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**west midlands**  
**police and crime**  
**commissioner**

Date: 16/10/2020

Dear Peter,

Please find below the West Midlands OPCC response to the HMICFRS report on roads policing:  
'Roads Policing: Not optional - An inspection of roads policing in England and Wales'

#### **West Midlands Office Police and Crime Commissioner Response:**

As an OPCC we are very supportive of the majority of the recommendations which are proposed within the report. As the West Midlands PCC states within his forthcoming Policing Insight article on the matter, we hope that this will act as the catalyst to prioritising roads policing across the 43 Police Forces.

As an OPCC we are pleased at how well WMP performed in this review and will be working to support WMP with the minor changes which need implementing. Examples of this can be seen with all 6 of the recommendations which pertain to Police Forces and Chief Constables. To do this we have developed an action plan to review, on an ongoing basis, how the recommendations within the report are being implemented. The PCC has also facilitated a roundtable with the Force to go through the HMICFRS report and analyse each recommendation, ascertaining where WMP stands on a RAG rated basis against each of the recommendations. Through this process we have discerned that there are some elements of the report which we do not feel are appropriate to implement wholesale into the West Midlands context. There are also elements of the report that we believe do not go far enough.

The main recommendation that we believe should not be implemented fully within the West Midlands context is Recommendation 9 '*With immediate effect, in forces where Operation Snap (the provision of digital video footage by the public) has been adopted, chief constables should make sure that it has enough resources and process to support its efficient and effective use.*' It is not clear how this is effectively financed in the context of the Met Police, where this scheme works most successfully. Our main concern is that if we were to raise the profile of this initiative, which we do currently have in place, we would be inundated with responses which we would not have the back office capacity to deal with. We have concerns that the Met Police currently finance

the initiative through driver improvement letters, which may not necessarily target those who are causing the most harm. The way we administer Operation Snap in the West Midlands at present is targeted and focuses on the highest harm offenders.

Linked to this is Recommendation 7 within the report: '*By 1 August 2021, the Department for Transport, in consultation with the Home Office and the Welsh government should review and refresh Department for Transport Circular 1/2007. The Circular should include a requirement that forces, or local road safety partnerships should publish the annual revenue received as a result of the provision of driver offending-related training and how that revenue has been spent.*' Our main contention here is that the funds which Police Forces receive through fines are not sufficient enough to fund numerous areas of roads policing: significantly the enforcement of yellow box junctions, bus lanes, cycle lanes and also the delivery of fixed penalty speeding fines.

For the enforcement of yellow box injunctions, cycle lanes bus lanes we strongly support the activation of key elements of the Traffic Management Act of 2004. Doing so will necessitate the passing of long overdue secondary legislation. This will make it possible for Combined Authorities to apply for powers which would allow them, rather than the police, to take action against some moving traffic offences (such as entering cycle lanes or disregarding one-way systems). These powers, of course, already exist in London. In evidence submitted to the Transport Select Committee, London Councils stated that:

*Prior to London authorities' adoption of the powers ... the enforcement of such [moving traffic] contraventions was undertaken by the police, who had neither the time nor the resources to deal with seemingly minor traffic violations. Enforcement was therefore seldom and not effective in deterring non-compliance.*

Since their introduction under the London Local Authorities Act and Transport for London Act (2003), however, traffic flows have improved and casualties on the roads have fallen considerably. The effect of these provisions has thus been overwhelmingly positive for the city's commuters, tourists, and leisure seekers whose journeys around the capital have been safer and easier. That such powers are presently restricted in England to London is an intolerable inequity. The need for non-London Combined Authorities to assume these powers is near universally accepted. In July last year, the Local Government Association published the results of an online survey they had sent to officers responsible for traffic management in all 118 single and upper tier councils in England (London councils were excluded). They were asked if their authority would make full use of the powers enumerated in part six of the Traffic Management Act (2004) should they be made available to them. 91 per cent of the respondents said that they would. The basis for this consensus was inescapably simple and clear: in recent years police services in their areas have been increasingly unable to take telling action against minor moving traffic contraventions as a result of overstretched resources and manpower shortages. The implementations of a London-style model in areas outside of London would go some distance to remedying this.

Second to the implementation of this secondary legislation is our suggestion that we should retain a degree of the money taken from speeding offenders when a fixed penalty speeding fine is administered. This is the option provided to all people who are not eligible for a speed awareness course. This is for speeds that are below 25mph above the speed limit. This is where you would receive 3 points on your licence and a £100 fine. The money that is recovered from this is paid back to the treasury via the fixed penalty office. This money is not paid back to the police in any way. This means that this disposal method is not cost neutral to the police. Forces are losing money through the enforcement of these fines. There is great momentum and support amongst PCCs, both to raise the amount of money offenders have to pay and also to ensure that Forces retain a degree of the funds.

These are two elements which are missing from the report that we will be pushing and lobbying for alongside the wider recommendations within HMIC's report. We greatly appreciate the time and effort taken by the HMICFRS Inspectors on this vital area of policing and hope that this report will provide traction and focus for improvement in this area.

Yours sincerely

Brendan Warner-Southwell

Safer Travel Policy Lead at West Midlands OPCC