



House of Commons
Transport Committee

**Road safety: driving
while using a mobile
phone: Government
Response to the
Committee's Twelfth
Report of Session
2017–19**

Third Special Report of Session 2019

*Ordered by the House of Commons
to be printed 28 October 2019*

Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Transport and its associated public bodies.

Current membership

[Lilian Greenwood MP](#) (*Labour, Nottingham South*) (Chair)

[Jack Brereton MP](#) (*Conservative, Stoke-on-Trent South*)

[Ruth Cadbury MP](#) (*Labour, Brentford and Isleworth*)

[Robert Courts MP](#) (*Conservative, Witney*)

[Ronnie Cowan MP](#) (*Scottish National Party, Inverclyde*)

[Steve Double MP](#) (*Conservative, St Austell and Newquay*)

[Paul Girvan MP](#) (*Democratic Unionist Party, South Antrim*)

[Huw Merriman MP](#) (*Conservative, Bexhill and Battle*)

[Grahame Morris MP](#) (*Labour, Easington*)

[Graham Stringer MP](#) (*Labour, Blackley and Broughton*)

[Daniel Zeichner MP](#) (*Labour, Cambridge*)

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

© Parliamentary Copyright House of Commons 2019. This publication may be reproduced under the terms of the Open Parliament Licence, which is published at www.parliament.uk/copyright.

Committee reports are published on the Committee's website at www.parliament.uk/transcom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Deborah Courtney (Senior Committee Assistant), Estelle Currie (Senior Media Officer), Nerys Davies (Committee Specialist), Ed Faulkner (Second Clerk), Oliver Florence (Media Officer), Marek Kubala (Committee Clerk), Michelle Owens, (Committee Assistant), Lewis Pickett (Committee Specialist), and Robi Quigley (Second Clerk).

Contacts

All correspondence should be addressed to the Clerk of the Transport Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 3266; the Committee's email address is transcom@parliament.uk.

You can follow the Committee on Twitter using [@CommonsTrans](#)

Third Special Report

The Transport Committee published its Twelfth Report of Session 2017–19, [Road safety: driving while using a mobile phone](#), as HC 2329 on 13 August 2019. The Government response was received on 17 October 2019. The Committee's recommendations are in **bold** text, followed by the response from the Government.

Appendix: Government Response

The Government shares the Committee's aim to improve road safety and therefore welcomes the Committee's report into the road safety implications of driving while using a mobile phone. The recommendations in the report are addressed individually in this response.

Recommendation 1

We recommend that the Government redefine the offence of driving while using a mobile phone or other device so that it covers all hand-held usage, irrespective of whether this involves sending or receiving data. (Paragraph 18)

The Government accepts this recommendation, in principle. The current law, as stated in the judgment in the case of DPP v Barreto [2019] EWHC 2044 (ADMIN), presents a significant problem for enforcement. Inclusion of the words “interactive communication” in the definition of what constitutes “use” of a hand-held mobile phone in Regulation 110 of The Road Traffic (Construction and Use) Regulations 1986, produces an artificial distinction between types of uses.

Both the police and the Crown Prosecution Service (CPS) have voiced concerns about the enforcement difficulties they face in having to establish not just that a mobile phone was being used, but whether that use involved “interactive communication” rather than a standalone function. This is an unrealistic and burdensome task for them in all but the most obvious cases and makes the offence extremely difficult to prosecute.

One important effect of these difficulties in enforcing the current hand-held mobile phone offence is that it undermines the important change made by the Government two years ago in doubling the penalties to a £200 fixed penalty and six penalty points. It is vital, to improve road safety, that the police and the CPS can take effective enforcement action against people who use a hand-held mobile phone while driving.

The Government therefore will review the hand-held mobile phone offence with a view to updating it. And we would, of course, consult before making any change to the current offence. Our objective would be to ensure that the offence of using a hand-held mobile phone while driving reflects the real world where smart phones or devices are used not only for calls and texting (interactive communication) but also for scrolling play lists, photos, or drafting emails (standalone functions). Part of our objective in reviewing the offence would be to facilitate enforcement by obviating the need for the police to demonstrate that any use they identified from the roadside involved interactive communication. And we will also consider the current penalties for the offence.

