

Regulatory Committee

Tuesday 22 September 2009 7.30 pm

**Council Chamber
Civic Offices, Addlestone**

**This meeting takes place immediately after
the Licensing Committee**

Members of the Committee

Councillors D W Parr (Chairman), Mrs F J Barden (Vice-Chairman), R J Edis, Mrs M T Harnden and Mrs M Roberts.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

A G E N D A

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant "background papers" are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C. Pinnock, Department of Administration and Leisure, Committee Section, Civic Centre, Station Road, Addlestone (Tel. Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading)

- b) Confidential Information
(No reports to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign, as a correct record, the Minutes of the meeting of the Committee held on 10 June 2009 which were included in the July 2009 Minute Book, previously circulated.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

6. FINANCIAL MONITORING STATEMENT (DF)

(Ref: Minutes of the Regulatory Committee, June 2009, page 52, para 68)

1. Purpose of Report

1.1 **The purpose of this report is to inform the Committee of the latest financial projections for the 2009/10 financial year for regulatory services.**

2. Background Information

2.1 The Financial Monitoring Statement was introduced to all Committees in September 2006 to inform Members of the current financial position of the services under the remit of each Committee.

2.2 Each statement reflects an updated position based upon the 2009/10 original estimates approved by this Committee in January. The Financial Forecast previously approved by Council in December 2008 has now been updated to reflect changes made during the updating of the Council's Revenue estimates.

3. Report

3.1 The statement set out in appendix 'A' is split into three distinct parts:

- Projected budget and forecast
- Savings still to be delivered
- Current year key budget indicators

3.2 The Projected budget and forecast sections show any anticipated variations in the current year's budget. These variations are categorised as approved changes and other potential changes. Implications for the following three years are included for completeness so that the full-year effect of any changes can be seen.

3.3 The achievement of the revenue reductions programme approved by the Council is one of the Council's key performance indicators. Savings targets are reported in the second section of each statement. These savings are all incorporated into the projected budget and forecast figures in section one. It is anticipated that these savings will be fully met in the current year.

3.4 The final section sets out the key budget indicators for the significant areas of this Committee's budget. This indicates the actual income received set against the amount

expected (the budget) for the period covered by each statement. Whilst this shows some minor variations for the period, it is anticipated that these are purely timing issues and are not expected to affect the final outturn position.

(FOR INFORMATION)

Background Papers

None stated.

7. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND VEHICLES – STANDARDS AND CONDITIONS (DTS)

(Ref: Minutes of Regulatory Committee, September 2004, page 326, para 233)

1. Purpose of Report

1.1 **The purpose of this report is to give consideration to the medical requirements for drivers of Hackney Carriages and Private Hire Vehicles and seek approval to amending the Standard Conditions as necessary.**

2. Background Information

2.1 The House of Commons Transport Select Committee on taxis and private hire vehicles recommended in February 1995 that taxi licence applicants should pass a medical examination before a licence could be granted.

2.2 Responsibility for determining standards including medical requirements to be applied to taxi and private hire drivers, over and above other licensing requirements, rests with the local authority. Current best practice is contained in the booklet *Fitness to Drive - A Guide for Health Professionals*, published in 2006. This recommended that the Group 2 Medical Standards applied by the DVLA in relation to bus and lorry drivers, should also be applied by local authorities to taxi drivers. This advice has been endorsed by the September 2009 publication issued by the Driver Medical Group, DVLA *At a glance Guide to the current Medical Standards of fitness to drive*.

2.3 The medical standards with regard to the 'fit and proper person' requirements were last considered by this Committee in September 2004. It was resolved that the driver conditions be amended to include that the certificate of fitness to drive obtained from their registered medical practitioner be as defined by reference to the guidance issued by the Drivers Medical Unit of the DVLA, class 2 entitlement. Officers consider it is appropriate to review such policy which informs the driver conditions from time to time in response to feedback from the trade and changes in legislation.

3. Report

Medical Requirements

3.1 Current best practice is that the Group 2 Medical Standard, as applied by the DVLA to the licensing of PCV (bus) and LGV (lorry) drivers, both at initial application and whenever the licence is renewed should apply to the licensing of taxi/private hire drivers and this is applied generally throughout the UK.

DVLA Group 2 Medicals

3.2 In addition, with regard to age limits, the DfT advised that there was no necessity to set a maximum age limit for drivers provided that regular medical checks were made.

3.3 Strict application of Group 2 standards to drivers of Hackney Carriages and private hire vehicles in cases such as where the driver suffers from diabetes and which is controlled is questioned by some. This may be the subject of some amendment to guidance but for now Officers see no reason why the best practice standard should be relaxed. Should there be a change to guidance then this will be reported to a future meeting of this Committee.

