

CARDIFF COUNCIL

CODE OF GUIDANCE

MOBILE PHONES AND DRIVING

Purpose

The purpose of this Code of Guidance is to provide advice to employees who use mobile phones whilst in vehicles as part of their work.

The Code of Guidance addresses the following:

1.0 Introduction

1.0 The Law and Mobile Phone Use whilst Driving

3.0 Advice in the Highway Code and from the Department for Transport.

4.0 Further advice on the use of mobile phones

1.0 Introduction

Mobile phones are an essential means of communication but use of mobile phones whilst driving greatly increases the chance of having an accident. Having a telephone conversation (or texting) distracts from the mental concentration needed to drive safely. You put yourself and other road users in danger.

Research has shown that driver's reaction times are up to 50% slower than normal when driving and using a mobile phone. It also shows that your reaction times are 30% worse than when driving under the influence of alcohol. Other research suggests that if you are using a mobile phone while driving you are four times more likely to have a crash. The danger exists whether the phone is hand-held or hands-free and whether the car is manual or automatic transmission.

Council staff must not use telephone equipment whilst driving.

2.0 The Law and Mobile Phone Use whilst Driving

It is illegal to drive a vehicle or ride a motorbike and use a hand held mobile phone or similar device. It is also illegal to supervise a learner and use a hand-held phone. Hands-free phones are also a distraction and you risk prosecution for not having proper control of a vehicle if the police see you driving poorly while using one.

- A hand held device is something that "is or must be held at some point during the course of making or receiving a call or performing any other interactive communication function.

- A device "similar" to a mobile phone includes a device that can be used for sending or receiving spoken or written messages, sending or receiving still or moving images or providing Internet access.

If you accept a roadside fixed penalty notice, you will receive 3 points on your licence and a fine of £60. If a case goes to court, in addition to points, you could face discretionary disqualification on top a maximum fine of £1,000 (or £2,500 in the case of drivers of buses/coaches and goods vehicles).

The use of a hands-free phone or other equipment is not specifically prohibited because it is difficult for police to see it in use. However if you drive poorly because you are distracted by a phone conversation for example, then the police can prosecute for failing to have proper control of the vehicle. The same penalty applies as for hand-held phones - 3 points and a £60 fine.

If there is an incident or a crash, the use of any phone could be justification for the charges of careless or dangerous driving. The penalties on conviction for such offences include heavy fines, endorsement, disqualification and, in serious cases, imprisonment. Courts are taking a serious view in such cases.

3.0 Advice in the Highway Code and from the Department for Transport.

Advice on the use of mobile phones and driving appears in the Highway Code and specific advice has been produced by the Department for Transport.

The Highway Code advises:-

- You **MUST** exercise proper control of your vehicle at all times. Never use a hand held mobile phone or microphone when driving. Using hands free equipment is also likely to distract your attention from the road. It is far safer not to use any telephone while you are driving – find a safe place to stop first.

The Department for Transport specifically advises:

- When driving, switch off the phone, use a message service or let a passenger make or answer a call.
- Use voice mail or call divert so that messages can be left when the phone is switched off.
- Find a safe place to park in order to make a call or check for messages. (However, it is against the law to stop on the hard shoulder of a motorway except in an emergency).

4.0 Further Advice on the use of Mobile Phones

Further advice on the use of mobile phones includes:

- Only use mobile telephones when absolutely essential.
- Do not use mobile phones where safety is paramount and their use may interfere with concentration.
- Keep calls as short as possible.
- Hold the telephone as far away from the ear as possible to still allow normal use.
- Switch off mobile phones in petrol station forecourts, fuel depots or chemical plants, i.e. in a potentially flammable atmosphere.
- Do not put any flammable or explosive materials close to the phone.
- It is illegal to use mobile phones when airborne.
- Observe any restrictions imposed by hospitals.
- If you have a cardiac pacemaker or hearing aid fitted, consult your doctor before using a mobile phone.
- Switch off the mobile phone where blasting is in progress e.g. construction work using explosives, demolition groundworks, quarries etc.
- Mobile phones must comply with all relevant safety standards and have a CE mark which means compliance with the European directive on electromagnetic compatibility 89/336/EEC and the low voltage directive 73/23/EEC.
- All equipment should be installed and used in accordance with manufacturers instructions.
- Mains powered charging units should be checked regularly to make sure they are safe to use. Look out for damage, defects or signs of overheating affecting the flexible lead, mains plug and equipment casing. Do not use equipment found to be defective.

Further Information

The Highway Code

<http://www.thinkroadsafety.gov.uk/advice/mobilephones.htm#leaflet>