



House of Commons  
Transport Committee

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# Road traffic law enforcement

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**Second Report of Session 2015–16**





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**Second Report of Session 2015–16**

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

*Ordered by the House of Commons to be printed  
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## Transport Committee

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

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

### Committee staff

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## Summary

The UK has a very good road safety record in global terms. However, the decline in fatalities in road accidents has slowed in recent years, and the most recent annual figures show a small increase in the number of road fatalities. The increase in injuries among pedal cyclists is of particular concern. There is no room for complacency. The Department uses three means to meet its policy goals in road safety, known as the “Three E’s”. These are Enforcement, Engineering, and Education. While Education and Engineering are important, they cannot stand alone—Enforcement must be adequate and its methods designed to ensure safety in order to continue the trend in reducing road fatalities and injuries.

Enforcement is by necessity a cross-cutting activity and the Department works closely with the Home Office and other Departments. The police and other enforcement bodies must have the resources and technology to deliver improved safety irrespective of whether the policies are set by the Home Office, the Department for Transport, or another part of Government. This requires good communication and cooperation. It is essential that any activity undertaken in road traffic law enforcement is done in partnership across Departments, and, where appropriate, that skills and resources are shared.

The number of specialist roads policing officers has been declining for years, and there is increasing reliance on technology for road traffic law enforcement. For enforcement to be successful and for educational campaigns<sup>1</sup> to be convincing there must be the likelihood that offenders will be apprehended. There is a growing concern that the lack of specialist dedicated road traffic officers means that “minor” offences such as careless driving cannot be effectively detected and enforcement action taken. There is also a concern that where enforcement is carried out by technology, it is perceived as unfair by the public or as a means to raise revenue rather than improve road safety. This should never be the case.

The December 2015 road safety statement gave the Government’s support to harnessing technological innovation, stating that “new technologies can help detect dangerous criminal behaviour and free up police time to respond to other public emergencies”.<sup>2</sup> This however cannot be the only part of the evolving road traffic law enforcement landscape. The number of specialist roads policing officers should be maintained, and the police and other enforcement agencies should conduct intelligence-led operations to maximise the effective use of their resources. Some variation in road safety enforcement approach between police forces is inevitable given their operational independence, but this must not allow any area to neglect its road safety obligations with impunity.

Research should be conducted into the growing use of diversionary courses in cases of speeding and bad driving to ensure that these are being deployed effectively across police force areas, and to ensure that there is an assessment of their effectiveness in preventing re-offending. Speed cameras are used and deployed in different ways across

1 E.g. the Think! ‘consequences’ campaign

2 Department for Transport, Road safety statement: working together to build a safer road system, Cm [9175](#), December 2015, p 22

the country, and the impact of these variations should be examined and where there are benefits from novel approaches these should be publicised and replicated.

Road traffic law enforcement is intrinsically linked to road safety, and it is right that the Government targets the main causes of road fatalities and what the police deem the “Fatal 4” of:

- drink-driving;
- speeding;
- use of a mobile phone while driving; and
- failure to wear a seat belt.

The Department should ensure that detection rates for these offences are high, whether through specialised road traffic police officers or by detection technology. They should consider devolving enforcement of less serious offences, such as yellow box junctions and banned left turns, so that local authorities can be responsible for taking enforcement action against them.<sup>3</sup> The Department could also encourage local authorities who have not taken up powers already available, such as those relating to off-street parking, to do so. This would allow police resources to be used more efficiently to tackle the Fatal 4.

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<sup>3</sup> These offences have long been devolved in London where they are civil offences enforced by TfL

# 1 Introduction

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## Scope

1. We launched this inquiry in October 2015, collecting written evidence throughout the course of the inquiry and conducting three oral evidence sessions. As issues concerned with sentencing fall under the remit of the Justice Select Committee, we did not seek to collect evidence related to the sentencing of offenders through the courts, and will not make recommendations on this issue. We would like to thank all respondents for their contributions to this inquiry, which have provided a range of views from both institutions and individuals. Each piece of evidence was considered by the Committee in producing this report.

2. Road traffic law enforcement is a topic that crosses Government departments, involving both the Department for Transport and the Home Office. We took oral evidence from the Minister for Policing, Mike Penning MP, and three serving police officers. The nature of the topic means that some of our conclusions and recommendations may be answerable across Government departments, although our responsibility relates to the work of the Department for Transport and we direct most of our comments to them. We trust that the Government will work across departments in responding to these recommendations.

3. We received some evidence which focused on wider road safety issues, where enforcement is a facet alongside engineering and education. While we refer to these, we will not be making conclusions or recommendations on these matters as they were not our main focus in this inquiry. We expect to return to these and other road safety issues later in this Parliament.

4. The issues of road traffic law enforcement discussed here are primarily only applicable to England and Wales or England only and are within devolved legislative competence in Scotland and Northern Ireland, and (in some instances) Wales. Statistics gathered by the Government vary in their geographical cover: for example the primary source for road casualty data specifically covers Great Britain only. At present, road traffic law has not diverged enough between devolved legislatures to make using these statistics inappropriate. Where sources cover varying parts of the country, this has been noted.

## Context

5. On a global scale, the UK has an excellent road safety record. According to the latest available World Health Organisation (WHO) figures, the UK saw an estimated 3.7 road traffic deaths per 100,000 population in 2013,<sup>4</sup> giving the UK the 7th lowest number of road deaths across the 182 countries surveyed by the WHO. Government figures show that there were 45% fewer fatalities in Great Britain in 2014 than a decade earlier in 2005, and the number of fatalities on the roads in 2014 was the third lowest annual total on record after 2012 and 2013.<sup>5</sup> Road deaths also make up a smaller proportion of all accidental deaths than a decade ago, down to 13% in 2013 (the latest data available) from an average

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4 World Health Organisation, [Global status report on road safety 2013](#), June 2013

5 The figures make up part of a long-running series going back to 1926. The current set of definitions and detail of information goes back to 1979.

23% in 2005–09.<sup>6</sup> As shown in Table 1, 1,775 people were killed on the road in 2014, a 4% increase from 1,713 deaths in 2013.<sup>7</sup> The number of people seriously injured also increased by 5% to 22,807 serious injuries, up from 21,657 in the year before. While this is not yet a statistically significant trend, it should be a grave concern that the ongoing reduction in casualties may be slowing,<sup>8</sup> as behind these statistics lie the devastation caused by deaths and injuries on the roads.

**Table 1: Reported road casualties in Great Britain in 2014 compared with previous years**

	2014	% change from last year	% change from 2009	% change from 2005–2009 average
Killed	1,775	4%	-20%	-37%
Seriously injured	22,807	5%	-8%	-16%
Killed or seriously injured	24,582	5%	-9%	-18%
Slightly injured	169,895	6%	-13%	-21%
All casualties	194,477	6%	-12%	-21%

Source: Department for Transport, Reported Road Casualties in Great Britain, September 2015, Main results: 2014

6. The overall trend of casualty reduction is also not uniform across all groups of road user. The number of pedal cyclists killed or seriously injured has been rising year on year, and stood at 3,514 victims in 2014, a 39% increase from the 2005–2009 average of 2,528. Some of this increase will be attributable to the increase in pedal cyclists (see paragraph 52). Motorcyclists, also a particularly vulnerable group, have also seen an increase in the number of people killed or seriously injured, up to 5,628 motorcyclists in 2014, from 5,197 in 2013. These events are avoidable tragedies, not natural disasters, and the Department must see any increase as of grave importance.

7. Police and Crime Commissioners (PCCs) have the power to set policing priorities within their areas by the production of police and crime plans. These may include priorities for road policing, which is not a nationally-set strategic priority. Consequently, road policing strategies vary from one force area to another, with each of the 43 police force areas being operationally independent. These variations can take the form of differences in how people and technology are deployed, and how different actions are applied where offences are detected.

8. The National Police Chiefs Council (NPCC)<sup>9</sup> emphasised that road policing is a specialist skill set and a highly technical specialism that cannot be replicated by a “regular

6 Department for Transport, [Strategic Framework for Road Safety outcome indicators, Great Britain, annual from 2005](#), September 2015, table RAS41001

7 The Government defines a serious injury as an injury for which a person is detained in hospital as an in-patient, or any of the following injuries whether or not they are detained in hospital: fractures, concussion, internal injuries, crushings, burns (excluding friction burns), severe cuts, severe general shock requiring medical treatment and injuries causing death 30 or more days after the accident. “Serious” accidents are those that cause a serious injury.

8 Department for Transport, [Reported Road Casualties Great Britain: annual report 2014](#), September 2015, Main results: 2014. In order for the increase to be statistically significant, the change must be such that we can be at least 95% confident that the change is a result of a genuine trend rather than a product of chance. This is calculated by looking at the current trend and the results in previous years.

9 Formerly the Association of Chief Police Officers (ACPO)

front-line operational officer”.<sup>10</sup> This does not mean that officers who are specialised in road policing are not also specialists in other areas: some officers find themselves “double-hatting or triple-hatting”<sup>11</sup> with other specialisations such as firearms.

9. The number of specialised road policing officers has been falling consistently over the past decade. Since 2005, the number of full-time equivalent traffic police officers has fallen from 7,104 to 4,356 in 2014. This is a reduction from 5% to 3.4% of all serving police officers.<sup>12</sup> The NPCC told us that this reduction is subject to a great deal of regional variation, ranging from a 45.26% decrease in the South West, to a 1.1% increase in Yorkshire and Humberside.<sup>13</sup>

10. Some of this reduction can be attributed to Traffic Officers within Highways England taking on functions that formerly would have been police activities on roads that they own and manage.<sup>14</sup> NPCC makes it clear that there is a connection between a drop in resources and a fall in dedicated officers.<sup>15</sup> The overall police budget was protected in the 2015 Spending Review; however, this does not guard against individual forces cutting road policing officers in order to prioritise other areas.

11. The total number of detected motoring offences has more than halved over the past decade. In 2004, the number of offences<sup>16</sup> was 4.33 million, whereas in 2013 (the last year for which figures are available), there were 1.62 million offences.<sup>17</sup> Almost all types of motoring offence have seen a decrease over this period. Some of this reduction may be attributable to decreased detection as a result of cuts to specialised road policing officers, and/or to increased compliance by road users. One way in which to assess this is to see whether there has been a reduction in those offences which will always be reported to the police.

12. Motoring offences which result in a fatality (the “causing death” offences) will always be recorded by the police when they occur, while offences such as careless driving or speeding will only be recorded when detected. The “causing death” offences are:

- “causing death by dangerous driving”;
- “causing death by careless driving under influence of drink or drugs”;
- “causing death by careless or inconsiderate driving” and
- “causing death by driving unlicensed, disqualified or uninsured drivers”.<sup>18</sup>

13. We can assume that these offences are always recorded by the police. There has been a decrease in the number of convictions for “causing death by dangerous driving” (falling

10 Q257 [Mike Penning] and National Police Chiefs Council ([RTL0013](#))

11 Q24 [Paul Keasey]

12 PQ [HL4998](#) [on road traffic control], 12 February 2015

13 National Police Chiefs Council ([RTL0013](#))

14 Q270 [Mike Penning]

15 National Police Chiefs Council ([RTL0013](#))

16 Motoring offences include: dangerous, careless or drunken driving, accident and speed limit offences, unauthorised taking or theft of motor vehicle, licence and insurance offences, vehicle test and condition offences, traffic and other offences.

17 Department for Transport, [Motor vehicle offences: findings of guilt at all courts, fixed penalty notices and written warnings by type of offence, England and Wales: 2004–2013](#), September 2015, table RAS61001

18 “Causing death by aggravated vehicle taking” is not included as this is not an offence related to road traffic law specifically.

steadily from 241 offences in 2004 to 123 offences in 2014)<sup>19</sup> and a corresponding increase in the number of convictions for “causing death by careless or inconsiderate driving”<sup>20</sup> As a result the overall number of convictions for these “causing death” offences has remained steady, from 303 offences in 2004 to 311 offences in 2014, with little variation in the intervening years.<sup>21</sup> The offence of “causing death by careless or inconsiderate driving” was introduced in 2006, and since 2009 there has been a decrease in the number of convictions for “causing death by dangerous driving”, falling from 225 in 2009 to 123 in 2014. In the same period, the number of convictions for “causing death by careless or inconsiderate driving” has increased from 81 to 163. As shown in Table 1, there is no overall trend in the number of convictions for “causing death” offences. There are concerns that, as the overall number of “causing death” convictions has not reduced, offences that would have once been “causing death by dangerous driving” have effectively been downgraded to “causing death by careless or inconsiderate driving”. This falls within the jurisdiction of the Justice Select Committee, and we would encourage that Committee to look into this matter.

14. By way of comparison, convictions for dangerous driving and drink-driving offences in England and Wales in 2004–14 are shown in Table 1. These offences have been chosen due to being those for which, in the vast majority of cases, a police officer must be present to detect the offence for it to be recorded and which cannot be dealt with by a fixed penalty notice or diversionary course. The figure for all “causing death” offences is included.

**Table 2: Convictions for dangerous driving, driving with a blood alcohol level above the prescribed limit, and all ‘causing death’ offences: England and Wales 2004–14; findings of guilt, FPNs and written warnings for all motoring offences: England and Wales 2004–14**

	Dangerous driving	Drink-driving*	All ‘causing death’ offences**	All motoring offences (rounded to thousands)***
2004	5,360	74,055	303	4,333,000
2005	4,695	72,127	321	4,075,000
2006	4,314	72,145	288	3,814,000
2007	4,118	69,594	300	3,330,000
2008	3,534	62,635	272	2,933,000
2009	3,387	59,761	352	2,679,000
2010	3,182	50,536	455	2,426,000
2011	2,918	47,539	406	1,966,000
2012	2,740	44,642	373	1,799,000
2013	2,619	40,683	349	1,625,000
2014	2,603	37,853	311	1,534,000

\* Driving with alcohol in the blood above the prescribed limit. This offence makes up the vast majority of drink-driving related offences.

\*\* As above, we have not included “causing death by aggravated vehicle taking” as this is not an offence related to road traffic law specifically.

\*\*\* “All motoring offences” includes findings of guilt at all courts, fixed penalty notices and written warnings.

Source: Ministry of Justice, Criminal justice system statistics quarterly: December 2014, May 2015; Department for Transport, findings of guilt at all courts, fixed penalty notices and written warnings by type of offence: England and Wales 2004 to 2014, December 2015

19 Ministry of Justice, [Criminal justice system statistics quarterly: December 2014](#), May 2015

20 Legislation creating the offence was commenced in August 2008. In 2014 there were 168 offences.

21 Ministry of Justice, [Criminal justice system statistics quarterly: December 2014](#), May 2015

15. Dangerous driving and drink-driving are included as examples of offences that cannot be dealt with by a diversionary course or fixed penalty notice. These statistics show that the number of “causing death” offences has not seen the decrease achieved overall. There has been a steady decrease in most offences outside of the “causing death” offences.

16. While education is an important part of the Government’s strategy for improving compliance with road traffic law, it has been found to be most effective when used in concert with enforcement. The successful Think! “consequences” campaign was independently assessed in 2014, following 7 years of activity. This assessment found that “imprisonment and bans remain the main deterrents” among the group targeted by that campaign,<sup>22</sup> but that the deterrent effect of the “worry about injuring someone” was very low in the concerns of those surveyed, which shows that the likelihood of enforcement must be credible in order to successfully back up an education campaign.

**17. As the number of traffic police has fallen, so too has the number of road traffic offences detected. However, the number of “causing death” offences, which will always be recorded where they occur, has not fallen. This is significant as this suggests that the reduction in overall offences that are recorded does not represent a reduction in offences actually being committed.**

***18. Engineering and education must be backed up by effective enforcement with road users knowing that infringements will be detected. We recommend that the Government aim to tackle the overall number of offences committed by taking measures to support police forces in maintaining the number of specialist road traffic officers. By use of specialist officers, and appropriate use of technology, enforcement can be used alongside education which can make road users aware that serious driving offences will be detected.***

## 2 The 'Fatal 4'

19. The National Police Chiefs Council told us that “enforcement of the Fatal 4 [ ... ] remains a priority to reduce the numbers of people killed and seriously injured”.<sup>23</sup> The Fatal 4 are:

- Drink and drug driving. A driver/rider being impaired by alcohol contributed to 4,741 accidents in 2014, 127 of which were fatal and 1,111 caused serious injuries. This was 8% of all fatal accidents and 6% of all serious accidents. A driver/rider being impaired by drugs (illicit and medicinal) contributed to 684 accidents in 2014, 47 of which were fatal and 197 caused serious injuries. This was 3% of all fatal accidents and 6% of all serious accidents.<sup>24</sup>
- Non-wearing of seatbelts. 336 of killed car occupants in 2014 were not wearing a seat belt, this is 21% of total car occupant deaths.<sup>25</sup>
- Inappropriate speed. Driving too fast for conditions was a contributory factor in 7,737 accidents in 2014, 169 of which were fatal and 1,441 caused serious injury. This was 11% of all fatal accidents and 8% of serious accidents. Exceeding the speed limit was a contributory factor in 5,509 accidents, 254 of which were fatal and 1,199 caused serious injury. This was 16% of all fatal accidents and 7% of all serious accidents.<sup>26</sup>
- Driving while distracted (use of mobile phone/device). A driver using a mobile phone is recorded as a contributory factor in relatively few accidents: 492 in 2014, 21 of which were fatal and 84 caused serious injury. This was 1% of all fatal accidents and less than 1% of all serious accidents. However, “distraction in vehicle” was a contributory factor in 3,200 accidents in 2014, 68 of which were fatal and 206 caused serious injury.<sup>27</sup>

20. Contributory factors to accidents are given in information collected by police using STATS19.<sup>28</sup> This system allows police forces to report all personal-injury accidents to the Department for Transport. It does not collect any information about damage-only accidents. Multiple contributory factors can be recorded for a single accident, and it is not intended nor does it purport to be an absolute measure of factors that contribute to all accidents. However, it can be used as a means to determine where the Government should be focusing its efforts, especially where these factors coincide with law breaking.

### Speed

21. Exceeding the speed limit was a contributory factor in 254 fatal accidents in 2014, 16% of all fatal accidents, as well as 1,199 serious accidents; this was the fourth most prevalent contributory factor in fatal collisions.<sup>29</sup> This is distinct from “travelling too fast for conditions”, a factor in 169 fatal accidents (11% of all fatal accidents) in 2014, which does not necessarily imply exceeding the speed limit. Exceeding the speed limit can be

23 National Police Chiefs Council ([RTL0013](#))

24 Department for Transport, [Contributory factors for reported road accidents](#), September 2015, table RAS50001

25 Department for Transport, [Key Outcome Indicators—Strategic Framework for Road Safety: Great Britain](#), September 2015, table RAS41001

26 Department for Transport, [Contributory factors for reported road accidents](#), September 2015, table RAS50001

27 Department for Transport, [Contributory factors for reported road accidents](#), September 2015, table RAS50001

28 Department for Transport, [Contributory factors for reported road accidents](#), September 2015, table RAS50001

29 Department for Transport, [Contributory factors for reported road accidents](#), September 2015, table RAS50001

dealt with by a warning, an FPN, a diversionary course (the National Speed Awareness Court, NSAC), or court proceedings. With the increasing use of this course, FPNs for speeding have more than halved from a 2005 peak of 1.98 million to 743,100 in 2014.<sup>30</sup> The use of the NSAC has more than doubled over the same period.

22. Research commissioned by the Department for Transport in 2010 showed a very real increase in risk as speed increases, particularly as speed increases above 30 mph. The research, which examined 197 injuries between 2000 and 2009 showed that the risk of fatal injury for pedestrians was increased between 3.5 and 5.5 times as speed increased from 30 mph and 40 mph.<sup>31</sup> The same study showed that while relatively few collisions occurred at higher speeds, the proportion of those collisions which were fatal increased, with every collision with a pedestrian above 50 mph recorded in the study causing a fatal injury. With speeding having a clear effect on safety, vehicles capable of very high speeds are of particular concern, and we took evidence from Gerald McManus, whose daughter was killed by a driver in a high performance vehicle travelling at 101 mph. He told us that “more and more cars are being produced with a racing specification, they will never go anywhere near a race track”.<sup>32</sup> With these types of vehicles on the road, being driven at illegally high speed, it is clear that credible enforcement needs to take place to protect the safety of pedestrians and other road users. It also raises questions about the appropriateness of such vehicles on normal roads.

23. The vast majority of Fixed Penalty Notices issued for exceeding the speed limit are camera-detected—90% in England and Wales in 2014, accounting for 668,081 out of 743,054 FPNs.<sup>33</sup> This proportion has grown year-on-year, with non-camera-detected FPNs becoming more rare.<sup>34</sup> Because of this, any discussion of enforcing speed limits is, by necessity, a discussion about speed cameras.

24. The use of speed cameras to provide evidence of speeding has been permitted since 1991. Safety Camera Partnerships (SCPs)—in place since 1999—were partnerships of local authorities, police, and other local bodies which fund and manage speed cameras in an area.

25. In the past 25 years, the funding model for speed cameras has changed several times. Initially the police and highway authorities funded the installation and operation of speed cameras themselves, with speed enforcement competing with other priorities. The Vehicles (Crime) Act 2001 facilitated greater use of cameras by allowing SCPs to claim back the costs of installing and operating cameras from the Treasury, with any surplus of fine income paid back to the Treasury.

26. This ‘netting off’ arrangement came to an end in 2006–07. After that, funding was passed to local authorities in the form of a road safety capital grant and SCPs become known as Road Safety Partnerships (RSPs), as their remit expanded beyond cameras.

30 Home Office, [Fixed penalty notices for motoring offences statistics data tables: police powers and procedures year ending 31 March 2015](#), November 2015

31 Department for Transport, [Relationship between Speed and Risk of Fatal Injury: Pedestrians and Car Occupants](#), September 2010

32 Gerard McManus (RTL0068)

33 Home Office, [Fixed penalty notices for motoring offences statistics data tables: police powers and procedures year ending 31 March 2015](#), November 2015

34 Home Office, [Fixed penalty notices for motoring offences statistics data tables: police powers and procedures year ending 31 March 2015](#), November 2015. Non-camera detected FPNs for speed limit offences comprised 18.8% of all FPNs for speed limit offences in 2011; 16.5% in 2012; 14.0% in 2013 and 10.0% in 2014

The road safety capital grant, much of which was spent on funding new cameras, was abolished from 2011–12, and funding incorporated into the wider local government grant. Consequently, a number of police force areas switched off their fixed speed cameras.<sup>35</sup> The Greater London Authority told us that London’s unique funding arrangement<sup>36</sup> protects its safety cameras from the switch-off that has occurred in some local authorities.<sup>37</sup> Speed cameras on the strategic road network including motorways are the responsibility of Highways England. The revenue generated by speed cameras is collected by the Treasury and goes into the Consolidated Fund—the main account of the Treasury. It is not specifically allocated for road safety purposes.

27. Speed cameras are a much-discussed and controversial policy issue. There is a widespread suspicion that these cameras are used to raise revenue for police forces. Some argued that speed cameras were not intelligently sited, or that arguments for their effectiveness were poor. Speed camera campaigner David Finney argued that there is insufficient use of scientific trials in road safety measures.<sup>38</sup> Other respondents argued that exceeding the speed limit is not inherently dangerous, or should not be enforced against so readily. For example, the Alliance of British Drivers stated that “the widespread use of enforcement technology has led to large numbers of prosecutions of essentially safe drivers”, and that the increasing use of technology in lieu of roads police has led to speeding offences being given “greater importance than they deserve” due to being relatively easy to measure.<sup>39</sup>

28. Average speed cameras (ASC) are devices that measure a vehicle’s speed across a fixed route by use of automated number plate recognition (ANPR) technology. These prevent a driver or rider from evading detection by altering their speed for a brief period where a camera is active. We were told by David Davies of PACTS that “they seem to be much more popular with the public” and that the A9 scheme in Scotland, which is now the longest non-motorway stretch of road with ASC, has so far seen “safety and traffic benefits” that “so far seem to have been substantial”, though he did concede that one year is possibly too short to make definitive conclusions.<sup>40</sup> The Intelligent Transport Systems association ITS<sup>41</sup> told us that at “sites where [average speed camera enforcement] is used as part of a casualty reduction measure, Killed or Seriously Injured (KSI) rates have dropped on average by more than 70%” but that “there has been little independent review of their effectiveness” and that “to carry out a meaningful review of casualty reduction, it is usual to compare three year baselines with three years of post-installation data”.<sup>42</sup> We also took evidence that showed that only around 1 in 10,000 drivers passing through an ASC controlled zone will typically receive a speeding ticket, and the proportion of vehicles speeding in a A9 controlled zone fell from as high as 40% to roughly 10%.<sup>43</sup>

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35 For example, there is currently no fixed camera enforcement in Wiltshire aside from that on roads controlled by Highways England.

36 Greater London Authority ([RTL0056](#)) “Transport for London provides funding in the region of £100m per annum to the Metropolitan and City of London Police, and also provides support to the DVSA to enhance the level of traffic law enforcement in London”

37 Greater London Authority ([RTL0056](#))

38 David Finney ([RTL0022](#))

39 Alliance of British Drivers ([RTL0062](#))

40 Q152 (David Davies)

41 A trade association for the transport technology industry

42 ITS United Kingdom ([RTL0058](#))

43 Vysionics ITS Ltd ([RTL0010](#))

29. If enforcement is going to be effective as the number of dedicated road policing officers continues to fall, the use of technology is essential. Speed cameras are an important and effective part of the technology toolkit. However, the deployment of speed cameras needs to be done in an evidence-based way that achieves better road safety. Average speed cameras can contribute to overall speed limit compliance, and reduce the impression that motorists are unfairly caught out by speed cameras. *Further deployment of average speed cameras (ASC), which are generally better received by motorists than traditional fixed speed cameras, should be considered. Existing ASC schemes should be assessed for their long-term effectiveness and, based on this, Highways England should develop best practice for their deployment.*

30. In pursuing any aim to improve speed limit compliance, speed camera placement must relate to safety rather than revenue, and be sited in such a way that aims to reduce casualties. *We recommend that the Government monitor the placement of speed cameras by local authorities to ensure that this is the case. Where revenue is taken from speed camera enforcement, the funding arrangements must be transparent and the revenue put back into road safety grants rather than kept by local authorities or the Treasury.*

31. When he was asked whether he thought the reduction of dedicated road traffic officers has had a negative impact on road safety, the Minister, Andrew Jones MP, said that the evidence of the UK's road safety record "points the other way".<sup>44</sup> Similarly, he did not think that there was evidence to support the notion that road users believe they can break the law and not get caught.<sup>45</sup> The RAC's evidence, however, showed that the proportion of drivers believing that it was "quite unlikely" or "extremely unlikely" that they would get caught was, for example, 40% for aggressive driving, and 51% for texting while stationary. Conversely, only 28% thought that it was unlikely they would be caught for exceeding the speed limit.<sup>46</sup>

32. According to Department for Transport figures, the proportion of vehicles exceeding speed limits is significant, though declining. In 2014, the proportion of cars exceeding 30 mph speed limits was estimated to be 45%.<sup>47</sup> This is a decrease from the 2005–09 baseline of 49%.<sup>48</sup> The most concerning part of these statistics is the proportion of articulated HGVs estimated to be exceeding speed limits. In 2014, these were 75% on 40 mph roads and 82% on 50 mph roads.<sup>49</sup> The coalition Government increased the national speed limit for HGVs on dual carriageway roads from 50 mph to 60 mph in April 2015, and as European speed limiter requirements remained unchanged at 56 mph, it is now not possible for an HGV, provided it is fitted with the legally required speed limiter, to exceed a 60 mph speed limit. Departmental figures show that there are fewer accidents per mile involving HGVs than other vehicles, at 430 HGVs per billion vehicle miles in 2014, compared to 854 per billion vehicles miles for all vehicles in the same year. However, the rate of fatal accidents involving an HGV is a cause for concern, at 17 HGVs involved in a fatal accident per

44 Q273 [Andrew Jones]

45 Q275 [Andrew Jones]

46 RAC (RTL0005)

47 Department for Transport, [Strategic Framework for Road Safety outcome indicators, Great Britain, annual from 2005](#), September 2015, table RAS41001

48 Department for Transport, [Strategic Framework for Road Safety outcome indicators, Great Britain, annual from 2005](#), September 2015, table RAS41001. Speed limit estimates used as outcome indicators are from DfT traffic estimate data, which is derived from a sample of automated traffic counters, which measure the speed of a passing vehicle and determine what type of vehicle is being measured.

49 Department for Transport, [Strategic Framework for Road Safety outcome indicators, Great Britain, annual from 2005](#), September 2015, table RAS41001. Against a 2005–09 baseline of 76% and 84% respectively

billion passenger miles in 2014 compared to 9.2 for all vehicles in the same year. While HGVs appear to be about half as likely overall to be involved in an accident as other road users, it is almost twice as likely that an accident that they are involved in will involve a fatality.<sup>50</sup>

**33. It is too early to determine the impact of increasing the national speed limit for HGVs to 60 mph. While the rate of accidents involving HGVs is lower than the rate of accidents involving other vehicles, it is more likely for any accident involving an HGV to be fatal. The Government should therefore monitor the impact of this speed limit change carefully, and make future changes if there is a negative effect on road safety.**

**34. Exceeding the speed limit is a contributory factor in 16% of fatal collisions. The proportion of vehicles exceeding speed limits is decreasing, though the current number is still too great. We recommend that the Government, in considering how to reduce road casualties, identify where drivers are exceeding the speed limit in particularly dangerous areas. Support should be given to police force areas in deploying specialist roads police officers in those locations, and also in deploying educational campaigns to make road users aware that enforcement is underway.**

## Drink-driving

35. The percentage of drivers killed or seriously injured (KSI) in collisions where a driver is over the legal blood alcohol limit has been steadily decreasing over the past decade, from 2,250 (8% of all KSI) across 2005–09 to 1,340 (6% of all KSI) in 2013. The Minister, Andrew Jones, told us that he considered the fall in drink-driving fatalities to be “very good progress by any definition”.<sup>51</sup> The proportion of drivers who were breath-tested after a collision who failed that test has also decreased, from 4% in 2005–09 to 3% in 2014.<sup>52</sup> However, 1,340 people killed or seriously injured in drink-drive collisions is a matter of great concern.

36. The Scottish Government decreased the legal blood alcohol limit in Scotland from 80 mg/100ml to 50 mg/100ml in December 2014. Garry Forsyth told us that this was being watched “with very great interest” and that what is being seen is “people choosing simply not to take any risk whatsoever and not having any alcoholic drink if they are driving”.<sup>53</sup> Asked what his view was on R-UK<sup>54</sup> having the highest blood alcohol limit in Europe<sup>55</sup>, Andrew Jones said that while “drink driving is clearly wrong” that “making progress on drink-driving is not a question of limits alone; it is a question of enforcement as well as education”.<sup>56</sup>

37. The June 2010 North review into Drink and Drug Driving law made the recommendation that the legal blood alcohol (BAC) limit be reduced to 50 mg/100ml, with a view towards considering the “effectively zero” limit of 20 mg/100 ml at a later time, but that it would be “too great a step” at that stage. The review received strong support for

50 Department for Transport, [Vehicles involved in reported accidents and involvement rates by vehicle type and severity of accident, Great Britain, 2004 – 2014](#), September 2015, table RAS20001

51 Q282 [Andrew Jones]

52 Department for Transport, [Strategic Framework for Road Safety outcome indicators, Great Britain, annual from 2005](#), September 2015, table RAS41001

53 Q254 [Garry Forsyth]

54 The UK minus Scotland

55 Alongside Malta, where the limit is also 80 mg/100 ml

56 Q280 [Andrew Jones]

a BAC limit of 50 mg/100 ml from the majority of consultees. It also pointed to evidence that “the public mood is supportive of the current limit being reduced to 50 mg/100 ml”, adding that “the number of deaths and serious injuries that such a change would avoid is, even on the more conservative estimates, very considerable.”<sup>57</sup> A subsequent Transport Select Committee Report concluded that:

“We are concerned that a reduction in the limit to 50 mg/100 ml would send out a mixed message with the Government’s official advice to not drink and drive at all, particularly in light of the strong evidence of public uncertainty about what constitutes a “legal drink”. In the long term, we believe that the Government should aim for an “effectively zero” limit of 20 mg/100 ml but we acknowledge that is too great a step at this stage. Instead of an “interim” reduction to 50 mg/100 ml, the Government should concentrate on working with individual police forces to achieve a stricter enforcement of the current limit and beginning a public education campaign to help achieve public acceptance of a 20 mg/100 ml limit”.<sup>58</sup>

The Government response to these recommendations was that “the priority on drink-driving must be to make the present regime work better. We do not propose to lower the prescribed alcohol limit for driving as well”.<sup>59</sup> Five years later the Government view has not changed.

38. No data is collected within either the key outcome indicators of the strategic framework for road safety, or STATS19 data, that details how many non-fatal collisions occur where road users are within the legal blood alcohol limit, but have been drinking. The STATS19 factor “Driver/Rider impaired by alcohol” does exist, but is specifically intended for use “whether or not they were above the legal limit” according to Department guidance.<sup>60</sup> This is not the case for fatal accidents, where the blood alcohol content (BAC) of the deceased is reported by coroners and procurators fiscal, and is reproduced here for the years 10–13:

**Table 3: Proportion of killed drivers/riders resulting from reported accidents by BAC category, Great Britain, 2010–13**

	No alcohol present (0 – 9 mg / 100 ml)*	Alcohol present but not over the limit (10 – 80 mg / 100 ml)	Over the limit (81 mg + / 100 ml)
2010	75%	8%	17%
2011	75%	9%	15%
2012	74%	8%	18%
2013	73%	11%	17%

\* The definition of “no alcohol present” as 0 – 9mg is to account for alcohol which may be naturally present in the body or is due to the consumption of medication or products such as mouthwash.

Source: Department for Transport, [Reported drinking and driving \(RAS51\)](#), September 2015

57 Sir Peter North CBE QC, [Report of the Review of Drink and Drug Driving Law](#), June 2010

58 House of Commons Transport Committee, [Drink and drug driving law](#), First Report of Session 2010–11, 24 November 2010, HC [460](#)

59 The Government’s Response to the Report of Sir Peter North CBE QC and the Transport Select Committee on Drink and Drug Driving, [Cm 8050](#), March 2011

60 Department for Transport, [Instructions for the Completion of Road Accident Reports from non-CRASH Sources](#), September 2011

39. This indicates that a small but significant proportion of fatal accidents involved road users who had been drinking but were not above the legal limit. The 11% of drivers with alcohol present but not over the limit in 2013 represents 122 fatalities who would not be guilty of having alcohol in the blood above the prescribed limit if tested prior to an accident.<sup>61</sup>

40. *We recommend that information on whether a driver or rider has been drinking alcohol but is not over the legal alcohol limit is incorporated into non-fatal post-collision data collection and is published. By incorporating this level of detail into the existing STATS19 post-collision data collection, in which “Driver/Rider impaired by alcohol” already exists, the costs of implementing this can be kept to a minimum. Producing this data would have the benefit of assessing the impact of drivers and riders who are impaired by alcohol but have remained within the legal limit, and this can be used to inform future policy decisions.*

41. *As the Government and the police are in agreement that it is safest that people do not drink at all if they are going to drive, we recommend that the Government assess the experiences of other countries that have lowered their legal blood alcohol limit, particularly Scotland.*

## Seat belts

42. In 2014, 21% of the 797 car occupants killed in road traffic collisions were not wearing a seat belt.<sup>62</sup> It is not possible to determine whether this is part of any trend, because reliable data is not available before 2013. While seat belt interlocks<sup>63</sup> can be deployed in vehicles, there is no legal obligation to fit an interlock, and any such requirements on manufacturers would need legislation on a European level. Not wearing a seat belt while a driver or a passenger in a vehicle is an offence, though there are limited exceptions to this offence such as when a vehicle is reversing. FPNs for seat belt offences have been decreasing year-on-year since a peak of 234,600 in 2005, to only 35,600 in 2014.<sup>64</sup> There has been an increase in use of the “Your belt, your life” diversionary course since its introduction in 2012, but numbers remain relatively low (43,867 attendees in 2014).<sup>65</sup>

43. Generally, compliance for seat belt use is very good. As part of the Department for Transport’s seat belt and mobile phone use survey, 98% of drivers observed in 2014 in England and Scotland were wearing seat belts, along with 96% of front seat passengers, 91% of child rear seat passengers and 81% of adult rear seat passengers.<sup>66</sup>

44. Speaking for the NPCC, Garry Forsyth stated that seat belts are an ideal area where technology could be used to ensure compliance, stating “It is a great example of where we could exploit technology to our advantage for road safety. Quite simply, it is possible

61 An offence does exist under section 4 of the Road Traffic Act 1988 of being “Unfit to drive through drink”, which does not refer to the level of alcohol in the blood.

62 Department for Transport, [Strategic Framework for Road Safety outcome indicators, Great Britain, annual from 2005](#), September 2015, table RAS41001. These figures do not state whether the victims were drivers, or front and rear seat passengers.

63 A device which stops a vehicle from being used, or limits its use, unless seat belts are worn.

64 Home Office, [Fixed penalty notices for motoring offences statistics data tables: police powers and procedures year ending 31 March 2015](#), November 2015

65 Department for Transport ([RTL0040](#))

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

to disable the vehicle if the seat belt is not engaged.”<sup>67</sup> Despite high compliance with the law being observed, we were told that “Seat belts remain stubbornly there as a significant factor of fatality [in road traffic accidents]”.<sup>68</sup> Andrew Jones commented that there was an issue, for both seat belts and drink driving, for groups who did not consider that the issues affected them, which he called “self-excluding”.<sup>69</sup> It is potentially difficult to reach these groups with educational campaigns.

**45. The proportion of road traffic fatalities not wearing a seatbelt is a concern. This is an area where enforcement cannot be easily implemented by external technology. According to Department for Transport surveys, the proportion of drivers using seat belts is very high and amongst passengers reasonably so. We recognise that legislating for any mandatory in-car technology requires assurances that it would not interfere with normal, legal use of the car, that the existing exemptions (to the law) are replicated in the technology, and that unjust costs will not be passed to consumers. For this reason, we do not recommend that the Government pursue any form of mandatory seat belt interlock legislation. Instead, we recommend that a new education campaign be used to reduce the number of road traffic fatalities not wearing a seat belt.**

## Mobile phones

46. We were told by Inspector Steven Cox of Wiltshire Police, and the south-west chair for the National Roads Policing Intelligence Forum, that use of a hand-held mobile phone while driving “is becoming more socially unacceptable; fewer and fewer people are doing it”.<sup>70</sup> Department for Transport research shows that any overall decrease is modest, with 1.5% of drivers being observed in England and Scotland in 2014 using a hand-held mobile phone, down from 1.8% when records began in 2002.<sup>71</sup> The number of FPNs issued for use of a mobile phone while driving has also decreased, falling year-on-year from a peak in 2006 of 166,800 to 29,700 in 2014.<sup>72</sup> It is difficult to establish whether diversionary courses have filled the gap, as courses offered following a mobile phone offence appear to be subsumed within the broader category of a “What’s Driving Us?” course.<sup>73</sup> Actual findings of guilt at courts have halved, down from a peak of 32,547 convictions in 2010 to 16,025 convictions in 2014.<sup>74</sup> Use of a mobile phone is statistically a minor contributory factor in all accidents reported to the police, accounting for 1% of fatal accidents.<sup>75</sup>

47. There is no specific offence of using a hands-free mobile phone while driving, though Roger Geffen, Policy Director for the cycling charity CTC, told us that the wider issue of distraction in a vehicle, rather than mobile phone use specifically, was becoming more of a concern.<sup>76</sup> If an officer believes that a driver is distracted while driving, such as by a hands-free mobile phone, that driver can be charged with careless driving.

67 Q223 [Garry Forsyth]

68 Q247 [Garry Forsyth]

69 Q304 [Andrew Jones]

70 Q16 [Steven Cox]

71 Department for Transport, [Seat belt and mobile phone use survey: England and Scotland 2014](#), February 2015; The Department urges caution in making direct comparisons to previous years however, due to changes in methodology in the interim.

72 Home Office, [Fixed penalty notices for motoring offences statistics data tables: police powers and procedures year ending 31 March 2015](#), November 2015

73 AA DriveTech’s “Call Divert Scheme” course, for example, is a “What’s Driving Us?” course.

74 Ministry of Justice, [Criminal justice system statistics quarterly: December 2014](#), May 2015

75 Department for Transport, [Contributory factors for reported road accidents](#), September 2015

76 Q175 [David Davies]

48. We were told by Brake that the current level of fines creates the impression that mobile phone use is a “minor infringement”.<sup>77</sup> This has now been addressed in the Government’s road safety statement, which announced proposals to increase the fixed penalty fine for use of a hand-held mobile phone to £150, and increase the number of points to 4, rather than the present 3. In addition, HGV drivers committing the same offence would have their licence endorsed with 6 penalty points.<sup>78</sup>

49. Garry Forsyth told us that the technology to detect mobile phone use exists, but cannot detect who is using the phone in a vehicle. Without this, a charge cannot be made.<sup>79</sup> PACTS’ written evidence advised that this technology was “under development”.<sup>80</sup>

**50. The proportion of drivers detected using hand-held mobile phones while driving has remained relatively constant since 2002. The changes to penalties proposed in the Government’s road safety statement are welcome and may have a beneficial effect, but they do not address the difficulties with detection. This is an area in which future technology may be used to fill the gap left by a reduction in specialised road traffic officers. In addition, the use of hands-free mobile phones presents a problem of distracted drivers, which should be addressed. We recommend that the Department fund research into the development and effective deployment of technology to detect illegal mobile phone use while driving.**

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77 Brake ([RTL0011](#))

78 Department for Transport, Road safety statement: working together to build a safer road system, [Cm 9175](#), December 2015, p. 7

79 Q221 [Garry Forsyth]

80 PACTS ([RTL0059](#))

## 3 Vulnerable road users

### Pedal cyclists

51. In 2014, a previous Transport Committee published a report on cycling safety.<sup>81</sup> It recommended that steps be taken to “increase not only the actual levels of safety for cyclists on the road, but also the perceived levels of safety.”<sup>82</sup> This perception is an outcome indicator in the previous Government’s Strategic Framework for Road Safety. This indicator showed that in the latest available year (2013) 48% of cyclists said it was too dangerous for them to cycle on the roads.<sup>83</sup> This indicator has only been collected since 2011, so caution must be taken in suggesting any overall trend. However, given that the previous two years put this indicator at 45% (2011) and 48% (2012), it appears that there is no sign of improvement in the perceived danger to cyclists on the roads.

52. The Department’s figures on casualties show a worrying trend in injuries to pedal cyclists. The Department’s statistical analysis says that “With the exception of 2012 to 2013, the number of seriously injured pedal cyclists has increased every year since the low of 2,174 in 2004. This long term rise indicates that there is an ever increasing problem with pedal cyclist casualties.”<sup>84</sup> Whereas some of this can be attributed to a greater number of cyclists on the road, the increase in serious casualties among pedal cyclists rose by 8.2% in 2014. This outstrips the increase in pedal cycle traffic, which was 3.8% last year. It is important to note, however, that the fatality rate for pedal cyclists lies at 35 fatalities per billion vehicle miles for 2014, a 26% fall from the 2005–09 average of 47 fatalities per billion vehicle miles.<sup>85</sup>

53. Local campaigns and individual cyclists submitted evidence that claimed police were unwilling or unable to pursue accusations of unlawful driving where a cyclist was involved. The following is representative of these views:

“The police frequently decline to take action in instances of deliberate, dangerous, aggressive behaviour towards cyclists by drivers of motor vehicles.”<sup>86</sup>

“Road users, particularly those on foot or cycling, are intimidated and feel threatened (in the case of cycling, to the extent of being deterred from using a benign form of transport).”<sup>87</sup>

“People know they will not be caught. There is no effective policing. Even when camera footage evidence is submitted to them, in my experience, the police are more likely to present excuses for the offending driver than to take the matter further”<sup>88</sup>

81 House of Commons Transport Committee, Cycling Safety, Third Report of Session 2014–15, 18 July 2014, HC [286](#)

82 House of Commons Transport Committee, Cycling Safety, Third Report of Session 2014–15, 18 July 2014, HC [286](#), paragraph 9

83 Department for Transport, [Key Outcome Indicators—Strategic Framework for Road Safety](#): Great Britain, September 2015, table RAS41001

84 Department for Transport, [Reported Road Casualties in Great Britain: Main Results 2014](#), September 2015, Main results: 2014

85 Department for Transport, [Reported Road Casualties in Great Britain: Main Results 2014](#), September 2015, Main results: 2014

86 Greater Manchester Cycling Campaign ([RTL0046](#))

87 Road Danger Reduction Forum ([RTL0019](#))

88 Mary Manning ([RTL0045](#))

“Lack of resources is used as an excuse for inaction. In no other area of criminal law would a lack of resources be mentioned as an excuse.”<sup>89</sup>

54. Because cyclists are vulnerable road users, and an accident involving a cyclist is more likely to lead to an injury than one only involving cars or goods vehicles, cyclists will be more aware of careless or dangerous driving around them. A cyclist is, therefore, more likely to report such a case to the police. Evidence given by CTC’s Paul Keasey indicated that there was a “corroboration issue” when dealing with such reports, even with video evidence being present, adding that this is “just like it would be for one person driving a car against someone driving another car.”<sup>90</sup> Garry Forsyth said that the police will consider evidence “in terms of putting a case forward to the Crown Prosecution Service”, who will “consider the quality and continuity of the evidence”.<sup>91</sup> The matter of the CPS was also referred to by Martin Porter QC, who referred to three cases that were reported to police forces but, relevant files not passed to the CPS.

