

## **EAST AYRSHIRE COUNCIL**

### **COMMUNITY SAFETY FORUM - 4 DECEMBER 2002**

#### **SAPC ROAD SAFETY SUB-COMMITTEE 7 AUGUST 2002**

##### **Report By Director of Development Services**

### **1. PURPOSE OF REPORT**

- 1.1** The purpose of this report is to inform the Forum of matters discussed at the meeting of the Scottish Accident Prevention Council's Road Safety Sub-Committee which was held on 7 August 2002.

### **2. SCOTTISH ACCIDENT PREVENTION COUNCIL (SAPC)**

- 2.1** The SAPC is a national organisation which promotes home, water, road and leisure safety. Its membership is made up of Elected Members and officers from local authorities as well as other organisations involved in accident prevention. Sub-committee meetings are held quarterly.

### **3. ROAD SAFETY SUB-COMMITTEE**

- 3.1** Eighteen members attended the meeting. Business was conducted under the following headings.

#### **3.2 Matters Arising**

A Shop mobility code of practice was tabled. Audible warnings were not included in the leaflet, but the SAPC website carries information on the subject.

An inventory of plant machinery available for winter maintenance was being carried out. David Saldanha of the Scottish Executive would make a presentation on this topic at the next meeting. He had stated that measures were being put in place to ensure better liaison between all parties involved in winter maintenance.

A response to the consultation paper on novice drivers had been submitted. This was available on the SAPC website.

There was some discussion on the accuracy of accident figures on unclassified 30mph roads supplied by the Scottish Executive. This was in response to a concern raised at the last meeting that the break-up of the Royal Mail might lead to more accidents as happened with the deregulation of buses. After discussion it was felt that more accurate figures would be required before this could be taken forward.

#### **3.3 National Road Safety Committee**

Topics to be covered at the next meeting were changes to the drink/drive limit, mobile phones and criminal record checks (see Annexe 1). The Secretary tabled the RoSPA policy document on mobile phones (see Annexe 2).

Also tabled were RoSPA's new publication on themes suitable for coverage at school assemblies and a flyer for the Road Safety Congress in Blackpool in March 2003.

### **3.4 PACTS**

A presentation was given at the AGM by Tom Brake, the Liberal Democrat spokesman, on cycling and walking. One fact was that it cost about £100,000 to save a life on the road but £75 million to save a life on the railway. His party was in favour of speed cameras being more prominent and a reduction in the drink/drive limit.

### **3.5 DfT**

The Secretary tabled recent Think campaign newsletters, the consultation on pedal cycle regulations which proposed that brakes should be adjusted and bells fitted at the point of sale. There was concern that there was no mention of lights in this. It was agreed that the SAPC should submit a response.

### **3.6 Scottish Executive**

The Secretary reported that the following had been received from the Scottish Executive:

Scottish Road Safety Campaign(SRSC) materials on cycle safety which targeted both cyclists and drivers;  
The SRSC Annual Report;  
The SRSC Annual Seminar;  
New Homezones regulations.

The degree of culpability in cycling accidents was discussed with some members putting most of the blame on cyclists and others on drivers. It was noted that there were moves in Europe to make these accidents the fault of drivers alone.

### **3.7 ACPOS**

A report was made on the various campaigns run by the Police. There was a child safety campaign targeted at schools and focusing on speeding, parking and all modes of transport. Child seat checks were being carried out across the country as surveys had shown that up to 75% of child seats are incorrectly fitted. A Safer Scotland campaign would run from October to January in which various driving issues would be tackled.

In response to a question, it was noted that the downgrading of cannabis would not affect the ability of the police to prosecute someone for driving whilst being impaired. This is an offence under Section 4 of the Road Traffic Act, and a Field Impairment Test would allow a judgment to be made about the condition of a driver.

### **3.8 Correspondence**

Newsletters and press releases had been received from various bodies. A letter had been received from Fenwick Community Council on issues connected to the upgrading of the A77. A response was made by Gerald Cummins.

### **3.9 Annual Conference 2002**

The updated programme was noted.

### **3.10 Leaflet**

Work on this leaflet which deals with all aspects of accident prevention was well progressed and consideration was now being given to funding and distribution.

### **3.11 AOCB**

Two videos which would be suitable as part of young driver/driver improvement scheme were shown.

