



Notice of meeting of

Licensing & Regulatory Committee

To: Councillors Nimmo (Chair), Bartlett (Vice-Chair), Horton, B Watson and I Waudby

Date: Friday, 1 September 2006

Time: 2.00 pm

Venue: Guildhall

AGENDA

1. Declarations of Interest

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 1 - 2)

To approve and sign the minutes of the meeting held on 2 June 2006.

3. Public Participation

At this point in the meeting, Members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is 10.00 am on Thursday 31 August 2006.

4. Electoral Arrangements - Parish of Clifton Without (Pages 3 - 6)

This report is to inform Members regarding the review of the electoral arrangements for the Parish of Clifton Without.

5. Revised Medical Standards for Licensed Taxi (Pages 7 - 14) and Private Hire Drivers

This report examines the current medical standards for licensed taxi and private hire drivers with particular reference to diabetes. It seeks members views on amending our current requirements in the light of changes of medical opinion with regard to insulin treated diabetes.

6. Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

City of York Council

Minutes

MEETING	LICENSING & REGULATORY COMMITTEE
DATE	2 JUNE 2006
PRESENT	COUNCILLORS NIMMO (CHAIR), BARTLETT (VICE-CHAIR), HORTON, B WATSON AND I WAUDBY

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**1. DECLARATIONS OF INTEREST**

At this point, Members were asked to declare any personal or prejudicial interests they had in the business on the agenda. No Members declared any interests.

2. MINUTES

RESOLVED: That the of the meeting held on 3rd March 2006 be approved with the following amendment:

That minute 11 'Hackney Carriage and Private Hire Drivers Licence Vetting Procedure' be amended so that the first sentence of the fifth paragraph should read: 'Councillor B Watson requested recording that he had grave reservations regarding the procedure for applicants to provide a Certificate of Good Conduct as *referred to in Section b below*'.

3. PUBLIC PARTICIPATION

It was reported that there were no registrations to speak under the Council's Public Participation Scheme.

PART B - MATTERS REFERRED TO COUNCIL

4. ELECTORAL ARRANGEMENTS - PARISH OF CLIFTON WITHOUT

This report outlined Clifton Without Parish Council's request that the number of parish councillors elected to the parish council be reduced from fifteen members to ten members.

Members were presented with the following Options:

Option One - Members may agree to conduct a review of the electoral arrangements for the Parish of Clifton Without.

Option Two - Members may refuse to conduct a review of the electoral arrangements for the Parish of Clifton Without.

Members discussed the number of Parish Councillors sitting at present and it was reported that there were 10. Members discussed reference to 'detering elections' in paragraph 8 of the report, as there were more seats than nominees meaning an election would not be necessary.

RECOMMENDED: That:

- (i) **Option One** be approved.
- (ii) In accordance with the Local Government and Rating Act 1997 Section 17(2) it be agreed that a review of the electoral arrangements be carried out for the Parish of Clifton Without by consulting with:
 - a. Ward Members for the Skelton, Rawcliffe and Clifton Without Ward in which the parish lies
 - b. The Yorkshire Local Councils Association
- (iii) That recommendations be reported to a future meeting of the committee.

REASON: Consultation to take place with relevant bodies to ensure the reduction in the number of parish councillors would be beneficial to the democratic process.

Councillor G Nimmo
Chair

The meeting started at 2.00 pm and finished at 2.05 pm.



Licensing and Regulatory Committee1st September 2006**Report of the Head of Civic Democratic and Legal Services****Electoral Arrangements - Parish of Clifton Without****Summary**

- 1 To report to Members regarding the review of the electoral arrangements for the Parish of Clifton Without.

Background

- 2 Members resolved on the 2nd June 2006 to conduct a review of the electoral arrangements of the Parish of Clifton Without following a request from the Parish Council to reduce the number of parish councillors from fifteen to ten due to a failure in the past to recruit fifteen members.
- 3 The review was announced on the 1st July and a notice inviting comments by the 1st August was published in the local press, on the Guildhall notice board and on notice boards within the parish
- 4 No comments or representations have been received during this period of public consultation.

