significant effect on how services are delivered?

NO

(g) Will it have a significant effect on how other organisations operate?

NO

(h) Does it involve a significant commitment of resources?

NO

(i) Does it relate to an area where there are known inequalities, e.g. disabled people's access to public transport etc?

NO

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment. If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council's Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to Nicole Pema, Principal HR Officer.

Signatures:

Completing Officer: E Bailey

18/10/13

Date:

Liz Knox

28/10/13

Date:

Head of Service: