

Licensing Committee – 4th December 2007

4. **Insulin Diabetes Policy for Hackney Carriage and Private Hire Drivers**

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Purpose of the Report

This report explains the amendments to the Driver and Vehicle Licensing Agency (DVLA) Medical Standards of Fitness to Drive in relation to Diabetes Mellitus and the Best Practice Guidance on this subject recently published by the Department for Transport and The Secretary of State's Honorary Medical Advisory Panel.

Recommendations

That the committee considers whether:

- (1) Drivers with insulin diabetes who are applying for a hackney carriage or private hire licences, and existing licensed Hackney Carriage and Private Hire drivers who develop insulin treated diabetes should be treated as "Exceptional cases" in relation to this medical condition provided that they have no significant complications, can meet the criteria contained within this report and can otherwise satisfy all the other licensing requirements set by legislation and South Somerset District Council.
- (2) to continue not to licence hackney carriage and private hire drivers who are insulin dependant diabetics.

Background

Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that Local Authorities ensure that hackney carriage and private hire drivers are fit and proper persons to be licensed. This responsibility includes ensuring that drivers are medically fit to carry out their role. The responsibility for determining the standards, including medical requirements, to be applied to taxi drivers is a matter for each licensing authority.

In 2005 South Somerset District Council followed the advice contained in "Medical Aspects of Fitness to Drive" issued by the Medical Commission on Accident Prevention and adopted the Group 2 Medical Standard for all taxi drivers licensed by the authority. Group 2 is a high standard of fitness, and is required for lorry and coach drivers.

These standards are higher than those for private motorists because professional vocational drivers spend substantially longer at the wheel so risk of sudden illness occurring at the wheel is greater.

Diabetes and the Group 2 Standard

Drivers who manage their diabetes by either diet or tablet can generally satisfy the Group 2 Standard unless they develop relevant disabilities, such as a diabetic eye problem affecting visual acuity or visual fields, in which case it is recommended that the licence should be refused or revoked.

Drivers who are already insulin dependant or become insulin dependant to control their diabetes cannot qualify to the Group 2 standard. This has meant that since 2005 this authority has refused to renew a number of licences for existing drivers who were insulin dependent and has not licensed any new taxi drivers that were insulin dependent.

Regulation changes in April 2001 allowed exceptional case drivers to apply for or retain their entitlement to drive class C 1 vehicles (3500 – 7500KGs lorries) subject to certain qualifying conditions, including an annual medical examination.

To assist local authorities, the Department for Transport (DFT) has recently released best practice guidance covering all aspects of Hackney Carriage and Private Hire Licensing. This guidance is not binding on Licensing Authorities.

This guidance confirms that the adoption of the Group 2 medical standards is best practice. It also states however that in light of advice from the Secretary of State's Honorary Medical Advisory Panel on Diabetes Mellitus and Driving, it is suggested that best practice is to apply the C1 Standards to hackney carriage and private hire drivers with insulin treated diabetes.

The committee are asked to consider whether those applicants for the grant of a hackney carriage or private hire drivers licence, or those licensed drivers who have become insulin dependant diabetics, where they have good diabetic control and have no significant complications, should be treated as exceptional cases and be permitted to hold a taxi driving licence. The criteria set out in (a) to (f) below is the same criteria used by the DVLA when assessing drivers for the C1 and C1E standard. The criteria for exceptional circumstances, is that the individual must :

- a) not be able to apply for a taxi driving licence or in the case of an existing licensed driver not to drive a licensed taxi until their condition has been stable for a period of at least one month ;
- b) not have had any hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months ;
- c) regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. The advice is the use of memory chip meters for such monitoring ;
- d) must arrange to be examined every 12 months by a hospital consultant who specialises in diabetes. At the examination the consultant will require sight of their blood glucose records for the last 3 months.
- e) Have no other condition which would render the driver a danger when driving C1 vehicles or hackney carriages and private hire vehicles ;
- f) Sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and report immediately to South Somerset District Council any significant change in their condition.

The driver would be expected to pay for any expenses that they incurred satisfying these criteria.

Currently we licence several drivers with diabetes who presently control it by diet or tablets and not by insulin.

Currently we know of four authorities in the south west that have decided to allow insulin dependant applications/drivers. Enquiries with North Devon, West Dorset, South Hams, Torrridge, Taunton Deane and Torbay Council reveal that, although they have adopted the group 2 standards to drive for licensed drivers, as yet the issue of insulin dependent drivers has not been finalised. However the public carriage office in London, who licence 24,000 hackney carriage drivers and roughly the same number of private hire drivers, have adopted the Group 2 standard to drive along with the insulin dependent conditions for drivers and applicants.

Financial Implications

None. The hackney carriage applicants will bear any medical costs and costs associated with the applications.

Implications for Corporate Priorities

Corporate objective number four, ensuring the safe, sustainable and cohesive communities.

Other Implications

None

Background Papers: *Medical Aspects of Fitness to Drive, Medical Commission on the prevention of accidents.
PCO Notice 02//06 Public Carriage Office
Department for Transport – Taxi and Private Hire Vehicle
Licensing: Best Practice Guidance*
