



**TAXI LICENSING AND APPEALS  
COMMITTEE  
14 March 2012**

# ITEM 9

Report of the Strategic Director of  
Neighbourhoods

## 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 A report to address this was considered at Committee on 29 June 2011.
- 1.4 At that time the committee resolved to; consult with the taxi trade on the introduction of a new set of licence conditions on the use of mobile technological devices.
- 1.5 The results of the consultation can be found at Appendix 2.

### RECOMMENDATION

- 2.1 To consider the responses from the consultation on the introduction of a new set of licence conditions on the use of mobile technological devices.
- 2.2 To approve the introduction of a new set of licence conditions on the use of mobile technological devices.

### REASONS FOR RECOMMENDATION

- 3.1 To address the concerns of the fare paying public that electronic communication features installed in licensed vehicles act as a distraction to drivers.
- 3.2 To promote the Council's overall statutory responsibility to safeguard public safety.

## SUPPORTING INFORMATION

- 4.1 Committee has considered this issue on a number of occasions in the past. Initially, this focussed purely on the use of mobile phones. However, 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 say that because they were using blue-tooth enabled devices 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 A number of members may recall particular instances of complaints they have been called upon to consider as part of a member panel. Examples include allegations by passengers of drivers having engaged in prolonged conversations on the telephone during a journey to the extent that they missed the intended passengers destination because they were distracted, or complaints about the perceived quality of the drivers driving during another extended telephone conversation.
- 4.5 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 passengers.
- 4.6 **Satellite Navigation, Audio Equipment, Radio or Data / Information System –** In a similar way, drivers would be able to say that there is nothing unlawful or improper about their conduct when using these types of devices when there is a passenger in their 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.

4.7 Following the Committee's decision to consult with the taxi trade on the introduction of new set of licence conditions, the licensing team have undertaken that consultation based on the following principles:

1) 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.

2) A licensed driver shall not activate, respond to 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 any booking where 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 equipment not having to be manipulated while in motion.

3) Every vehicle shall contain a notice for passengers informing them of these requirements and giving contact details for the Licensing Team if a driver breaks these rules.

4.8 The results of the consultation can be found at Appendix 2.

4.9 The proposals do not outlaw the use of technological devices installed in vehicles by the driver. What they do however is prevent the driver from manipulating any installed equipment at any time following commencement of a hired journey when there is a passenger in the vehicle.

## OTHER OPTIONS CONSIDERED

5.1 Not applicable

**This report has been approved by the following officers:**

<b>Legal officer</b>	Olu Idowu
<b>Financial officer</b>	-
<b>Human Resources officer</b>	-
<b>Service Director(s)</b>	-
<b>Other(s)</b>	-

<b>For more information contact:</b>	Michael Kay 01332 641940 e-mail michael.kay@derby.gov.uk
<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications



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

- 1.1 None directly arising from this report.

**Legal**

- 2.1 As the licensing authority, the Council is obliged to ensure that its licensing policies and related terms and conditions attaching to licences effectively safeguard the public interest. So long as the rationale for inclusion of a term or condition can be objectively justified in the public interest, the courts have demonstrated their reluctance to interfere with local discretion in policy setting.

**Personnel**

- 3.1 None.

**Equalities Impact**

- 4.1 The proposed changes will apply equally to all groups within the community and no particular group(s) will be disadvantaged.

**Health and Safety**

- 5.1 None.

**Carbon commitment**

- 6.1 None.

**Value for money**

- 7.1 None.

**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**.



Details of consultation on the use of mobile technological devices in licensed vehicles

Consultation process: 11 January 2012 – 2 March 2012				
DHU - emailed consultation document 11 January 2012 at 14.40	DATOA - emailed consultation document 11 January 2012 at 14.40	Large Operators - emailed consultation document 11 January 2012 at 14.40 - for distribution to all licensed drivers	Small Operators - letters sent 12 January 2012 - for distribution to all licensed drivers	Advertising in Licensing Reception - 11 January 2012 - 110 response forms available
Consultation Responses				
Capacity in which response being made		Comments		
1) Not provided		It's national law you can talk on 'Bluetooth' device. Why not Derby City Council? Do you think government and MP's are stupid?		
2) Mr Mohammed Saffaf on behalf of DHU		1) Regarding the use of sat navs. In the past, it was agreed that the navigation device should be programmed before the commencement of the journey. Usually, the device will indicate that it is not being used whilst the vehicle is in motion.		
		2a) The use of mobile phones- this should be allowed so long as a hands free device is being used, this is what is prescribed by law and we should be able to follow this. As far as I can remember this was discussed at a previous meeting and there was no intention to ban the use of mobile phones so long as it was done in a safe and legal manner.		
		2b) I do however agree with the limited use of mobiles. Mobiles should only be used to make the caller know the driver is on the move and that they will call them when stationary.		

