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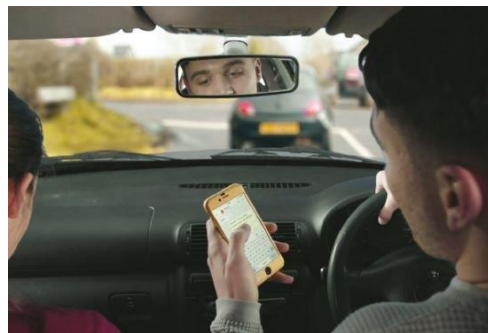
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## **Synopsis of Responses**

### **Use of a Mobile Phone While Driving**

Review of Existing Offence and Associated Penalties



24 July 2019

## Contents:

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## Section 1:

### Introduction and Overview

The public consultation on the 'Use of a Mobile Phone While Driving – Review of Existing Offence and Associated Penalties' issued on 6 March 2018 and was open for a period of 10 weeks - closing on 15 May 2018.

There were a total of 337 responses to the consultation.

- 326 via the online questionnaire hosted in Citizen Space
- 11 via email or in writing

The consultation paper assessed the impact of using a hand-held mobile phone while driving both in terms of the effect on driving ability and the deaths and injuries caused in Northern Ireland. It considered the need for change, reported on the arrangements both in Great Britain and the Republic of Ireland and sought views on a number of options relating to the current penalty and offence.

At present, the offence in Northern Ireland is punishable by a fixed penalty fine (£60) and three penalty points on your driving licence. The maximum penalty on conviction in court includes a £1,000 fine (£2,500 for a passenger carrying vehicle or goods vehicle) and three penalty points. You may also be disqualified from driving.

The consultation paper explored a number of options in terms of the appropriate level for the fixed penalty fine and number of penalty points for this offence. Consultees were asked whether there should be a specific penalty for drivers of HGVs and buses - or whether the same number of points should apply to all drivers. The consultation also proposed a number of longer-term legislative changes to the existing offence aimed at assisting enforcement and creating a more effective deterrent.

This synopsis of response provides an overview of the **337 responses received**. It also summarises and/or quotes from some of the responses to highlight any recurring themes and to clarify the main arguments cited for or against the proposals. It should be noted that in some instances, total percentages may not add up due to rounding or where some questions contained multiple responses. Users should also treat the percentages given with caution as some of these are based on low numbers.

## **Key Findings:**

- The consultation highlighted strong public concern about the prevalent use of mobile phones behind the wheel as well as clear support for an increase to the penalties currently in place.
- For a number of respondents, the proposals presented did not go far enough and, in some cases, much tougher alternatives were suggested, with a particular emphasis on the inclusion of an immediate driving ban.
- While there was recognition of the potentially serious consequence of a collision involving a heavy vehicle - respondents indicated stronger support for a penalty which treats all drivers (illegally using a mobile phone) equally seriously i.e. apply the same number of penalty points to all drivers.
- Support for legislative change to the existing offence was welcomed by the majority of respondents however while general support was clear, concerns and suggestions were provided in relation to how this could be best achieved.
- There was particular emphasis on how rapidly developing in-car technology could be deployed to prevent the use of mobile phone features that increase risk when a car is in motion and there were reservations that one touch operations (where the device is securely mounted) could be legislated against – for some, these one touch actions were not sufficiently different from the use of on-board controls of any vehicle with integrated systems.
- Responses will inform the development of proposals when an Infrastructure Minister is in post.

## Section 2:

### Review of Existing Penalty - Consultation Responses

There were three questions included in this section:

Question 1. Do you think that driving while using a hand-held mobile phone is dangerous?

Question 2. Do you think there should be an increase in the Fixed Penalty Notice fine (currently £60) for this offence?

Question 3. Do you think there should be an increase in Penalty Points (currently three points) for this offence?

<b>Table 1: Question 1 - Do you think that driving while using a hand-held mobile phone is dangerous?</b>		
<b>Response</b>	<b>Number of Responses Received</b>	<b>Percentage</b> Figures have been rounded
Yes	323	96%
No	9	3%
Not answered	5	1%
<b>Total</b>	<b>337</b>	<b>100%</b>

Comments:

- An overwhelming majority of the responses received (96%), both from the general public and representative bodies, said that it is dangerous to use a hand-held mobile phone whilst driving.
- The RAC noted that *'using a handheld mobile phone while driving is extremely dangerous and results in a high level of driver distraction'*.