Consultation

- 5 No further consultation has been carried out

Options

- 6 Option One – Members may agree to the reduction of parish councillors from fifteen to ten.

Option Two – Members may decide not to reduce the membership of the Clifton Without Parish Council.

Analysis

- 7 In accordance with the Local Government and Rating Act 1997 Section 17(2)(3) a district council may conduct a review of the electoral arrangements for the council of a parish and may decide that changes may be made.

If Members agree to Option One the reduction in the number of parish councillors may provide the parish with a fully elected membership.

If Members agree to Option Two it is unlikely that the parish council will be able to recruit a full membership quota.

Corporate Priorities

- 8 Corporate priority – Improve the way the Council and its partners work together to deliver better services for the people who live in York

Implications

- 9 **Financial Implications** – there are no financial implications linked to this report

Human Resources Implications – there are no human resource implications linked to this report

Equalities Implications - there are no equality implications linked to this report

Legal – there are no legal implications linked to this report

Crime and Disorder – there are no crime and disorder implications linked to this report

Information Technology – there are no IT implications linked to this report

Property/Other – there are no property/other implications linked to this report

Risk Management

- 10 In compliance with the Councils risk management strategy. There are no risks associated with the recommendations of this report.

Recommendation

- 11 Members are asked to consider Option One and recommend that:

(a) the number of parish councillors for the Clifton Without Parish Council be reduced from fifteen to ten and that this reduction takes place at the election of parish council members be held at the ordinary election of parish councillors on the 3rd May 2007 ; and

(b) the Head of Civic, Democratic and Legal Services be authorised to take any necessary action to make the local Order.

Reason: The reduction in the number of parish councillors would be beneficial to the democratic process by encouraging a fully elected membership.

Contact Details

Author:

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Chief Executives Department
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Chief Officer Responsible for the report:

Suzan Hemingway
Head of Civic Democratic and Legal Services

Report Approved **Date** 14/08/06

Wards Affected: Skelton Rawcliffe and Clifton Without

Specialist Implications Officers: None

For further information please contact the author of the report

Annexes : None

Background Papers

Local Government and Rating Act 1997

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Licensing and Regulatory Committee

1st September 2006

Report of the Director of Neighbourhood Services

Revised Medical Standards for licensed taxi and private hire drivers

Summary

1. This report examines the current medical standards for licensed taxi and private hire drivers with particular reference to diabetes. It seeks members views on amending our current requirements in the light of changes of medical opinion with regard to insulin treated diabetes.

Background

2. In February 1995 the House of Commons Transport Select Committee on Taxis and Private Hire Vehicles (PHV) recommended that drivers of these vehicles should pass a medical examination prior to being licensed and then at prescribed times during the currency of their licence.

It was recommended that drivers meet group 2 DVLA standards which are those applicable to public carriage vehicles (bus and minibus) and lorry drivers. It should be noted that drivers of taxis and private hire vehicles only require a standard car licence. The committee also stated that the requirement to determine standards rests with local authorities or the Public Carriage Office in London. As a result of this recommendation this authority adopted the group 2 standard as its medical requirement for licensed drivers.

3. The group 2 medical standards preclude those who are insulin dependant diabetics from driving this category of vehicle and this is the policy we have applied to date.
4. In April 2001 the DVLA, on the advice of the Secretary of State for Transport's Honorary Medical Advisory Panel on Driving and Diabetes Mellitus relaxed its requirements for drivers holding a C1 licence (lorries between 3500kg and 7500kg). This relaxation permitted insulin dependant persons to drive these vehicles subject to stricter monitoring and annual medical assessment.

Other classes of drivers who were subject to group 2 requirements, including public carriage vehicle drivers, were not afforded this relaxation and if insulin dependent were precluded from holding a licence to drive these vehicles.

