

STROUD DISTRICT COUNCIL

COMMUNITY SERVICES AND LICENSING COMMITTEE

THURSDAY, 24 MARCH 2022

Report Title	Taxi Policy Review Stage 2 - Medicals, CCTV and Emissions Policy			
Purpose of Report	Committee to consider the following: 1. The recommendation in Statutory Standards that local authorities should consult on whether CCTV would have a proportionate positive impact on public safety in their district. 2. Stroud District Council's driver medical policy to address difficulties in drivers getting medicals through their GPs. 3. Setting up a task and finish group to develop a draft vehicle emission policy in accordance with the target in the Council Plan.			
Decision(s)	Committee RESOLVES to: a. Approve undertaking a public consultation on CCTV in taxi and private hire vehicles as detailed in Appendix A, and; b. Approve an amendment to the Council's policy on driver medicals as laid out in paragraph 3.8 of this report, and; c. Approve setting up a task and finish group to consider a draft vehicle emissions policy in line with paragraph 4.4 of this report			
Consultation and Feedback	None			
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Options	Not applicable			
Background Papers	Statutory Taxi and Private Hire Vehicle Standards 2020			
Appendices	Appendix A – CCTV consultation Document			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	Yes	No	No

1. INTRODUCTION / BACKGROUND

- 1.1 In September 2020 the Community Services and Licensing Committee adopted the Gloucestershire Common Standards for taxi and private hire licensing for Stroud District. These Common Standards reflect a first stage of work undertaken by The Gloucestershire Licensing Officer Group (GLOG) to consider and comply with the Statutory Standards

issued by the Department of Transport in 2020. The Common Standards mainly relate to drivers and safeguarding issues.

- 1.2 Following on from that work last year a second stage of the review of Stroud District Council's taxi and private hire policy is now being undertaken. This report considers the recommendation in the Statutory Standards about CCTV in taxi and private hire vehicles. In addition, this report considers Stroud District Council's local policy on driver medicals and vehicle emissions.

2. CCTV in taxis and private hire vehicles

- 2.1 The Statutory Taxi and Private Hire Vehicle Standards issued in 2020 state that Government expects the recommendations in the Standards to be implemented by local authorities unless there is a compelling local reason not to.
- 2.2 One of the recommendations, not yet considered by Stroud District Council, is that "All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues."
- 2.3 The Department for Transport's view is that CCTV can provide additional deterrence to prevent the potential risk to public safety and has an investigative value if there is an incident. Its view is that "The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers."
- 2.4 However, the Standards also note that the imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. The report recognizes that such a policy could impact on the privacy of the passenger and the driver. In addition, mandatory CCTV will have cost implications to the vehicle licence holder and introduce a responsibility to the Council to be the data controller for all data captured.
- 2.5 The Gloucestershire Licensing officers group have drafted up a county consultation document that each authority can use to consult on this matter. The aim of the consultation is to identify if there is local evidence that would support each local authority introducing a mandatory CCTV policy.
- 2.6 The intention is that each of the Gloucestershire Licensing Authorities will use the same consultation document and consult at the same time. However, local outcomes to consultation may be different and each authority will need to make its own decision, based on local evidence, whether to introduce a mandatory approach.
- 2.7 Appendix A is the draft County CCTV Consultation Document. This report recommends that Committee approves undertaking this consultation for Stroud district, the result of which will be reported back so that a decision can be made whether to proceed with developing a mandatory CCTV policy.

3. Driver Medicals

- 3.1 Stroud District Council's current Taxi and Private Hire Policy for Drivers states that all new driver licence applicants must provide a satisfactory Group 2 medical certificate completed by their own General Practitioner or a medical practitioner that has access to their medical records. This must be repeated every three years following initial application, increasing to every year from the age of 65. The certificate must not be more than 3 months old when submitted and the cost is paid by the applicant direct to the medical practice.
- 3.2 This policy was introduced in 2017 and at the time it was felt that it was appropriate that medicals should be undertaken by a driver's own GP or a practitioner that has full access to the driver's medical records. This was so that consideration could be given to all relevant medical history and to ensure that the driver does not have any condition or is on any medication that may impact on their safety to carry members of the public in a licensed vehicle. A group 2 medical is the level of medical used for vocational drivers such as taxi and private hire drivers as well as HGV and PSV drivers.
- 3.3 In practice it is only an applicant's own GP that has full access to their medical records. Other practices do not automatically have access unless there is a particular arrangement in place between the practices. This means that all drivers and new applicants have had to have their medical booked in with their own GP rather than using any other practices such as specialist driver medical practices.
- 3.4 GP practices tend to charge a higher fee for medicals than specialist practices. Drivers have indicated that their GP medical has cost over £100. Medical practices such as D4, which specialise in driver medicals, charge £55.
- 3.5 When the Covid-19 pandemic hit in 2020 all GPs stopped offering face to face appointments, including driver medicals. This meant that drivers were unable to have a medical check at that time. We are now two years on, but many GPs are still not offering driver medicals due to other priorities, and many say that they are unlikely to resume this service. This means that some drivers have medicals outstanding. An alternative is needed as a matter of urgency so that their medical fitness can be checked.
- 3.6 It is therefore proposed that, in line with some other Councils including Cheltenham Borough Council, that applicants and drivers are permitted to have a medical through other medical practices provided that they obtain first a summary medical record from their own GP and the medical practitioner undertaking the medical takes account of this summary record. Drivers will still be permitted to have a medical through their own GP practice if they prefer.
- 3.7 Under the 'subject access request' provisions of data protection legislation, patients have a right of access to their medical records upon request. A patient can ask for a full record or a summary record. Full records can consist of pages and pages of historical information, much of which is not relevant to the driver's current fitness. It is an onerous and time-consuming task for the GPs to produce a full record which can cause delays. A summary record will include current conditions, treatments and medications and so is easier and quicker to obtain and will provide the relevant information for another medical practitioner to make a judgement as to whether a driver is fit to drive.

