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Transport Committee

Road safety: driving while using a mobile phone

Twelfth Report of Session 2017–19

*Report, together with formal minutes relating
to the report*

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Transport Committee

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1 Introduction

1. In March 2019 we launched an inquiry into road safety, inviting views on the Government's current approach and suggestions on what interventions would be most effective at reducing the number and severity of road traffic collisions. Several submissions to our call for evidence highlighted the issue of driving while using a mobile phone as an area of concern.¹ Driving while using a mobile phone impairs the ability to drive safely and increases the risk of a collision.² Using a hand-held mobile phone or other device while driving has been illegal since 2003, but the practice is still troublingly widespread and can have catastrophic consequences. In 2017 there were 773 casualties, including 43 fatalities and 135 serious injuries, in road traffic collisions where a driver using a mobile phone was a contributory factor in the crash.³

2. Concerned about the prevalence of people driving while using a mobile phone, and the tragic consequences this can have, we held a one-off evidence session on the subject with Dr Gemma Briggs, Senior Lecturer in Psychology at the Open University, Dr Shaun Helman, Chief Scientist on Transportation and Behavioural Science at the Transport Research Laboratory, and Nick Lyes, Head of Roads Policy at the RAC, to better understand the risks this presents to road safety, and what the Government should do to address this issue.

3. Our session identified three key areas where the Government needed to take action:

- a) how the offence is defined in law and the penalties associated with it;
- b) how the offence can be better enforced; and
- c) how the public can be made aware of the risks and consequences of driving while using a mobile phone.

The central message from our evidence was that if an offence is to be effective: it has to be well-defined and publicised so that motorists know what is and is not against the law and the serious safety risk driving while using a mobile phone poses to them and others; the offence must be backed up with a high enough penalty for motorists to take it seriously; and there must be a serious prospect of offenders being caught. This Report sets out our findings and recommendations in the above areas, for consideration by Ministers.

1 Mark Ellerington ([RSA0001](#)), P Whitfield Consulting ([RSA0013](#)), Mr Justin Shaw ([RSA0016](#)), RAC Motoring Services ([RSA0023](#)), Dr Helen Wells ([RSA0032](#)) para 3.4, Warwickshire Police and Crime Commissioner ([RSA0053](#)) para 1.5, SmartDrive Systems Ltd ([RSA0056](#)), Miss Sarah Vaughan ([RSA0060](#)) para 3.3.5, Dr Gemma Briggs and Dr Graham Hole ([RSA0062](#)), Road Haulage Association ([RSA0068](#)) paras 37 and 42, The Royal Society for the Prevention of Accidents ([RSA0080](#)), Direct Line Group ([RSA0082](#)) para 17, ITS United Kingdom ([RSA0102](#)) para 3.6

2 Dr Gemma Briggs and Dr Graham Hole ([RSA0062](#))

3 Department for Transport, RAS50007: [Contributory factors: Casualties in reported accidents by severity, Great Britain](#), September 2018

2 The law

4. Since 2003 it has been an offence to use a hand-held mobile phone or other hand-held device while driving, when that device is making or receiving a call or performing any other interactive communication function.⁴ The particular use to which the device must be put is not defined. There are exceptions for using a mobile phone in an emergency, such as to phone the police, fire, ambulance or other emergency service.⁵ In 2003, when he announced that the Government would proceed with the new offence, the then Transport Minister stated:

The offence will [...] apply to drivers speaking or listening to a phone call, using a device interactively for accessing any sort of data, which would include the Internet, sending or receiving text messages or other images if it is held in the driver's hand during at least part of the period of its operation.⁶

The offence only applies to hand-held devices, and the then Minister stated that while the Department considered that drivers should not use hands-free phones, it was not proposed to include these within the scope of the new regulation due to enforcement difficulties.

5. This offence is subject to a Fixed Penalty Notice (FPN) of £200, and six penalty points. For new drivers (who have passed their test in the previous 2 years), the six points would mean that their licence was automatically revoked.⁷ Motorists do not have to accept an FPN, but then face the prospect of proceedings in a Magistrates Court. If the matter comes before a Court the judge can choose to impose a disqualification and/or a maximum fine of up to £1,000 for car drivers and £2,500 for HGV and bus drivers. In addition to being an offence in itself, use of a mobile phone or other hand-held device can be a contributory factor in the charging of other offences that are subject to much higher penalties—such as careless/inconsiderate or dangerous driving and, in the most serious cases where death occurs, causing death by careless or dangerous driving—or lower penalties such as driving without due care and attention.