5. In 2005 advice was sought of the DVLA by the Public Carriage Office and some local authorities to consider whether the standards that they apply for taxi and PHV licensing should reflect those that are applied for drivers who hold a C1 licence with insulin treated diabetes.
6. The medical advisory panel considered this request at their meeting on 9th March 2005 and after discussion “considered it reasonable and appropriate for the C1 criteria to be applied when assessing the suitability of drivers to hold taxi/PHV licences”.
7. At its next meeting on 9th November 2005 the advisory panel was advised that, following the publication of the minutes of that previous meeting, considerable correspondence had been received from various bodies and further discussed the topic.
 - a) The panel confirmed that, with regard to taxi/PHV licensing, it is local authorities who determine standards.
 - b) That its advice had not changed and is commensurate with the advice in the Booklet “Medical Aspects of Fitness to Drive”. That publication recommended that the group 2 medical standards in relation to bus and lorry drivers should also be applied by local authorities to taxi drivers.
 - c) The panel was of the opinion that, where local authorities wished to permit drivers with insulin treated diabetes to be issued with taxi licences, then the application of C1 criteria when issuing these licences would seem reasonable.
 - d) The panel confirmed that the exceptional C1 criteria standards were considered appropriate because the drivers of these vehicles were not carrying passengers. The panel consistently advised that drivers with insulin treated diabetes should not drive vehicles under classifications D1 and D, which relate to passenger carrying vehicles.

(N.B. D1 relates to minibuses 9-16 passengers and D, a bus with more than 8 passenger seats)
 - e) It was suggested that at the next European meeting on Driver Licensing that the question should be asked as to whether there should be specific advice with regard to the medical standards applied to taxi drivers.

The European Driver Licensing Committee met in February 2006 but the report from the Diabetes working group has not yet been produced.

8. It is unknown how many local authorities have set standards which apply the C1 exemption to its licensed taxi/PHV drivers but this standard has been

applied by the Public Carriage Office from 2nd January 2006. (Policy attached as Annex 1)

9. This licensing authority is currently involved in an appeal in the Magistrates Court in relation to the council's policy on this issue. The policy of the Public Carriage Office has been raised.

Consultation

10. York Taxi Association

The Association responded verbally to the consultation and supported the council's current policy of applying the full group 2 standards which precludes insulin dependent drivers from holding a taxi licence. They stated that they view the safety of the public to be paramount in their business.

York Private Hire Association

The Association responded verbally to the consultation and supported the proposal to relax the standards for the licensing of insulin dependent drivers in line with those relating to C1 drivers.

CYC Occupational Health Advisor

National Britannia, the council's Occupational Health Advisor, responded verbally to the consultation. They support the proposal to relax the standards for the licensing of insulin dependant drivers in line with those relating to C1 drivers. This is on the understanding that the evidence for C1 exemption is provided by a Consultant Diabetologist and subject to strict medical monitoring.

Dr P Jennings, Consultant Physician in Diabetes and Endocrinology, York Hospital

"This document seems to be superb and hits the right balance. If the council decides to go with option 2 you will need to be aware that the medical evidence for C1 exemption has to come from a Consultant Diabetologist on an annual basis. It is the licence holders responsibility to obtain this exemption and also their responsibility to pay the fee. I can confirm, however, that I would be prepared and happy to provide that service for the council."

Options

11. Members are asked to consider 2 options

Option 1

To retain the existing standards in relation to the application of the full Group 2 medical standards in line with that for public carriage vehicles for licensed taxi and PHV drivers which precludes licensing drivers with insulin dependent diabetes until further advice is received from the DVLA.

Option 2

Apply the C1 exemption in line with the policy now applied by the Public Carriage Office which allows those drivers who are insulin dependent to be licensed as taxi/PHV drivers subject to strict medical monitoring.

Analysis

12. It is unfortunate that the Secretary of State's Medical Advisory panel are not in a position to give clear guidance to licensing authorities at the present time. This would seem to indicate that medical opinion is divided on whether taxi drivers present the same risk as large van/light lorry drivers carrying goods or minibuses and bus drivers carrying a larger number of passengers.
13. The Public Carriage Office is by far the largest taxi and PHV licensing authority in the country and they, in conjunction with some (number unknown) local licensing authorities, have made a decision based on current advice available.
14. It is clear that if members decide to relax local conditions in relation to insulin dependent licensed drivers then the appropriate standards to apply would be those applying to category C1 licence holders.
15. In deciding to adopt option 1 members would be putting public safety first but would be disadvantaging a small number of insulin dependent drivers who, in light of future European decisions, may be considered safe to be licensed.
16. If members choose to adopt option 2 they would be following the largest taxi licensing body in the UK, they would also permit insulin dependent drivers to enter, or continue in the employment of the taxi/PH trade. This decision would, however, be made with the lack of clarity from the expert panel on driving with diabetes and against their rationale for allowing large van and light lorry drivers an exemption, i.e. that they do not carry passengers.

