

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Head of Legal, Administrative and Regulatory Services**

#### **Licensing Committee – 2 August 2011**

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**Subject: Application for grant of temporary Taxi/Private Hire Car Driver's Licence**

#### **1. Purpose**

- 1.1** To consider an application for grant of a temporary Taxi /Private Hire Car Driver's Licence submitted by Andrew McChesney, 31 Miller Road, Haldane, Balloch, G83 4HA.

#### **2. Background**

- 2.1** Mr. McChesney contacted the Licensing Team by email on 6 April 2011 advising that he was a type 1 insulin controlled diabetic and stated that he was interested in becoming a taxi driver.
- 2.2** Everyone with type 1 insulin controlled diabetes must inform the DVLA. They will then contact the applicant's doctor requesting the necessary information to ascertain whether or not they will issue a driving licence. When they are satisfied that the applicant can be issued with a driving licence they do so with certain restrictions.
- 2.3** DVLA issue driving licences to individuals with type 1 insulin controlled diabetes for a 2 year period. Mr. McChesney's licence, issued by the DVLA, expires on 7 March 2012.
- 2.4** DVLA also limit the categories of vehicle which an individual with type 1 insulin controlled diabetes can drive. Individuals are limited to driving category B and B1 vehicles. These are motor vehicles with a maximum authorised mass of up to 3,500 kg with no more than eight passenger seats.
- 2.5** The Scottish Government are currently carrying out a consultation on Taxi and Private Hire Car Licensing Best Practice Guidance for Licensing Authorities 2011. The draft paper states:-

'It is common for Scottish licensing authorities to apply the "Group 2" medical standards applied by DVLA to the licensing of lorry and bus drivers to applicants for taxi and private hire car drivers' licences. Although the Group 2 standards preclude the licensing of drivers with insulin treated diabetes, exceptional arrangements exist for drivers with insulin treated diabetes, that can meet specified medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 kgs lorries). It is recommended that best practice is to apply the C1 standards to taxi/phc drivers with insulin treated diabetes.

The above reflects advice set out in DfT's current Best Practice Guidance issued in February 2010.'

- 2.6** The DfT's Best Practice Guidance Annex C can be seen at Appendix 1.
- 2.7** Mr. McChesney submitted an application for grant of his temporary Taxi /Private Hire Car Driver's Licence to the Council on 14 April 2011. The application was submitted prior to receiving a response to the initial enquiry on 6 April 2011.
- 2.8** Question 8 of the application for the Grant of a Taxi Driver's Licence asks 'Are you subject to any deformity or bodily infirmity? If so state nature'. Mr McChesney repoded 'No' in answer to the question.
- 2.9** An email response was sent to Mr. McChesney on 18 April 2011 advising him that, if he were to submit an application for the Grant of a Taxi Driver's Licence, he would require written evidence from his doctor which satisfies the Annex C guidance. Mr. McChesney was also advised that his application would be determined at the next meeting of the Licensing Committee on 2 August 2011.

### **3. Main Issues**

- 3.1** The Licensing Team are unaware of any previous application for a taxi driver's licence being submitted from an individual declaring that they have type 1 insulin controlled diabetes.
- 3.2** Many local authorities apply the "Group 2" medical standards applied by DVLA to the licensing of taxi drivers. Glasgow City Council for example insist that all applicants for a taxi driver/private hire car driver's licence must meet the DVLA's Group 2 standards of medical fitness. If they have a medical condition, such as diabetes, this must be declared on the application form. Such a declaration would prompt a referral to BUPA for an assessment of the applicant's fitness in terms of the Group 2 standards. They regularly receive reports from BUPA in respect of applicants who are insulin dependant to the effect that they don't meet the Group 2 standards of medical fitness. However as with every policy, the Committee must consider whether an exception should be made and so it may request a letter from the applicant's specialist whether in his opinion the applicant is fit to drive a taxi or private hire. Generally though their Committee would not grant a licence where the applicant was an insulin dependant diabetic.
- 3.3** Confirmation has been received from the Police authority that there is no Police objection or representation with respect to the application from Mr. McChesney.
- 3.4** At the time of writing the report, Mr McChesney had failed to provide any written evidence from his doctor which satisfies the Annex C guidance.

### **4. People Implication**

4.1 There are no personnel issues.

**5. Financial Implications**

5.1 There are no financial implications

**6. Risk Analysis**

6.1 There is no increased risk to the Council associated with the contents of this report.

**7. Equalities, Health & Humans Rights Impact Assessment**

7.1 No significant issues were identified in a screening for potential impact of this report.

**8. Strategic Assessment**

There are no strategic implications.

**9. Conclusions and Recommendations**

9.1 It is recommended that the application be considered and determined by the Committee.

Head of Legal, Administrative and Regulatory Services

Date: 30/06/11

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**Person to Contact:** Robert Mackie, Senior Officer (Licensing Services), Licensing Section, Rosebery Place, Clydebank, G81 1TG.  
Tel. No. (Direct line) 01389 738742.  
robert.mackie@west-dunbarton.gov.uk

**Appendices:** DfT's Best Practice Guidance Annex C

**Background Papers:**

1. Application for grant of temporary Taxi /Private Hire Car Driver's Licence from Andrew McChesney, 31 Miller Road, Haldane, Balloch, G83 4HA.

2. Letter to Mr. McChesney dated 8 July 2011.

**Wards Affected:** N/A.

## Annex C

### TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

#### **Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard**

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

To have been taking insulin for at least 4 weeks;

Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;

To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;

To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);

To have no other condition which would render the driver a danger when driving C1 vehicles; and

To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.