4 Road Vehicles (Construction and Use) Regulations 1986, Regulation 110 (inserted by the [Road Vehicles \(Construction and Use\) \(Amendment\) \(No. 4\) Regulations 2003](#))

5 These rules also apply to those supervising a learner driver.

6 Department for Transport, [Mobile phones and driving: decision letter and summary of responses](#), 24 June 2003

7 GOV.UK, [Penalty points \(endorsements\): new drivers](#), accessed May 2019

3 The risks of using a mobile phone

6. Although the offence is framed around the use of a hand-held device, research shows that using any mobile phone or other device while driving—whether hand-held or not—is a distraction that is detrimental to a driver’s ability to drive safely. The Royal Society for the Prevention of Accidents (RoSPA) has said that drivers who use a mobile phone:

- are much less aware of what’s happening on the road around them;
- fail to see road signs;
- fail to maintain proper lane position and steady speed;
- are more likely to ‘tailgate’ the vehicle in front;
- react more slowly, take longer to brake and longer to stop;
- are more likely to enter unsafe gaps in traffic; and
- feel more stressed and frustrated.⁸

We received a large number of submissions raising concerns about the dangers and extent of mobile phone use.⁹

7. There are many activities that distract drivers to a greater or lesser extent. Using a radio involves some distraction, as does talking to a passenger. We were told that there is a ‘hierarchy of distractions’, and that the important thing is how much cognitive complexity an activity involves.¹⁰ Dr Gemma Briggs told us that the interactivity of using a phone—whether hand-held or hands-free, a distinction we look at in more detail below—was a significant issue, as it requires drivers to respond.¹¹ Dr Shaun Helman told us that experienced drivers, who normally have much better hazard perception skills than novices, revert to the level of novices when they are distracted by using a mobile phone. He said: “That is a big problem because novices are a high-risk group [...] You are effectively deskilling drivers if you allow them to talk on the phone”.¹² We also heard that using a mobile phone can affect visual perception to the extent that a driver can have their eyes on the road and look directly at a hazard yet fail to see it, because they do not have the cognitive resources available to do so.¹³

8 The Royal Society for the Prevention of Accidents, [Road Safety Factsheet: Mobile Phones and Driving Factsheet](#), July 2018

9 Mark Ellerington ([RSA0001](#)), P Whitfield Consulting ([RSA0013](#)), Mr Justin Shaw ([RSA0016](#)), RAC Motoring Services ([RSA0023](#)), Dr Helen Wells ([RSA0032](#)) para 3.4, Warwickshire Police and Crime Commissioner ([RSA0053](#)) para 1.5, SmartDrive Systems Ltd ([RSA0056](#)), Miss Sarah Vaughan ([RSA0060](#)) para 3.3.5, Dr Gemma Briggs and Dr Graham Hole ([RSA0062](#)), Road Haulage Association ([RSA0068](#)) paras 37 and 42, The Royal Society for the Prevention of Accidents ([RSA0080](#)), Direct Line Group ([RSA0082](#)) para 17, ITS United Kingdom ([RSA0102](#)) para 3.6

10 [Q6](#)

11 [Q48](#)

12 [Q18](#)

13 [Q18](#)

8. Dr Gemma Briggs and Dr Graham Hole said the risks of using a mobile phone hands-free were just the same as for hand-held use;¹⁴ reducing a driver’s ability to detect hazards and the speed with which they react to them. A driver using a phone—hand-held or hands-free—is four times more likely to be involved in a collision. Dr Briggs told us that the risks of using a mobile phone while driving resulted from the cognitive distraction involved in using the device, and not from having to use a hand to hold the device.

9. Putting the risks of driving while using a mobile phone in context, Dr Shaun Helman told us: “Being at the UK legal limit for alcohol blood level is essentially the same amount of distraction, if not slightly less, than having a hands-free call.”¹⁵ It is important to note that if somebody is impaired with alcohol that is a persistent state for the whole journey, while a driver using a mobile phone is only impaired while they are using their phone—although Dr Gemma Briggs told us that for around five minutes after a driver has ended a phone conversation, whether hand-held or hands-free, they are still at significantly increased risk of being involved in a collision.¹⁶

10. While collisions where a driver was using a mobile phone account for less than half a per cent of all road traffic collisions, in 2017 almost 3% of fatalities resulting from road traffic collisions involved a driver using a mobile phone. In 2017 43 people were killed and a further 135 were seriously injured in road traffic collisions where using a mobile phone was a contributory factor.¹⁷ Casualties in reported collisions where the driver using a mobile phone was a contributory factor have increased over the past decade, as shown below.

Table 1: Casualties in reported accidents where the driver using a mobile phone was a contributory factor, 2009–17

	Killed	Seriously injured	Slightly injured	All casualties
2009	15	68	426	509
2010	28	74	449	551
2011	23	74	474	517
2012	17	79	452	528
2013	26	95	539	660
2014	24	111	634	769
2015	22	99	585	706
2016	35	137	608	780
2017	43	135	595	773

Source: Department for Transport, [RAS50007: Contributory factors: Casualties in reported accidents by severity, Great Britain](#), September 2018 (and previous editions)

14 Dr Gemma Briggs and Dr Graham Hole ([RSA0062](#))

15 [Q14](#)

16 [Q16](#)

17 Department for Transport, [RAS50007: Contributory factors: Casualties in reported accidents by severity, Great Britain](#), September 2018

The numbers above should be considered in the context of increases in the number of licensed vehicles and ownership of mobile phones. Since the offence of driving while using a mobile phone was created in 2003, the number of licensed vehicles has increased from just over 31 million to just under 38 million (an 18% increase).¹⁸ Over the same period the number of households which own a mobile phone has increased from 76% to 95%.¹⁹