Corporate Priorities

17. Taxis and PHV's form part of the public transport network. It is the council's priority to increase the use of public and other environmentally friendly modes of transport. To do this passengers must have confidence in the safety of the public transport service.

Implications

18.
 - **Financial:** none
 - **Human Resources (HR):** none
 - **Equalities:** none

- **Legal:** The policy should be clear and consistent and have regard to prevailing DVLA advice. It should take a prudent and cautious line, balancing the human rights of drivers to earn a living with public safety considerations should option 2 be accepted.
- **Crime and Disorder:** none
- **Information Technology (IT):** none
- **Property:** none
- **Other:** none

Risk Management

19. In compliance with the Council's risk management strategy any decision made which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty. The Council needs to adopt a standard for the assessment of the medical suitability of the drivers it licences to drive taxis and private hire vehicles.
20. Measured in terms of impact and likelihood, the risk score has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the objectives of this report.

Recommendations

21. Members are requested to consider the options in the report and make a recommendation to council to approve the adoption of the appropriate policy. The author is not making any specific recommendation in the interests of fairness to the appeal being considered in the magistrates court.

Contact Details

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Chief Officer Responsible for the Report:
Andy Hudson
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Neighbourhood Services

Report Approved

Date 16/08/06

Specialist Implications Officer(s)
Legal Services – Sandra Brannigan 01904 551091

Wards Affected: All

For further information please contact the author of the report

Background Papers None

Annexes Annex 1 Public Carriage Office Policy

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Transport for London

Public Carriage Office

**Insulin Treated Diabetes:
Change in Policy for Private Hire and Taxi Driver Licensees and Applicants**

A review of the policy relating to insulin treated diabetes and the grant of private hire and taxi driver licences has been undertaken. This review included a re-assessment of regulatory medical requirements and took account of new advice issued by the Secretary of State for Transport's Honorary Medical Advisory Panel on Driving and Diabetes Mellitus as well as the views of the Licensing Authority's Medical Advisor. In the light of the outcome of this review the Licensing Authority has determined that, with effect from the 2 January 2006, the following criteria will now have to be met by all private hire and taxi driver licensees and applicants with insulin treated diabetes.

Applicants

Applicants for a private hire or taxi driver licence will be required to:

a) hold a DVLA C1 category Group 2 licence (i.e. one issued after 1 January 1998);

OR

b) satisfy the Licensing Authority that he/she meets the medical requirements which would allow a C1 Group 2 licence to be issued.

In regard to option b), the applicant will need to provide a medical report from a hospital consultant specialising in diabetes confirming:

- the applicant has been undergoing insulin treatment for over four (4) weeks;
- during the twelve (12) months prior to the date of the licence application, the applicant has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and,
- the applicant has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

The applicant will also be required to submit a signed declaration that:

- he/she will comply with the directions for treatment given to him/her by the doctor supervising that treatment;
- immediately report to the Licensing Authority, in writing, any change in diabetic condition; and,
- provide to the Licensing Authority, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant to driving a taxi or private hire vehicle during employment.

Licensees

Annually the licensee will be required to:

- a) submit to the Licensing Authority, for examination, their valid DVLA C1 category Group 2 licence;

OR

- b) provide a medical report from a hospital consultant specialising in diabetes confirming:
- that during the preceding 12 months the licensee has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and,
 - the licensee has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

Licensees are reminded that the requirements of the declaration signed on the issue of licence remain an obligation.

All current applications involving individuals with insulin treated diabetes will be dealt with under these new requirements.

Applicants for licences previously refused on the basis of insulin treated diabetes can make a fresh application if they believe they can meet the new requirements, as can licensees who have had their licences revoked for that reason.



Roy Ellis
Head of the Public Carriage Office

4 January 2006