**Table 2a: Question 2 - Do you think there should be an increase in the Fixed Penalty Notice fine (currently £60) for this offence?**

<b>Response</b>	<b>Number of Responses Received</b>	<b>Percentage</b> Figures have been rounded
Yes – increase to £120 for all drivers (including HGV/buses)	51	15%
Yes – increase to £200 for all drivers (including HGV/buses) <b>[Department's Preferred Approach as outlined in the Consultation Document]</b>	207	61%
Yes – other	45	13%
No	29	9%
Not Answered	5	1%
<b>Total</b>	<b>337</b>	<b>100%</b>

- Overall, the majority of responses (**89%**) supported an increase to the current level of Fixed Penalty Notice fine.
- 9% of respondents indicated that they did not agree with increasing the current level of fine.
- **15%** of respondents favoured an increase (for all drivers) from £60 to £120 while **61%** favoured an increase from £60 to £200 (for all drivers) in line with changes made in Great Britain from 1 March 2017. This was noted in the consultation as the Department's preferred approach.
- **13%** of respondents suggested an alternative level of increase to the current fine. These included raising it for all drivers - ranging from **£300 to £1,000**. The alternative suggestion was to raise the level of fine but apply a **higher level to HGV/ bus drivers** - in this scenario the suggested levels ranged from **£120/£200 to £400/£800**.
- The proposals contained in the consultation to increase the level of fine did not include the creation of any differentiation for drivers of a particular class of vehicle i.e. HGVs and buses – unlike proposals to increase the number of penalty points. Interestingly, some respondents have proposed a differentiation to this aspect of the penalty while others have noted that '**there should be no difference between the penalty for a lorry driver or a car driver – this is discrimination**'.
- There were 100 write-in comments received in relation to this question. The four most common themes are shown in Table 2b below.

<b>Table 2b: Question 2 - Four Most Common Themes from write-in comments</b>	<b>Nos.</b>
Still not high enough	33
Not in Agreement / current level of fine acceptable	19
General agreement to an increase in penalties	16
Fine should also include a driving ban	12

#### **A Sample of the Comments [in support]:**

- One of the responses noted that **'...the average wage level of vehicle users has increased since these fines were increased and raising the level to £200 would bring this more into line with the original level..'**
- There was also a word of caution in terms of moving to a punitive level of fine and [penalty points]. It was noted that motorists are potentially less likely to elect for a FPN and instead choose to fight in court. From a police perspective **'we seek a commitment that the legislation will be changed in order to simplify the offence and how it may be committed....'** PSNI also highlighted the potential for a perceived disparity in penalties. **'If the changes were to be introduced without a fundamental review of [all] FPN fine levels you will have the situation where a driver speeding at 99mph on the motorway is offered a FPN of £60 +3 pp compared to a driver in stationary traffic who picks up their mobile phone and gets a fine of £200 +6pp'**.
- Brake, the road safety charity is calling for a **'Fixed Penalty Notice for the use of a mobile phone behind the wheel of £1000'**. The charity points out that the law must act as a true deterrent to dangerous driving behaviours and this will only be the case if the punishments are appropriate to the danger caused.

#### **A Sample of the Comments [against]:**

- One of these responses highlighted that **'the Department acknowledges that the level of the fixed penalty [fine] is not the effective part of the deterrent. An increased fixed penalty [fine] has the potential to inflict severe financial hardship .....and is not justifiable by any evidence presented by the Department'**.
- A further comment noted, **'.....the Government is clutching at straws to try and reduce road deaths which is to be commended but they are going about it in an aggressive fashion. ....Enforcement should be reasonable and be measured. The bottom line is that we need more police or a technological solution to this problem such as a sensor built in to the car that detects phone signals whilst driving...'**
- It was also noted that **'levels of fines can be difficult – easily payable for some and punitive beyond reason for others. A fine of £200 could be viewed as unequally punishing those who are less able to meet such a cost....'**

**Table 3: Question 3 - Do you think there should be an increase in Penalty Points (currently three points) for this offence?**

<b>Response</b>	<b>Number of Responses Received</b>	<b>Percentage</b> Figures have been rounded
Yes – four for non- HGV/bus drivers and six points for HGV/bus drivers	66	20%
Yes – six points for all drivers (including HGV/bus drivers) <b>[Department’s Preferred Approach as outlined in the Consultation Document]</b>	208	62%
Yes – other	25	7%
No	35	10%
Not Answered	3	1%
<b>Total</b>	<b>337</b>	<b>100%</b>

- The majority of responses (**89%**) supported an increase to the current level of three penalty points.
- **20%** favoured an increase to **four points for non- HGV/bus drivers and six points for HGV/bus drivers**.
- **62%** favoured an increase to **six points for all drivers** (including HGV/bus drivers). This option would bring Northern Ireland in to line with changes made in Great Britain on 1 March 2017 and was noted in the consultation as the Department’s preferred approach.
- There were **10%** of respondents **who did not agree** with increasing the current level of penalty points and a further **7%** who were in favour of an increase in penalty points but suggested an alternative level of increase. These alternative options ranged from:
  - the maximum number of penalty points which could be given for a driving offence to various lengths of driving bans depending on whether it was a first or second offence;
  - other options included retaining three points for the first offence with a second offence attracting an additional six points or introducing an increase to the number of points but applying it only to HGV/bus drivers.