**55. The vulnerability of cyclists provides a particular road enforcement challenge. A “near miss” involving a cyclist can be close to a fatal accident, and “near miss” reports involving cyclists should be considered in that light. It is clear that there is a problem with the actual and subjective safety of the roads for cyclists, as well as the perception of the likely result of reporting offences to the police. The level to which cyclists feel unsafe on the roads due to a perceived failure to enforce traffic law is at odds with the Government’s aim to promote cycling, and must be addressed.**

*56. We recommend that the Government’s strategy should not only promote cycle use, but must do so whilst reducing the proportion of people who consider that it is too dangerous for them to cycle on the roads.*

**57. There appears to be substantial feeling that collisions or near misses involving cyclists are sometimes not effectively handled. More generally, there is great variation between police forces in how a road user is able to report near misses, and the development of best practice would be of benefit to all road users. We recommend that the Home Office commission research on how collisions or near misses are handled by the police, particularly how this varies between each force area, and how this impacts the proportion of people who believe it is too dangerous to cycle on the roads.**

58. Cyclists are also particularly vulnerable to collisions with HGVs. A 2009 study by the Transport Research Laboratory showed that when a cyclist was involved in a collision with a large goods vehicle, they were more likely to be killed, and the main cause for the collision was the HGV driver making a left turn while the cyclist was going ahead. This study noted that “HGVs present particular challenges for cyclists and are over-represented in cyclist fatalities”, accounting for 18% (20) of fatal cycle accidents in 2008, the year studied. Since that time, the level of pedal cyclist traffic has rapidly increased.

59. London’s Safer Lorry Scheme was introduced in September 2015 in an effort to make HGVs driving in the capital safer for pedestrians and cyclists. It is enforced by the Metropolitan Police, City of London Police and the DVSA. Under the scheme, vehicles over 3.5 tonnes are required to:

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89 Martin Porter ([RTL0006](#))

90 Q40 [Paul Keasey]

91 Q229 [Garry Forsyth]

- be fitted with Class V and Class VI mirrors giving the driver a better view of cyclists and pedestrians around their vehicles, and
- be fitted with side guards to protect cyclists from being dragged under the wheels in the event of a collision.<sup>92</sup>

60. Exemptions are given where retrofitting mirrors is not practical. The Freight Transport Association expressed concerns about what they called London’s “unilateral approach to regulation of the commercial road transport industry”, which they claimed disadvantaged small operators in particular.<sup>93</sup>

**61. *We recommend that the Department for Transport assess the impact of Transport for London’s Safer Lorry Scheme and, if it is found to have reduced cyclist and pedestrian casualties in London the Government should press the issue in the European Union to make the requirements mandatory for HGVs across the EU.***

**62. *There have been calls from campaign groups to restrict the hours during which HGVs can use the streets in central London, in order to reduce congestion and the risk that these vehicles pose, especially to vulnerable road users. We recommend the Department for Transport evaluate the effect of such policies on the safety of vulnerable road users and on road haulage operators to see if a package of measures can be devised to balance the needs of these two groups.***

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92 Transport for London, [Safer Lorry Scheme](#), [www.tfl.gov.uk](http://www.tfl.gov.uk)

93 Freight Transport Association ([RTL0052](#))

## 4 How offences are dealt with

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63. There are several measures available to the police where a road user has committed an offence. Depending on the nature of the offence, a police officer may:

- take no further action;
- issue a warning;
- issue a Fixed Penalty Notice (FPN);
- offer training on a diversionary course; or
- charge the offender through the courts.

### Fixed Penalty Notices

64. Changes which came into effect in August 2013 gave police officers the ability to issue Fixed Penalty Notices (FPNs) for a wider range of less serious careless driving offences, as well as for inconsiderate driving for example hogging the middle lane, tailgating, or illegally undertaking.<sup>94</sup> The money from FPNs goes to the Treasury and it is not hypothecated (i.e. it does not go specifically to fund road improvements or road safety schemes). These new powers were introduced because incidences of prosecutions for careless driving were low and had been declining further in recent years.<sup>95</sup> It was also expensive: in 2012 the Government estimated that the net annual benefit to the Exchequer would be £17.9 million, primarily from a reduction in court costs.<sup>96</sup>

65. The Department for Transport told us that “we are confident that the police are using these new powers effectively.”<sup>97</sup> The NPCC stated that the introduction of the new powers was “well received by operational officers”.<sup>98</sup> However, some of the written evidence we received expressed concerns that careless driving is subjective and should not be subject to the fixed penalty regime.<sup>99</sup> The Institute of Advanced Motoring (IAM) also expressed concerns that, because of the falling level of specialist road traffic officers, FPNs increase the perception that being caught is “bad luck” rather than “bad driving”.<sup>100</sup> Road safety campaign group Brake broadly supported the new measures, but told us that the £100 fine was inadequate as a deterrent.<sup>101</sup> The RAC also supported the change, but told us that a high proportion of drivers still do not believe that they would be caught if committing offences such as tailgating.<sup>102</sup> This was attributed to a lack of visible police on the roads. We heard similar representations from the Parliamentary Advisory Council for Transport Safety PACTS, who said that the changes achieved “greater efficiency and effectiveness”,

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94 Department for Transport, [New penalties for careless driving come into force](#), August 2013

95 Ministry of Justice, [Criminal justice system statistics quarterly: December 2014, May 2015](#)

96 Department for Transport, [Introduction of Careless Driving as a Fixed Penalty Notice Offence: Impact Assessment](#), April 2013

97 Department for Transport ([RTL0040](#))

98 National Police Chiefs Council ([RTL0013](#))

99 Drivers' Union ([RTL0002](#)); Alliance of British Drivers ([RTL0062](#))

100 IAM ([RTL0012](#))

101 Brake ([RTL0011](#))

102 RAC ([RTL0005](#))

but that “Enforcement of careless driving requires the presence and judgment of police officers which cannot—currently at least—be easily replaced by technology”.<sup>103</sup>

**66. *The police must have the power to enforce the law effectively against careless and inconsiderate drivers. The Fixed Penalty regime ensures that this takes place. However, it is important to secure the confidence of drivers that all are treated fairly and that enforcement is not merely a matter of ‘bad luck’. This underlines the need for visible specialist road traffic officers who can make informed decisions at the scene about whether an action was careless or inconsiderate, and secure public confidence that such a decision is not being made lightly or capriciously. There is a danger that if specialist road traffic officer numbers fall too far, FPNs for careless and inconsiderate driving may become very rare, and this public confidence may be lost as it appears that an offence being detected becomes the result of bad luck. We therefore recommend that police be supported to maintain the number of specialist road traffic officers.***

67. The Government recently announced proposals to increase the penalty levels and Fixed Penalty Notice for the offence of using a hand-held mobile phone while driving. A consultation was launched on 26 January 2016 which considers proposals for increasing the FPN level from £100 to £150 for all drivers as well as increasing the penalty points from 3 to 4 for non-HGV drivers and from 3 to 6 points for those who hold a Large Goods Vehicle (HGV) licence who commit the offence whilst driving an HGV. The consultation documents state “that the current penalty does not act as enough of a deterrent to stop offenders”.<sup>104</sup>

68. If the financial penalty for use of a hand-held mobile phone while driving were to be increased to £150, it would be a greater financial penalty than all but two motoring FPNs, those being failure to identify the driver of a vehicle while it was committing an offence, which carries a fine of £200, and driving without third party insurance, which carries a fine of £300.

69. The Department for Transport estimated from its observations that 1.6% of all drivers in England and Scotland used a hand-held mobile phone while driving in 2014, which represents no decrease since the legislation making this an offence was introduced in late 2003.<sup>105</sup> However, Government statistics show that there has been a sizable decrease both in fixed penalty notices issued for this offence in England and Wales (peaking in 2006 at 166,800 and decreasing year-on-year afterwards to 29,700 in 2014)<sup>106</sup> and in actual convictions (peaking at 32,547 in 2010 and falling year-on-year afterwards to 16,025 in 2014)<sup>107</sup> despite the actual number of drivers observed breaking this law not decreasing by a corresponding amount.

**70. We note the proposals to increase the fixed penalty fine and penalty points for use of a hand held mobile phone while driving. It is vital that penalties represent an actual deterrent and are a true reflection of the danger posed by these offences. The Government’s acknowledgement that the level of fines for this offence is not a deterrent**

103 PACTS—Parliamentary Advisory Council for Transport Safety (An All-Party Parliamentary Group) (RTL0059)

104 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](#), January 2016

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

106 Home Office, [Fixed penalty notices for motoring offences statistics data tables: police powers and procedures year ending 31 March 2015](#), November 2015

107 Ministry of Justice, [Criminal justice system statistics quarterly: December 2014](#), May 2015

indicates that other penalties, which are lower than the proposed new fines, should be examined. *We recommend that the Government assess the deterrent value of other fixed penalty notice fines and point endorsements. In addition, we recommend that the Government conduct an immediate review into the penalties for motoring offences committed while driving an HGV, to evaluate whether the current levels are effective.*

## Diversions courses

71. Education is a major part of the Department for Transport's strategy for improving road safety. Diversions courses are the Department's preferred method for dealing with certain offences. Offering a place on a course in lieu of prosecution is at the discretion of the police. A course cannot be offered where an offender has already taken one in the previous three years.

72. The use of these courses has grown rapidly since their introduction in 2004.<sup>108</sup> Several different courses are available through the National Driver Offender Retraining Schemes (NDORS). The most prominent of these is the National Speed Awareness Course (NSAC), which accounted for 1,185,860 (87%) of all courses taken in 2014. The number has more than doubled since 2010. The other schemes available are:

- the National Driver Awareness Course (NDAC), for careless and inconsiderate driving offences. This replaced the National Driver Improvement Scheme (NDIS) in 2009;
- the Rider Intervention Developing Experience (RIDE) for riders of powered two-wheelers;
- Driving for Change (D4C), for lapses in concentration, errors in judgement or a lack of awareness of the law;
- What's Driving Us? (WDU), for careless or inconsiderate driving offences where the driver knew that their actions amounted to an offence;
- the NSAC 20 variant, educating drivers about 20 mph speed limits; and
- Your Belt Your Life (YBYL), for seat belt offences.

**Table 4: Number of people attending NDORS courses, 2010–14**

Calendar year	NSAC	NDIS/NDAC	RIDE	D4C	WDU	NSAC 20	YBYL	Total
2010	447,724	19,424	453	-	-	-	-	467,901
2011	772,430	20,441	651	167	-	-	-	793,689
2012	926,101	21,601	590	978	10,724	-	3,633	963,627
2013	953,432	20,210	920	1,701	65,031	-	26,864	1,071,158
2014	1,185,860	21,282	1,001	2,748	99,668	1,380	43,867	1,355,796

Source: NDORS, [Trends and Statistics](http://www.ndors.org.uk), www.ndors.org.uk

73. Police forces can decide which diversionary courses to offer and therefore not all courses are available in all areas. The same offence committed in different force areas can be dealt with in different ways.<sup>109</sup> We were told that Wiltshire, for example, does not offer any diversionary courses;<sup>110</sup> it is the only police force in England and Wales not to do so.<sup>111</sup>

74. The Department for Transport has commissioned research by Ipsos MORI into the effectiveness of the NSAC.<sup>112</sup> Further research is being undertaken into whether the endorsement of an offender's driving licence with penalty points is more effective than a diversionary course in reducing reoffending.<sup>113</sup> Written evidence submitted by PACTS also suggested that compliance with traffic laws was "greater when drivers have 9 points rather than fewer", but that "there is some evidence that some avoid points by illegal means",<sup>114</sup> which may refer to drivers naming another person when asked to identify the driver of a vehicle while an offence was committed. The road safety charity Brake gave evidence expressing concern that courses, without penalty points were less effective in providing a deterrent<sup>115</sup> and that people feel that they "get away with not having penalty points imposed upon them".<sup>116</sup> The Institute of Advanced Motorists said that it was important that the courses were not seen as a "soft touch" option.<sup>117</sup>

75. In 2011, research by Brainbox Research commissioned by ACPO came to the conclusion that the NSAC "produces changes in key psychological predictors of speeding, namely instrumental and affective attitudes, moral norms, self-efficacy and intentions".<sup>118</sup> Similarly positive results were recorded in 2010 research into Driver Alertness Courses.<sup>119</sup>