The Government will take forward this work as a matter of urgency; we would expect to have proposals in place for a way forward by Spring 2020. The issue of hands-free use of mobile phones is covered under recommendation 2.

Recommendation 2

We therefore recommend that the Government explore options for extending the ban on driving while using a hand-held mobile phone or other device to hands-free devices. This should consider the evidence of the risks involved, the consequences of a ban, and the practicalities of enforcing it. The Government should publish a public consultation along these lines by the end of 2019. (Paragraph 19)

The Government understands the reasoning which led to this recommendation, and also notes that the recommendation is restricted to “exploring the options” for extending the mobile phone offence to hands-free use.

The Government acknowledges the risks associated with the use of hands-free mobile phones while driving. Research shows that those risks are more to do with the cognitive demands placed on drivers engaging with someone who is not in their shared environment, rather than the physical manipulation, and visual attention, required to use a hand-held mobile phone. Nonetheless the risks are very real, as the expert witnesses made clear in the evidence session.

However, despite those risks, there are many difficulties associated with a potential ban on hands-free use, including enforcement which would be hugely problematic. Indeed, that is why, in 2003, the dedicated mobile phone offence extended only to hand-held use and not to hands-free use. And, under current law, if someone drives poorly because they are distracted by a phone conversation, for example, even if using hands-free, then the police can prosecute for failing to have proper control of the vehicle.

The Government would want to examine existing evidence about the risks of hands-free use; consider what a ban on hands-free would actually look like in practice and how it could be expressed in legal terms; make some initial assumptions about the likely road safety benefits; identify the sectors that would be most severely affected by a ban; make some initial assumptions about the likely costs to both those sectors and wider business; and decide whether, and on what basis, there should be any exemptions from a general ban. This work would take time, and it is important to focus in the short term on hand-held mobile phone use.

The Government would also want to consider longer-term developments and the wider context of any associated legislation. For example, any review of hands-free use of a mobile phone has clear links with the wider visual and cognitive distractions from “infotainment” systems where information beyond vehicle related information can be displayed on the integral screen.

Moreover, the information displayed on integral screens has links with developments towards automated vehicles. The Law Commission is currently conducting a review of the regulatory framework for automated vehicles and is due to conclude in 2021. We expect there to be further connected issues from this work including the need to consider and

make decisions on, for example, how we ensure drivers remain alert should they need to resume control of the vehicle or what information drivers will need to be displayed. These considerations are inter-linked and very much for the longer-term.

However, in the shorter term, there are several activities that the Government can undertake to achieve the objective of deterring people from using a hands-free mobile phone while driving.

The Government announced in its Road Safety Statement published in July 2019 its intention to undertake a review of road traffic policing. The call for evidence which will form part of that review will be undertaken in the autumn of 2019. We will use the opportunity presented by this review to seek views on the use and context of hands-free use of phones when driving, and what action Government should take.

The Government also intends to tackle the issue of distraction from mobile phones while driving as part of upcoming THINK! campaign activity, dealt with more fully in recommendation 5.

In addition, the Government will use the opportunity, when reviewing the current offence, to consider whether the Highway Code should also be amended to strengthen the existing message that drivers should put away their mobile phones. This could be achieved, for example, by drawing drivers' attention to the fact that the use of a mobile phone can be regarded as an aggravating factor for sentencing when a driver is being sentenced for a driving offence.

Recommendation 3

We recommend that the Government assess and report on the effectiveness of the 2017 increase in penalties for driving while using a mobile phone. This should review the current penalties that apply to this offence and consider whether they should be increased to better reflect the serious risks created by drivers committing this offence and make clear to offenders that there are serious consequences to being caught. (Paragraph 22)

The Government considers that it is particularly challenging to evaluate, with any real accuracy, the impact of the tougher penalties for the mobile phone offence which were introduced in March 2017 because so many other linked factors are at play, including enforcement levels. Part of the difficulty is that there is no counterfactual ie. any comparison area where the change did not apply.