A sample of the views **against** the increase to the current level of Penalty Points:

How is this worse than drinking a bottle of juice at the wheel as many people do on a daily basis? Also smoking, fixing hair, putting in a new CD etc. This is not a serious offender. ...

....increasing it to six points for recently qualified drivers is draconian as it means they lose their licence for one offence which I feel is very harsh.

Four points for non-HGV/bus drivers and six points for HGV/bus drivers, this should read as PSV drivers to include taxi drivers.

The other questions regarding e.g. the laws of touching the phone in a dashboard holder hands-free need answered before consideration can be given to what the penalties are.

If it is more than 3 points it should be decided by a court case as any more than 3 points would be in excess of 25% towards losing a driving licence and for some people their livelihood.

The current penalties are sufficient deterrent. Greater focus should be... on putting resources into detection.

A sample of the views **in support** of an increase to the current level of Penalty Points:

If a motor vehicle collides with a pedestrian it will likely make no odds whether that vehicle is a car or a HGV; the pedestrian is likely to be killed or seriously injured by either.

**PSNI** indicated parity with GB as a positive '*however it will undoubtedly result in more contests at court. It does however signal a clear message that it is an important issue that attracts a significant penalty. PSNI favour keeping the message simple and that is why we have not elected for the first option.....*' [four for non- HGV/bus drivers and six points for HGV/bus drivers].

The **RAC** noted that '*six points also represents a strong deterrent for those who recently obtained a full driving licence as accumulating six points within the first two years will result in a licence being revoked. This is likely to impact more on younger drivers who, according to RAC research, is the demographic group most likely to be using a handheld mobile phone while driving*'.

....deterrents are NOT strong enough relative to the possible consequences e.g. killing someone.

I would also consider if some are detected again within a time period an immediate disqualification.

## Section 3:

### Review of Existing Offence - Consultation Responses

There were three questions included in this section:

Question 4 - The Department proposes to amend the wording of the mobile phone offence in legislation. Do you agree with the intention to make it illegal to 'hold' or 'use' a hand-held mobile phone?

Question 5 - Do you agree with the Department's intention to make it illegal to 'use' a hands-free phone by touching it while it is in the dashboard holder/cradle or attached to the handlebars of a motorbike?

Question 6: Do you have any further comments about penalties or the proposed change to legislation for the mobile phone offence?

**Table 4: Question 4 - The Department proposes to amend the wording of the mobile phone offence in legislation. Do you agree with the intention to make it illegal to 'hold' or 'use' a hand-held mobile phone?**

Response	Number of Responses Received	Percentage Figures have been rounded
Yes	290	86%
No	43	13%
Not answered	4	1%
<b>Total</b>	<b>337</b>	<b>100%</b>

- The majority of responses (**86%**) agreed with the Department's proposal to amend the wording of the mobile phone offence in legislation. **13%** of respondents were against the proposal and **1%** provided no response.
- While the response to this question highlighted support from the majority of respondents, an additional 66 write-in comments has provided an insight to the strong views / concerns held in relation to this proposal. A sample of the comments has been provided below and, for convenience, these have been divided into three separate sections – 'Comments Against', 'Comments in Favour' and 'Suggestions to Improve'.

## Comments Against:

Disproportionate	Completely obvious this is a scam by this definition of 'holding'. So if my phone is on my lap untouched I'm breaking the law and deserve 6 points?? Scam.
	If it's that dangerous to hold or use a device why would you make emergency services exempt. The department's argument is illogical.
	How is it any different/more of a distraction to holding a cup of coffee/bottle of water? ...It's changing the law to suit only one aspect and it is a nonsense.
	Holding a mobile phone that is turned off is not dangerous or distracting and the Department has presented no evidence to suggest that it is.
Enforcement	Definitely too hard to enforce
	Legislation needs to be fit for modern use, persons holding a phone either by sitting on it or having it in a pocket will be technically "holding" the device.
	I believe "hold" would be difficult to prove and fear the offence being misused by some PSNI officers.
	Hold is open to interpretation from the officer giving the ticket. Many of the public hold a mobile phone whilst getting into a car. Physical use must be stated as why the ticket has been given and that it can be proven.
	To 'hold' should be kept - wording of 'use' is too tight. The functions of a phone ....are changing all the time.