76. Diversionary courses are funded by a course fee paid by the offender. Some of this fee goes towards running the course, and some is held by the police to cover the cost of referring the offender to the course. These costs vary from one police force area to another. The Alliance of British Drivers told us of its concerns that police forces were profiting from "referral fees kept by the police from speed awareness courses".<sup>120</sup> Similar concerns were aired elsewhere in written evidence.<sup>121</sup> We were told that there "is no [monetary] incentive for the police force" to send offenders to diversionary courses,<sup>122</sup> though written evidence would suggest that there is some underlying concern of profit incentives becoming involved in enforcement. Typically, courses cost around £85, though the cost of the National Driver Awareness Course (usually called "driver alertness" courses in police force documentation) varies and can cost up to £195.<sup>123</sup> This variation also exists even

109 Q6 [Paul Keasey]

110 Q9 [Steven Cox]

111 Q15 [Steven Cox]

112 Department for Transport ([RTL0040](#))

113 Q161 [David Davies]

114 PACTS—Parliamentary Advisory Council for Transport Safety (An All-Party Parliamentary Group) ([RTL0059](#))

115 Brake ([RTL0011](#)); Q191 [Gary Rae]

116 Q191 [Gary Rae]

117 IAM ([RTL0012](#))

118 Brainbox research/ACPO, [Evaluation of the National Speed Awareness Course](#), July 2011

119 Brainbox Research/ACPO, [Comparison of Driver Alertness and the National Driver Improvement Scheme](#), June 2010

120 Alliance of British Drivers ([RTL0062](#))

121 Drivers Union ([RTL0002](#)); Dorset Speed ([RTL0008](#)); Eric Bridgstock ([RTL0017](#)); Idris Francis ([RTL0026](#))

122 Q5 [Paul Keasey]

123 See for example: Hertfordshire County Council, [Frequently asked questions about Driver Alertness](#) (course costs £145), Cheshire Police, [Driver Alertness Course](#) (course costs £150), [www.cheshire.police.uk](#); [www.hertsdirect.org](#) Warwickshire County Council, [Driver Offender Retraining Courses: Frequently Asked Questions](#) (Course costs £180), [www.warwickshire.gov.uk/drivertraining](#); Suffolk Roadsafe, [National Driver Alertness Course](#) (course costs £185), [www.suffolkroadsafe.net](#); AA DriveTech, [London driver alertness course](#) (course costs £195), [www.theaa.com/aadrivetech](#)

where the same provider is used: for example, NDAC courses provided by AA DriveTech can cost between £165 (in Northumbria) and £195 (in London).<sup>124</sup>

77. Deputy Chief Constable Garry Forsyth, representing the NPCC, told us that “from March [2016] the Road Safety Trust will come into being. That will give clearer governance, transparency and accountability around NDORS. That might see improved consistency across those courses.”<sup>125</sup> The Road Safety Trust is a charity chaired by Suzette Davenport, Chief Constable of Gloucestershire Constabulary and the NPCC national lead for roads policing. It describes its objective as “to support road safety research or practical interventions intended to reduce the numbers of people killed or injured on the roads”.<sup>126</sup> It has a wholly owned trading subsidiary, UKROEd. From 1 April 2016, as referred to by Garry Forsyth, UKROEd will be solely responsible for overseeing the central administration, development and quality of the NDORS courses. Neither the charity nor the subsidiary are Government bodies.

**78. We are concerned by the inconsistent application of diversionary courses across the country. The NSAC is available almost universally, but other courses are growing in their use, and a situation may arise where the same driver, driving in the same manner, would face different treatment in different force areas. If these courses are to be effective methods for deterrence and rehabilitation of offenders, it is important that their use be consistent. *We recommend that, for as long as research continues to support the efficacy of diversionary courses, each course is made available nationwide, with the Government encouraging police forces to make use of all courses for which there is evidence to demonstrate their effectiveness.***

**79. Every method of dealing with offences available to the police must be supported by evidence that demonstrates that the method is just and will discourage future offending. At present, courses are offered in lieu of a fine and points endorsed on an offender’s licence, with the fee for the course meaning that the points are the main part of the penalty that an offender avoids. *We recommend that research should be undertaken to assess whether use of a course alone produces the required deterrent effect.***

**80. There are clearly concerns about the transparency of the operation and funding of diversionary courses, reinforced by the variations in fees between force areas and the profits earned by providers. *We therefore recommend that after March 2016, the Government urges the Road Safety Trust and its subsidiary UKROEd to undertake a review to ensure that the development, quality and financial character, including the consequences for insurance premiums, of such courses is transparent and publicised. We further recommend that the costs for diversionary courses should be standardised nationwide unless there is a clear and convincing reason not to do so, and that the Government consider legislating to ensure that this is the case, so that the public can be confident in the transparency of these courses.***

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124 AA DriveTech, [Driver alertness courses](http://www.theaa.com/aadrivetech), www.theaa.com/aadrivetech

125 Q265 [Garry Forsyth]

126 Road Safety Trust, [About Us](http://www.roadsafetytrust.org.uk), www.roadsafetytrust.org.uk

## 5 Freight enforcement

81. The enforcement of road traffic law on freight traffic has its own distinct requirements, as vehicle standards need to be upheld on goods vehicles to ensure that they do not present a hazard to other road users. In addition to this, drivers' hours are regulated and monitored via in-vehicle technology to ensure that commercial drivers do not become dangerously tired. We took evidence from Peter Hearn, the Head of Policy Development for the Driver and Vehicle Standards Agency (DVSA). We also attended a traffic stop in London, where officers from London's Freight Enforcement Partnership stopped vehicles in order to perform a battery of checks. The Freight Enforcement Partnership, comprising the DVSA, Transport for London, the Metropolitan Police and City of London Police uses shared intelligence to target rogue freight. The FTA told us that "through targeting of its resources the [DVSA] achieves a prohibition rate<sup>127</sup> 14 percentage points higher than if they stopped vehicles at random"<sup>128</sup> and that the DVSA has become "increasingly sophisticated and forward-thinking in the targeting of its enforcement assets."<sup>129</sup> Garry Forsyth stated that information sharing with the DVSA "is absolutely essential" to the police.<sup>130</sup> Peter Hearn added that the targeted and intelligence-led nature of the DVSA's work has meant that individual operators can be forced to change their behaviour in a way that would not previously have been possible by targeting them in such a way that disrupts their operations until they improve their behaviour.<sup>131</sup>

82. The DVSA's Fleet Compliance Checks show that prohibitions and charges for serious offences are more commonly issued to non-GB-registered vehicles and trailers than to those registered in GB. 9.3% of GB registered vehicles and 9.8% of GB-registered trailers respectively were issued with a prohibition or serious offence in the 2014/15 Fleet Compliance Checks, compared to 15.1% and 20.9% of non-GB vehicles and trailers respectively.<sup>132</sup>

83. One specific initiative used by the DVSA to target its resources more effectively is the Remote Enforcement Office. This aims to reduce visits by DVSA officers to an operator's premises. Operators working at a high compliance level can submit details of their fleet online, rather than having a DVSA officer visit their premises. A 9-month trial of the scheme ended in October 2014, which the DVSA described as "by all measures very successful".<sup>133</sup> The DVSA Trade Union Side expressed concerns that the initiative would make it harder to identify operators that had reduced their level of compliance.<sup>134</sup>

84. Prior to the London Freight Enforcement partnership, the DVSA, Transport for London, the Metropolitan Police Service and City of London Police established the Industrial HGV Task Force in response to the high number of cyclist deaths attributed to collisions with HGVs in the capital. According to the DVSA, in two years of this task force's

127 A "prohibition" is where inspectors have deemed that action needs to be taken to make the vehicle or driver road-safe. Prohibitions can either be immediate (where the vehicle needs to be taken off of the road and immobilised until a change it made) or delayed (where the vehicle is deemed to be safe to be allowed to drive the vehicle away, but must make the required changes within a certain time).

128 Freight Transport Association ([RTL0052](#))

129 Freight Transport Association ([RTL0052](#))

130 Q214 [Garry Forsyth]

131 Q214 [Garry Forsyth]

132 Driver and Vehicle Standards Agency, [Fleet compliance check summary report, 2014 to 2015](#), November 2015

133 Moving On blog, [Make compliance part of your culture](#), [www.gov.uk](http://www.gov.uk), October 2014

134 Driver and Vehicle Standards Agency Trade Union Side ([RTL0037](#))

operation, more than 6,030 vehicles were targeted and stopped and 4,500 cases referred for prosecutions.<sup>135</sup> The Government's December 2015 road safety statement indicated that this sort of initiative may be extended beyond London as it explores "with the DVSA, better ways of targeting enforcement against transport operators who are serially, and seriously, non-compliant".<sup>136</sup>

**85. The DVSA's activity demonstrates that technology can be used to make intelligent targeting decisions with limited resources. The high level of prosecutions relative to vehicles stopped by the Industrial HGV Task Force—the precursor to the London Freight Enforcement partnership—is a good example of how successful joint intelligence-led operations can be. This is demonstrated by this partnership maintaining information on which operators are more likely to have defects, and then targeting them alongside random checks on the roads of London.**

**86. More needs to be done to reduce the prohibitions issued to non-GB vehicles in particular, and intelligent targeting of operators that are known, or suspected, to be non-compliant can achieve this. There is also a place for random checks, and DVSA must not let these slide. *We recommend that the Government assess the impact of intelligence sharing and joint working in London and the South East, and ensure that it is possible for information and technology to be used effectively by the DVSA across the country in order to improve compliance.***

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<sup>135</sup> "[New partnership targets unsafe drivers and operators in London](#)", Driver and Vehicle Standards Agency press release, October 2015

<sup>136</sup> Department for Transport, Road safety statement: working together to build a safer road system, [Cm 9175](#), December 2015, p. 23

## 6 The EU cross-border enforcement directive

87. EU Directive 2015/413/EU (Cross-Border Enforcement Directive/CBE Directive) provides access to vehicle registration data in order to identify non-resident offenders. Most Member States had to transpose the Directive into domestic law by 6 May 2015, but the UK (together with Denmark and Ireland) claimed an exemption as the UK has an opt-out on justice-related measures. Following a legal challenge, the Directive is now classed as a transport measure, for which the UK has no exemption.

88. UK traffic law is based on issuing penalties to, and charging, the driver of the vehicle, not the registered keeper. However, the CBE Directive only caters for the exchange of keeper information, and as such does not assist automatic enforcement against non-resident drivers in the UK. This was of concern to a number of witnesses.<sup>137</sup> Rt Hon Mike Penning MP, Minister for Policing, observed that this issue relates especially to cameras, as a police officer on the side of the road has the power to arrest a non-resident driver if the officer is not happy with the evidence being presented to them.<sup>138</sup> Andrew Jones MP, Parliamentary Under Secretary of State for Transport, told us that Germany has the same law and has similar concerns to the UK.<sup>139</sup>

**89. We see the benefit in the intended purpose of the directive, as non-resident offenders must be enforced against. The laws of the UK relate to the actual driver of the vehicle, whereas the Directive as it stands only shares the vehicle's registered keeper. We understand that work to remedy this is ongoing and that the Government intends to have the Directive changed by the time it is required to be transposed in May 2017. We recommend that the Government pursue changing the directive to make it effective and should report back on progress.**

90. Paul Keasey highlighted issues with checking the insurance of foreign drivers. For a resident driver, it is possible to access national records at the side of the road to check if a driver is insured. We were told that “it is very difficult” for police to check foreign drivers at the side of the road at present.<sup>140</sup> He said that there is a process for checking the insurance of non-resident drivers who do not have their physical papers, but that it would take time and “they are already driving on our roads”.<sup>141</sup> We were also told, however, that for some nations bilateral agreements exist for the sharing of insurance information.<sup>142</sup>

**91. The insurance industry is by its nature multinational and information should be available across borders to allow for enforcement against foreign uninsured drivers. We recommend that the Government, in its discussions with EU colleagues on the CBE Directive, explore possibilities of expanding the Directive to allow for the sharing of insurance details in order to allow uninsured non-resident drivers to be enforced against with greater ease.**

<sup>137</sup> Department for Transport ([RTL0040](#)); Q43 [Paul Keasey]; Q216 [Garry Forsyth]

<sup>138</sup> Q295 [Mike Penning]

<sup>139</sup> Q295 [Andrew Jones]

<sup>140</sup> Q45 [Paul Keasey]

<sup>141</sup> Q47 [Paul Keasey]

<sup>142</sup> Q46 [Paul Keasey]

## 7 Devolution of powers

92. At present, some offences are decriminalised to allow for civil enforcement by local authorities. These powers are generally provided by the Traffic Management Act 2004 (the TMA). Part 6 of the TMA covers parking, bus lane contraventions, the London lorry ban and ‘moving traffic’ contraventions. Under Part 6 local authorities can apply for powers to take on further enforcement themselves, rather than relying on the police. The parking provisions are already in force in virtually all areas of England and Wales; the provisions related to bus lanes have also been widely taken up.