## **4. RECOMMENDATIONS**

41. The Forum is invited to note the contents of this report.

## **ANNEXES**

- 1. National Road Safety Committee**
- 2. Mobile Phones and Driving**

Stephen Chorley  
Director of Development Services

22 November 2002

For further information please contact Gerald Cummins on 01563 555565

NOTES FROM THE NATIONAL ROAD SAFETY COMMITTEE -16 SEPTEMBER 2002

Election of Chair -Margaret Craig re-elected Vice Chair -Chris King.

1. **Matters Arising**

**DfES (Dept. for Education Skills)** -School Plans software -South Gloucester Authority to use new software in 100 schools.  
**Single/Double Summer Time** -RoSPA working on Position Paper and will be an all encompassing survey to gather evidence and looking at casualties.

**Drink/Drive Response** -committee considered the response as being unacceptable and the DfT should reconsider the position they have taken.

2. **Secretary's Report**

**Congress 2003- 3- 5 March 2003- Blackpool**- provisional programme will be issued during October, theme will follow on from last years successful driving topic.

**School Crossing Patrol Guidelines** -Draft out October.

**Child Seat Website** -almost about to be commissioned.

**Parents Novice Drivers Guide** -out next month.

**Road Safety Managers' Guide** -being progressed.

**Pets in Cars** -leaflet being produced.

3. **DfT -Road Safety Update**

Mandy Jutson sent apologies and her deputy who attended would take back any questions to her. The main questions centred around projects which have succeeded in being selected for Challenge Funding, the representative of the DfT was unsure of organisations that were successful in the bid process.

School Travel Plans -no further grants until evaluation. Some concern was raised over the inability of LAs to spend money allocated from the LTPs.

4. **Road Safety Advisory Group** -are working on Insurance Companies to distinguish between young drivers and learners as insurance companies do not appear to differentiate.

Self Financing Bridges -Committee approached and concern raised regards distraction.

The group is at present examining Police Road Safety Objectives and Road Safety Funding.

**Consultation Documents**

Mobile Phone Response -along similar lines to LARSOA response prepared by David Lindsay, ACPO had great concern around enforcement issue.

Bells on Bikes -as per report, although it was felt that a marker should be put down for integral dynamo powered lighting systems (approx cost £8.00 when installed at point of manufacture).

Bells would be installed at point of sale by retailer and could be removed at any time by cycle owner . Consumer and Trading Standards would "enforce" this issue and it would not be a police resource matter.

Death By Dangerous Driving -concern about penalties that we as a country imprison more people than any other in Europe, wider use should be made of sanctions to change behaviour and should sentences run concurrently or should disqualification run beyond penal sentence. This then raised the subject of increasing the already high number of people who would drive while disqualified.

5. **Road and Rail Accidents** -this matter had been deferred from the previous meeting and was by way of a presentation that had been issued with the minutes and was based around the fact that it is 10 times higher to save a casualty on the rail network as on the roads. The discussion centred around who makes the decision to spend more on rail than roads.

6. **DoNM -28 January 2002 - IAM Chiswick**

*Department for*  
**TRANSPORT**

Mobile Phones and Driving -Proposal for an offence of using a hand-held mobile phone while driving

***Consultation 20 August 2002***

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Dear Consultee

1. The Department is seeking views by 25 November 2002 on the possible introduction of a specific offence to prohibit the use of any hand-held mobile phone or similar device by drivers.
2. The Government's Road Safety Strategy (*Tomorrow's Roads- Safer for Everyone* published March 2000) set tough targets for reducing the number of deaths and injuries on our roads. The Strategy recognised that while mobile phones can be of great assistance to drivers, they are also a real risk to road safety. It also explained that powers already exist to enable the police to prosecute drivers who put themselves and others at risk by using a mobile phone while driving.
3. At present the police may prosecute drivers under Regulation 104 of the Construction and Use Regulations 1986 (C&U Regulations) for failing to have proper control of their vehicle. Offenders may be offered a fixed penalty notice of £30. If not, the fine on conviction is a maximum of £1,000 (or £2,500 for drivers of goods vehicles and vehicles adapted to carry 8 or more passengers). In some circumstances a prosecution for careless or dangerous driving may be justified. The penalties for these offences include endorsement, disqualification and even imprisonment in the most serious cases.
4. The Highway Code also makes it clear that drivers should never use a hand-held mobile phone and that using a hands-free phone is also likely to distract a driver's attention from the road. However, the Strategy recognised that if drivers continued to use mobile phones, then the case for introducing new legislation would need to be reviewed.
5. The Department has been conducting publicity campaigns to warn drivers of the dangers of using mobile phones since 1998. We have also been undertaking some limited surveys of mobile phone use by drivers since November 2000. The four surveys that have taken place so far have shown a steadily rising trend in use from 1.5% in the first survey to 2.2% in April this year. There has been considerable pressure from safety organisations and many members of the public to take action to ban the use of phones by drivers.