3.4 There are slight disparities between the length of time a licence is issued and the frequency of medical examinations when comparing DVLA PCV & LGV licences with those issued by local authorities in respect of Hackney Carriage and Private Hire Vehicles. Once issued,

such DVLA Group 2 licences are valid until the driver reaches the age of 45, when the next medical becomes due. However, Local Authority licences are typically issued annually or triennially. Legislation precludes them being issued for more than 3 years. Runnymede's licences are issued annually, with a medical required every 5 years, until the driver reaches 60 years, when medical examinations become annual. DVLA licences require medicals every 5 years from the time a driver becomes 45 and then annually from 65 years.

3.5 Set out below is a summary of the differences listed above;

	RBC	DVLA
Under 45 yrs	Initial then every 5 yrs	Initial licence only
45-59	every 5 yrs	every 5 yrs
60-64	annually	every 5 yrs
Over 65	annually	annually

3.6 The Local Government (Miscellaneous Provisions) Act 1976 requires that Licensing Authorities ensure that any person licensed to drive a Hackney Carriage or Private Hire Vehicle is a 'fit and proper' person. The requirement for medical examinations is part of that procedure. Criminal Record Bureau (CRB) checks are also carried out triennially. Such checks are not required at all for drivers of PCVs and LGVs.

3.7 Medical reports were due from 91 of the 265 licensed drivers upon renewal of their licence during 2008/9. They have been split according to age grouping as outlined above.

3.8 The following chart shows an analysis of medical reports received, those referred on to the Council's medical advisor and the percentage within each age group:

2008/09	RBC Medicals	RBC Referrals	% within age group
Under 45 yrs	12	2	17%
45-59	19	4	21%
60-64	27	4	15%
Over 65	33	7	11%
Totals	91	17	19%

3.9 When comparing the differences in medical referrals between those of the DVLA requirements and those of the slightly higher frequency required by Runnymede, an additional 2 drivers in the under 45 age group and 4 in the 60-64 age group were referred on to the Council's Medical Advisor. However, it is likely that one fifth of the latter group may have been required to undergo a five-yearly medical, making a total of approximately 5 per year.

Other Considerations

3.10 Legislation relating to PCVs and LGVs, governing the number of hours worked does not control the hours worked by taxi drivers. However, even though there may be the opportunity of rest breaks between fares for taxi drivers, the risk of tiredness and fatigue is not controlled by the use of tachographs and inspection of any charts produced. The medical fitness of such persons providing a service to the public, often during unsocial hours, therefore needs to be resilient.

Summary

3.11 Officers consider that the frequency of medical examinations for the taxi trade should be at least as robust as those required by the DVLA for other Group 2 drivers licences.

3.12 There is no evidence to suggest a change in current policy is necessary. Furthermore, if the Council's conditions were to be relaxed to exactly match those of the DVLA Group 2 with regard to age related frequency of examinations it is likely that approximately 5 drivers per year would be missed from need to be referred to the Council's Medical Advisor following medical problems highlighted during examination. This may have an adverse effect on public safety.

4. Council Policy

- 4.1 The Council is concerned to achieve the best practice guidance and concurrent issues of public safety are protected.
5. Resource Implications
- 5.1 Drivers are currently required to self fund any medical examinations undertaken. However, any referrals to the Council's medical advisor are carried out at the Council's expense. Any further consultations with other medical practitioners or specialists are again carried out at the driver's expense.
6. Human Rights and Equalities Implications
- 6.1 Although some currently licensed drivers and/or potential applicants for a licence may be disadvantaged by the imposition of an application being refused on medical grounds, such measures by the Council must be balanced against any risk to public safety should such a licence application have been granted.
- 6.2 There are similar considerations in respect of grounds relating to further medicals every 5 years with an increase to annual medicals for drivers over 60.

OFFICERS' RECOMMENDATION that –

- i) **the Committee re-affirms current policy in respect of the conditions applying to medical standards for drivers of Hackney Carriage and Private Hire vehicles; and**
- ii) **drivers of Hackney Carriage and Private Hire vehicles be required to undergo a Group 2 medical examination prior to being first granted a licence to drive such vehicles, and every 5 years thereafter until reaching the age of 60 when medical examinations will be required annually, and to amend the Standard Conditions for Licensed Vehicles as necessary.**

(TO RESOLVE)

Background Papers

'Taxi and Private Hire Vehicle Licensing - Best Practice Guidance' published by the OfT, October 2006.

8. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing items in private, it is the

OFFICERS' RECOMMENDATION that -

where appropriate the press and public be excluded from the meeting during discussion of the report(s) under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the appropriate paragraphs of Part 1 of Schedule 12A of the Act.

(TO RESOLVE)

PART II

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