

USE OF MOBILE TECHNOLOGICAL DEVICES IN LICENSED VEHICLES

SUMMARY

- 1.1 The use of mobile devices in licensed vehicles affects passengers' perception of safety, and links to the standard of service received by the fare paying passenger.
- 1.2 The use of mobile devices in licensed vehicles has become more common.
- 1.3 The report proposes the introduction of a new set of licence conditions on the use of mobile devices.

RECOMMENDATION

- 2.1 To approve the proposal to consult with the trade on the introduction of a new set of licence conditions on the use of mobile devices.

REASONS FOR RECOMMENDATION

- 3.1 To support the safety of the public whilst using licensed vehicles.

SUPPORTING INFORMATION

- 4.1 Committee have considered this matter on a number of occasions in the past. Initially, this focussed purely on the use of mobile phones. With the increasing use of technological aids in vehicles, members have broadened their considerations to include the use of other mobile devices such as satellite navigation systems and vehicle 'data head' devices.
- 4.2 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 the use of mobile phones and other technological devices extends to cover reasonable and legitimate concerns expressed by customers.

4.3 **Mobile Phones**

In relation to the use of mobile phones, as things stand, drivers are able to argue that because they were using blue-tooth, where they engage in telephone conversations while there is a passenger in the vehicle there is nothing unlawful or 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.

4.4 Since the last review of the use of mobile phones by drivers, there have been eight complaints from fare paying passengers against drivers using devices while transporting them.

4.5 **Satellite Navigation, Audio Equipment, Radio or Data / Information System**

In a similar way, drivers would be able to argue that there is nothing unlawful or improper about their conduct when using these devices when there is a passenger in the vehicle. Whilst no complaints have been received from fare paying passengers against drivers using these devices while transporting them, officers believe there could be the same genuine concern about the perceived drop in driving standard by the driver while using one or more of these devices.

4.6 It is proposed, therefore, that Licensing Officers begin consultation with the taxi trade on a new set of standards which, subject to consideration by committee at some future date, can be incorporated into licence conditions.

4.7 It is proposed that the new standards are based on the following principles:

- a) 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.
- b) 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/during the duration of a booking 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 activation while in motion.
- c) 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.

OTHER OPTIONS CONSIDERED

5.1 None.

This report has been approved by the following officers:

Legal officer	Olu Idowu
Financial officer	n/a
Human Resources officer	n/a
Service Director(s)	n/a
Other(s)	None

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For more information contact:
Background papers:
List of appendices:

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None
Appendix 1 – Implications

IMPLICATIONS

Financial

- 1.1 None directly arising.

Legal

- 2.1 It is for the Council to be satisfied of the safeguards in place to secure the safety of passengers and the general public by licence holders. By the same token, it is for the Council to justify the addition of any new conditions to be introduced.

Personnel

- 3.1 None directly arising.

Equalities Impact

- 4.1 None directly arising.

Health and Safety

- 5.1 As set out in the report.

Carbon commitment

- 6.1 None directly arising.

Value for money

- 7.1 None directly arising.

Corporate objectives and priorities for change

- 8.1 The proposal supports the corporate priorities to ensure the people in Derby will enjoy **good quality services that meet local needs and being safe and feeling safe.**