

 <b>Executive</b> <b>29 June 2020</b>		<b>Agenda Item No.</b> <b>3 (IX)</b>
<b>Title</b>	Use of delegated powers- Driver Medical Statement – Temporary Measures in response to COVID (19)	
<b>For further information about this report please contact</b>	Marianne Rolfe 01926 456700 <a href="mailto:marianne.rolfe@warwickdc.gov.uk">marianne.rolfe@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		
<b>Background Papers</b>	Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook: WDC approach, Policies and Procedure <a href="https://www.warwickdc.gov.uk/downloads/file/3270/handbook">https://www.warwickdc.gov.uk/downloads/file/3270/handbook</a>	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	2/4/2020	Chris Elliott
Head of Service	2/4/2020	Marianne Rolfe
CMT		
Section 151 Officer	2/4/2020	Andrew Jones
Monitoring Officer		
Finance		
Portfolio Holder(s)	2/4/2020	Judy Falp
<b>Consultation &amp; Community Engagement</b>		
<b>Final Decision?</b>		No

## 1. **Summary**

- 1.1 In response to pressures on the NHS and as a result of the Covid-19 pandemic, officers have recognised that taxi and private hire drivers can no longer obtain a DVLA Group 2 medical examination.
- 1.2 This report informs Members of an urgent decision taken by the Chief Executive under delegated authority CE(4), following consultation with Group Leaders, to approve a temporary measure that could be put in place to support drivers when renewing or wanting to retain a driver (hackney carriage or private hire) licence.
- 1.3 Due to the Coronavirus outbreak and in line with the self-isolation Government advice, the meetings of the Executive were temporarily cancelled. As a result, decisions were taken under the Chief Executive's delegated authority CE(4).

## 2. **Recommendation**

That Executive notes the decision taken by the Chief Executive, after consultation with Group Leaders, under delegated authority CE(4) to:

- 2.1 Agree to a time-limited (6 months initially) time frame to allow drivers additional time to obtain a GP certified medical statement, subject to them providing a Self-Declaration Statement attached as Appendix 1 to the report.
- 2.2 Agree that the option to self-certify be kept in place until the 2 September 2020 or the Covid-19 pandemic has been declared over, whichever is the soonest.
- 2.3 Agree that officers halt the application process and suspend the licence of any applicant that declares any new medical conditions until such a time as they can reasonably supply a full DVLA Group 2 Medical report.

## 3. **Reasons for the Recommendation**

- 3.1 This was an urgent matter which could not wait until the next Executive meeting. Because of the Coronavirus outbreak, it was not known when the Council meetings would resume.
- 3.2 This resulted in the use of delegated power CE(4), which states:  
*"The Chief Executive be authorised to deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting."*
- 3.3 Currently, new and renewing drivers are required to undergo a DVLA Group 2 medical examination and submit a report with their application.

This must be undertaken once every three years, or when requested to do so by officers. The medical assessment must be carried out at one of the three nominated locations:

- Applicant's own doctor
- Croft Medical Centre, Sydenham, Leamington Spa
- Driver Medicals, Coventry

Once a licensee has reached 65, an annual medical is required in order for the licence to remain valid.

The onus is on the applicant to provide appropriate medical proof from the GP or nominated practitioner at their own expense. The Regulatory Manager/ Committee may consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no danger to the public.

Failure to provide a medical statement can result in a licence lapsing or not being able to be renewed.

A temporary and time limited self declaration option is proposed.

Because any new driver applications would not be able to be processed due to restrictions in place for training, this option would only be available to existing drivers on the WDC register.

#### 4. Policy Framework

##### 4.1 Fit for the Future (FFF)

The Council’s FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report forms part of this process as part of the changes made to bring forward the Council’s new Business Plan.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Becoming a net-zero carbon organisation by 2025 Total carbon emissions within Warwick District are as close to zero as possible by 2030 Area has well looked after public spaces All communities have access to decent open space Improved air quality	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels

	Low levels of crime and ASB	
<b>Impacts of Proposal</b>		
None	None	The revisions will ensure that the taxi and private hire trade can continue to trade
<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
None	None	None

- 4.2 **Supporting Strategies** - This report does not directly contribute to any supporting policies.
- 4.3 **Changes to Existing Policies** - This report brings forward temporary revisions to local conditions that have previously been formally agreed by Council.
- 4.4 **Impact Assessments** - These have not been undertaken because there is no direct impact of any changes in respect of protected characteristics.
5. **Budgetary Framework**
- 5.1 This report does not impact on the Budgetary Framework or the Budget of the Council.
6. **Risks**
- 6.1 There is a risk that drivers may not report conditions, however, there is already a requirement for them to report issues in-between medicals. In addition, other councils are adopting a similar procedure and this is also akin to the process operated by the DVLA for regular driving licences.
- Drivers that do not report concerns can be issued points under the points scheme and in a worst case scenario, have their licence revoked.
- 6.2 There are no direct risks associated with the report because the decision has already been taken.

## **7. Alternative Option(s) considered**

7.1 No alternative options were considered as the decision was already made and the report was for information only.

## **8. Background**

8.1 The government have recognised the importance of maintaining a varied public transport system in their announcements and legislation so far.

8.2 Many of our taxi drivers work on Warwickshire County Council 'Specialist Transportation' contracts. In the majority of cases, the young people being transported are considered as 'vulnerable' and may still be attending their schools/places of education or training.

8.3 Many of our taxi drivers are self-employed and under the current legislation would be barred from working if we were unable to issue a licence to them.

## MEDICAL DECLARATION

I (full name): \_\_\_\_\_

Of (address): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Birth: \_\_\_\_\_

***(tick applicable)***

I confirm there have been no changes to my health since the issue of my previous medical report dated: \_\_\_\_\_

I confirm I have the following medical conditions since the issue of my previous medical report dated: \_\_\_\_\_

**(please complete table below)**

I have the following medical conditions:

I make this declaration believing the same to be correct and true and understand that if any information contained therein is incorrect, or any information is omitted, any licence held by me may be suspended or revoked. Furthermore, this may also affect my fitness to hold a licence should a future application be made.

Signed \_\_\_\_\_ Date \_\_\_\_\_