The Government has expressed its aspiration that using a hand-held mobile phone while driving should become as socially unacceptable as drink-driving. To that end the Government has initiated research and data gathering to discover (i) what attitude people have about using a hand-held mobile phone while driving; and (ii) whether people are actually using a hand-held mobile phone while driving.

The Government has included several questions in the National Travel Attitudes survey to discover people's attitude to using a mobile phone while driving. The first wave of results was published in the Spring of 2019. They showed that just 6% of people thought it was safe to talk on a hand-held mobile phone while driving; and less than 0.5% of people thought it was safe to send a text message while driving.

To gain insight into why, how, when and in what contexts mobile phones are used whilst driving, we commissioned analysis of the U-drive naturalistic driving study. A report of the findings will be published in due course.

In addition, to discover whether people are using a mobile phone while driving, the Government has included new questions in the Crime Survey for England and Wales. The results were published on 26 September 2019. This asked those taking the survey whether they had used their mobile phone while driving or stationary in traffic in the last 12 months. The results found that 42.1% responded ‘yes’ to any mobile phone use, and 57.9% answered not at all. Of those responding yes to mobile phone use, 5.5% of drivers said, ‘yes in my hand’ and 36.7% of drivers said, ‘yes via Bluetooth, Voice Command or dashboard holder’.

The Government also undertakes, from time to time, observational surveys of hand-held mobile phone use while driving. In 2017 1.1% of drivers were observed using a hand-held mobile phone on weekdays in Great Britain. 0.4% of drivers were holding the phone to their ear; and 0.8% were manipulating the phone in their hand.

This compares to 1.6% of drivers being observed using a hand-held mobile phone in 2014 in England and Scotland combined.

The survey took place in the autumn of 2017 – six months after the tougher penalties were introduced. But, the reduction does not imply causation or prove the effectiveness of the policy.

Through this combination of attitudes, self-declaration and observational surveys, the Government will be better able to understand whether use of a hand-held mobile phone is becoming socially unacceptable and whether the incidence of their use is reducing.

The Government is cautious about increasing penalties further, especially after just two years. Six penalty points is a substantial penalty; it means, for example, that novice drivers will lose their licence after a single instance of using a hand-held mobile phone while driving.

The Government considers that by undertaking a review of the hand-held mobile phone offence, including consideration of the current penalties regime for the offence, enforcement would potentially be more straightforward, and drivers will be deterred from undertaking this reckless act.

Recommendation 4

We welcome the Government’s review of roads policing and traffic enforcement, and recommend that—as part of this review—the Government engage with police forces and Police and Crime Commissioners to explore options for improving the enforcement of this offence. This should include looking at opportunities for making greater use of technology, and how increased enforcement can work alongside public awareness campaigns. (Paragraph 28)

The Government will continue to lead the way in improving road safety but this is a major national issue which also demands close coordination and team-work across government agencies, the devolved administrations, local government, enforcement authorities and a host of other public and private bodies, as well as the most important element, the public.

The Government accepts the principle behind this recommendation. However, we are of the view that the roads policing review is not geared to providing an operational response to this particular issue. Indeed, the most effective way to tackle this issue is for Chief Constables and Police and Crime Commissioners to give this matter their urgent attention and direct their resources to combatting mobile phone usage.

The Government will show its commitment to tackling this problem by ensuring that there will be a continuous communications approach over the next two years that will highlight four major road safety hazards: drink-driving, the use of hand-held mobile phones while driving, the danger associated with passenger distraction, and speeding.

Already the police have adopted some novel approaches to enforcement of this offence. Operation Snap, first initiated by North Wales Police and where members of the public send footage of unlawful driver behaviour to the police, has been rolled out throughout the country. The Department for Transport has provided funding to support and encourage this approach. The real benefit of this approach is less reliance on police officers at the roadside and a feeling amongst drivers that any fellow road user could be monitoring and reporting their crimes.

There is also an initiative from Highways England - Operation Tramway - whereby they rent out to police forces their three HGV cabs; the high-level seating position makes an ideal vantage point for spotting drivers using a hand-held mobile phone. It has proved an effective way of improving compliance and has generated significant media interest which allows Highways England to reinforce safety messages and support wider THINK! activities.

