PACTS Response to the ‘Consultation on changes to the Fixed Penalty Notice and penalty points for the use of a hand-held mobile phone whilst driving.’

**Introduction:**

The number of killed or seriously injured road casualties in Great Britain has changed little since 2010 and increased by 5% in 2014 compared with the previous year. PACTS is therefore supportive of the government’s 2015 commitment to reduce the number of cyclists and other road users killed and injured on our roads every year.[[1]](#footnote-1)

The PACTS UK Road Safety Summit held in March 2015, *Drink, Drugs and Mobile Phones*,[[2]](#footnote-2) gave clear evidence that drivers who use mobile phone devices whilst operating a vehicle pose a serious risk to themselves and to other road users. The use of mobile phones whilst driving has been shown to increase the risk of a collision taking place and we support sanctions being raised in order to better deter this deliberate, risky and irresponsible behaviour.

We support Option (3); ‘Increasing the FPN by 50% from £100 to £150 for all drivers AND, raising the penalty level from 3 to 4 penalty points for non-HGV drivers and from 3 to 6 penalty points for Large Goods Vehicle Licence holders who commit the offence whilst driving a HGV.’ We agree that reducing the number of times an offender must be caught before being disqualified sends a clearer message to drivers on the severity of this offence.

We also support a specific offence for those who hold a Large Goods Vehicle (HGV) vocational licence; warning letters produced by the DVLA on top of the FPN and, in the event that a second offence is committed, a hearing with the Traffic Commissioner. PACTS welcomes the recognition of the increased potential risk posed by Heavy Goods Vehicles (HGVs) and the reflection of this heightened risk in the proposed legislative changes. Although there are fewer mobile phone offences for HGV Drivers, as professional drivers they should adhere to higher safety standards.

The changes proposed would be a low-cost measure that would incorporate a number of ‘business as usual’ costs through the use of existing services. There are no significant costs to business. No calculation is provided of the casualty savings or economic benefit. However, with a single fatal accident valued at £2million, it would take only a few deaths to be avoided to provide a high BCR. First offenders should be encouraged to choose remedial training courses rather than taking an FPN or penalty points on their license. This would lower the number of court cases necessary for this offence and would have a positive impact on the UK Court system. Furthermore, there is significant benefit to be obtained from a reduction in the casualty numbers. With estimated road traffic collisions costing the UK economy in excess of £16.3 billion per year, there is an economic case for this proposal.

Finally, there is substantial public support on this issue. Growing media pressure to increase the penalty for this offence directly reflects evidence that drivers who talk on their phones whilst driving are of real concern to road users.[[3]](#footnote-3)

PACTS urges the government to consider the following points as part of the consultation:

* PACTS calls for additional evaluation to be made of the risk posed by hands-free mobile phone devices and built-in communication and entertainment devices and recommends that the consultation consider whether legislation should be expanded to include use of all mobile phone devices within vehicles. This follows recommendations made in the Transport Select Committee’s Report on ‘Road Traffic Law Enforcement.’[[4]](#footnote-4)
* PACTS calls on the government to clarify how legislation will continue to cover the use of new electronic products. The use of smart watches, tablets and further products must be included within any new legislation designed to combat distraction as a risk of collision. This would reflect the risk of using devices with a similar function and usage to mobile phones whilst driving.
* PACTS urges the government to further support and encourage new technological solutions in order to dissuade motorists from using hand-held devices whilst driving. PACTS believes that ‘drive safe mode’ style technologies may have an important part to play in this area. We ask the government to support developments in this area.
* PACTS is supportive of the use of remedial training courses and welcomes their increased usage for first-time offenders driving non-HGV vehicles.
* In the event that the FPN and/or penalty points is/are increased, PACTS recommends that focus be placed upon educating motorists in the penalties obtainable in order to make full use of any perceived deterrent.
* PACTS suggests that further clarification may need to be given to show where other types of vehicles (eg vans and mini-buses) would feature within any new sanction regime.

PACTS thanks the Department for Transport for the opportunity to respond to the current proposals.

**Consultation Questions.**

1. Do you agree that driving whilst using a hand-held mobile phone is a dangerous activity?

**PACTS Response:**

PACTS agrees that driving whilst using a hand-held mobile phone is and should be considered a dangerous activity.

There is a substantial body of evidence to suggest that the use of mobile phone devices by drivers can increase the risk of a collision on the road.3,611 reported accidents between the period of 2009-2014 reported the use of at least one driver using a mobile phone.