## Comments in Favour:

Distraction	If it is being held, it is going to be used. The risk due to distraction is as bad if not worse than driving whilst under the influence. I see it day in and day out with people not looking before they start moving due to looking at their phone.
	Even if a phone is being used as a Satnav, notifications will come through and may block the Satnav screen and the only way to return to the Satnav screen is to clear the notification which can be a distraction.

	Given the prevalence and availability of hands free technology for all vehicles, there is no excuse for using a hand held phone while controlling a vehicle and it makes sense to clarify this and make it illegal.
	If one is holding a phone, their sole intention is to use it. So it's one of the same.
	The increase in the functions of mobile phones makes the proposed changes sensible.
	The number of people looking at phones when in traffic is ridiculous.
	Two hands are required to drive safely - you cannot hold a phone and drive safe
Legal	Essential that this change takes place to avoid loopholes
	This will make it easier for PSNI/PPS to secure convictions
	Using the word 'hold' makes it clear that if the device is in your hand then you are breaking the law

### Suggestions to Improve:

'Hold' and 'Use' should be two separate offences.
Ban all cradle holders.
Should be illegal [also] to hold/eat burgers etc., or drink from bottles/mugs/cups when driving any vehicle. Should be illegal to brush hair or apply make-up.
The use of the word 'hold' should mean just that you are grasping an item in your arms or hands. To set an item on your knee, leg, should not be classed as holding.
Should include 'not on display in the vehicle' unless in a cradle or holder.
Too often people can be seen playing geo location based games or using other features not included in the legislation.
Expand the definition of 'use'.
The definition of 'hold' could be too broad. For example if I reached into my coat pocket and handed my phone to a passenger to call someone to say we will be late or to ask directions it will be seen as an offence - 6 points and a £200 fine. This seems excessive for literally handing a

phone to someone. Same if I was in a traffic jam and handed my phone to someone to tell them to look up why there is a delay - again this would be an offence that could see a licence lost.

If this is going to be put in place, other potential distractions need to be considered as well i.e. eating something, smoking, built in entertainment systems, dashcams, attending to a baby in front seat while driving.

You also need to get the PSNI to enforce it properly - where I live they blatantly use their phones knowing that PSNI won't bother.

The term 'use' should be clarified further, especially in light of hands-free calling or navigation. Legislation should permit one touch operations, for example to answer a call, end a call or select re-calculate where a navigation has deviated from an original route. This would be in keeping with the on-board controls of any vehicle that has integrated systems. To forbid a driver/user from making these one touch operations would be more detrimental to their control of the vehicle than to permit it. There should however be a strict limitation to single touch operations, albeit hard to police.

Consideration needs to be given other devices that also distract drivers such as Satnav systems.

- The following provides a sample of responses received from some of the **organisations** which responded to this question:

The **PSNI** indicated that it would favour a change to the definition of the offence to include 'holding' the mobile phone as sufficient to prove the offence has occurred. ***'This would assist with both the public messaging of the change in the law, provide consistency for cross-border traffic and aid police prosecutions'***.

**Brake** welcomes the move to tackle any potential loophole in the law stating that ***'...this will make it clear to drivers that any attempts to use a mobile phone whilst driving is illegal and prevent any potential confusion about the law'***.

**RAC** agreed in principle with the proposal but highlighted that a greater clarity might be needed on the definition of 'holding' a mobile phone. ***'Mobile phones can be used safely as a Satnav if mounted in an appropriate cradle in a location that's in a driver's line of sight but does not impair their view of the road. It is important that any legislation restricting the use of handheld phones does not inadvertently impact on this type of legitimate use'***.

**Derry and Strabane Policing and Community Safety Partnership (PCSP)** noted that ***'employers should have the responsibility to provide hands-free kit to employees'***.

