

**EAST AYRSHIRE COUNCIL**

**CORPORATE GOVERNANCE COMMITTEE**

**10 FEBRUARY 2004**

**VEHICLE POLICY**

**Joint Report by Depute Chief Executive/Director of Corporate Resources  
and Director of Development Services**

**1. Purpose**

- 1.1 The purpose of this report is to ask Committee to agree changes to the Council's Vehicle Policy.

**2. Background**

- 2.1 The Corporate Sub - Committee of the Policy and Resources Committee at its meeting on 12 February 2002 approved a Vehicle Policy which set out the Council's objectives in relation to the safe use of motor vehicles used in the course of Council business.
- 2.2 The policy is considered to have served the Council well since its introduction but it is now recommended that it be revised in the light of a) recent legislation relating to the use of mobile phones whilst driving and b) some practical amendments which will link the policy document more closely with other health and safety legislation led policies.
- 2.3 The revised policy is not attached here as the report aims to provide members with the necessary information in summary form. Copies of the full revised document can be obtained from the Head of Personnel.

**3. Mobile Phones and Driving**

- 3.1 In December 2003, the law changed to make it an offence to drive and use a hand-held mobile phone. The hands-free kits supplied with many mobiles phones, consisting of a wire and ear-piece do not comply with current legislation. Guidance from many of the leading safety organisations including the Health and Safety Executive, the Royal Society for the Prevention Accidents, the Automobile Association and the Department of Transport is that the use of hands free mobile phones should be avoided wherever possible, as there remains an element of distraction to the driver.
- 3.2 The existing Council policy position is "Do not use mobile phones when driving. If a call has to be made or received, drivers must stop in a safe position to do so. The use of hands free mobile phones will be subject to a risk analysis being carried out in relation to essential operational use."

**3.3** In consideration of the new legislation and the guidance from the leading organisations it is recommended that the policy be amended to read:

1. **The use of mobile phones while driving on Council business or whilst driving a Council vehicle is not permitted.** If a call has to be made or received, the driver must stop in a safe position to do so and turn off the engine before making or receiving the call.
2. Where a vehicle or person has been designated as an 'Emergency' vehicle/contact and where communication with the driver is required to be made for emergency purposes, subject to a suitable and sufficient risk assessment having been undertaken, the vehicle may be fitted with an approved hands-free phone kit.
3. All other drivers issued with or using mobile phones for Council business shall ensure they are turned to 'Silent' mode or turned off for the duration of the vehicle journey.
4. Drivers should then ensure the mobile phone is secure in the vehicle, e.g. in the glove box, a bag or briefcase, where it can no longer create a distraction whilst driving.
5. Drivers should ensure the voice-mail facility is activated on their mobile phone, in order that urgent and appropriate messages may be left for retrieval upon arrival at the destination or during a suitable break from driving.

**3.4** Advice has been prepared for managers regarding the designation of "Emergency' vehicle/ contact. Drivers will be notified if the vehicle they are driving is so designated.

**3.5** In recognition of the Council's health and safety responsibilities, this policy position was introduced in January in the form of a health and safety notice pending consideration of the longer term policy position by this Committee. It is recommended that the Council now formally adopt the revised policy position.

#### **4. Practical Amendments to Policy**

**4.1** The Council's Health and Safety Manager and Transport Services Manager have agreed a number of practical changes which will enhance the communication of this important policy. These include:

- Including the policy document within the Council's Master Safety File which holds all health and safety related policy standards. This is a simple change but one which will improve employee awareness.

- Revising the layout of the policy into specific sections detailing the responsibilities of employees and managers.
- Producing the key points of the document as a Topic card within the soon to be issued health and safety handbook.

## **5. Trade Unions**

**5.1** The proposal is subject to consultation with trade unions.

## **6. Financial Implications**

**6.1** There are no significant financial implications arising from this proposal. Amending and reproducing the policy document will be met from within existing resources. The costs associated with installing hands-free kits are already met from within existing budgets and it can be expected that the risk assessment process associated with this area of the policy will contain such expenditure.

## **7. Legal/Policy Implications**

**7.1** Adopting this policy position is significant in support of road safety by permitting only the designated vehicles to be fitted with approved hands-free kits for use during emergencies.

**7.2** In accordance with the Council's Code of Discipline, abuse of this policy would be regarded as unsatisfactory conduct and subject to disciplinary investigation.

## **8. Recommendation**

**8.1** The Committee are asked to:

- a) approve the recommended revisions to the Council's vehicle policy in the terms set out in this report; and
- b) otherwise, note the contents of this report.

Fiona Lees  
 Director of Corporate Resources/Depute Chief Executive  
 GH/EG  
 22 January 2004

### **LIST OF BACKGROUND PAPERS**

1. Report by Director of Development Services to Corporate Sub-Committee of the Policy and Resources Committee dated 12 February 2002.

Anyone wishing further information concerning this report should contact  
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