

USE OF MOBILE PHONES IN LICENSED VEHICLES

RECOMMENDATION

- 1.1 To request the Director of Environmental Services to begin consultation with the hackney carriage and private hire trades on new rules relating to the use of mobile phones and other equipment in licensed vehicles.

SUPPORTING INFORMATION

- 2.1 In June 2005, in response to a growing number of customer complaints about licensed drivers using hand-held mobile phones whilst driving, this Committee agreed a procedure for addressing such incidents via the Taxi Licensing Sub-committee. This procedure stated that:
- All complaints of licensed drivers using mobile phones whilst driving would be reported to the Taxi Licensing Sub-committee for consideration
 - All incidents of mobile phone use witnessed by Licensing Officers (but not the subject of a complaint) would result in a written warning on the first occasion; subsequent incidents would be reported to the Taxi Licensing Sub-committee for consideration
- 2.2 Whilst this procedure applied to the use of mobile phones Committee had, in 2007, agreed that it should not apply to the use of blue-tooth headsets or other appliances as these were not prohibited by law.
- 2.3 The Taxi Licensing Section continues to receive regular complaints about licensed drivers using both mobile phones and blue-tooth appliances whilst conveying passengers. Recent cases include a driver who held a personal conversation for the entire duration of the journey, and another where a driver missed the destination because he was concentrating on his telephone conversation, resulting in an increased fare for the customer. Both incidents involved the use of blue-tooth. Such behaviour is clearly unacceptable and puts the driver, his passenger and other road users at risk.

- 2.4 The legal position in relation to mobile phone usage is that any driver caught by the police using a hand held mobile phone whilst driving is liable to a fixed penalty fine and 3 penalty points on their licence. If the driver is involved in an incident/accident for which they are responsible and it is found that they were using a mobile phone (including a blue-tooth device) or other equipment such as a satellite navigation system, radio, etc. they may be charged with driving without due care and attention or dangerous driving. If the incident results in a fatality they may face a charge of manslaughter.
- 2.5 The Council's principal duty within its licensing role is to protect the public. There is a need therefore to ensure that its rules relating to mobile phone use by licensed drivers extend to cover all of the concerns expressed by customers. As things stand, drivers are able to argue that because they were using blue-tooth, there was nothing improper about their conduct. This fails to take account of the genuine concern a fare paying passenger may have about the perceived drop in driving standard by the driver while the conversation is taking place. Put another way, it is virtually impossible in those circumstances to find in favour of the complainant, who is best placed to assess the extent to which they considered their well-being was compromised.
26. It is proposed, therefore, that Licensing Officers begin consultation with the taxi trade on a new set of standards which, subject to consideration by this committee, can be incorporated into licence conditions and/or voluntary agreements.
- 2.7 It is proposed that the new standards are based on the following principles:
- A licensed driver shall not engage in a mobile phone conversation, whether with or without blue-tooth enablement, at any time when there is a passenger in the vehicle
 - A licensed driver shall not activate and/or operate any blue-tooth device, satellite navigation system, audio equipment, radio or data/information system whilst the vehicle is in motion and there is a passenger in the vehicle For the avoidance of doubt, pre-programmed voice-aided satellite navigation systems that are activated prior to the commencement of the journey may be used on individual journeys subject to the ban on operation while in use
 - Every vehicle shall contain a notice for passengers informing them of the requirements and giving contact details for the Licensing Team if a driver breaks these rules
- 2.7 Subject to agreement by this committee, consultation with the trade can commence in January 2010 with a view to a report back to this committee by April 2010.

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Background papers:	None
List of appendices:	Appendix 1 – Implications

APPENDIX 1

IMPLICATIONS

Financial

1.1 None arising from this report .

Legal

2.1 Any person aggrieved by a policy decision by the Council may challenge this by way of Judicial Review. Any person aggrieved by a decision taken in respect of their licence by the Taxi Licensing Sub-committee may appeal to the Magistrates Court.

Personnel

3.1 None arising from this report.

Equalities Impact

4.1 None arising from this report.

Corporate objectives and priorities for change

5.1 The information contained in this report contributes to the corporate priority of **giving excellent services and value for money.**