

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****TAXI DRIVER/PRIVATE HIRE CAR DRIVER MEDICALS**

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**1. INTRODUCTION**

- 1.1 This report relates to the requirement for medicals for taxi/private hire car drivers in terms of the Civic Government (Scotland) Act 1982. The Committee agreed on 23<sup>rd</sup> March 2022 to consult private hire/taxi drivers and operators by writing to them seeking their views on the proposed amended procedure for taxi/private hire car driver medicals. Following the consultation exercise 389 letters were issued to all private hire/taxi drivers and operators on 29<sup>th</sup> March 2022. Only 7 responses were received.

**2. RECOMMENDATIONS**

- 2.1 Members are asked to consider whether having had regard to the consultation responses they wish to adopt the new procedure for medicals whereby the medical will be carried out by a private company at a central location with the cost being paid by the Council.

**3. BACKGROUND**

- 3.1 In terms of section 13(4) of the Civic Government (Scotland Act) 1982 a licensing authority may, at any time, for the purposes of satisfying themselves that he is physically fit to drive a taxi or, as the case may be, private hire car, require an applicant for or holder of a taxi driver's licence or private hire car driver's licence to submit to medical examination, at their expense, by a medical practitioner nominated by them.
- 3.2 Originally when the Act came into force Group 1 driving licence standards were applied and those drivers who required medicals obtained written confirmation of their fitness to drive from their GP and submitted this with their application.
- 3.3. In April 2016 the DVLA issued guidance to Licensing Authorities which recommended that taxi drivers and private hire car drivers should be medically assessed to a Group 2 driving licence standard as required for lorry and bus drivers. In November 2016 the Scottish Government wrote to the Conveners of all Licensing Authorities in Scotland specifically directing them to the updated guidance issued by DVLA. The Scottish Government Best Practice Guidance was amended to recommend Group 2 Standards should apply and this was adopted by the Council.
- 3.4 Currently applicants aged 65 years and over who are making an application for a taxi/private hire driver's licence will be required to submit a medical certificate in form D4. This certificate is obtained by the applicant from their GP and any charge levied met by the applicant. Group 2 standards of the medical aspects of fitness to drive booklet applied by DVLA in relation to bus and lorry drivers are applied to taxi drivers in Argyll and Bute. Applicants requiring insulin treatment for diabetes need to provide evidence supporting C1 medical standards. Should an applicant reach their 65<sup>th</sup> birthday during the period of the

licence, a medical certificate will also require to be produced at that time at a cost to the licence holder.

Initially, GP's were prepared to confirm whether or not the Applicant met the required standards. However, over time they have advised that they are not prepared to confirm this, stating that this is a decision for the DVLA. However the DVLA do not determine the outcome of this process, rather Council's administering the process require to ensure that the medical is determined in accordance with the requirements to a Group 2 driving licence standard.

- 3.5 This has resulted in the D4 forms used for Group 2 licences being completed by the GP without any recommendation as to fitness to drive.

#### 4. CONSIDERATION

- 4.1 Consideration has been given to a more robust process and it has been ascertained that a private company are prepared to assess drivers and advise on their fitness to drive.
- 4.2 This would require applicants to attend an appointment at a central location rather than attend their GP as at present. The locations would be in Glasgow, Oban, Helensburgh, Campbeltown and Dunoon.
- 4.3 Currently applicants pay GP's £125 for the completed D4 Form. The fee for a medical in terms of the new process would be in region of £50. This would be met by the Council.
- 4.4 Currently approximately 10 to 15 medicals are required in any year.
- 4.5 Consultation as part of the Equality and Socio-economic Impact assessment has been carried out with taxi/private hire drivers and operators on the proposed new arrangements. A copy of the Equality and Socio-economic Impact assessment is attached to this report as Appendix 1. Following the consultation exercise 389 letters were issued to all private hire/taxi drivers and operators on 29<sup>th</sup> March 2022. Only 7 responses were received. The responses were broadly supportive of the proposed new process although 2 representations were received from Islay expressing concern about the cost and time involved in having to go to a central location to have the medical carried out and one respondent requested the medical be carried out in Islay. A detailed account of the responses received is noted in Appendix 2.

#### 5. CONCLUSION

- 5.1 Given the responses received are the Committee in agreement that the new procedure should be adopted with an implementation date of 1<sup>st</sup> August 2022.