Evidence supplied at PACTS’ UK Road Safety Summit March 2015, Drink, Drugs & Mobile Phones by Dr Andrew Parkes showed there is a clear link between the use of mobile phone devices by drivers and an increased risk of accident caused by distraction. It has been shown that the use of a phone can decrease verbal and numerical memory as well as the ability of a driver to interpret information. This leads to poorer driver concentration and increased risk of collision.

Dr Andrew Parkes suggests that there may be similar risks posed to drivers’ concentration by the use of hands-free and ‘built-in’ mobile phone devices.[[5]](#footnote-5) Drivers using any mobile phone device can be distracted from the action of driving itself and PACTS argues that the use of any mobile phone device within a vehicle therefore poses a potential risk on the road.

The use of smart watches, tablets and further electronic products should also be clarified within any new legislation designed to combat distraction as a risk of collision.

2. Generally, are you in favour of increased sanctions for this offence?

**PACTS Response:**

The object of the sanctions and enforcement regime should be to achieve compliance with the law and safe driving, not to catch drivers or to penalise. That said, an adequate level of sanction and enforcement is essential and more needs to be done to deter mobile phone use while driving.

PACTS is supportive of increased sanctions for this offence. We support the government’s targeting of those people who wilfully choose to break the law and thereby endanger the lives of others and welcome the tougher approach being taken towards technology-distraction on the roads.

Use of hand-held mobile devices whilst driving is already an illegal activity. It has been illegal to view a screen whilst driving a motor vehicle since 1980 (unless that screen is displaying driving information). The focus must now be on deterring offenders as mobile phone usage becomes more and more familiar.

However, increased sanctions will only be effective if accompanied by adequate and effective levels of enforcement. This is particularly the situation in cases involved HGVs where enforcement can be more difficult due to police being unable to view the driver easily.

We are concerned that cuts in roads policing may restrict the deterrence and detection of mobile device use. As stated in the recent Transport Select Committee’s Report on Road Traffic Law Enforcement, ‘Engineering and education must be backed up by effective enforcement with road uses knowing that infringements will be detected.’[[6]](#footnote-6)

PACTS urges the government to work closely with police services in order to find improved ways of identifying offenders. It is suggested that offences of this nature are under reported due to drivers being able to place their phone aside and/or destroy evidence of phone usage before police involvement. The government should review reporting arrangements and ensure that police have adequate powers to investigate those who have may have committed an offence.

3. Do you support an increase in the FPN for this offence? 4. If so, do you agree that we should increase the FPN from £100 to £150 for all drivers (including HGV)? If not, please explain your reasons why.

**PACTS Response:**

PACTS is supportive of an increase in the Fixed Penalty Notice for this offence. We believe that an increased FPN for this offence may act as a greater deterrent to some drivers.

PACTS agrees with the suggested 50% increase and believes the increment from £100 to £150 to be a reasonable adjustment within the law.

As noted within the government’s consultation document, findings have suggested that an increased FPN has no significant change on the percentage of those drivers observed with a hand-held mobile phone based on surveys from 2009-2014. PACTS would therefore be concerned that raising the FPN alone would not act as enough of a deterrent to stop offenders.

PACTS suggests that Option (3) would be the preferred proposal. With evidence to suggest that the introduction of penalty points for the use of hand-held mobile phone usage has seen significant drops in recorded offences, there is a strong case for a two-pronged approach in this regard; a raising of the FPN and a raised penalty for this offence.

5. Do you support an increase in the Penalty Points for this offence? 6. If so, do you agree that we should increase the penalty points for non-HGV drivers from 3 to 4 penalty points? If not, please explain your reasons why.

**PACTS Response:**

As with questions 3 and 4, PACTS is supportive of an increase in the Penalty Points for this offence.

PACTS agrees that the increase of penalty points for non-HGV drivers from 3 to 4 penalty points is a reasonable adjustment within the law.

Evidence supplied within the Consultation has shown that the introduction of penalty points for the use of hand-held mobile phone usage has seen a significant reduction in the number of recorded offences. This may suggest that the threat of penalty points is more of a deterrent than an increased FPN. The accumulation of penalty points can encourage significant modification of driver behaviour and can act as an effective deterrent.

7. Do you support a specific offence for drivers of Large Goods Vehicles (HGVs)?

**PACTS Response:**

PACTS welcomes the recognition of the increased risk posed by Heavy Goods Vehicles (HGVs) and the reflection of this heightened risk in the proposed legislative changes. The greater size and weight of Heavy Goods Vehicles (HGV) as defined within the Consultation document, means that collisions involving these vehicles are more likely to have serious or fatal consequences.