**Table 5: Question 5 - Do you agree with the Department's intention to make it illegal to 'use' a hands-free phone by touching it while it is in the dashboard holder/cradle or attached to the handlebars of a motorbike?**

<b>Response</b>	<b>Number of Responses Received</b>	<b>Percentage</b> Figures have been rounded
Yes	235	70%
No	97	29%
Not answered	5	2%
<b>Total</b>	<b>337</b>	<b>100%</b>

Comments:

- A majority of responses (**70%**) agreed with the Department's proposal to amend the wording of the mobile phone offence in legislation while **29%** of respondents were against the proposal and **2%** provided no response.
- In addition to the responses shown in the table 5 above, there were a further **80 write-in comments**. Again, these provide a useful insight into the strong views held both 'for' and 'against' the proposal as well as highlighting a number of concerns. A sample of the comments has been provided below and, for convenience, these have been divided into three separate sections – '**Comments Against**', '**Comments in Favour**' and '**Suggestions to Improve**'.

**Comments Against:**

Modern Vehicles	....more modern vehicles have the functionality when connected to the smart phone to display the very same apps that are on the smart phone, giving the user the same access to all the phones functionality/operations by touching the car's touch screen display. This is also as distracting and as dangerous.
	Cars have vast touchscreens so unless you also make these illegal this change is a waste of time.

	<p>I don't see a real difference between a phone in a cradle and a complicated in-car entertainment system which could also possibly send messages etc.</p> <p>....buttons on the steering wheel allow the driver to scroll through phone lists, then [ring] numbers using the vehicle's display screen which is equally as distracting if not more so.</p>
Enforcement	<p>Almost impossible to police. Many road users need access to touch screen mobile devices including fire, police and ambulance drivers ....</p> <p>...it is impossible to expect enforcement to know which phone is which, detection should be as a result of poor road holding and the driver should be prosecuted under driving without due care or dangerous driving legislation in this instance.</p> <p>This aspect causes police some difficulties. How would we disprove a driver claiming they were touching the screen for some as yet undefined legitimate purpose? Additionally, what practical difference is there in operating a touch screen car radio as opposed to a touch screen phone? Also, with so many car manufacturers offering full mobile phone connectivity to an in-car screen which apparently enables voice activated Facebook posts, sending texts etc - how does this differ? Are motor manufacturers cutting through Regulation 125 of Motor Vehicles (Construction &amp; Use) Regulations (Northern Ireland) 1999 [ <a href="https://www.legislation.gov.uk/nisr/1999/454/regulation/125/made">https://www.legislation.gov.uk/nisr/1999/454/regulation/125/made</a> ] on a technicality? We understand and appreciate the positive motivation behind the proposal however feel it would require significant research, consideration and engagement with the automotive industry before introduction.</p> <p>Cannot see [it] being enforceable in court ....difficult to see how accessing a GPS map on a cradle mounted phone is really any different to accessing a GPS map in a built-in ..[system].</p>
Disproportionate	<p>It is difficult, for example, to use a mobile phone as a Satnav in a cradle in the manner described without touching it occasionally. Additionally, a hands-free call may require the driver to touch the screen to accept the call.</p> <p>.... touching a screen in a cradle or holder, to me, seems no different to touching the controls for the in car entertainment, or to initiate climate control on the dashboard. In fact, it may even be easier to touch your phones screen, since some of these controls are not conveniently located.</p> <p>When driving and taking a call in my car [hands-free] I physically have to press a button to end the call. I don't see that as sufficiently different from touching a mobile [in a cradle] to warrant the latter becoming an offence.</p> <p>I do not believe this poses sufficient risk to warrant change in legislation.</p> <p>If you go down that route it means a driver/rider cannot take his hand off the steering wheel/handlebars meaning drivers will not be able to change gear or motorcyclists clear their visor or make hand-signals.</p>

	The difference in touching the phone or using small steering wheel buttons on cars equipped with these is minimal.
	It is not illegal (nor should it be) to change radio stations on a car stereo. Neither should it be illegal to make a similar adjustment by touching a screen on a hands-free phone. Criminalising this behaviour for the purposes of making convictions easier is an abuse of power .....
Lower income	This proposal disadvantages lower income people as they tend to drive older vehicles which do not have internal Satnavs.
Government	The government stated you must have hand free devices for mobile phones in cars. Public and companies have spent a fortune on legal requirements - to now have another change to their costs – [is] not acceptable.
Car Manufacturers	So what's the difference between touching a phone in its cradle or an inbuilt dash screen? Car manufactures will not be happy and I can see a legal loophole here or defence. The law must be applied without fear or favour and equally.