#### 6. IMPLICATIONS

- 6.1 **Policy:** If the recommendations of this report are approved, a number of policies will be developed in relation to medicals for taxi/private hire drivers
- 6.2 **Financial:** The cost of the medicals will be recovered as part of the fees for taxi licensing
- 6.3 **Legal:** The recommendations made in this report have taken due consideration of the Council's statutory role, duties and powers under the Civic Government (Scotland)

Act 1982.

6.4 **HR:** None

6.5 **Fairer Scotland Duty:**

6.5.1 Equalities and Socio-economic Impact assessment - protected characteristics: An Equisa has been completed and will be updated following the results of the consultation with drivers and operators of taxi and private hire cars

6.5.2 Socio-economic Duty:

6.5.3 Islands: impact on drivers in rural /island areas as would require to attend central location rather than their local GP.

6.6. **Risk:** None

6.7 **Customer Service:** If the recommendation is agreed there will be a clear process to follow

6.8 **Climate Change:** None

**DOUGLAS HENDRY**

Executive Director with Responsibility for Legal and Regulatory Support

**Policy Lead: Councillor Kieron Green** – Planning and Regulatory Services

**DATE: 19<sup>th</sup> May 2022**

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Appendix 1 – Argyll and Bute Council: Equality and Socio-Economic Impact Assessment

Appendix 2 – Consultation Responses

## APPENDIX 1

### Argyll and Bute Council: Equality and Socio-Economic Impact Assessment


#### Section 1: About the proposal

<b>Title of Proposal</b>
Taxi /private hire car driver medicals

<b>Intended outcome of proposal</b>
To have more robust policy for medicals

<b>Description of proposal</b>
To have medicals for taxi/private hire drivers carried out by a private company rather than by their GP's

<b>Business Outcome(s) / Corporate Outcome(s) to which the proposal contributes</b>

<b>Lead officer details:</b>	
Name of lead officer	<b>Sheila MacFadyen</b>
Job title	<b>Senior Solicitor</b>
Department	<b>Customer Services</b>
<b>Appropriate officer details:</b>	
Name of appropriate officer	<b>DAVID LOGAN</b>
Job title	<b>Head of Legal and Regulatory Support</b>
Department	<b>Customer Services</b>
Sign off of EqSEIA	
Date of sign off	01/03/2022

<b>Who will deliver the proposal?</b>
Legal services licensing team

#### Section 2: Evidence used in the course of carrying out EqSEIA

<b>Consultation / engagement</b>
Consultation will take place with current licence holders before proceeding with the proposal

<b>Data</b>
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<b>Other information</b>

<b>Gaps in evidence</b>

**Section 3: Impact of proposal**

**Impact on service users:**

	Negative	No impact	Positive	Don't know
<b>Protected characteristics:</b>				
Age				
Disability				
Ethnicity		X		
Sex		X		
Gender reassignment		X		
Marriage and Civil Partnership		X		
Pregnancy and Maternity		X		
Religion		X		
Sexual Orientation		X		
<b>Fairer Scotland Duty:</b>				
Mainland rural population		X		
Island populations		X		
Low income		X		
Low wealth		X		
Material deprivation		X		
Area deprivation		X		
Socio-economic background		X		
Communities of place		X		
Communities of interest		X		

<b>If you have identified any impacts on service users, explain what these will be.</b>

<b>If any 'don't know's have been identified, at what point will impacts on these groups become identifiable?</b>

**Impact on service deliverers (including employees, volunteers etc):**

	Negative	No impact	Positive	Don't know
<b>Protected characteristics:</b>				
Age		X		
Disability		X		
Ethnicity		X		
Sex		X		

	Negative	No impact	Positive	Don't know
Gender reassignment		X		
Marriage and Civil Partnership		X		
Pregnancy and Maternity		X		
Religion		X		
Sexual Orientation		X		
<b>Fairer Scotland Duty:</b>				
Mainland rural population	X			
Island populations	X			
Low income		X		
Low wealth		X		
Material deprivation		X		
Area deprivation		X		
Socio-economic background		X		
Communities of place		X		
Communities of interest		X		

**If you have identified any impacts on service deliverers, explain what these will be.**  
 Taxi drivers/private hire car drivers will have to attend appointment at mainland central locations which will be more expensive for them rather than attending their own GP. However, they will not have to pay for the medical which will be cost saving.