	<p>3) Regulations on the use and operation of audio equipment are in the licence conditions and the rules are more than adequate. I think extra regulations prove a means of patronising drivers. Many newer cars have a central system to control the car, e.g. a multi-function steering wheel which can control the lights, wipers and volume in the car. Your suggestions give the impression that a driver could not press these buttons whilst on the move.</p>
	<p>4) The use of operating the data system whilst driving – I feel your proposal doesn't account for the way drivers accept jobs. If you implement this regulation for people who use such equipment, they will not be able to effectively operate as they will not be able to accept jobs. The device is part of the job and the proposal shows a total lack of knowledge on behalf of the licensing team.</p>
	<p>5) May I remind you that we have a notice displayed in our taxis which detail our taxi number and a number to call if they have any complaints. Making more notices could open the floodgates for malicious complaints.</p>
<p>3) DATOA members = number 58 all stating the same comment.</p>	<p>I would like to inform you that on the consultation of use of Mobile Technological Devices in Licensed Vehicles, I am strongly against section B on the grounds of my health and safety is at risk and that also there is no law or legislation in place in the UK banning the use of two way radio communication and that there is an exemptions in place in road safety law in the UK.</p>
<p>4) PH Driver</p>	<p>It is very upsetting that you could even thing of proposing these conditions I have been driving taxi's since 1999 I totally agree with number 1 nobody should be using mobile phone number 2 what if customer wants to listen to audio what would i say no I can't touch the audio the worse one is using radio system if you can't use the radio we can't do the job even the police use the same data equipment. My view to this proposal is I totally disagree with the (b) section and (c) section and hope it will not go further.</p>
<p>5) PH Driver</p>	<p>If using a hands free device and it does not affect driving ability then it should be</p>



	<p>allowed. There should not be one law for other road users and another for taxi and private hire drivers.</p>
<p>6) Operator</p>	<p>Firstly I need to state that I have worked or been involved in the Private Hire industry for nearly 40 years, in this time I have seen a lot of changes some good and some not so good. My father had a taxi company in the early 70s which ran without the use of radios, so a driver would have to use public telephones to check for his/her next job. The introduction of two-way radios was a technological breakthrough for them, nowadays we run a fully computerised fleet which is some thirty times larger than it was back then.</p> <p>We as a company have invested in technology to enable us to provide a level of service which we feel our customers deserve. It is felt that some of the proposals you are suggesting will have a detrimental effect on the trade and its advancement. The trade has operated for nearly 40 years with some of this equipment that you are now talking about punishing drivers for using, this could be said to be a joke. Private Hire Companies are all prepared to make large investments in equipment and vehicles in order to improve the level of service they can provide for the travelling public. These proposals would seem to be an attempt at halting the progress the trade is making.</p> <p>Satellite navigation equipment is becoming an integral part of the vehicle equipment as more and more manufacturers are installing it as standard. I don't understand the inclusion of audio equipment, that's like saying you're not allowed to turn the heater up.</p> <p>I think your position on mobile phones doesn't go far enough, the number of drivers I've seen that have got a CU80 on their licence is unbelievable. On this matter I feel that any driver getting an endorsement on their drivers licence for mobile phone use should be at least asked to explain their actions to committee, if not given a suspension.</p> <p>With regard to the notice mentioned in paragraph C, whilst agreeing with this in principle, I feel it could also be detrimental. I don't think it should give a detailed explanation; it should be more a complaints procedure of who they can contact and how. It should also give all contact details for both the Private Hire Company and the</p>

	Taxi Licensing Department including contact address, phone numbers and email.
7) PH driver and Operator	I agree with the proposals except the notice in the vehicle this is a (Spy in the Cab) and this is one step to far, it must be on trust that all drivers conduct these methods. If they are found out they are not operating within the guidelines they loose their taxi driver's licence.