Looking to the future, the Government agrees that there is scope for investigating technological solutions to assist with enforcement. Highways England has conducted some very early trial work on technology to detect mobile phone usage on the strategic road network with two suppliers. The results are encouraging and they are considering an on-road trial.

The Government considers that the review of the hand-held mobile phone offence referred to in response to recommendation 1 could have beneficial effects for enforcement and part of the review will be to ascertain the potential for enforcing any redefined offence by means of cameras.

There is also a role for mobile phone providers in offering technical solutions to the problem of drivers using hand-held mobile phones while driving. There have been some developments, for example automatic messages saying that the driver is currently driving and cannot therefore answer a call; or the phone cutting out after certain speeds are reached. There is more that industry can do to help with technological solutions.

Recommendation 5

We welcome the Government's plans to highlight the use of hand-held mobile phones as part of its communications on road safety hazards, and recommend that the Government set out—in response to this Report—a plan for devising and implementing a public education campaign about the risks of using a mobile phone while driving, and the penalties for being caught doing so. This should include an assessment of the groups it is most important to reach—such as those who have a history of committing road traffic offences—and plans for how to engage with them. (Paragraph 34)

The Government intends to tackle the issue of distraction from mobile phones while driving as part of upcoming THINK! campaign activity, as part of our overarching 'Mates Matter' strategy.

The strategy focuses our resources on individuals and issues that are over represented in road casualties. Young males (aged 17–24) are four times more likely to be killed or seriously injured (KSI) compared with car drivers aged 25 or over.

Understanding that bad driving behaviour happens throughout the year, and often more than one behaviour is involved in accidents, our 'always on' approach focuses on challenging the attitudes, behaviours and social factors that lead to road accidents through both campaign bursts, and continuous communications at moments that matter to our young male audience. Mobile phone use is one of the priority issues we focus on as part of this strategy, alongside speeding, rural roads, seatbelt use and the party car phenomenon (distraction from passengers).

We plan to highlight the risks of mobile phone use while driving in the following upcoming campaigns:

- Party Car, which aims to tackle passenger distraction, including via distracting the driver with mobile phones.
- Good Driver, which aims to reframe perceptions among our young male audience of what it means to be a good driver, by showing that a good driver keeps his mates safe on every drive. The campaign will feature messaging highlighting the risks of mobile phone use while driving.

We will use PR and social media channels to raise awareness of our priority issues, including mobile phone use, among the general public. We will use the U-drive analysis referred to in the response to recommendation 3 as a basis for considering next steps. This could involve commissioning further research to gain greater insight into some of the behaviours and audiences in relation to mobile phone use while driving to understand what the role for communications could be both as part of, and beyond, the scope of our Mates Matter strategy.

Recommendation 6

We recommend that the Government demonstrate its recognition of the risks of using a mobile phone while driving—whether hand-held or hands-free—by producing guidance on the dangers of driving while using a mobile phone and instructing drivers directly in its employ not to use a mobile phone or other device—whether hand-held or hands-free—while driving, and explore the possibility of making this a requirement for the wider public sector and Government contractors. (Paragraph 37)

The Government understands the rationale for this recommendation, but does not fully accept it. As with recommendation 2, relating to exploring the options for a hands-free ban, the Government would want to take time to consider the full implications and ramifications of this.

The Government would, however, stress that it already takes a responsible attitude towards drivers in its employ and who act as contractors and will continue to make it clear to fleet drivers and their employees, that they should not answer their mobile phone while driving, in a similar vein to the advice provided to Government staff.

For example, the Government Car Service gives advice to its drivers not only to adhere to the law regarding hand-held mobile phones but also to ensure that they limit hands-free use to urgent matters.

The Driver and Vehicles Standards Agency (DVSA) also has robust advice in place for staff who drive as part of their work. Their “Driving at Work” policy points out that hand-held use is illegal, highlights the risks of hands-free use and urges drivers not to use either whilst driving (except hands-free use where necessary for carrying out Enforcement Stopping Officer duties).

Similarly, the Driver and Vehicle Licensing Agency (DVLA) and the Vehicle Certification Agency (VCA) issue guidance to their drivers and contractors about adhering to the law on hand-held mobile phone use and refraining from hands-free use as far as possible.