



DERBY CITY COUNCIL

## TAXI LICENSING AND APPEALS COMMITTEE 14 OCTOBER 2009

Report of the Corporate Director of Environmental Services

### CLARIFICATION ON THE USE OF MOBILE PHONES

#### RECOMMENDATION

- 1.1 To consider the information set out in this report and consider appointing a Cross Party Working Group to review and clarify the position on the use mobile phones by licensed drivers.

#### SUPPORTING INFORMATION

- 2.1 At a recent Taxi Licensing and Appeals Sub Committee meeting, members dealt with a complaint from a member of the public about a driver who had been using a mobile phone Bluetooth device whilst taking them home. The driver had allegedly missed the turning into the customer's road and had to be asked to turn the vehicle around. This added extra time on the meter which meant the fare had cost more. The customer was not happy with this situation and also believed the driver was not paying full attention whilst they were on the phone. Although the Sub Committee made their decision, the members requested that the policy on the use of mobile phones by drivers was clarified.
- 2.2 The use of mobile phones was last discussed by Committee on 19 December 2007. The report followed a request from a member of the trade for the Council to reconsider the existing policy at the time (introduced in June 2005) which did not allow the use of Bluetooth devices. Committee resolved to amend the existing policy and removed the original reference to Bluetooth effectively allowing this technology to be used.
- 2.3 The recent Sub Committee case provides a good example of the enforcement problems the current situation creates following complaints from members of the public. The taxi licensing team continue to receive complaints from passengers who feel uncomfortable being carried in taxis when the driver is talking on the phone, even by means of a Bluetooth device. This may simply be because they are using the phone or it may be because they are concerned about the amount of care and attention the driver is paying to the road. Either way, it means that potentially no action can be taken and the passenger is upset with the response.

- 2.4 The use of a mobile phone whilst driving is an offence and continues to be enforced by the Police. Although the law permits the use of hands-free mobile phone devices, licensed hackney carriage and private hire vehicle drivers have a general duty to protect the safety of their passengers. This duty on drivers 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 hands-free mobile phone device whilst driving could put passengers at risk, it could be considered a breach of this licence condition. Members need to consider whether or not, as public vehicles, the use of a hands-free device whilst driving a taxi is an acceptable practice.

- 2.5 If Committee believes that a review is needed, there are a number of issues that would need to be considered and members may wish to consider appointing a Cross Party Working Group to review all these issues and make recommendations to Committee at a future meeting.

<b>For more information contact:</b>	Michael Kay, Tel. 01332 641940, e-mail michael.kay@derby.gov.uk
<b>Background papers:</b>	Taxi Licensing and Appeals Committee, 1 June 2005, Item 7 Taxi Licensing and Appeals Committee, 19 December 2007, Item 6
<b>List of Appendices:</b>	Appendix 1 - Implications

<b>IMPLICATIONS</b>
---------------------

**Financial**

1. None directly arising from this report.

**Legal**

2. None directly arising from this report.

**Personnel**

3. None directly arising from this report.

**Equalities impact**

4. None directly 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**