93. The provisions relating to moving traffic offences in the TMA have not been activated. These would grant local authorities powers to enforce—and issue penalty charges for—offences such as disregarding one-way systems, failing to give priority to oncoming traffic, or disregarding box junction markings. A report of the Transport Committee in 2011 recommended that Part 6 of the TMA be brought into force “by 2013”.<sup>143</sup> The current Government’s failure to commence these powers is at odds with the position it gave in the December 2015 road safety statement, which asserts that “Devolution remains central to the government’s agenda. We support local decision making and think that local authorities are best placed to decide what safety measures are needed in their local areas”.<sup>144</sup> It is possible that these powers could make up part of the “City Deals” being offered across the UK.

94. The decriminalisation of parking offences has resulted in a reduction in police workload. This is illustrated by the dramatic fall in police-issued Fixed Penalty Notices for obstruction, waiting or parking offences: in 2001, 1.3 million FPNs were issued by police for these offences; this fell rapidly after the TMA Act was passed and, as more local authorities took on parking enforcement responsibilities, it fell further to 46,000 FPNs issued for these offences in 2014.<sup>145</sup>

95. Successive Governments have been unwilling to commence the full provisions in Part 6. In 2010, the then Labour Government said that “we would still like to see what further evidence there is from individual local authorities”,<sup>146</sup> whilst the Coalition Government’s 2012 position was that there was not “sufficient appetite from councils and motorists”.<sup>147</sup> In 2013, the Coalition Government claimed to be “reviewing the case for implementation outside London but no decision has been taken yet on whether or not to proceed.”<sup>148</sup> More recently, the position of the current Government has become more solidly opposed to the provisions than its predecessors. Lord Ahmad of Wimbledon, Parliamentary Under Secretary of State for Transport, confirmed in a written answer on 16 December 2015 that the Government had “no plans”<sup>149</sup> to commence the full powers of Part 6. The Department for Transport’s written evidence said that it had “devolved to the right level”.<sup>150</sup>

143 House of Commons Transport Committee, *Out of the jam: reducing congestion on our roads*, Ninth Report of Session 2010–12, HC [872](#), paragraph 16

144 Department for Transport, *Road safety statement: working together to build a safer road system*, Cm [9175](#), December 2015, p 11

145 Home Office, [Fixed penalty notices for motoring offences statistics data tables: police powers and procedures year ending 31 March 2015](#), November 2015

146 HL Deb, 6 April 2010, col [420WA](#)

147 HC Deb, 17 January 2012, col [641W](#)

148 HL Deb 7 Feb 2013, col [90WA](#)

149 PQ [HL4139](#) [on road traffic offences], 16 December 2015

150 Department for Transport ([RTL0040](#))

96. Both London Councils<sup>151</sup> and the Mayor of London<sup>152</sup> expressed support for London's current arrangement where it has all of these powers already granted under separate legislation, but argued that the Government should allow local authorities across London to enforce mandatory cycle lanes and enforce against vehicles crossing advanced stop lines at cycle box junctions. The Local Government Association called for all powers allowed under the TMA to be put into place nationally, stating "the police have largely ceased to enforce moving traffic offences in the wake of the TMA's passing."<sup>153</sup> Transport for Greater Manchester argued strongly for the commencement of Part 6, stating that the case for the enactment of Part 6 of the TMA within Greater Manchester had been "strengthened significantly following the establishment of the Key Route Network (KRN)", Manchester's equivalent of the TfL red route network in London.<sup>154</sup>

97. The RAC was "generally supportive" of local devolution because of the value of local knowledge, but expressed concern that more devolution of powers to local authorities would lead the inconsistent application of road traffic law.<sup>155</sup> The DVSA TUS and Unite expressed similar concern. Some respondents answering as individuals or as small-scale campaigners were also opposed to devolution to local authorities, primarily because of concerns about inconsistency or profiteering.

98. Andrew Jones told the Committee that he had only heard support for devolving moving traffic enforcement powers from the LGA, and that "not all councils are members of it".<sup>156</sup> Almost all English councils are members of the LGA with the exceptions of Sheffield City council and the London Boroughs of Bromley and Wandsworth.

**99. Granting local authorities the power to enforce against moving traffic offences makes sense. It allows enforcement to take place even where roads police numbers are in decline and it provides valuable local accountability. We see little evidence to support the Department's position that there is little support for this and find it difficult to understand the Minister's unwillingness to consider it. We repeat the previous Transport Committee's recommendation that Part 6 of the Traffic Management Act 2004 be commenced, and also recommend that the Government consider the case for allowing additional moving traffic offences to be subject to civil enforcement in London.**

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151 London Councils ([RTL0054](#))

152 Greater London Authority ([RTL0056](#))

153 Local Government Association ([RTL0029](#))

154 Transport for Greater Manchester ([RTL0073](#))

155 RAC ([RTL0005](#))

156 Q290 [Andrew Jones]

# Conclusions and recommendations

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## Introduction

1. As the number of traffic police has fallen, so too has the number of road traffic offences detected. However, the number of “causing death” offences, which will always be recorded where they occur, has not fallen. This is significant as this suggests that the reduction in overall offences that are recorded does not represent a reduction in offences actually being committed. (Paragraph 17)
2. Engineering and education must be backed up by effective enforcement with road users knowing that infringements will be detected. We recommend that the Government aim to tackle the overall number of offences committed by taking measures to support police forces in maintaining the number of specialist road traffic officers. By use of specialist officers, and appropriate use of technology, enforcement can be used alongside education which can make road users aware that serious driving offences will be detected. (Paragraph 18)

## Speed

3. If enforcement is going to be effective as the number of dedicated road policing officers continues to fall, the use of technology is essential. Speed cameras are an important and effective part of the technology toolkit. However, the deployment of speed cameras needs to be done in an evidence-based way that achieves better road safety. Average speed cameras can contribute to overall speed limit compliance, and reduce the impression that motorists are unfairly caught out by speed cameras. (Paragraph 29)
4. Further deployment of average speed cameras (ASC), which are generally better received by motorists than traditional fixed speed cameras, should be considered. Existing ASC schemes should be assessed for their long-term effectiveness and, based on this, Highways England should develop best practice for their deployment. (Paragraph 29)
5. In pursuing any aim to improve speed limit compliance, speed camera placement must relate to safety rather than revenue, and be sited in such a way that aims to reduce casualties. (Paragraph 30)
6. We recommend that the Government monitor the placement of speed cameras by local authorities to ensure that this is the case. Where revenue is taken from speed camera enforcement, the funding arrangements must be transparent and the revenue put back into road safety grants rather than kept by local authorities or the Treasury. (Paragraph 30)
7. It is too early to determine the impact of increasing the national speed limit for HGVs to 60 mph. While the rate of accidents involving HGVs is lower than the rate of accidents involving other vehicles, it is more likely for any accident involving an HGV to be fatal. The Government should therefore monitor the impact of this speed

limit change carefully, and make future changes if there is a negative effect on road safety. (Paragraph 33)

8. Exceeding the speed limit is a contributory factor in 16% of fatal collisions. The proportion of vehicles exceeding speed limits is decreasing, though the current number is still too great. (Paragraph 34)
9. We recommend that the Government, in considering how to reduce road casualties, identify where drivers are exceeding the speed limit in particularly dangerous areas. Support should be given to police force areas in deploying specialist roads police officers in those locations, and also in deploying educational campaigns to make road users aware that enforcement is underway. (Paragraph 34)

### Drink-driving

10. We recommend that information on whether a driver or rider has been drinking alcohol but is not over the legal alcohol limit is incorporated into non-fatal post-collision data collection and is published. By incorporating this level of detail into the existing STATS19 post-collision data collection, in which “Driver/Rider impaired by alcohol” already exists, the costs of implementing this can be kept to a minimum. Producing this data would have the benefit of assessing the impact of drivers and riders who are impaired by alcohol but have remained within the legal limit, and this can be used to inform future policy decisions. (Paragraph 40)
11. As the Government and the police are in agreement that it is safest that people do not drink at all if they are going to drive, we recommend that the Government assess the experiences of other countries that have lowered their legal blood alcohol limit, particularly Scotland. (Paragraph 41)

### Seat belts

12. The proportion of road traffic fatalities not wearing a seatbelt is a concern. This is an area where enforcement cannot be easily implemented by external technology. According to Department for Transport surveys, the proportion of drivers using seat belts is very high and amongst passengers reasonably so. We recognise that legislating for any mandatory in-car technology requires assurances that it would not interfere with normal, legal use of the car, that the existing exemptions (to the law) are replicated in the technology, and that unjust costs will not be passed to consumers. (Paragraph 45)
13. For this reason, we do not recommend that the Government pursue any form of mandatory seat belt interlock legislation. Instead, we recommend that a new education campaign be used to reduce the number of road traffic fatalities not wearing a seat belt. (Paragraph 45)

### Mobile phones

14. The proportion of drivers detected using hand-held mobile phones while driving has remained relatively constant since 2002. The changes to penalties proposed in the

Government's road safety statement are welcome and may have a beneficial effect, but they do not address the difficulties with detection. This is an area in which future technology may be used to fill the gap left by a reduction in specialised road traffic officers. In addition, the use of hands-free mobile phones presents a problem of distracted drivers, which should be addressed. (Paragraph 50)

15. We recommend that the Department fund research into the development and effective deployment of technology to detect illegal mobile phone use while driving. (Paragraph 50)

### Vulnerable road users

16. The vulnerability of cyclists provides a particular road enforcement challenge. A "near miss" involving a cyclist can be close to a fatal accident, and "near miss" reports involving cyclists should be considered in that light. It is clear that there is a problem with the actual and subjective safety of the roads for cyclists, as well as the perception of the likely result of reporting offences to the police. The level to which cyclists feel unsafe on the roads due to a perceived failure to enforce traffic law is at odds with the Government's aim to promote cycling, and must be addressed. (Paragraph 55)
17. We recommend that the Government's strategy should not only promote cycle use, but must do so whilst reducing the proportion of people who consider that it is too dangerous for them to cycle on the roads. (Paragraph 56)
18. There appears to be substantial feeling that collisions or near misses involving cyclists are sometimes not effectively handled. More generally, there is great variation between police forces in how a road user is able to report near misses, and the development of best practice would be of benefit to all road users. (Paragraph 57)
19. We recommend that the Home Office commission research on how collisions or near misses are handled by the police, particularly how this varies between each force area, and how this impacts the proportion of people who believe it is too dangerous to cycle on the roads. (Paragraph 57)
20. We recommend that the Department for Transport assess the impact of Transport for London's Safer Lorry Scheme and, if it is found to have reduced cyclist and pedestrian casualties in London the Government should press the issue in the European Union to make the requirements mandatory for HGVs across the EU. (Paragraph 61)
21. There have been calls from campaign groups to restrict the hours during which HGVs can use the streets in central London, in order to reduce congestion and the risk that these vehicles pose, especially to vulnerable road users. We recommend the Department for Transport evaluate the effect of such policies on the safety of vulnerable road users and on road haulage operators to see if a package of measures can be devised to balance the needs of these two groups. (Paragraph 62)