11. In a 2017 survey more than 1% of drivers were observed using a hand-held mobile phone while driving,²⁰ a reduction on the numbers seen in 2014.²¹ Other evidence suggests that use of phones at the wheel is on the rise; the RAC told us that their 2018 survey of motorists showed that the illegal use of phones at the wheel has increased since 2017.²² The RAC's survey found that 25% of drivers admitted to making calls on their mobile phone while driving, and 16% said they used their phone to text, email or post on social media.²³ Both of these figures have increased since 2017. What these surveys show is that using a mobile phone while driving—which can lead to fatal and serious consequences—is a persistent problem and is potentially getting worse.

12. The Department for Transport has said that it is carrying out an analysis of existing data to gain a “deeper understanding of the why, how and in what contexts mobile phones are used whilst driving”.²⁴ The DfT has said that it plans to publish the outcome of this work over the summer, and that the results will help the Government decide what more needs to be done to stop people using a mobile phone while driving.

13. Using a mobile phone or other device while driving impairs a person's ability to drive safely and makes a road traffic collision more likely. This is true whether a device is hand-held or being used hands-free. It is a tragedy—and one which is entirely avoidable—that 43 people were killed and a further 135 were seriously injured in 2017 in road traffic collisions where a driver using a mobile phone was a contributory factor in the crash. We welcome the Government's plans to publish an analysis of mobile phone use while driving, in order to help it decide what more needs to be done to tackle this activity. We hope that the evidence we have taken and the recommendations we make in this Report will be useful to the Government as it decides what further action is necessary.

18 Department for Transport, [Vehicle licensing statistics: 2017](#), Table VEH0102 (TSGB0903), Licensed vehicles at the end of the year by body type, Great Britain from 1994, April 2018

19 ONS, [Percentage of households with durable goods: Table A45](#), January 2019

20 Department for Transport, [Seatbelt and mobile phone use surveys: Great Britain, 2017](#), 7 February 2019. Observations were made at both stationary and moving traffic sites, and a record was taken of the number of drivers using a hand-held mobile phone.

21 Department for Transport, [Seat belt and mobile phone use surveys: England and Scotland](#), 2014, 25 February 2015

22 RAC Motoring Services ([RSA0023](#))

23 RAC, [RAC Report on Motoring 2018](#), 2019

24 Department for Transport, [The Road Safety Statement 2019: A Lifetime of Road Safety](#), 19 July 2019, para 2.60

4 Legislative reform

14. We noted above that there are a range of activities that can distract a driver to a greater or lesser extent. The job of the Government is to identify what activities are safe, and what activities should be proscribed. Making these decisions should obviously be informed by evidence of the risks involved, but we have heard that the way in which the law defines the offence of driving while using a hand-held mobile phone or other device means that it excludes activities that are just as risky as those covered by the legislation.

15. At present a driver only commits the offence of driving while using a mobile phone if it is hand-held and sending or receiving data. We have been told that this excludes several activities that create the same risks as those covered by the offence, and the law should be expanded to cover these. Dr Gemma Briggs told us there were “certainly some gaps in the current legislation”,²⁵ and Nick Lyes told us that, as a consequence of the way the law defined using a mobile phone or other device:

If you are making a video and you do not use it for any interactive function, such as putting it on social media or sending it to a friend, under the law I believe that could come under driving without due care and attention, which of course has a lesser penalty than the six points and the £200 fine.”²⁶

Dr Shaun Helman told us that this was “completely out of line with what the evidence tells us about the relative distraction that would be involved in those tasks.”²⁷ He went on to say: “Whether the phone is sending data or not has no bearing on how distracted you are as a driver”.

16. The current offence applies only to hand-held use. Hands-free devices are not covered. Dr Gemma Briggs and Dr Graham Hole are concerned that “by implication [the law] advocates that hands-free phone use is a safe alternative for drivers wishing to use their phones”.²⁸ We have been told that this does not reflect the risks of using a hands-free device while driving. Dr Shaun Helman told us that “We have shown time and again that even a hands-free conversation will interfere [...] and you will be slower to respond”.²⁹ While not contradicting the risks of driving while using a hands-free mobile phone, Nick Lyes from the RAC sounded a word of caution about a ban:

The difficulty with making hands-free illegal is that there are so many fundamental logistics around it that need to be looked at. How would companies interact with their staff, particularly if they were doing deliveries, or if they were taxi companies, for example? How would you necessarily enforce it without the technology that could pick up the call that was taking place? There are a lot of complexities around so-called banning of hands-free. It also has to be done with consideration of other distractions within the vehicle.³⁰

25 [Q3](#)

26 [Q13](#)

27 [Q13](#)

28 Dr Gemma Briggs and Dr Graham Hole ([RSA0062](#))

29 [Q5](#)

30 [Q30](#)