## Comments in Favour

Distraction	Distraction element is the same regardless of whether the phone is in a cradle or not.
	. .... given the prevalence of advances in technology and hands free technology, there is no longer any valid reason for a road traffic user to have to interact directly with a mobile device while in control of the vehicle and this should be made illegal for all users in control of a vehicle.
	There should be no ambiguity on this. To touch a phone in any way only encourages people to open an App / messages etc.
	This is a complete distraction - only voice recognition should be used.
	No matter where the phone is, it is still a distraction from watching the road...
	Brake would recommend that the Department goes further and bans the use of hands-free phones at the wheel altogether – an extract from the full response is shown below: <i>'Laws that only ban hand-held phones are less effective in reducing crashes, because many drivers simply switch to hands-free phones, so are still distracted. A Brake and Direct Line survey [http://www.brake.org.uk/assets/docs/dl_reports/DLreport-DrivenToDistraction-sec2-MobilePhones-2014.pdf] found that following the UK's introduction of a ban on using hand-held phones at the wheel in 2003, between 2006 and 2014, the</i>



*proportion of UK drivers using hand-held mobile phones dropped from 36% to 13%, but those using hands-free rose from 22% to 32%.*

**Suggestions to Improve:**

	<p>Perhaps there can be some programme put in place that knocks off any function of the phone other than the Satnav or radio whilst driving. Or something that monitors what it's used for during the drive for charge purposes.</p> <p>Any aftermarket (i.e. not factory fitted) distraction used in a motor vehicle (except aftermarket products that have been accredited by a specialist road safety organisation and deemed to not pose a distraction if used correctly) ..... should be made illegal.</p>
Clarity	<p>For the sake of clarity it must be explained if it is legal to press the “pick-up” button on a fully fitted hands-free kit.</p> <p>Further clarification is required on this because many [members] would query the difference in a driver using vehicle dash touchscreen systems such as radio, Satnav, a/c and vehicle settings compared to a driver touching the screen of a phone in a cradle which is subsequently adjacent to such in-built vehicle devices.</p> <p>Further clarification would therefore be required as to whether interacting with a vehicle’s in-built systems would be illegal. If it were to become illegal to interact with a built-in vehicle system in this way, then it would put Northern Ireland out of step with the rest of the UK and would also create anomalies, because drivers need to interact with similar systems, for example to view warning messages of a potential vehicle malfunction.</p> <p>.....it would be more appropriate to give police the authority to stop a driver if it appears that touching a hands-free kit, or indeed any other vehicle system, is causing the motorist to drive without being in proper control of the vehicle.</p> <p>The term 'use' should be clarified further, especially in light of hands-free calling or navigation. Legislation should permit one touch operations, for example to answer a call, end a call or select recalculate where a navigation has deviated from an original route. Provided the device is securely mounted, this would be in keeping with the on-board controls of any vehicle that has integrated systems.</p> <p>To forbid a driver/user from making these one touch operations would be more detrimental to their control of the vehicle than to permit it. ..There should however be a strict limitation to single touch operations, albeit hard to police. Separately, I do not believe there should be any permissions to hold, use or mount a phone or other device to the handlebars of a two wheeled motorcycle where balance is already added to their duty in controlling their vehicle.</p>
Wording	<p>I suggest that the wording is changed to include both mobile phones and other hand-held communication or entertainment devices, to include thing like tablets, kindles. Maybe even cameras, where people may be reviewing video from a dash camera.</p>
Cyclists	<p>Should also include pedal cyclists who use devices.</p>

**Question 6: Do you have any further comments about penalties or the proposed change to legislation for the mobile phone offence?**

This question provided consultees with an opportunity to provide any further comments on any aspect of the proposals. In total, there were 146 text based responses [139 via on-line questionnaire and 7 via email or in writing] received and of these 13 were 'nil' responses.

Comments were varied with some focusing on providing feedback on specific areas within the remit of the consultation while others used it as an opportunity to focus on the mobile phone issue from a wider perspective - providing arguments, not just for and against, but suggesting alternative approaches to address the issue.

In order to provide an overall view of the 146 responses – each response has been broken down into key comments and the six most common themes are listed below. In addition to this general overview – a sample of the individual comments / extracts has also been provided at Table 6b.

<b>Table 6a: Question 6 - Most Common Themes from write-in comments</b>	
Even tougher penalties are required - favour a driving ban, devices seized etc...	36
Fully supportive of proposals – dangerous behaviour with deadly consequences	18
Do not agree with the approach presented in this consultation - excessive	13
Tougher penalties mean nothing without enforcement	10
Educate rather than penalise / education should play an important role	8
A driver should not be penalised when parked safely but with the engine running	7

**Table 6b: Selection of Comments Received from Question 6**

The Department's proposals fail to recognise the extent to which technologies are becoming more and more integrated.... These proposals threaten to close off potentially valuable innovations, in economic and wellbeing terms. The Department should undertake targeted consultation with communications technology and automotive companies to explore alternative means by which improvements in safety can be achieved... As an example, has the Department considered supporting development by local technology innovators, of a road-safety app that prevents the use of mobile phone features that increase risk when a car is in motion? Such a solution would avoid unnecessary criminalisation of harmless behaviour, and would promote rather than stifle innovation.