### Fixed penalty notices

22. The police must have the power to enforce the law effectively against careless and inconsiderate drivers. The Fixed Penalty regime ensures that this takes place. However, it is important to secure the confidence of drivers that all are treated fairly and that enforcement is not merely a matter of 'bad luck'. This underlines the need for visible specialist road traffic officers who can make informed decisions at the scene about whether an action was careless or inconsiderate, and secure public confidence that such a decision is not being made lightly or capriciously. There is a danger that if specialist road traffic officer numbers fall too far, FPNs for careless and inconsiderate driving may become very rare, and this public confidence may be lost as it appears that an offence being detected becomes the result of bad luck. We therefore recommend that police be supported to maintain the number of specialist road traffic officers. (Paragraph 66)
23. We note the proposals to increase the fixed penalty fine and penalty points for use of a hand held mobile phone while driving. It is vital that penalties represent an actual deterrent and are a true reflection of the danger posed by these offences. The Government's acknowledgement that the level of fines for this offence is not a deterrent indicates that other penalties, which are lower than the proposed new fines, should be examined. (Paragraph 70)
24. We recommend that the Government assess the deterrent value of other fixed penalty notice fines and point endorsements. In addition, we recommend that the Government conduct an immediate review into the penalties for motoring offences committed while driving an HGV, to evaluate whether the current levels are effective. (Paragraph 70)

### Diversions courses

25. We are concerned by the inconsistent application of diversionary courses across the country. The NSAC is available almost universally, but other courses are growing in their use, and a situation may arise where the same driver, driving in the same manner, would face different treatment in different force areas. If these courses are to be effective methods for deterrence and rehabilitation of offenders, it is important that their use be consistent. (Paragraph 78)
26. We recommend that, for as long as research continues to support the efficacy of diversionary courses, each course is made available nationwide, with the Government encouraging police forces to make use of all courses for which there is evidence to demonstrate their effectiveness. (Paragraph 78)
27. Every method of dealing with offences available to the police must be supported by evidence that demonstrates that the method is just and will discourage future offending. At present, courses are offered in lieu of a fine and points endorsed on an offender's licence, with the fee for the course meaning that the points are the main part of the penalty that an offender avoids. (Paragraph 79)
28. We recommend that research should be undertaken to assess whether use of a course alone produces the required deterrent effect. (Paragraph 79)

29. There are clearly concerns about the transparency of the operation and funding of diversionary courses, reinforced by the variations in fees between force areas and the profits earned by providers. (Paragraph 80)
30. We therefore recommend that after March 2016, the Government urges the Road Safety Trust and its subsidiary UKROEd to undertake a review to ensure that the development, quality and financial character, including the consequences for insurance premiums, of such courses is transparent and publicised. We further recommend that the costs for diversionary courses should be standardised nationwide unless there is a clear and convincing reason not to do so, and that the Government consider legislating to ensure that this is the case, so that the public can be confident in the transparency of these courses. (Paragraph 80)

### Freight enforcement

31. The DVSA's activity demonstrates that technology can be used to make intelligent targeting decisions with limited resources. The high level of prosecutions relative to vehicles stopped by the Industrial HGV Task Force—the precursor to the London Freight Enforcement partnership—is a good example of how successful joint intelligence-led operations can be. This is demonstrated by this partnership maintaining information on which operators are more likely to have defects, and then targeting them alongside random checks on the roads of London. (Paragraph 85)
32. More needs to be done to reduce the prohibitions issued to non-GB vehicles in particular, and intelligent targeting of operators that are known, or suspected, to be non-compliant can achieve this. There is also a place for random checks, and DVSA must not let these slide. (Paragraph 86)
33. We recommend that the Government assess the impact of intelligence sharing and joint working in London and the South East, and ensure that it is possible for information and technology to be used effectively by the DVSA across the country in order to improve compliance. (Paragraph 86)

### The EU cross-border enforcement directive

34. We see the benefit in the intended purpose of the directive, as non-resident offenders must be enforced against. The laws of the UK relate to the actual driver of the vehicle, whereas the Directive as it stands only shares the vehicle's registered keeper. We understand that work to remedy this is ongoing and that the Government intends to have the Directive changed by the time it is required to be transposed in May 2017. (Paragraph 89)
35. We recommend that the Government pursue changing the directive to make it effective and should report back on progress. (Paragraph 89)
36. The insurance industry is by its nature multinational and information should be available across borders to allow for enforcement against foreign uninsured drivers. We recommend that the Government, in its discussions with EU colleagues on the CBE Directive, explore possibilities of expanding the Directive to allow for the

sharing of insurance details in order to allow uninsured non-resident drivers to be enforced against with greater ease. (Paragraph 91)

### Devolution of powers

37. Granting local authorities the power to enforce against moving traffic offences makes sense. It allows enforcement to take place even where roads police numbers are in decline and it provides valuable local accountability. We see little evidence to support the Department's position that there is little support for this and find it difficult to understand the Minister's unwillingness to consider it. (Paragraph 99)
38. We repeat the previous Transport Committee's recommendation that Part 6 of the Traffic Management Act 2004 be commenced, and also recommend that the Government consider the case for allowing additional moving traffic offences to be subject to civil enforcement in London. (Paragraph 99)

# Formal Minutes

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**Monday 7 March 2016**

Members present:

Mrs Louise Ellman, in the Chair

Mary Glendon

Iain Stewart

Karl McCartney

Graham Stringer

Huw Merriman

Martin Vickers

Will Quince

Draft Report (*Road traffic law enforcement*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 99 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Second 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 Monday 14 March at 4.00pm]

## Witnesses

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

### Monday 2 November 2015

*Question number*

**Superintendent Paul Keasey**, West Midlands Police, and **Inspector Steven Cox**, Wiltshire Police

[Q1–50](#)

**Peter Hearn**, Driver and Vehicle Standards Agency

[Q51–99](#)

### Monday 23 November 2015

**Roger Geffen**, Campaigns and Policy Director, CTC

[Q100–147](#)

**David Davies**, Executive Director, Parliamentary Advisory Council for Transport Safety

[Q148–181](#)

**Gary Rae**, Director of Communications and Campaigns, Brake

[Q182–209](#)

### Monday 7 December 2015

**Deputy Chief Constable Garry Forsyth**, Humberside Police

[Q210–267](#)

**Andrew Jones MP**, Parliamentary Under-Secretary of State, **Jessica Matthew**, Deputy Director, Road User Licensing, Insurance and Safety, Department for Transport, and **Rt Hon Mike Penning MP**, Minister for Policing, Crime and Criminal Justice and Victims, Home Office

[Q268–322](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry page](#) of the Committee's website. RTL numbers are generated by the evidence processing system and so may not be complete.

- 1 Alliance of British Drivers ([RTL0062](#))
- 2 Brake ([RTL0011](#))
- 3 Bricycles ([RTL0051](#))
- 4 Bristol Road Justice Group ([RTL0028](#))
- 5 British Parking Association ([RTL0014](#))
- 6 Campaign to Protect Rural England ([RTL0064](#))
- 7 CTC Scotland ([RTL0034](#))
- 8 CTC, the national cycling charity ([RTL0041](#))
- 9 CTC, the national cycling charity ([RTL0069](#))
- 10 Cycling Embassy of Great Britain ([RTL0031](#))
- 11 Cycling Scotland ([RTL0035](#))
- 12 D. Tec International Ltd ([RTL0001](#))
- 13 Department for Transport ([RTL0040](#))
- 14 Dorset Speed ([RTL0008](#))
- 15 Dr Sebastian Funk ([RTL0044](#))
- 16 Driver and Vehicle Standards Agency Trade Union Side ([RTL0037](#))
- 17 Drivers' Union ([RTL0002](#))
- 18 Eric Bridgstock ([RTL0017](#))
- 19 Essex Law Clinic ([RTL0032](#))
- 20 European Transport Safety Council ([RTL0072](#))
- 21 Freight Transport Association ([RTL0052](#))
- 22 George and Giulietta Galli-Atkinson ([RTL0070](#))
- 23 Gerard Mcmanus ([RTL0068](#))
- 24 Greater London Authority ([RTL0056](#))
- 25 Greater Manchester Cycling Campaign ([RTL0046](#))
- 26 IAM ([RTL0012](#))
- 27 ITS United Kingdom ([RTL0058](#))
- 28 John Morrison ([RTL0061](#))
- 29 Leeds Cycling Campaign ([RTL0050](#))
- 30 Living Streets ([RTL0036](#))
- 31 Local Government Association ([RTL0029](#))
- 32 Local Government Technical Advisers' Group ([RTL0039](#))
- 33 London Councils ([RTL0054](#))
- 34 Mary Manning ([RTL0045](#))

- 35 Mr Andy Bebington ([RTL0004](#))
- 36 Mr Chris Ballingall ([RTL0042](#))
- 37 Mr David Finney ([RTL0022](#))
- 38 Mr David Harris ([RTL0003](#))
- 39 Mr Francis Bernstein ([RTL0063](#))
- 40 Mr Graham Smith ([RTL0043](#))
- 41 Mr Michael Rawson ([RTL0020](#))
- 42 Mr Richard Gurney ([RTL0016](#))
- 43 Mr Richard Mann ([RTL0007](#))
- 44 Mr Stephen Plowden ([RTL0066](#))
- 45 Mr Idris Francis ([RTL0026](#))
- 46 National Police Chiefs' Council ([RTL0013](#))
- 47 NECTAR ([RTL0015](#))
- 48 Newcycling ([RTL0009](#))
- 49 Northgate Public Services ([RTL0055](#))
- 50 NSL Ltd ([RTL0053](#))
- 51 Optical Confederation ([RTL0038](#))
- 52 PACTS—Parliamentary Advisory Council for Transport Safety (An All-Party Parliamentary Group) ([RTL0059](#))
- 53 QC Martin Porter ([RTL0006](#))
- 54 RAC ([RTL0005](#))
- 55 Richmond Cycling Campaign ([RTL0027](#))
- 56 Road Danger Reduction Forum ([RTL0019](#))
- 57 Road Safety GB ([RTL0030](#))
- 58 RoadMetric Ltd ([RTL0021](#))
- 59 Roadpeace ([RTL0025](#))
- 60 Transport for Greater Manchester ([RTL0073](#))
- 61 Unite the Union ([RTL0033](#))
- 62 Vysionics Its Ltd ([RTL0010](#))

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the Committee's website at [www.parliament.uk/transcom](http://www.parliament.uk/transcom).

### Session 2015–16

First Report	Surface transport to airports	HC 516
First Special Report	Investing in the railway: Network Rail Response to the Committee's Seventh Report of Session 2014–15	HC 347
Second Special Report	Motoring of the future: Government Response to the Committee's Eighth Report of Session 2014–15	HC 349
Third Special Report	Smaller airports: Government Response to the Committee's Ninth Report of Session 2014–15	HC 350
Fourth Special Report	Strategic river crossings: Government Response to the Committee's Tenth Report of Session 2014–15	HC 348
Fifth Special Report	Strategic river crossings: Greater London Authority Response to the Committee's Tenth Report of Session 2014–15	HC 558