Dr Gemma Briggs agreed that there were complexities to deal with if there was an outright ban on any phone use while driving, but said: “just because something is difficult does not mean that we should not do it”.³¹ Others—such as Brake and the Royal Society for the Prevention of Accidents—have supported the call for using a hands-free mobile phone while driving to be made a road traffic offence.³²

17. We noted above that when the Government announced in 2003 that it would proceed with a new offence of driving while using a mobile phone it stated that “the Department considers that drivers should not use hands-free phones”, but did not include hands-free phones within the offence due to enforcement difficulties.³³ More recently, in response to a May 2019 parliamentary question about whether it had assessed the risk of using hands-free or other devices while driving, the Parliamentary Under-Secretary of State for Transport, Baroness Vere of Norbiton, said:

The Department for Transport has not carried out an assessment of hands-free mobile phone use, or use of other mobile devices such as satellite navigation equipment, while driving. [...] If someone drives poorly because they are distracted by a phone conversation, for example, even if using hands-free, then the police can take enforcement action for failing to have proper control of the vehicle.³⁴

18. **The legislation defining the offence of using of a hand-held mobile phone or other device while driving was drafted in 2003 and excludes activities that are known to create precisely the same risks as those covered by the legislation. There are other offences with which drivers using a mobile phone or other device while driving can—depending on the circumstances—be charged, and the authorities therefore have some discretion about what action to take in relation to an offence being committed. However, the evidence is clear that using a hand-held mobile phone, whether for a communicative purpose or not, is dangerous, and it therefore does not make sense for legislation to distinguish between these things. *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.***

19. **The law currently only proscribes using a hand-held mobile phone or other device while driving. A hands-free device can be used lawfully, creating the misleading impression that hands-free use is safe. The evidence shows that using a hands-free device creates the same risks of a collision as using a hand-held device, and it is therefore inappropriate for the law to condone it by omission. While we accept that there would be practical challenges to criminalising hands-free devices and enforcing this offence, we agree with Dr Gemma Briggs that just because something is difficult this does not mean that we should not do it. *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.***

31 [Q32](#)

32 Dr Helen Wells ([RSA0032](#)) para 3.4, Brake, [Ask your MP to help stamp out driver distraction](#), accessed June 2019, The Royal Society for the Prevention of Accidents ([RSA0080](#))

33 Department for Transport, [Mobile phones and driving: decision letter and summary of responses](#), 24 June 2003

34 [PQ HL15339](#) [on Road Traffic Offences: Mobile Phones], 8 May 2019

Penalties for driving while using a mobile phone

20. The Fixed Penalty for driving while using a hand-held mobile phone was increased from 3 penalty points and a £100 fine to 6 penalty points and a £200 fine in March 2017.³⁵ It has been suggested that this is an insufficient deterrent. Just over a third of respondents to the Government’s 2016 consultation on increasing the penalty suggested higher fines (ranging from £250 up to £10,000), more penalty points or outright driving bans.³⁶ Many respondents to that consultation felt that points were a far more effective deterrent or punishment than fines.

21. The Government’s 2016 consultation also received responses highlighting the inconsistency between the risks of using a mobile phone—as being more detrimental to driving ability than low-end alcohol or drug toxicity—and the relatively lower penalties for mobile phone use. We noted above that driver impairment resulting from alcohol is a persistent state for the whole journey, while a driver using a mobile phone is only impaired while they are using their phone and for around five minutes after a driver has ended a phone conversation.³⁷ Nick Lyes, from the RAC, told us that when penalties increased in 2017 there was some change to behaviour, but that their most recent research showed that “bad habits were creeping back in”.³⁸ This indicates that the publicity around the increased penalties drove a change in behaviour, but this was not sustained when people realised they were unlikely to be caught.

22. Increasing the penalties for driving while using a mobile phone in 2017 appears to have changed behaviour in the short-term, but there is already evidence that bad habits are creeping back in. Higher penalties are clearly not a panacea to the problem of motorists driving while using a mobile phone, but penalties are a good way for the Government to signal the seriousness of an offence. Our evidence indicates that the penalties for using a hand-held mobile phone while driving do not appear to be commensurate with the risk created. *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.*

35 [The Road Traffic Offenders Act 1988 \(Penalty Points\) \(Amendment\) Order 2017](#) and [The Fixed Penalty \(Amendment\) Order 2017](#); as set out in Chapter 2, the maximum available penalty for this offence, in court, is a £1,000 fine and a disqualification.