The higher penalty proposed recognises the potential of Heavy Goods Vehicles (HGVs) to cause harm though there are fewer cases of HGVs being involved in these kinds of collisions. PACTS supports the use of a specific offence for drivers of larger vehicles in line with their ability to create potentially more serious collisions.

This support extends to drivers of Large Passenger Carrying Vehicles (PCVs) and drivers of minibuses based on their potential to cause accidents involving an increased number of individuals.

8. If so, do you agree that a specific offence for Large Goods Vehicle (HGV) drivers who offend whilst driving a HGV should be created which carries 6 penalty points and a £150 FPN? If not, please explain your reasons why.

**PACTS Response:**

As covered in response to question 7, PACTS supports a specific offence for drivers of Large Goods Vehicles (HGVs) and Large Passenger Carrying Vehicles (PCVs) in line with their greater potential to be involved with major accidents. PACTS agrees that the creation of a specific offence that carries 6 penalty points and a £150 FPN would reflect the increased severity of any incident involving this type of vehicle.

9. Do you support an increase in both the FPN and Penalty Points for this offence AND a specific penalty for HGV drivers? If not, please explain your reasons why.

**PACTS Response:**

PACTS supports the introduction of an additional penalty for HGV drivers in the form of a warning letter from the DVLA. The penalty for second time offenders of being called to a hearing with the Traffic Commissioner is also supported.

A warning letter of this nature may act as a particular deterrent in cases involving commercial vehicles. Those who drive professionally may be discouraged from offending in cases where their career may be jeopardised. As stated, due to the severity of accidents involving HGVs and PCVs, further deterrents against the use of hand-held mobile devices are generally supported by PACTS for drivers of these types of vehicle.

10. Do you agree that HGV drivers who commit their first mobile phone offence whilst driving a HGV should be offered a remedial training course as opposed to a FPN? If not, please explain your reasons why.

**PACTS Response:**

PACTS is supportive of the use of remedial training courses and welcomes their increased usage for offenders driving non-HGV vehicles. Increased education in this area can potentially change behaviour and avoid re-offending. PACTS would suggest that emphasis be placed on judging instances on a case by case basis for drivers of non-HGVs.

In HGV and PCV vehicles, PACTS is supportive of the use of a FPN in the first instance rather than the offer of remedial training. We would not be supportive of remedial training courses being offered to HGV drivers for their first offence. This follows on from the reasoning given in questions 7, 8 and 9.

Any administrative cost of further remedial training courses would have to be considered. The effectiveness of remedial training courses at reducing cases of re-offending should also be evaluated.

11. What role might the mobile phone industry play in improving road safety? For example, promoting new technology with “drive safe modes”.

**PACTS Response:**

PACTS believes that ‘drive safe mode’ technologies, have the potential to change motorist behaviour in this area. We are aware of systems developed by companies, including Romex and others.[[7]](#footnote-7) The mobile phone industry has an important responsibility and part to play in managing and deterring this hazard.

PACTS is also aware of other camera-based technology being developed that could potentially be used to detect those using hand-held mobile phone devices whilst driving.

We urge the Department for Transport and the Home Office to take a pro-active role in exploring, developing and, if appropriate, type-approving technology in this area. PACTS welcomes the recommendations of the Transport Select Committee’s report on Road Traffic Law Enforcement that the government ‘fund research into the development and effective deployment of technology to detect illegal mobile phone use whilst driving.’[[8]](#footnote-8)

PACTS urges the government to further support and encourage new technological solutions to dissuade motorists from using hand-held devices whilst driving. Research suggests that motorists are generally supportive of the use of these new technologies. Making it easier for individuals to make the right choices – by not giving them the temptation to answer telephone calls whilst driving – would be beneficial. In this way, these new technologies become a secondary safety system that can further discourage motorists from offending.

Further research is needed to ensure that ‘drive safe mode’ technologies are reliable and that implications of their practice are dealt with effectively in order to encourage wide spread usage. The mobile phone industry should be encouraged to further test and ultimately promote this new technology on behalf of and to its customers in order to take full advantage of these new tools for transport safety.

12. What role might the insurance industry play in improving road safety? For example, promoting new technology with “drive safe modes”.

**PACTS Response:**

The insurance industry already plays an active part in road safety and in supporting industries in the development of new technology.