If the aim of this proposed change is to reduce the use of mobile phones by drivers while driving, we only have part of the solution here..... Ensuring compliance is a matter of two factors – the severity of the fine/punishment, and the rate of detection. The relationship between these two variables will determine whether we have a culture of compliance or not.....This consultation deals only with one variable and as such cannot solve this issue or even affect it in a meaningful way on its own...

It would be prudent to have a common sense clause as a driver may inadvertently have to hold a mobile phone temporarily to move it out of the way (for example to let a passenger sit down) or because it has fallen to the footrest and poses a danger.

In my opinion the increasing sophistication of interactive screens on nearly all new cars nowadays means they are as distracting to drivers as using or holding a mobile phone....

It should be easier to report drivers seen using mobile phones, with photographic evidence, if available. At present the witness must be prepared to go to court if PSNI even want to progress the case. I could 'catch' twenty people in an afternoon just by standing outside my house. PSNI should be able to act on photographic evidence without the witness having to go to court.

.... dash inbuilt screens with Satnav, infotainment or car phone facilities are currently sold in a wide range of MVs. This is an anomaly and needs addressing. Why should a top of the range Volvo driver [for example] be able to touch and use his built in screen whilst the man in the van not be able to touch his cradle mounted phone...

If the current or planned legislation presents an opportunity to define "use" then I suggest considering a form of words that leaves no room for any loops holes. If this means a list of do and don'ts then I think it will support the PSNI to make convictions stand up in court.

..work for solutions not constantly penalising everyone and taking money which could be used to buy a hands-free kit. Instead of a penalty enforce a hands-free installation to the vehicle paid for by the driver. Rather than skin them for £200 and then they still have no hands-free kit and risk getting caught again. It just seems like another money making scam when there is no solution being offered.

The Association of British Insurers (ABI) suggest one area that may merit further consideration - the promotion of technology with "drive safe modes", particularly as this technology develops and interacts with existing telematics technology (which in some cases is provided via a mobile phone app.)

*'We would, however, emphasise that our view is that this technology remains at a relatively early stage and is not in widespread use. Therefore, we would see the priority being for Government to engage with mobile phone developers to better understand how this technology will develop. Until we have a better understanding of the take-up and user experience of this technology, we see the potential role for insurers in such discussions as comparatively limited. The ABI is not aware of any conclusive research that has been published assessing the impact of this "drive safe mode" technology on reducing accidents. Any potential involvement by insurers in assessing the potential benefits of this technology (or other similar systems) would need to reflect the fact that changes in how insurers assess risk would only come following demonstrable evidence of the technology's benefits.'*

Brake believes that the proposed changes could and should go further ..... *'through our extensive work with bereaved and injured road crash victims, Brake sees first-hand the devastation caused by people who kill and seriously injure, just because they couldn't wait a few more moments to make a phone call. ....Brake would therefore recommend that the Department:*

- bans the use of hands-free phones at the wheel, in line with evidence that they increase crash risk just as much as using a hand-held phone, due to the distraction of the phone conversation.*
- implements much higher penalties for any driver using a phone of any type at the wheel. We support an increase from the current £100 fixed penalty fine to £1,000 and at least six penalty points – this will ensure that drivers understand the seriousness of this offence, acting as a strong deterrent to illegal activity.*
- work cross-department and with the police to ensure increased and adequate resourcing for traffic enforcement, including by making traffic policing a national policing priority'.*

## Section 4:

### Additional Information - Respondent Profile

#### Number of responses received

There were a total of 337 responses to the consultation.

- 326 via the online questionnaire hosted in Citizen Space
- 11 via email or in writing

**Table 7: Consultation Responses by Age Range**

<b>Age Range</b>	<b>Number of Responses Received</b>	<b>Percentage</b> Figures have been rounded
0-16	0	0%
17-24	7	2%
25-34	55	16%
35-49	137	41%
50-64	108	32%
65+	22	7%
Not Answered	8	2%
<b>Total</b>	<b>337</b>	<b>100</b>

**Table 8: Consultation Responses by Category**

<b>Category</b>	<b>Responses Received</b>	<b>Percentage</b> Figures have been rounded
Novice Driver/Rider (within two years of passing your test)	8	2%
Experienced Driver/Rider	297	88%
Learner Driver/Rider	4	1%
HGV Operator/Driver	13	4%
Bus or Coach Operator/Driver	8	2%
Mobile Phone Retailer	2	1%
Legal Professional	13	4%
Other	19	6%
Group or Organisation	19	6%
Not Answered	3	1%
<b>Base</b>	<b>337</b>	

**Note: Percentages do not sum to 100% since respondents could select more than one category**

### **Other, Group or Organisation**

38 of the total responses were made by 'Other, Group or Organisation'. A list of groups or organisations is provided at Annex A.