6. The Department is concerned that too many drivers are using their phones while on the move. In these circumstances, it has been decided that further action is needed to send a clearer message to motorists that they should not be used. The Government has already announced its intention to make Regulation 104 of the C&U Regulations an endorsable offence. We are now considering an addition to the C&U Regulations to make it a specific offence to use a hand-held mobile phone while driving.
7. The proposed new regulation is not intended to weaken existing legislation in any way. The police would continue to be able to use a range of options for prosecution under existing legislation appropriate for the circumstances of each case.
8. The Department recognises that research shows that using a hands-free phone is also distracting and increases the risk of having an accident. We have considered whether a specific offence should include hands-free phones but believe that such a provision would be largely unenforceable. We do not therefore believe that it would be practical to include hands-free phones within the scope of the proposed new regulation.
9. The Department has also considered if exemptions should be permitted, eg to enable the police and emergency services to use hand-held phones if necessary in the course of their duties. Our initial view is that as we are not proposing to introduce a specific ban on hands-free phones, there is no justification for permitting exemptions from the requirement not to use hand-held phones. We also consider that there should be no exemption for very short-term use (such as "hang on while I pull over and stop"). Nevertheless, the Department would welcome views on the need for exemptions. Any suggestions for exemptions should set out the reasons why they are considered necessary.
10. If an amendment was made to the C&U Regulations, offenders would be subject to a fixed penalty notice, currently £30 or a fine on conviction of up to £1000 (or £2,500 for drivers of goods vehicles and vehicles adapted to carry 8 or more passengers). New legislation would be needed to apply discretionary disqualification and penalty points to such an offence. You are also invited to say if you consider whether any new offence should be subject to such sanctions.
11. Any amendment in the C&U Regulations would apply throughout Great Britain. The creation of a similar offence in Northern Ireland would be a matter for the Northern Ireland Office in liaison with the Northern Ireland Administration. Any subsequent amendment of the Northern Ireland Construction and Use Regulations would be a matter for the Department of the Environment and the Northern Ireland Assembly.
12. The purpose of this consultation is to invite comments on the content of the proposed new regulation as set out in Annex A and on the partial Regulatory Impact Assessment at Annex B. A copy of this letter has been sent to all those listed in Annex C. Please let us know if any other organisation should be consulted.

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<sup>1</sup>Report on the Review of Road Traffic Penalties, published on 24 July 2002, may be viewed at <http://www.homeoffice.gov.uk/ppd/oppu/traffic.pdf>

13. The Department would be grateful for views, in writing, to David Peagam at the address below to arrive no later than **25 November 2002**. It would be helpful if, when replying, you could explain your interest and which organisation, if any, you represent. A reply form is attached at Annex E.

14. All views received will be considered carefully. If the decision is to go ahead with the proposed amendment, a Statutory Instrument would be prepared and laid before Parliament. We would ensure that the new regulation was widely publicised before it was brought into effect, probably in the early part of next year.

15. Please note that we may be asked to make public the contents of replies that we receive. When you send in your reply, would you please say if you do not want us to make a copy of the reply available if we are requested to do so.

16. Attached are:

- Annex A: detail of the proposed new regulation
- Annex B: the partial regulatory impact assessment
- Annex C: list of consultees
- Annex D: Code of Practice on Written Consultation
- Annex E: reply form

17. This document may be freely reproduced and further copies are available on request. It may be viewed on the Department's web-site at [www.roads.dft.gov.uk/roadsafety](http://www.roads.dft.gov.uk/roadsafety)

Yours sincerely  
*Sue Faulkner*

Sue Faulkner  
Road Safety Division, Department for Transport

**Address for replies**

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London SW1P 4DR  
Direct Line: 020 7944 2046, Fax: 020 7944 2029  
Or e-mail: [roadsafety@dft.gsi.gov.uk](mailto:roadsafety@dft.gsi.gov.uk)

**By 25 November 2002**

This consultation is undertaken in accordance with the Government's Code of Practice on Written Consultation (November 2000), a copy of which is at Annex D. If you have any concerns about the consultation process, please contact the Department for Transport's consultation co-ordinator: Martin Leppert, Zone 4112, Great Minster House, 76 Marsham St, London SW1P 4DR (e-mail: [martin.leppert@dft.gsi.gov.uk](mailto:martin.leppert@dft.gsi.gov.uk)).