If this new type of technology proves to be effective, insurance industries will have the option of incentivising its usage. By using premiums and benefits to reflect usage of new technology, insurance companies would encourage and support its growth.

However, it is vital that expectations remain realistic, e.g. with certain ‘drive safe mode’ technologies in particular, insurance companies would probably be unable to know where and when applications were on or off. Any perceived benefit might be lost in these circumstances. It is likely that this type of technology would be more beneficial in commercial vehicles and car fleets where it could be used as part of company policy and practice on safe driving.

13. Do you think it would be beneficial to target new technologies at certain groups of drivers? For example, young drivers, van drivers or those driving for work.

**PACTS Response:**

PACTS recognises the importance of targeting when it comes to new technologies and is supportive of government initiatives such as ‘Think!’ which seek to target at-risk groups.[[9]](#footnote-9)

We would suggest increased involvement with those who drive for work. Use of these new technologies should be encouraged within commercial vehicles. Employers may have a liability in instances where individuals have committed an offence whilst driving for work. The use of alcohol interlocks by companies such as National Express is a good example of how companies can harness new technologies in order to ensure their drivers act within the law. Companies can further use these technologies to enhance their company reputation and the further involvement of the insurance industry in this issue could mean further encouragement through financial incentive.

PACTS suggests that young drivers are also targeted as they are most likely to be texting or using social media whilst driving.[[10]](#footnote-10)

Awareness of new technologies of this type could be made an active part of other remedial training courses provided to first-time offenders. Courses should directly encourage further usage of new technologies that can help drivers not to re-offend.

14. What else would you recommend should be done regarding mobile phone offences whilst driving?

**PACTS Response:**

PACTS supports education and publicity programmes on the implications of driving whilst using a mobile device, such as THINK!. We urge the government to make road users more aware of both the legal penalties currently imposed and the life-changing consequences of resulting collisions.

Furthermore, PACTS urges the government to investigate and, if appropriate, promote the use of new technologies to deter and detect illegal mobile phone use.

With increased usage of vans and larger vehicles seen on UK roads in recent years, PACTS suggests that further clarification may need to be given to show where other types of vehicles (eg vans and mini-buses) would feature within any new sanction regime.

15. Please provide your contact details, the most frequent mode of transport you use, and whether you are responding as an individual or on behalf of an organisation.

This is the response of the Parliamentary Advisory Council for Transport Safety (All-Party Parliamentary Group) (PACTS) to the Department for Transport’s consultation paper, “Changes to the Fixed Penalty Notice and Penalty Points for the Use of a Hand-Held Mobile Phone Whilst Driving”.

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PACTS thanks the Department for Transport for the opportunity to respond to the current proposals.

1. Department for Transport. ‘Working Together to Build a Safer Road System. British Road Safety Statement.’ December 2015. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. RAC 2015 Report on Motoring. <http://www.pacts.org.uk/2015/01/uk-road-safety-summit-drink-drugs-mobile-phones/> [↑](#footnote-ref-3)
4. ‘In addition, the use of hands-free mobile phones presents a problem of distracted drivers, which should be addressed.’ (pg 18) House of Commons, Transport Committee, Road traffic law enforcement. Second Report of Session 2015–16 [↑](#footnote-ref-4)
5. Prof Andrew Parkes, ‘Mobile Phones abridged PACTS UK Summit March 2015’ PACTS UK Road Safety Summit March 2015. <https://landorlinks.app.box.com/s/ffsesshr6xeaou4pvimwircztgwlilnu/1/3315278694/27816182198/1> [↑](#footnote-ref-5)
6. House of Commons, Transport Committee, Road traffic law enforcement. Second Report of Session 2015–16 [↑](#footnote-ref-6)
7. Romex website, 2016. <http://www.romexworld.com/using-myfix> [↑](#footnote-ref-7)
8. House of Commons, Transport Committee, Road traffic law enforcement. Second Report of Session 2015–16 [↑](#footnote-ref-8)
9. Think! Website, 2016. <http://think.direct.gov.uk/mobile-phones.html> [↑](#footnote-ref-9)
10. RAC Foundation, 2015. [http://www.racfoundation.org/assets/rac\_foundation/content/downloadables/Eyes\_on\_the\_road\_Robbins\_&\_Jenkins\_September\_2015.pdf](http://www.racfoundation.org/assets/rac_foundation/content/downloadables/Eyes_on_the_road_Robbins_%26_Jenkins_September_2015.pdf) [↑](#footnote-ref-10)