36 Department for Transport, [A consultation on changes to the Fixed Penalty Notice and penalty points for the use of a hand-held mobile phone whilst driving: Response to Consultation](#), November 2016

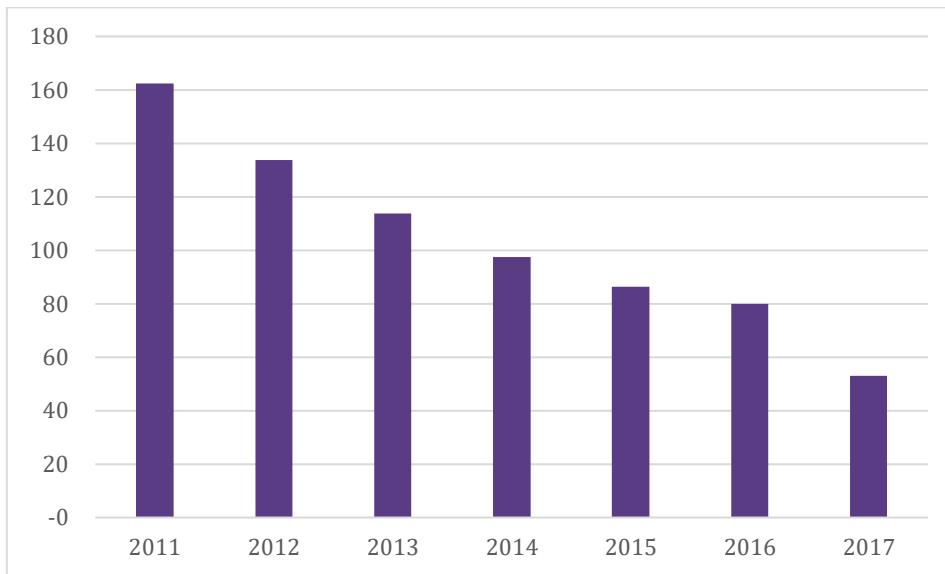
37 [Q16](#)

38 [Q19](#)

5 Enforcement

23. We have been told time and again that for a law to be effective it must be enforced. The evidence is clear that this is not happening at present. The number of offences for using a hand-held mobile phone while driving that resulted in a Fixed Penalty Notice (FPN), driver retraining or court action fell by over 30% between 2016 and 2017, and has been falling steadily for the past six years—by more than two thirds since 2011.

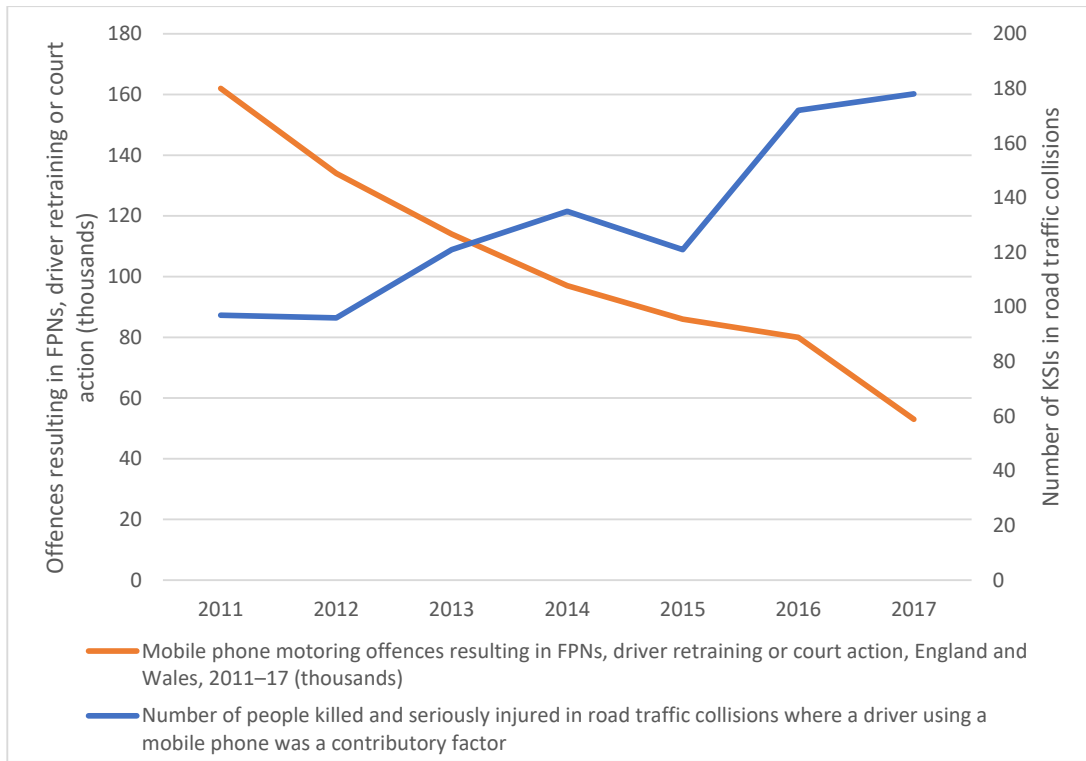
Figure 1: Mobile phone motoring offences resulting in FPNs, driver retraining or court action, England and Wales, 2011–17 (thousands)



Source: Home Office, [Fixed penalty notices for motoring offences statistics data tables: police powers and procedures year ending 31 March 2018](#), October 2018

This decline in the number of mobile phone motoring offences resulting in enforcement action has coincided with year-on-year increases in the number of casualties in reported collisions where a driver using a mobile phone was a contributory factor. The disparity between these two trends is shown in the graph below.

