

5. APPOINTMENT OF SUB-COMMITTEES

REPORT OF: Sally Blades, Democratic Services
Email: sallyblades@midsussex.gov.uk Tel: 01444 477227
Wards Affected: All
Key Decision No

1.0 PURPOSE OF REPORT

1.1 To appoint members to serve on the Licensing Sub-Committees following the Annual meeting of the Licensing Committee held on 14th May 2008. Proposals for membership of the Sub-Committees are attached to this report as Appendix 1.

2.0 RECOMMENDATIONS

2.1 **That the Licensing Sub-Committees be appointed.**

3.0 Other Material Implications

None.

4.0 Background Papers

Licensing Policy – Council 15th December 2004.

LICENSING SUB-COMMITTEE A

Andrew Brock
Trevor Fisher
Jacqui Landriani
Gary Marsh
Julian Thorpe

LICENSING SUB-COMMITTEE 1 (EVENINGS)

Kathleen Dumbovic, Mary Keel, Gary Marsh

LICENSING SUB-COMMITTEE 2 (DAYTIME)

Andrew Brock, Bernard Gillbard, Peter Reed

LICENSING SUB-COMMITTEE 3 (DAYTIME)

Margaret Baker, Clive Chapman, Ian Dixon

LICENSING SUB-COMMITTEE 4 (EVENINGS)

Trevor Fisher, Bernard Gillbard, Julian Thorpe

6. INSULIN DEPENDENT DIABETICS

REPORT OF: HEAD OF HOUSING, ENVIRONMENTAL HEALTH AND BUILDING CONTROL

**Contact Officer: Yvonne Leddy, Environmental Health Manager
Email: YvonneL@midsussex.gov.uk. Tel: 01444 477300**

Wards Affected: All

Key Decision: No

1.0 PURPOSE OF REPORT

For the Licensing Committee to consider if Mid Sussex District Council should licence insulin dependent diabetics to drive Hackney Carriages and Private Hire Vehicles.

2.0 SUMMARY

This report concerns 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 published by the Department of Transport and The Secretary of State's Honorary Medical Advisory Panel.

3.0 RECOMMENDATIONS

The Committee is recommended to consider this report and to determine whether:

- (i) The Council should allow drivers with insulin treated diabetes who are applying for a Hackney Carriage or Private Hire Drivers Licence or those who already hold a Hackney Carriage or Private Hire Drivers Licence who develop insulin treated diabetes should be treated as "Exceptional Cases" in relation to this medical condition provided that they have no significant complications, and can meet the criteria contained within this report and can otherwise satisfy all the licensing requirements set by the Council. (A recommended policy is shown as Appendix 1).
- (ii) To continue not to licence Hackney Carriage and Private Hire Drivers who are insulin dependent drivers.

4.0 BACKGROUND

4.1 POWER TO LICENCE DRIVERS

Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 gives local authorities the power to grant licences to drive a Hackney Carriage. Section 51 provides similar powers for the licensing of Private Hire Vehicle drivers.

- 4.2** Before a local authority grants a drivers licence it must be satisfied that the applicant is a fit and proper person and that they have held a full drivers licence for a minimum period of one year. All drivers must be medically fit to carry out their role. The responsibility for determining the standards including medical requirements, to be applied to Hackney Carriage and Private Hire drivers is a matter for each licensing authority.

4.3 For some considerable time Mid Sussex District Council has adopted the Group 2 Medical Standard for all Hackney Carriage and Private Hire Drivers which is the standard applicable to the drivers of Heavy Goods Vehicles and Passenger Carrying Vehicles (Buses and Coaches). 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.

5.0 DIABETES AND THE GROUP 2 STANDARD

5.1 Drivers who manage their diabetes by either diet or tablet can generally satisfy the Group 2 Standard and have been licensed by this authority as Hackney Carriage and Private Hire Drivers. How ever should 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?

5.2 Drivers who are already insulin dependent or become insulin dependent to control their diabetes can not qualify to the Group 2 Standard and are therefore not able to be licensed as a Hackney Carriage or Private Hire Driver by this authority.

5.3 Regulation changes in April 2001 allowed "Exceptional Case" drivers to apply for or retain their entitlement to drive C1 vehicles (3500-7500 kgs goods vehicles) subject to certain qualifying conditions, including an annual medical examination.

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

5.5 This guidance confirms that the adoption of the Group 2 medical standards is best practice. It also states however that in the light of advise from the Secretary of State's Honorary Medical Advisory Panel on Diabetes Mellitis 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.

6.0 EXCEPTIONAL CASES

6.1 The committee are asked to 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 dependent diabetics, where they have good diabetic control and have no significant complications, should be treated as "Exceptional Cases" and be permitted to hold a Hackney Carriage or Private Hire Drivers Licence. The criteria set out in **6.2** below is the same criteria used by the Driver and Vehicle Licensing Agency (DVLA) when assessing drivers for the C1 and C1E standard.

6.2 The criteria for "Exceptional Cases" is that an individual must:

- (a) Not be able to apply for a Hackney Carriage or Private Hire drivers licence or in the case of an existing licensed driver not to drive a licensed vehicle 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) Arrange to be examined every 12 months by a hospital consultant who specialises in diabetes. At the examination the advisor 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) or specialist medical advisor treating the diabetes, and report immediately to the council any significant change in their condition:

6.3 The licensing authority for London, The Public Carriage Office that currently licences in excess of 48,000 Hackney Carriage and Private Hire drivers adopted the new guidelines for Insulin Treated Diabetes on 2nd January 2006.

7.0 RISK MANAGEMENT

7.1 In accordance with the Council's Risk Management Strategy, consideration had been given to the potential risks associated with the determination of this application. It is suggested that when reaching a decision it must be taken into account the need for there to be a balance between the rights of the applicant / licence holder and any risks that there may be to the travelling public.

8.0 FINANCIAL IMPLICATION

8.1 There are no financial implications.

POLICY ON LICENSING INSULIN DEPENDENT DIABETICS AS HACKNEY CARRAIGE AND OR PRIVATE HIRE DRIVERS

All applications involving individuals with insulin treated diabetes will be dealt with in accordance with the following:

Applicants for a Hackney Carriage or Private Hire Drivers Licence will be required to:

Satisfy the Licensing Authority that he / she meets the medical requirements which would allow a Hackney Carriage or Private Hire drivers licence to be issued.

In this regard 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 weeks.

During the 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 Licensing Authority, in writing, any change in diabetic condition; and,

Provide to the Licensing Authority, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant to driving a licensed Hackney Carriage or Private Hire Vehicle.

On application for the renewal of an existing Hackney Carriage or Private Hire drivers licence the applicant will be required to:

Provide a medical report annually from a Hospital Consultant specialising in diabetes confirming:

The licensee has been undergoing insulin treatment for over four weeks.

That during the preceding 12 months the licensee has not suffered a hypoglycaemic episode requiring the assistance of another while driving. And:

The licensee has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

The licensee 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 Licensing Authority, in writing, any change in diabetic condition and,

Provide to the Licensing Authority, as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant to driving a licensed Hackney Carriage or Private Hire Vehicle.