

Item no.

Report to: **Executive**
Date: **18 March 2008**
Report of: **Executive Member for Health**
Subject: **Proposal to increase the age limit for Hackney Carriage and Private Hire vehicles and to introduce a requirement for drivers to provide medical certificates.**

1. Purpose of Report

- 1.1 To approve an amendment in the Council's bye laws and conditions in respect of the current age restriction in respect of hackney carriage and private hire vehicles.
- 1.2 To amend the bye laws and conditions to make the age limit for vehicles applicable to wheelchair accessible hackney carriages.
- 1.3 To approve the introduction of the requirement for a Certificate of Medical Fitness on application for Hackney Carriage and Private Hire drivers.

2. Consultation

- 2.1 In preparing this report consultation regarding the increase in the age limit for vehicles has been undertaken with Executive Member for Health, the Director of Community Services, the Monitoring Officer, the taxi trade, the Council's Vehicle Inspector, the Equality and Diversity Officer and the Police.
- 2.2 With the information gathered from the other Durham authorities it appears the norm for the age limit of "taxis" to be set at 7 years. Some authorities permit up to ten years for exceptionally well-maintained vehicles. See table at Appendix 1.
- 2.3 No objections were raised by the Police. 60 consultation questionnaires were sent out to the taxi trade and of the 23 returned only two were against the proposal, wishing to retain the present limit.
- 2.4 6 County Durham local authorities require a medical certificate to be provided before a driver is licensed for the first time. The requirement on the frequency of further medical certificates varies between authorities. See Appendix 2.

3. Background

Condition Setting an Age Limit for Taxis.

- 3.1 This authority currently has a restriction on the maximum age to which vehicles may be licensed as hackney carriage and private hire vehicles.
- 3.2 Currently vehicles must be less than 5 years old when first licensed. They may continue to be licensed until five years old from date that the vehicle is first registered with DVLA and the owner may request an extension to the vehicle licence for one year, until the vehicle is 6 years old. This must be requested in writing and an extension will only be granted if the vehicle is inspected by the Council's Vehicle Inspector and found to be in exceptional condition.

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- 3.3 The Council's current criteria for exceptionally well maintained vehicles is as follows:
- The vehicle is in excellent mechanical condition. This is a vehicle which has been maintained during its life to a standard that has returned minimal defects upon inspection.
 - The vehicle is in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis underside or bodywork.
 - The exterior of the vehicle is in near perfect condition with no dents, damage or signs of corrosion. The paintwork to be in excellent condition.
 - The interior of the vehicle to be in near perfect condition. The upholstery linings, seats and floor coverings to be perfectly clean.
 - The boot or luggage compartment to be in good condition, clean and uncluttered.
 - Vehicles, which have been subject of accident damage repair, will not be considered for re-licensing without an engineers report.
- 3.5 This age limit does not apply to purpose built taxis or those adapted to be wheelchair accessible due to the cost of those vehicles. Currently these vehicles are permitted to be licensed for as long as they pass the mechanical inspection with the Council's vehicle inspector. The cost of wheelchair accessible vehicles is now comparable with conventional un-adapted cars and the age limit exemption is no longer judged to be reasonable.
- 3.5 A request has been made by the taxi trade to increase the age limit for taxis. The request was made as some owners and proprietors felt aggrieved that vehicles, which were still in exceptional condition, sound, both mechanically and in bodywork, were not able to be licensed beyond 6 years.
- 3.6 Whilst requesting the age limit be reviewed the trade did not specify how great an increase was being sought.
- 3.7 A benchmarking exercise was carried out with the other authorities in the County Durham area. This revealed that 7 years is the most common age limit. A table giving details is attached at Appendix 1.

Requirement for Taxi Drivers to Provide a Medical Certificate

- 3.8 Local authorities are allowed to stipulate to applicants for driver's licenses, the documentation that will be required before a licence is granted. This authority does not currently require applicants for Hackney Carriage or Private Hire driver's licenses to provide evidence of medical fitness. The House of Commons Transport Select Committee on Taxis and Private Hire Vehicles have recommended that taxi driver licence applicants should pass a medical examination before a licence is granted.
- 3.9 Responsibility for determining the appropriate medical standard rests with the local authority. Current best practice advice is contained in the booklet "Fitness to Drive" A Guide for Health Professionals published by the Royal Society for Medicine.

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This recommends that Group 2 medical standards applied by the DVLA, in relation to bus and coach drivers, should also be applied by local authorities to taxi drivers.

3.10 The Group 2 standard is higher than for Group 1, this is due to the size and weight of the vehicle and also the length of time the driver may spend at the wheel in the course of their occupation. It should be noted that whilst the size and weight of taxis may be less than buses or lorries, the Tachograph Legislation does not apply to taxis and therefore there is no limit on the hours a driver can work as opposed to the drivers of coaches and buses. The Group 2 standard is required by the other County Durham Authorities.

3.10 The DVLA Group 2 medical standard requires a certificate to be provided;

- on first application,
- on the first application a current driver makes after the age of 45
- every 5 years between 45 and 65 years and
- annually after 65.

There is a charge for this certificate, which would be borne by the applicant.

4. Position Statement and Option Appraisal

4.1 The options available regarding the age limit are as follows;

- To reject the request by the taxi trade for an extension of the age limit,
- To extend the age limit for a further year subject to the taxi being maintained in exceptional condition, as described above,
- Consider extending the age limit for a greater period, e.g. up to 10 years, as allowed in some Districts.