Figure 2: Number of mobile phone motoring offences resulting in FPNs, driver retraining or court action (England and Wales), and the number of people killed or seriously injured in road traffic collisions where a driver using a mobile phone was a contributory factor, 2011–17



Source: Department for Transport, [RAS50007: Contributory factors: Casualties in reported accidents by severity, Great Britain](#), September 2018 (and previous editions), and Home Office, [Fixed penalty notices for motoring offences statistics data tables: police powers and procedures year ending 31 March 2018](#), October 2018

24. The Home Office’s annual report on the use of police powers notes that the fall in enforcement “may reflect changing police priorities and activity”.³⁹ The RAC states that “the effectiveness of the deterrent and the increased penalties is being undermined by a lack of enforcement”, citing evidence that in the 10 years to 2017 the number of full-time road traffic officers in England and Wales fell by almost a third from 3,766 to 2,643.⁴⁰ The Association of Police and Crime Commissioners has stated that “Cuts to police funding over several years have inevitably impacted on roads policing capability, with fewer officers available to stop vehicles to provide the education and enforcement required.”⁴¹

25. The RAC told us that 7% of drivers use their mobile phone because they do not think they will be caught,⁴² despite knowing the risks involved. Nick Lyes told us “the most important thing that the Government need to look at is how they are going to enforce the law.”⁴³ He said:

I think the public understand. They are aware that there are penalties and they do not want to be caught. They probably also see a lot in the media and

39 Home Office, [Police powers and procedures, England and Wales, year ending 31 March 2018](#), 25 October 2018

40 RAC Motoring Services ([RSA0023](#))

41 Association of Police and Crime Commissioners ([RSA0136](#))

42 RAC Motoring Services ([RSA0023](#))

43 [Q61](#)

they think there is going to be greater enforcement because the penalties have changed. Unfortunately, they slip back because they think, “Well, I don’t see very many road traffic police enforcing the law, so I’m unlikely to be caught.” They slip back into the bad old tendencies.⁴⁴

26. We heard that technology could have a more prominent role in enforcement. Dr Gemma Briggs and Dr Graham Hole said that “While some technologies are already available, no significant investment in this area has been made, despite evidence for the benefits to enforcement of technology.”⁴⁵ Some police forces have been making use of new cameras and other sensors to identify drivers who are using mobile phones.⁴⁶ Dr Gemma Briggs and Dr Shaun Helman agreed there needed to be massive investment in technology.⁴⁷ In a 2016 report on road traffic law enforcement our predecessor Committee recommended that the Government fund research into the development and effective deployment of technology to detect illegal mobile phone use while driving.⁴⁸ The Government’s response was non-committal, and talked more about the potential for mobile phones to be designed with a “driving safe mode” than it did the potential for technology to be used to identify people illegally using their mobile phone while driving.⁴⁹

27. On 16 July 2019 the then Minister for road safety, Michael Ellis MP, announced plans for a review of roads policing and traffic enforcement.⁵⁰ This will consider how roads policing currently works, its effectiveness, and where improvements could be made or gaps bridged. The Department for Transport has said that it will be looking at this with the Home Office and the National Police Chiefs’ Council. The Government has said that a call for evidence will be launched this autumn with findings and recommendations being produced in 2020.

28. If motorists do not believe there will be consequences from breaking the law then many of them will continue to do so. Enforcing the law is essential to ensuring that motorists do not illegally use their mobile phone while driving. There must be a credible threat of offenders being caught. It is concerning that the number of offences resulting in Fixed Penalty Notices, driver retraining or court action have fallen by more than two thirds since 2011, while the number of people killed or seriously injured in collisions where mobile phone use is a factor in the collision has risen. We have heard that more road traffic officers would be the most effective way of increasing enforcement of road traffic offences. However, local authorities and police forces are under significant financial pressure, and the Government therefore also needs to look at alternative means of enforcement. *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.*

44 [Q24](#)

45 Dr Gemma Briggs and Dr Graham Hole ([RSA0062](#))

46 Plymouth Live, ‘[Number of drivers caught using their mobile phone in Cornwall and Devon revealed](#)’, 25 November 2018, The Sunday Times, ‘[Tech that detects drivers using mobile phones rolled out in UK](#)’, 15 April 2019

47 [Q32](#), [Q38](#)

48 [Road traffic law enforcement](#), Second Report of Session 2015–16, HC 518, para 50

49 [Road traffic law enforcement: Government Response to the Committee’s Second Report of Session 2015–16](#), First Special Report of Session 2016–17, HC 132

50 Department for Transport, ‘[Roads policing review to improve safety](#)’, 16 July 2019

6 Public awareness

29. In 2016, when the Government announced its plans to increase penalties for using a mobile phone while driving, the then Prime Minister said:

[...] we need to work with the public to raise awareness of the dangers of using a mobile phone when driving. Just as we have made it socially unacceptable to drink and drive, so we need to do the same with using a mobile phone while driving.