- 3.8 To ensure that delays in drivers obtaining medical checks is not extended any further it is proposed that, with immediate effect of this amendment being approved by this Committee, that Stroud District Council's policy is changed to the following wording.

'All taxi and private hire driver licence applicants and licence holders must provide a satisfactory Group 2 medical certificate, completed by:

- Their own General Practitioner or,
- A suitably qualified medical practitioner that has been provided with a Summary Medical Record obtained by the driver from their own General Practitioner. The Summary Medical Record should be no more than two months old at the time that it is provided to the medical practitioner undertaking the medical.

The medical certificate must be completed and provided to the Licensing Team at the following times:

- On application
- Every three years following initial application
- Every year from the age of 65'

A medical certificate will not be accepted if it is dated more than 3 months prior to submitting the application. All costs associated with the medical certificate are met by the applicant and paid direct to the medical practitioner.

4. Emissions Policy

- 4.1 Stroud District Council has a target for the district to be carbon neutral by 2030. As part of this ambition the Council Plan includes an action to review taxi and private hire licensing conditions to consider moving from an 'age' condition to an 'emissions'-based condition to encourage an increase in the percentage of low and ultra-low emission vehicles (ULEVs).
- 4.2 There are several options to how this aim could be achieved. A possible option is ending the age policy and introducing an interim policy based on Euro 6 Emissions. This could be combined with a longer-term plan of introducing a ULEV policy by 2030.
- 4.3 Consideration should be given to the fact that many of the current licence holders will have invested in a vehicle based on the current age policy. It is recommended that any proposed change should have a time period built in for existing licence holders to replace their current vehicles in line with any new policy. Account should be taken of the fact that during the two years of the Covid-19 pandemic many taxi and private hire businesses have seen a significant reduction in income that they are still trying to recoup. Additionally, any proposed policy should take account of the current higher cost of ULEV vehicles compared to other vehicles and current limitations in the charging network.
- 4.4 This report recommends that a task and finish group is set up with two or three Members of this Committee, together with the Licensing Manager and other relevant officers, to draft a vehicle policy which will be brought back to this Committee in June 2022 for the Committee to approve prior to going out for public consultation.

4.5 A suggested timetable is:

- 24th March 2022 - CS&L Committee to agree to setting up a task and finish group to draft a proposal to bring back to Committee
- June 2022 - CS&L Committee to agree a final draft proposal for consultation
- June to August 2022 – Public consultation to include the trade and relevant agencies
- September 2022 - Committee to consider consultation comments and agree a final policy

5. CONCLUSION

5.1 In accordance with the Department of Transport's Statutory Taxi and Private Hire Standards, Stroud District Council must undertake a consultation to consider whether local circumstances indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users taking into account potential privacy issues. The outcome of this consultation would then enable the Council to decide whether it would be proportionate to consider introducing mandatory CCTV. Appendix A is a proposed consultation document drafted by GLOG.

5.2 Taxi and Private Hire drivers are currently finding it difficult to have a medical through their own GP. This report proposes the current policy for medicals is amended from immediate effect so that drivers can use another medical practice such as specialised driver medical practices provided that they obtain a summary medical report from their own GP for the medical practitioner to take account of.

5.3 Stroud District Council's Plan includes an action that taxi and private hire licensing conditions are reviewed to consider moving from an 'age' condition to an emissions based condition. This report recommends that a task and finish group is set up with two or three Members of this Committee, together with the Licensing Manager and any relevant officers, to draft a vehicle policy which will be brought back to this Committee in June 2022 for the Committee to approve prior to going out for public consultation.

6. IMPLICATIONS

6.1 Financial Implications

There are no direct financial implications within this report.

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6.2 Legal Implications

The Council will need to comply with public law consultation principles and with data protection legislation when undertaking the public consultation on the draft CCTV policy.

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6.3 Equality Implications

An EIA is not required because there are not any specific changes to service delivery proposed within this decision.

6.4 Environmental Implications

There are no significant implications within this category at this stage of the vehicle policy review.