



DERBY CITY COUNCIL

## TAXI LICENSING AND APPEALS COMMITTEE 19 DECEMBER 2007

Report of the Interim Director of Environmental Services

### REVIEW OF POLICY ON USE OF MOBILE PHONES BY LICENSED DRIVERS

#### RECOMMENDATION

1. To note the contents of the report and decide whether or not the existing policy on the use of mobile phones by licensed drivers needs amending.

#### SUPPORTING INFORMATION

- 2.1 In June 2005, Members considered a report that proposed out how licensed drivers using a mobile phone should be dealt with. The report provided some background information around the issue and proposed an 'enforcement approach' that could be adopted.
- 2.2 Members agreed that, following receipt of a complaint about a driver, the matter would be referred to the Taxi Licensing Sub Committee for consideration. A copy of the full resolution is attached at Appendix 2.
- 2.3 The decision included the use of 'hands-free' mobile phones using Bluetooth technology. Although there could still be a safety issue with such equipment due to driver distraction, the report acknowledged that this method was significantly safer than using a hand-held mobile phone that forces a driver to drive with only one hand. At a recent trade meeting, a hackney driver representative asked that this decision be reviewed in light of the fact that the legislation allows this type of technology and has moved forward considerably.
- 2.4 Many of the issues discussed at the meeting in 2005 are still relevant today and officers continue to receive complaints about drivers using mobile phones whilst driving. These complaints originate from members of the public, other drivers, licensing officers themselves and customers in the vehicle at the time of the incident. They are all concerned about the public safety implications.
- 2.5 The use of a mobile phone whilst driving is an offence and continues to be enforced by the police. However, licensed hackney carriage and private hire vehicle drivers also have a general duty to protect the safety of their passengers. In Derby, this is set out in the Drivers' Licence Conditions:

*"The driver shall take all reasonable steps to ensure the safety of passengers conveyed in, entering into or getting out of, the vehicle driven by him/her."*

Since using a mobile phone whilst driving could put passengers at risk, it could be considered a breach of this licence condition.

- 2.6 Licensing Officers who witness calls being made by licensed drivers will continue to advise them not to use mobile phones whilst driving. If carrying passengers, they will be advised not to use a phone until they reach their destination and the passenger has left the vehicle.
- 2.7 It is important to note that many licensed vehicles have radios for drivers to communicate with their base offices/controllers. These are exempt from the legal requirements covering use of mobile phones whilst driving.

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<b>Background papers:</b>	Item 7 – Use of Mobile Phones by Hackney Carriage and Private Hire Vehicle Drivers, Taxi Licensing and Appeals Committee, 1 June 2005
<b>List of Appendices:</b>	Appendix 1 – Implications Appendix 2 – Taxi Licensing and Appeals Committee Minute Resolution 07/05

<b>IMPLICATIONS</b>
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**Financial**

1. None directly arising.

**Legal**

2. Licensing authorities can prosecute licence-holders for breaches of licence conditions. The Taxi Licensing Sub-Committee can also suspend or revoke a driver's licence if it considers that the driver's actions are sufficiently serious to warrant that course of action. Any driver whose licence is suspended or revoked has a right of appeal against this decision to the Magistrates Court

**Personnel**

3. None directly arising.

**Equalities impact**

4. Persuading licensed drivers not to use mobile phones whilst driving will ensure greater safety for all passengers and other road users.

**Corporate priorities**

5. The contents of this report support to the priorities of **giving excellent services and value for money** and **helping us all to be healthy, active and independent**.

### Taxi Licensing and Appeals Committee Minute Resolution 07/05

The Committee considered a report from the Director of Corporate Services advising that the Taxi Licensing section was receiving an increasing number of complaints about Hackney Carriage and Private Hire Vehicle drivers using mobile phones whilst driving. Some of these complaints originated from members of the public or other drivers, but many came from customers in the vehicle at the time of the incident, who were concerned about the public safety implications. Using a mobile phone while driving was an offence that was enforced by the police. Using a mobile phone while driving could put passengers at risk and it could be considered a breach of the licensing conditions. Licensing managers proposed a three stage enforcement approach:

1. on the first occasion when a complaint of 'using a mobile phone whilst driving' is received, the licensed driver would receive a written warning reminding them of their licence conditions and their duty of care to their passengers.
2. on receipt of a second complaint, the driver would be requested to attend for an interview with licensing officers, where a verbal and a second written warning would be issued.
3. if a third complaint was received against the driver, the matter would be referred to the Taxi Licensing Sub Committee, with a view to action being taken against their licence.

Councillor Jackson commented that she thought that officers were being unduly lenient as it was an offence to use mobile phones and drivers should not be given all these opportunities and the complaint should be brought straight to Committee.

Councillor Dhamrait stated that officers needed to educate the community that taxi drivers were not allowed to use mobile phones by putting stickers in cars.

Councillor Redfern added that this should also be communicated to drivers.

#### **Resolved**

1. **to approve the following enforcement approach if a driver is reported as having used a mobile phone whilst driving a Hackney Carriage or a Private Hire vehicle:**
  - **If a complaint is received against the driver, the matter will be referred to the Taxi Licensing Sub Committee, with a view to action being taken against their license.**

**This enforcement approach included all mobile phones including bluetooth.**

2. **To inform drivers of the new enforcement approach by writing to every licensed driver with a copy to every operator base.**