

# REGULATORY COMMITTEE

Minutes of the meeting held on Monday 18 September 2006, in the Town Hall, Royal Leamington Spa at 10.00 am.

**PRESENT:** Councillor Mrs Goode (Chair); Councillors Copping, Crowther and Guest.

(Councillor Guest substituted for Councillor Mrs Bunker)  
(Councillor Crowther substituted for Councillor Mrs Knight)  
(Councillor Copping substituted for Councillor Harris)

Apologies for absence were received from Councillors Coker and Kundi.

## 422. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 423. PARISH OF WESTON-UNDER-WETHERLEY

The Committee considered a report from Members' Services on a request from the Clerk to the Parish of Weston-under-Wetherley for the District Council to cover the first election expenses of the new Parish Council.

During 2002 the District Council had undertaken a review of Parish and Town Council electoral arrangements and had recommended the separation of the parish of Weston-under-Wetherley from the joint Parish Council of Eathorpe, Hunningham, Offchurch, Wappenbury and Weston-under-Wetherley and the creation of a new Parish Council for Weston-under-Wetherley.

In 2003 the Parish Council had asked the District Council if it could meet the cost of the first election to elect the 6 new parish councillors should the election take place in 2004. The costs would place a significant financial burden on the new Parish Council.

It had been resolved at that time for officers to report back to the Committee for further consideration as soon as a response had been received from the Electoral Commission if elections were to be conducted in 2004. The Electoral Commission was currently processing the final recommendations and drafting the Parish Order to come into force by 1 April, 2007. Elections for new parish councillors would therefore take place at the same time as the District Parish and Town Council elections to be held on Thursday 3 May, 2007.

All election costs at the District Parish and Town Council elections were divided equally between the Parish and Town Councils and the District Council. Costs specifically for a Parish or Town Council would be charged back to the individual Council, for example printing of ballot papers.

The 2003 election charge for the parish of Weston-under-Wetherley uncontested election was £185.53. The cost of an equivalent Parish Council contested election to the new Weston-under-Wetherley Parish Council was £1590.73. An approximation of this figure for the 2007 elections would now be £1800 to £2000.

## **REGULATORY COMMITTEE (Continued)**

**RESOLVED** that the election expenses for the first elections at Weston-under-Wetherley be charged back to the Parish Council but it be permitted to pay the total cost in four equal annual payments.

### **424. MEDICALS FOR TAXI AND PRIVATE HIRE DRIVERS**

The Committee considered a report from Members' Services on a request for the Council to change the medical standard for taxi and private hire drivers.

In August 1997 the Council's Licensing Sub Committee had decided that with effect from 1 November 1997 all applicants, including renewals, for taxi and private hire drivers would be required to meet the higher (Group II) medical standards and undergo a medical examination by the Occupational Health Medical Officer/County Medical Advisor. Group 2 was a level of fitness required by the DVLA for large goods vehicle (LGV) and public carriage vehicle (PCV) drivers and the Medical Commission on Accident Prevention in their booklet 'Medical Aspects of Fitness to Drive' recommended that this level of fitness should also be applicable to taxi and private hire drivers.

This standard had been applied since November 1997. Last year a licence holder who had had his licence revoked because he no longer met the standard had appealed to the magistrates but the magistrates had upheld the Council's decision.

Towards the end of last year another driver had developed insulin treated diabetes and, therefore, no longer met the Group 2 standard. His licence had been revoked which he had accepted. However, in March of this year he had visited the office and referred to a decision by the Public Carriage Office (who licenced all taxi drivers in London) to allow persons with insulin treated diabetes to be licensed to drive taxis. A copy of a press statement from the Public Carriage Office explaining their change of policy was circulated with the report. They were now expecting compliance with the standard for C1 Category Group 2 drivers which was not as strict as the full standard for Group 2 drivers. The main difference between the full Group 2 standard and the category C1 standard was that, subject to certain conditions, insulin dependant diabetics could still hold a licence. It was understood that some local authorities had followed the Public Carriage Office initiative and were now requiring compliance with the category C1 standard instead of the full Group 2 standard.

The driver concerned had now asked the Council to consider amending its policy and requiring compliance with the standard for C1 Category Group 2 drivers and not the full Group 2 standard.

At a meeting of the Secretary of State for Transport's Honorary Medical Advisory Panel on Driving and Diabetes Mellitus held in November 2005 the Panel had confirmed that with regard to taxi licensing requirements, it was the licensing authorities that determined the standards, over the normal driver licensing requirements, that should be applied to taxi licensing. The Panel had also clarified that the advice and guidance provided by the Panel had not altered and the guidance was still commensurate with the current best practice advice

## **REGULATORY COMMITTEE (Continued)**

contained in the booklet 'Medical Aspects of Fitness to Drive' which recommended that Group 2 standards should be applied to taxi drivers. The Panel was of the opinion that where licensing authorities wished to licence drivers with insulin treated diabetes then the application of the C1 criteria when issuing these licences would be reasonable.

Dr Popplewell the Occupational Health Medical Officer/County Medical Advisor carried out medical examinations and reported on whether or not licence holders and applicants complied with the Group 2 standard. She was aware that this question was being debated within occupational health circles but confirmed that the advice at present from DVLA was that the full Group II standard should be applied to taxi and private hire drivers. Should the Committee decide to amend its policy she would continue to carry out medical examinations but would report on whether the C1 Category Standard was met.

**RESOLVED** that, with immediate effect the medical standard required by the Council of applicants for and holders of hackney carriage and private hire drivers be in line with the standard adopted by the Public Carriage Office ie

### **Applicants**

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

(a) hold a DVLA C1 Category Group 2 licence (ie one issued after 1 January 1998)

**OR**

(b) satisfy the Council 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 Council, in writing, any change in diabetic condition; and
- provide to the Council, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant

## **REGULATORY COMMITTEE (Continued)**

to driving a private hire vehicle or hackney carriage during employment.

### **Licensees**

Annually the licensee will be required to:

- (a) submit to the Council, for examination, their valid DVLA C1 Category Group 2 licence;

**OR**

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

## **425. WARWICK DISTRICT HACKNEY CARRIAGE ASSOCIATION**

The Committee considered a report from Members' Services on a request from the newly formed Warwick District Hackney Drivers Association for the Council to recognise the Association and cover the cost of printing copies of a code of conduct which they had adopted for handing to their customers.

The Warwick District Hackney Drivers Association had been formed earlier this year. The Association at present had approximately 30 members but continued to actively recruit more. There were 130 hackney carriage vehicles licensed for the District. The Association had drawn up a Code of Practice for their drivers and were asking the Council to support their efforts to be more professional by agreeing to the Council's logo appearing on the printed copies of the code of practice and covering the cost of printing copies of it. The Association intended to give a copy of the code of practice to each customer. A copy of the code of practice was attached to the report. The officers welcomed the opportunity to work with the Association and, although only a small percentage of drivers were at present members of the Association, felt that the issuing of the Code of Practice would help to raise standards.

**RESOLVED** that

- (1) permission be granted for the Association to state on the printed copies of their code of conduct that they are recognised by Warwick District Council but the use of the Council's logo be not authorised; and
- (2) officers arrange for the first supply of copies of the code of practice to be printed by the Council's print unit at the Council's expense.

(The meeting ended at 10.50 am)