## Section 5: Conclusions

The purpose of this consultation was to give the public their say about what penalties should be in place for those who use a mobile phone while driving. There was also an opportunity to consider how the current offence is drafted in legislation and whether the wording should be changed.

### Penalties

The response to the consultation has highlighted strong public concern about the prevalent use of mobile phones behind the wheel as well as clear support for an increase to the penalties currently in place. For a number of respondents, the proposals presented did not go far enough and, in some cases, much tougher alternatives were suggested, with a particular emphasis on the inclusion of an immediate driving ban.

Proposals to increase the level of fine did not introduce any differentiation for drivers of a particular class of vehicle, however, the consultation did ask consultees to consider a specific penalty for drivers of HGVs and buses in terms of penalty points - or whether the same number of points should apply to all drivers. While there was certainly recognition of the potentially serious consequence of a collision involving a heavy vehicle - respondents indicated stronger support for a new penalty which treats all drivers (using a mobile phone behind the wheel) equally seriously.

While only a minority of respondents indicated opposition to an increase in penalties – this strongly held position was in some cases substantiated with the provision of write-in comments providing counter arguments to the proposals. These views have been reflected throughout the synopsis.

### Legislation

Overall there was wide recognition of the importance of enforcement in tackling the pervasive use of mobile phones while driving and, in some cases, it was noted that tougher penalties will only be part of the solution. Support therefore for legislative change to the existing offence was welcomed by the majority of respondents. That said, it was evident that consultees had considered this area carefully and while general support was clear, concerns and suggestions were provided in relation to how this could be best achieved. There was particular emphasis on how rapidly developing in-car technology could be deployed to prevent the use of mobile phone features that increase risk when a car is in motion and there were reservations that one touch operations (where the device is securely mounted) could be legislated against – for some, these one touch actions were not sufficiently different from the use of on-board controls of any vehicle with integrated systems.

If it is decided to amend the legislation, the challenge for the Department will be to amend the legislation in a way that will make clear - for the benefit of drivers, police and the courts - which functions will be illegal for both hands-free and hand-held devices. It will be important that any legislative amendments are perceived as fair and proportionate in effectively tackling the harm caused by using a mobile phone while driving and, importantly, the changes should command public respect.

In terms of next steps, responses to this consultation will inform the development of proposals when an Infrastructure Minister is in post. The road safety risk is very real and we therefore need to work towards a climate where the illegal use of mobile phones is as socially unacceptable as not wearing a seat belt – and as shameful as drink driving. In the meantime, the Department would like to extend appreciation to everyone who took the time to consider and respond to the consultation.

**Specified Organisations**

1. Ards and North Down Borough Council
2. Association of British Insurers ABI
3. Brake, the road safety charity
4. Department for Justice
5. Derry and Strabane Policing and Community Safety Partnership (PCSP)
6. Transport Trade Association / Federation of Passenger Transport NI Ltd
7. Freight Transport Association
8. GEM Motoring Assist (Guild of Experienced Motorists)
9. Green Action
10. Lone Wolves Brotherhood (Motorcycle Club)
11. Mid Ulster Approved Driving Instructors Association
12. Motorcycle Action Group
13. North Down Community Network
14. Northern Ireland Approved Instructors Council
15. Northern Ireland Ambulance Service
16. Northern Ireland Approved Instructors Council
17. Police Service of Northern Ireland
18. RAC Motoring Services



19. Women's Forum NI

**Specified Other**

- 20. Authorise Motorcycle Instructor
- 21. Chartered Member of the Institute of Occupational Safety and Health / Consultant
- 22. Cyclists
- 23. Driving Instructor / Advanced Driving Instructor
- 24. Firefighter
- 25. Institute of Advanced Motorist Qualified Driver (IAM)
- 26. Member of a cycling club
- 27. Non-drivers/drivers
- 28. Pedestrian / Public Transport User
- 29. Retired Driving Instructor and Examiner
- 30. Road User
- 31. Taxi Driver
- 32. HGV Operator/Driver