We need people to realise the tragedy they can inflict in a fleeting moment and stop people using a mobile when their eyes and mind should be on the road and their hands on the wheel.⁵¹

Despite increasing the penalties for this offence, the Government has not fulfilled the then Prime Minister's ambitions. Dr Shaun Helman told us: "I do not think it is anywhere near as socially unacceptable as drink driving."⁵²

30. While the majority of the public recognises that using a mobile phone while driving is dangerous, this by no means universally accepted. The British Social Attitudes survey asks respondents whether they think all use of mobile phones—including hands-free kits—while driving is dangerous. There is a consistent majority that agrees or strongly agrees that all use of mobiles is dangerous.⁵³ However, the survey shows that there is a small but persistent minority (around 5%) who think that it is perfectly safe to talk on a mobile phone while driving.⁵⁴

31. Nick Lyes told us that the RAC's research suggests that people are aware that it is dangerous, but they still do it. This is true of all too many road traffic offences—in a 2011 survey 89% of drivers reported speeding in the past 12 months, more than a third said they had driven after drinking, and a sixth admitted to having driven while not wearing a seatbelt.⁵⁵ Mr Lyes said that there is still probably a lack of understanding about just how risky it can be, saying "People know it is wrong, but I do not think they are aware of just how risky it is".⁵⁶ We heard that the issue of mobile phone use by drivers would only become more of an issue over the coming years. Dr Shaun Helman told us:

A whole generation of people are just starting to drive who have not known life without smartphones. We are sitting here talking about phones distracting people from driving. What they are interested in is the fact that driving is distracting them from using their smartphone. That is what we are dealing with, and the issue will only amplify over the next five to 10 years.⁵⁷

51 The Guardian, 'Theresa May: phone use while driving as bad as drink-driving', 8 November 2016

52 [Q49](#)

53 Department for Transport, British social attitudes survey, [ATT0350: "All use of mobile phones while driving, including hands-free kits is dangerous"](#), July 2018

54 Department for Transport, British social attitudes survey, [ATT0349: "It is perfectly safe to talk on a hand-held mobile phone while driving"](#), July 2018

55 NatCen, [Attitudes to road safety](#), February 2011

56 [Q51](#)

57 [Q20](#)

32. Dr Gemma Briggs told us: “We need a lot more public awareness as to the dangers of phone use, whether handheld or hands-free”, and that there was a need to “establish a common understanding as to why phone use is dangerous, not just that it is”.⁵⁸ Nick Lyes also told us that public information campaigns were important, and said that the way we watch TV has changed and there is therefore probably a role for anti-hand-held mobile phone adverts or campaigns on new platforms so that they can target younger people and younger professionals.⁵⁹

33. When asked whether he would commit to taking action to increase public awareness of the risks of driving while using a mobile phone, whether hand-held or hands-free, the then Minister for road safety, Michael Ellis MP said: “the Department has been working extremely hard: [...] we have put a lot of investment into social media to warn users of the dangers and we will continue to do so”.⁶⁰ The Government’s 2019 road safety statement set out plans for a “continuous communications approach” over the next two years to highlight four major road safety hazards, including the use of hand-held mobile phones.⁶¹

34. If using a mobile phone while driving is to become as socially unacceptable as drink driving, there needs to be a step change in the Government’s approach to public education. If this is to successfully change public behaviour, it is important that the Government educates the public about why using a mobile phone while driving is dangerous, not just that it is against the law. 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.

58 [Q63](#)

59 [Q52](#)

60 HC Deb, 13 June 2019, [col 807](#) [Commons Chamber]

61 Department for Transport, [The Road Safety Statement 2019: A Lifetime of Road Safety](#), 19 July 2019, para 2.38

7 Government and public sector drivers

35. In addition to legislative change, enforcement activity and public education, we have been told that the Government could lead by example by encouraging changes to the behaviour of drivers working in, or contracted by, the public sector. Dr Shaun Helman noted that the Government has a large fleet and suggested they were in a good position to adopt good practice and say that Government drivers would not make hands-free conversations until there was an evidential basis showing this was safe.⁶²

36. The Government is directly responsible for its own fleet—the Government Car Service, comprising a fleet of around 90 cars, provides a secure car service for ministers in government departments—funds a number of public services that employ people who drive as part of their work, and also contracts a range of companies that provide services for the Government.⁶³

37. **As well as setting policy and enacting legislation the Government can lead by example and encourage behaviour change across the public sector and Government supply chain. *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.***

62 [Q65](#)

63 Department for Transport, [Government Car Service \(GCS\)](#), accessed June 2019

Conclusions and recommendations

The risks of using a mobile phone

1. Using a mobile phone or other device while driving impairs a person's ability to drive safely and makes a road traffic collision more likely. This is true whether a device is hand-held or being used hands-free. It is a tragedy—and one which is entirely avoidable—that 43 people were killed and a further 135 were seriously injured in 2017 in road traffic collisions where a driver using a mobile phone was a contributory factor in the crash. We welcome the Government's plans to publish an analysis of mobile phone use while driving, in order to help it decide what more needs to be done to tackle this activity. We hope that the evidence we have taken and the recommendations we make in this Report will be useful to the Government as it decides what further action is necessary. (Paragraph 13)

