

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Monday, 21 January 2008 in the Council Chamber, Runcorn Town Hall

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Bryant, Drakeley, Howard, A. Lowe, Nelson, E. Ratcliffe and Wainwright

Apologies for Absence: Councillors Cross and D Inch

Absence declared on Council business: None

Officers present: G. Ferguson, K. Cleary, J. Tully and L. Capper

Also in attendance: None

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

REG18 MINUTES

The minutes of the meeting held on 26th November 2007 having been printed and circulated were taken as read and signed by the Chairman as a correct record, subject to Councillor Wainwright's apologies being recorded as apologies on Council business.

REG19 LEGAL SERVICES LICENSING IN TABLES

At a previous meeting of the Committee held on 18th September 2006, Members were advised of a document relating to various licences dealt with by Legal Services and resolved that the information as outlined be published on the Council's website.

Over the last twelve months there had been significant changes in legislation and these changes had been reflected in the amended Legal Services Licensing Tables, a copy of which was circulated to Members.

In addition the Committee considered a copy of the proposed member training programme 2008. It was agreed that race nights and poker be included in the list of topics for the training session on 17th March 2008.

RESOLVED: That

(1) the amended information contained in Legal Services Licensing Tables be noted; and

(2) the member training programme for Regulatory Committee during 2008 as amended be endorsed.

REG20 TAXI LICENSING – REPEAL OF THE “CONTRACT EXEMPTION”

The Committee was advised that Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 state that “nothing in this part of the Act shall apply to a vehicle used only for carrying passengers for hire or reward under a contract for the hire of a vehicle for a period of not less than 7 days.” This was known as the Contract Exemption and had meant that persons carrying on business under the Exemption had been exempted from all controls which would otherwise apply to private hire vehicles.

The Contract Exemption was to be removed by virtue of the Road Safety Act 2006. The date when the Contract Exemption would cease to exist had been set as 28th January 2008. As a result all vehicles formerly claiming contract exemption must from this date be licensed as private hire vehicles by their local authority. The types of businesses affected by the legislation could include chauffeur type vehicles, airport transfer, and executive cars which were used on a contractual basis to transport company executives and management etc.

RESOLVED: That the report be noted.

REG21 TAXI LICENSING – POLICY REVIEW OF MEDICAL EXAMINATIONS: STANDARDS AND FREQUENCY

The Committee were advised on the results of a consultation exercise on the medical standards and frequency of medical examinations required by Single Status Drivers. At a previous meeting of the Committee held on 22nd January 2007, it was requested that a consultation exercise be undertaken on:

(1) the appropriate medical standard to be adopted;

(2) the appropriate ages for mandatory age related medical examination for Single Status Drivers; and

(3) the appropriate frequency of such examinations.

The Committee were also advised of the existing policy which enabled the Council's officers to require medical examinations at any time during a licence period should information received by the Council suggest that one is required. Conditions existed on Single Status Licences requiring holders to notify the Council of any change in medical condition and also not to drive when unfit.

The DVLA requirements for Group 2 medicals was that they applied to drivers on first application for a Group 2 driving licence and they must be repeated every five years from when a driver becomes 45 (referred to here as age related medicals).

The Council's current policy for medical standards was the requirement of a Group 2 medical examination on first application for a single status driver's licence. Further examinations were required every six years on the licence holder attaining the age of 45 (or will be 45 due in the period of the proposed existing licence).

The Council's existing policies allowed medicals to be carried out by applicants' own GPs (or GPs practice) or by the 5 Boroughs Partnership.

It was reported that the main difference in the frequency of medical tests required by the Council as compared with the DVLA applied to driver's aged 65 and over. The DVLA requires Group 2 medical examinations annually for driver's aged 65 and over, whereas the Council makes no distinction between younger and older drivers.

On 2nd August 2007, the Licensing Section consulted with Members of the Taxi Consultative Group regarding medical standards requesting that they consult with their Members and report back. On 22nd November 2007, members of the Taxi Consultative Group advised that their members were content with the existing policy.

In addition, comments were sought on the medical standards and frequency of examinations required by Single Status Drivers from the 5 Boroughs Partnership who are the Council's Occupational Health Medical Advisors. In the opinion of the 5 Boroughs Partnership initial examinations were a necessary requirement, but to reduce the frequency of such tests (i.e. to less than 5 years), contrary to the advice of the DVLA would be improper and could not be recommended.

Following the consultation exercise officers' concluded that there was no evidence of medical problems associated with the Council's existing policy on which to base a change in policy:

- on the appropriate medical standard to be adopted;
- on the appropriate ages for mandatory medical examinations for Single Status Drivers; and
- on the appropriate age for introduction of mandatory age-related medical examinations for Single Status Drivers.

Although the Council had a slightly reduced policy on the appropriate frequency of medical examinations, as compared with the DVLA, in order to have exactly the same standard would cause unacceptable administrative difficulties taking into account the Council's three-year cycle of renewing Single Status Driver's licences. The Committee were advised that the DVLA Guidance was written for the licensing arrangements applicable to HGV and PSV drivers and did not take account of the licence frequencies applicable to Single Status Drivers.

It was also reported that for drivers' aged 65 and over the Committee could consider medicals being required on an annual basis. However, in order to track such a change in policy this implied granting annual Single Status Drivers licences for this age group. Should this change in policy be considered appropriate, the administrative consequences of annual licences would have to be agreed by the Committee.

Arising from the discussion the Committee agreed that for Single Status Driver's aged 65 and over Group 2 medical examinations be required every two years and not every three as at present.

RESOLVED: That

- (1) Group 2 medical examinations for Single Status Driver's under the age of 65 remain as: on the first application with further examinations every six years; and
- (2) Group 2 medical examinations for Single Status Drivers 65 and over be amended to every two years.

Council Solicitor

Meeting ended at 7.20 p.m.