

DATA LABEL: PUBLIC



**COUNCIL EXECUTIVE**

**COVID -19 HIRE CAR MEDICAL ASSESSMENTS**

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**REPORT BY HEAD OF CORPORATE SERVICES**

**A. PURPOSE OF REPORT**

To request that a temporary change is made) to council policy regarding medical assessments for hire car drivers in view of the fact that such assessments cannot currently be undertaken due to the Coronavirus (COVID-19) pandemic.

**B. RECOMMENDATION**

That in the current circumstances the following changes to council policy are agreed-

1. A temporary change to council policy to relax the requirement for hire car drivers to hold a current certificate of medical fitness if required by the DVLA group 2 guidelines whilst medical assessments cannot be undertaken.
2. That for the period during which such assessments cannot be undertaken the licensing condition regarding medical certification for hire car drivers is disapplied.

**C. SUMMARY OF IMPLICATIONS**

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|---|--|
| <b>I Council Values</b>   | <ul style="list-style-type: none"><li>• Focusing on our customers' needs</li><li>• Being honest, open and accountable</li><li>• Working in partnership</li></ul> |
| <b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b> | Civic Government (Scotland) Act 1982 Part II, Section 13;  |
| <b>III Implications for Scheme of Delegations to Officers</b>   | None   |
| <b>IV Impact on performance and performance Indicators</b>  | None   |
| <b>V Relevance to Single Outcome Agreement</b>  | None   |

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	N/A
<b>VIII</b>	<b>Other consultations</b>	Optima Healthcare

#### **D. TERMS OF REPORT**

Under section 13(4) of the Civic Government (Scotland) Act 1982, West Lothian Council, as licensing authority, may, at any time, require a holder of a taxi or private hire car driver's licence to submit to a medical examination for the purposes of satisfying themselves that they are physically fit to drive a taxi. Section 13(4) of the 1982 Act also provides that the Council may nominate a medical practitioner to carry out the medical examination.

Under West Lothian Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers the holder of a current taxi or private hire car driver's licence must have a current certificate of medical fitness to drive a hire car, if required by the DVLA standards in relation to Group 2 licence holders or otherwise requested by the Council, and shall attend such medical examinations as are necessary to obtain such a certificate. All drivers over the age of 45 and all those who have disclosed certain pre-existing conditions are required to have a current certificate of medical fitness. Medicals are undertaken by the council's medical advisors Optima Healthcare. The document at Appendix 1 provides further information about the DVLA group 2 guidelines.

Social distancing guidance was issued by the Government on 24 March 2020 due to the Coronavirus (COVID-19) pandemic. Following that guidance Optima Healthcare advised the Licensing Team that it was suspending all medical assessments. The effect of this is that between now and the end of July 2020 the medical certificates of approximately 100 drivers will expire leaving them unable to continue operating as hire car drivers until they are certified as fit again following a medical assessment.

The legal effect of the licensing conditions is that if a driver operates in breach of a condition they commit a criminal offence. In view of this it is the usual practice of the Licensing Team to request an immediate suspension of a driver's licence if they no longer have a certificate of fitness whether as a result of being certified as unfit following a medical or by failing to attend for an assessment.

There is a risk that a driver may no longer meet the medical standards set out in the group 2 guidelines. However, it is proposed to ask all drivers to confirm in writing that they have no new medical conditions which may affect driving (with reference to the list in the application form) and that they are currently managing any pre-existing conditions in line with medical advice. In addition, drivers will be asked to confirm that they are following government guidance on coronavirus and will cease driving for the required period as required by that guidance if the position changes in relation to them or anyone they live with.

Due to the fact that medical assessments cannot currently be undertaken the council is asked to consider relaxing its policy and agreeing that until Optima Healthcare are able to assess all drivers who require certification the licensing condition regarding medical certification can be disapplied. This would allow hire car drivers whose certificates of fitness expire but are not required by Government guidance to self-isolate to continue to operate under their licences until they can be medically assessed. This would allow arrangements to be made with Optima Healthcare to undertake the outstanding medical assessments as soon as it is safe to do so.

**E. CONCLUSION**

It is recommended that in view of the current circumstances a temporary change to the council's policy on medical assessments for hire car drivers is considered.

**F. BACKGROUND REFERENCES**

Hire car licensing conditions

<https://www.westlothian.gov.uk/media/26615/Hire-Car-Licensing-Conditions-Amended-1-September->

Appendices/Attachments:

Appendix 1 – DVLA Group 2 Guidelines

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9 April 2020

Appendix 1

**DVLA GROUP 2 GUIDELINES**

The DVLA group 2 guidelines are applied by DVLA to professional drivers such as bus and lorry drivers. The medical requirements are much stricter than those applied by DVLA under the group 1 provisions to drivers of private cars. The medical standards for group 1 and group 2 drivers are detailed in a guidance document entitled "Assessing fitness to drive: a guide for medical professionals" which is available to view on the DVLA website.

In terms of the group 2 guidelines all drivers over the age of 45 need to be medically assessed against the guidelines every 5 years or more frequently if recommended by the examining doctor. All those over the age of 65 need to be assessed annually. In addition, younger drivers who have a number of pre-existing conditions which are outlined on the application form for a driver's licence also need to be assessed every 5 years or more frequently if recommended by the examining doctor.

In line with government guidance the council has had a policy for many years that the group 2 provisions are applied to all drivers of taxi and private hire cars.

When drivers are assessed the doctor decides how long the certificates will last for. This is subject to a maximum of 5 years.

It is council policy that a driver must have a current certificate of medical fitness if required by the group 2 guidelines.