Legislative reform

2. The legislation defining the offence of using of a hand-held mobile phone or other device while driving was drafted in 2003 and excludes activities that are known to create precisely the same risks as those covered by the legislation. There are other offences with which drivers using a mobile phone or other device while driving can—depending on the circumstances—be charged, and the authorities therefore have some discretion about what action to take in relation to an offence being committed. However, the evidence is clear that using a hand-held mobile phone, whether for a communicative purpose or not, is dangerous, and it therefore does not make sense for legislation to distinguish between these things. *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)
3. The law currently only proscribes using a hand-held mobile phone or other device while driving. A hands-free device can be used lawfully, creating the misleading impression that hands-free use is safe. The evidence shows that using a hands-free device creates the same risks of a collision as using a hand-held device, and it is therefore inappropriate for the law to condone it by omission. While we accept that there would be practical challenges to criminalising hands-free devices and enforcing this offence, we agree with Dr Gemma Briggs that just because something is difficult this does not mean that we should not do it. *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)

4. Increasing the penalties for driving while using a mobile phone in 2017 appears to have changed behaviour in the short-term, but there is already evidence that bad habits are creeping back in. Higher penalties are clearly not a panacea to the problem of motorists driving while using a mobile phone, but penalties are a good way for the Government to signal the seriousness of an offence. Our evidence indicates that the penalties for using a hand-held mobile phone while driving do not appear to be commensurate with the risk created. *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)

Enforcement

5. If motorists do not believe there will be consequences from breaking the law then many of them will continue to do so. Enforcing the law is essential to ensuring that motorists do not illegally use their mobile phone while driving. There must be a credible threat of offenders being caught. It is concerning that the number of offences resulting in Fixed Penalty Notices, driver retraining or court action have fallen by more than two thirds since 2011, while the number of people killed or seriously injured in collisions where mobile phone use is a factor in the collision has risen. We have heard that more road traffic officers would be the most effective way of increasing enforcement of road traffic offences. However, local authorities and police forces are under significant financial pressure, and the Government therefore also needs to look at alternative means of enforcement. *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)

Public awareness

6. If using a mobile phone while driving is to become as socially unacceptable as drink driving, there needs to be a step change in the Government's approach to public education. If this is to successfully change public behaviour, it is important that the Government educates the public about why using a mobile phone while driving is dangerous, not just that it is against the law. *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)

Government and public sector drivers

7. As well as setting policy and enacting legislation the Government can lead by example and encourage behaviour change across the public sector and Government supply chain. *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)

Formal minutes

Monday 22 July 2019

Members present:

Lilian Greenwood, in the Chair

Jack Brereton

Huw Merriman

Ruth Cadbury

Daniel Zeichner

Paul Girvan

Draft Report (*Road safety: driving while using a mobile phone*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 37 read and agreed to.

Resolved, That the Report be the Twelfth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 4 September at 9.45am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 12 June 2019

Dr Gemma Briggs, Senior Lecturer in Psychology, Open University, **Dr Shaun Helman**, Chief Scientist on Transportation and Behavioural Science, Transport Research Laboratory, **Nick Lyes**, Head of Roads Policy, RAC

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Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

1 RAC ([RSM0001](#))

Written evidence relating to the Committee's inquiry into road safety is referenced in this report and can be viewed on that [inquiry's publications page](#) of the Committee's website.

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Community transport and the Department for Transport's proposed consultation	HC 480 (HC 832)
Second Report	Improving air quality	HC 433 (HC 1149)
Third Report	Airports National Policy Statement	HC 548 (Cm 9624)
Fourth Report	Rail Infrastructure investment	HC 582 (HC 1557)
Fifth Report	Intercity East Coast rail franchise	HC 891 (HC 1729)
Sixth Report	Appointment of the Chair of the Office of Rail and Road	HC 1510 (HC 1859)
Seventh Report	Rail timetable changes: May 2018	HC 1163 (HC 1939)
Eighth Report	Mobility as a Service	HC 590 (HC 1984)
Ninth Report	Bus services in England outside London	HC 1425
Tenth Report	Local roads funding and maintenance: filling the gap	HC 1486
Eleventh Report	Active travel: increasing levels of walking and cycling in England	HC 1487
First Special Report	Vauxhall Zafira fires: Government Response to the Committee's Tenth Report of Session 2016–17	HC 516
Second Special Report	Community transport and the Department for Transport's proposed consultation: Government Response to the Committee's First Report of Session 2017–19	HC 832
Third Special Report	Improving air quality: Government Response to the Committee's Second Report of Session 2017–19	HC 1149
Fourth Special Report	Rail infrastructure investment: Government and Office of Rail and Road Responses to the Committee's Fourth Report of Session 2017–19	HC 1557
Fifth Special Report	Intercity East Coast franchise: Government Response to the Committee's Fifth Report of Session 2017–19	HC 1729
Sixth Special Report	Appointment of the Chair of the Office of Rail and Road: Government Response to the Committee's Sixth Report	HC 1859
Seventh Special Report	Rail timetable changes: Government and Office of Rail and Road Responses to the Committee's Seventh Report	HC 1939
Eighth Special Report	Mobility as a Service: Government Response to the Committee's Eighth Report	HC 1984