



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE OF THE CABINET**

**THURSDAY 10 MARCH 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J McNeil (Chair)
Councillor J Caldwell
Councillor J Williamson
Councillor J McMillan
Councillor S Currie

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms M Winter, Licensing Administration Assistant
Mr R Fruzynski, Licensing Standards Officer (Observer)

Others Present:

Insp J Hogarth, Police Scotland
PC H Bowsher, Police Scotland

Clerk:

Mrs F Stewart

Apologies:

Councillor D Grant

Declarations of Interest:

None

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

1. APPLICATION FOR GRANT OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

The Sub-Committee had received one application for a licence and it was granted.

Public

2. TAXI/PRIVATE HIRE CAR DRIVER'S – ASSESSMENT OF MEDICAL FITNESS TO DRIVE

The Depute Chief Executive (Resources & People Services) had submitted a report to confirm the current interim policy on the assessment of medical fitness to drive taxis and private hire cars, to allow the framing of tender criteria based on said policy.

Ian Forrest, the Council's Legal Adviser, presented the report. He stated that the Sub-Committee had considered a number of reports dating back several years on the general subject of medical examinations for taxi drivers and the standard to be adopted at such examinations. The most recent report had come before the Sub-Committee on 8 October 2009 when the Sub-Committee had agreed to adopt Group 2 medical standards on an interim basis, pending a full review of the provision of medical examination services. The main elements of the Group 2 standard are that all drivers aged 65 and over are required to have a medical examination on an annual basis and that all drivers between the ages of 45 and 64 are required to have a medical examination every 5 years. The latter element had not been adopted at that time as there had been a degree of concern on the part of the taxi trade as to how this would impact on the taxi drivers falling within this age range.

Mr Forrest advised that the Licensing Team was now undertaking a procurement exercise for the provision of medical examination services, and that this exercise could not be completed until a clear indication of numbers and frequency of examinations was known. He advised that taxi drivers could continue to submit a medical certificate from their own GPs, but doctors were reluctant to provide medical certificates for taxi drivers, as declaring an individual fit to work did not necessarily mean 'Group 2 fit' and many were not familiar with the requirements of Group 2. Therefore, until such time as a company had been selected by the Procurement Team to provide medical examination services, the Council would continue to use the services of the Occupational Health & Safety Advisory Services (OHSAS).

Mr Forrest advised Members that the current, interim, position could not continue and recommended that the Sub-Committee fully adopted Group 2 standards, deemed best practice by Department of Transport. Members also needed to decide if they wished to consult with the trade before adopting the policy as proposed. He also suggested, should Members decide to bring in the new standard, that it was not

introduced for at least one month to allow time for notification of the change to be circulated to taxi drivers and operators.

The Chair stated that he was in favour of fully adopting the Group 2 medical standards to ensure public safety and provide a good service to the public.

Members discussed the proposal for drivers aged 45-64 in detail, including the procurement process for the provision of medical certificates, the consultation process in 2009 and cost implications.

Councillor Caldwell asked who paid the cost of the medical certificate and the Legal Adviser replied that the Council paid for the first certificate and for follow-ups with the OHSAS, but drivers had to pay for future tests.

Councillor Currie stated that it was essential that drivers were fit to drive otherwise there could be dreadful consequences. He therefore supported introduction of the new standard as soon as possible.

Decision

The Sub-Committee unanimously agreed:

- i. to adopt the Group 2 medical standard in full, including the testing of all drivers between the ages of 45 and 64 on a five-yearly basis; and
- ii. to authorise the Council's Licensing Team to contact the taxi trade and medical practitioners to advise them of the new policy which would be introduced 28 days from today's date (7 April 2016).