



DERBY CITY COUNCIL

**TAXI LICENSING AND APPEALS COMMITTEE**  
**1 JUNE 2005**

Report of the Director of Corporate Services

**USE OF MOBILE PHONES BY HACKNEY CARRIAGE AND  
PRIVATE HIRE VEHICLE DRIVERS**

**RECOMMENDATION**

1. To approve the enforcement approach set out in paragraph 2.3.

**SUPPORTING INFORMATION**

- 2.1 The Taxi Licensing Section is receiving increasing numbers of complaints about hackney carriage and private hire vehicle drivers using mobile phones whilst driving. Some of these complaints originate from members of the public or other drivers, but many come from customers in the vehicle at the time of the incident, who are concerned about the public safety implications.
- 2.2 Using a mobile phone whilst driving is an offence and is 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.

- 2.3 In view of this, licensing managers propose the following enforcement approach:
  - a) On the first occasion when a complaint of 'using a mobile phone whilst driving' is received, the licensed driver will receive a written warning reminding them of their licence conditions and their duty of care to their passengers.
  - b) On receipt of a second complaint, the driver will be requested to attend for an interview with Licensing Officers, where a verbal and a second written warning will be issued.
  - c) If a third complaint is received against the driver, the matter will be referred to Taxi Licensing Sub-Committee, with a view to action being taken against their licence.

- 2.4 The above procedure would not apply to incidents where drivers were using hands-free equipment, such as 'Bluetooth'. Although there is still a safety issue with such equipment due to driver distraction, it is significantly safer than using a hand-held mobile phone that forces a driver to drive with only one hand.
- 2.5 Licensing Officers will continue to advise licensed drivers not to use mobile phones to make or receive calls whilst they have a passenger on board. Although a driver could stop a vehicle in a safe position and stop the meter whilst answering a mobile phone, this would constitute elongation of a journey, which is an offence and could result in a complaint from passengers. Drivers are advised not to use a phone until they reach their destination and the passenger has left the vehicle.
- 2.6 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>	None
<b>List of Appendices:</b>	Appendix 1 Implications

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

1. None.

**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.

**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 objectives and priorities for change**

5. Hackney carriage and private hire licensing contributes to the Council's objective of **protecting and supporting people.**