4.2 Consideration has been given to the standards applied in other Districts, the Council's ability to maintain standards of taxis by inspection and enforcement and the impact on residents using taxis. Taking all these factors into account it is considered reasonable to allow a further one year extension, on request, where a vehicle is maintained to exceptional standards.

4.3 This would help those vehicle owners who invest in a higher standard of vehicle and maintain their vehicles to an exceptional standard to provide a more cost effective service to residents. Conditions will also ensure the standard of vehicle licensed does not deteriorate from its current standard.

4.4 It would also bring this authority more in line with the other County Durham local authorities. It is seen as reasonable that wheelchair accessible hackney carriages should also have to comply with this specification, as they are now available at no more expensive than conventional un-adapted vehicles.

4.5 The options available regarding medical certificates are as follows;

- That we maintain the status quo and don't require medical certificates to be provided,
- That a condition be introduced requiring the provision of a medical certificate declaring an applicant to be fit enough to drive a taxi before a license is issued.

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Consideration has been given to the benefit in protecting public safety by checking the physical suitability of the driver and be in the interest of public safety. This may result in the refusal of some driver's licenses if they fail to be classed as medically fit and they would have the right of appeal to a magistrates court. The adoption of the DVLA requirements for frequency of medicals would ensure we accord with current best practice. We would also be consistent with Sedgefield Borough Council and Durham City regarding frequency of medicals.

- 4.6 Applicants for new licenses would be advised to have the medical prior to their applying for the required Criminal Records Bureau Check. This would ensure no further waste of monies if the medical was not successfully completed. This would be a requirement from the date the change to the application process was approved by Executive.
- 4.7 It would be proposed that drivers who are currently licensed will be required to provide a certificate from June 1st 2008. This would give applicants sufficient time to arrange medicals and enable them to present a valid certificate with their renewal application thus ensuring continuity of licensing.

5. Implications

5.1 Financial

There are no financial implications.

5.2 Legal

The amended vehicle age limit, if approved, would become part of the authority's standard conditions in respect of Hackney Carriages and Private Hire vehicles. An individual refused a licence does have right of appeal to the Magistrates Court and driver's affected by the introduction of the medical requirements may appeal.

5.3 Policy

Increase of the age limit on licensed vehicles would require a change to the Council's standard conditions.

5.4 Risk

No risks have been identified outside of the Corporate Appetite.

5.5 Communications

All concerned parties will be kept updated via letter.

5.6 Corporate

Accords with the objective of making the district safe.

5.6.1 LGR Implications

The amendment to the vehicle age limit would bring us broadly in line with the other Durham Authorities.

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All other Durham Authorities require medical certification prior to the licensing of drivers and the adoption of this requirement would bring this authority in line.

5.7 Equality and Diversity

The Equality and Diversity Officer has not identified any risks outside of the Corporate Appetite

6. Recommendations.

6.1 That the current standard conditions be amended to permit the increase in vehicle age limit as follows:-

Vehicles must be less than 5 years of age at date of first licence.

Vehicles may continue to be licensed to 5 years of age.

Vehicles judged to be in exceptional condition in accordance with the council's adopted standard, may be licensed for one year extensions beyond the 5 year limit, until the vehicle is 7 years old. An annual application for an extension would be required by the owner of the vehicle.

6.2 That the byelaws and conditions be amended to remove the exemption from age limit from wheelchair accessible vehicles.

6.3 That the conditions be amended to require applicants for Hackney Carriage and Private Hire Driver's licenses to provide a Group 2 medical certificate prior to a license being granted. These will be required on first application and after the age of 45 every 5 years up until the age of 65. Certificates to be provided every year where an applicant is older than 65 years. This condition shall not be applicable to drivers currently licensed with the District of Easington until June 1st 2008

Documents used in the preparation of this report.

Council's Bye-laws and Conditions in respect of Hackney Carriages and Private Hire "Fitness to Drive" A Guide for Health Professionals published on behalf of the Department by the Royal Society for Medicine.

Appendix 1

Benchmarking of age limits on vehicles

Authority	Age limit on first licence	Max. Age limit for a licensed vehicle	Number of mechanical tests per year
Easington	5 yrs	5 unless exceptional then 6	2
<i><u>Proposed Easington</u></i>	<i><u>5years</u></i>	<i><u>7 unless exceptional then 10 years</u></i>	<i><u>2</u></i>
Durham City	5 yrs	7 unless exceptional then 10 yrs	2
Sedgefield	5yrs	none	
Wear Valley	5 yrs	7 yrs	
Derwentside	7 yrs	7 yrs unless exceptional then 10 years Purpose built 10 yrs	
Chester le Street	No more than 3 yrs	5 yrs unless exceptional	

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Appendix 2

Benchmarking on frequency of medical certificates

Authority	First medical certificate	Subsequent certs.
Wear Valley	On application	Every 3 yrs to 65 Annually after 65
Derwentside	On application	At 50 years then every 3 years
Chester-le Street	On application	Every 3 years to 65 Annually after 65
Durham City	On application	Every 5 years from 45 until 65 then annually at 65
Sedgefield	On application	Every 5 years from 45 until 65 then annually at 65
<u>Proposed for Easington</u>	<u>On application</u>	<u>Every 5 years from 45 until 65 then annually at 65</u>