**If any 'don't know's have been identified, at what point will impacts on these groups become identifiable?**

**How has 'due regard' been given to any negative impacts that have been identified?**  
 The specialist provider is not able to provide the service in remote locations and in any event, it considered that if a specialist provider were able to do so, to carry out medicals in every location would be prohibitively expensive.

**Section 4: Interdependencies**

<b>Is this proposal likely to have any knock-on effects for any other activities carried out by or on behalf of the council?</b>	NO
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**Details of knock-on effects identified**

**Section 5: Monitoring and review**

**How will you monitor and evaluate the equality impacts of your proposal?**  
 Will monitor on annual basis whether medicals being done and whether any reduction in taxi /private hire drivers as result of new policy

## APPENDIX 2

The responses received to the consultation are detailed as below:-

1. I do agree in full that anyone who applies for a licence should go through medical checks including opticians test, because in the end we do carry the most precious cargo that is Children and adults as well animals sometimes. It is vital for the trade to keep the service quality and trust at a maximum level possible and that's why I think we all, drivers should complete medical checks, regardless of the cost. Human life has no price.
2. My reaction was probably like most people concerned - how does this affect me? Then I began to think of the bigger picture (as I hope others would). Safety and fitness to drive (and fitness of vehicle) are paramount. It is my choice to do what I do and I must, therefore, follow the rules set down by Argyll & Bute Council. If this means going off-island for a medical, then that is the way of it. I appreciate the Council canvassing opinion, but I feel this must be a Council decision in the best interest of the public and it makes sense to me.
3. I am a Private Hire Taxi driver on the Island of Islay and I would hope that the medical appointments would be able to be carried out on the island and not need the applicant to travel to Oban or Helensburgh? There are many taxi drivers on Islay and therefore I would hope that this situation would be taken into account. At the moment I do not require to complete a form but will turn 65 at the end of October and therefore this new change will affect me.
4. Regarding my views, I am due a medical shortly and would have no problem with your choice of where this was to take place. My own GP done mine last time with no issues whatsoever. I can totally understand where the council is coming from with the medicals. My only concern is that is all this covered by the data protection.
5. In response to your letter of 29<sup>th</sup> March concerning medical assessments for taxi and private hire drivers we would both say that the proposal looks to be a very practical and reasonable one, introducing a consistent standard to the process at a reasonable cost. The charge for the service is important given the substantial rise in costs related to, in our case, the private hire business. (It is slightly less than we pay our local GP).
6. I am replying on behalf of my wife. The only comment she has is regarding the additional travel and associated travel costs involved to undergo the medical. To get to Oban, Dunoon and Helensburgh etc. would in all probability require an overnight stay as it is unlikely any independent medical service will take into account the distances and ferry travel involved when making appointments. Typically, leaving Islay on the 0700 ferry would mean arriving at Kennacraig at 0910, arriving at Oban at 1040, or Dunoon at 1040, or Helensburgh at 1115 at the earliest. To catch the return ferry departing Kennacraig at 1800 (latest reporting time is 30 minutes prior to sailing) would require one to depart from Helensburgh by 1525, or Dunoon by 1600, or Oban by 1600 at the latest. And this without making any allowance for roadworks, slow-moving traffic and any other delays that might occur. Feasibly, any appointment would have to be between 1100 and 1530 at Oban and Dunoon, and between 1130 and 1500 at Helensburgh to give anyone from Islay a fair chance of making a return journey in one day. The financial outlay for attending a medical, even without having an overnight stay in a hotel/B&B, from Islay by ferry would be £73.40 return for a car plus £2.90

concessionary return fare for a driver over 65, plus fuel on top. Travel to any of the three locations mentioned in the letter by bus is out of the question without an overnight stay. If an independent medical service could be found in Campbeltown this would better suit drivers from Islay. From personal experience, I have been able to catch the 0700 ferry from Islay arriving Kennacraig at 0910, caught the Citylink 926 coach departing Kennacraig at 0926 and arriving Campbeltown at 1019, and walk to Campbeltown Hospital to attend a 1030 appointment. I then caught the Citylink 926 departing Campbeltown at 1140, arrived at Kennacraig at 1230 in time to catch the 1300 ferry departing Kennacraig for Islay. And this cost me, as a foot passenger, £2.90 concessionary return on the ferry and £1 to book my seat on the coach! In summary, my wife would appreciate consideration be given to where the independent medical services are located.

7. We would be all for medicals on the mainland if required to attend as we have a responsibility to keep our passengers safe.