

## A submission from Cycling UK to consultation on the ROADS POLICING REVIEW

### INTRODUCTION

Cycling UK was founded in 1878 and has 72,000 members and supporters. Historically known as 'CTC' or the 'Cyclists' Touring Club', Cycling UK's central charitable mission is to make cycling a safe, accessible, enjoyable and 'normal' activity for people of all ages and abilities. Our interests cover cycling both as a form of day-to-day transport and as a leisure activity, which can deliver health, economic, environmental, safety and quality of life benefits, both for individuals and society. Cycling UK is a member of the Walking and Cycling Alliance (along with the Bicycle Association, British Cycling, Living Streets, Ramblers and Sustrans) as well as the Healthy Air Campaign.

Cycling UK has been pleased to provide oral as well as written evidence to a number of Transport Committee inquiries in recent years, notably its inquiry on Active Travel in 2019, whose recommendations we strongly supported. Our [written submission](#) to that inquiry<sup>1</sup> provided an overview of the economic, environmental, health and quality-of-life arguments for investing in cycling, hence we do not repeat them here.

Cycling UK has strongly welcomed the 6-point vision for a zero-emissions transport system, as set out on the Government's document '[Decarbonising Transport: setting the challenge](#)'.<sup>2</sup> We particularly welcome its stated aim that:

*"Public transport and active travel will be the natural first choice for our daily activities. We will use our cars less..."*

We have also given our strong backing to the Government's recently published '[Gear Change' vision for cycling and walking](#)',<sup>3</sup> issued along with a new Local Transport Note LTN 1/20 on [Cycle Infrastructure Design](#),<sup>4</sup> and a consultation on [revisions to the Highway Code](#) to improve cycling and pedestrian safety.<sup>5</sup>

### SUMMARY OF KEY POINTS

Cycling UK welcomes the opportunity to respond to this hugely important consultation.

Respect for the rules of the road, by all road users, is important to give people the confidence to take up cycling, and to prevent them suffering intimidation that can deter them from continuing.

Roads policing is important both for raising public awareness of road safety and for deterring offending behaviour – the fear of being caught is known to play a stronger role in ensuring compliance than the scale of the penalties for offending. Roads policing is also an effective way to tackle other forms of crime too. Hence it is a highly cost-effective measure.

---

<sup>1</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/transport-committee/active-travel/written/91593.pdf>

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/878642/decarbonising-transport-setting-the-challenge.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878642/decarbonising-transport-setting-the-challenge.pdf)

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf)

<sup>4</sup> [www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120](http://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120)

<sup>5</sup> [www.gov.uk/government/consultations/review-of-the-highway-code-to-improve-road-safety-for-cyclists-pedestrians-and-horse-riders](http://www.gov.uk/government/consultations/review-of-the-highway-code-to-improve-road-safety-for-cyclists-pedestrians-and-horse-riders)

However the 'post crash' aspects of roads policing – road crash investigations, input to decisions on charging, and victim support – are also vitally important. We are dismayed that the consultation asks no questions about these.

We strongly call for a revival of priority and resourcing for roads policing, to ensure that roads police officers are resourced, trained and supported to deliver all of these aspects of their role.

## **Recommendations**

Roads policing should be included in the Strategic Policing Requirement for England and Wales, thereby empowering Police and Crime Commissioners to give it the priority and resources it deserves.

Educational and enforcement campaigns should be run in conjunction with one another – as exemplified by the West Midlands Police's 'Operation Close Pass'. The principle should be adopted to promote awareness of and compliance with the proposed new Highway Code rules, as and when these are adopted.

Arrangements should be put in place to strengthen collaboration between the police and other agencies with roles relating to road traffic law and enforcement, e.g. the Health and Safety Executive, DVSA and Traffic Commissioners.

Police forces should put in place effective systems for acting on video evidence submitted by the public, following the model of 'Operation Snap'.

Set up a road collision investigations body with a remit purely to recommend measures for preventing future collisions, thereby freeing up the police to focus on criminal investigations of collisions that may necessitate a prosecution.

The College of Policing's 'Investigating Road Deaths' guidance should be extended to cover serious injury cases.

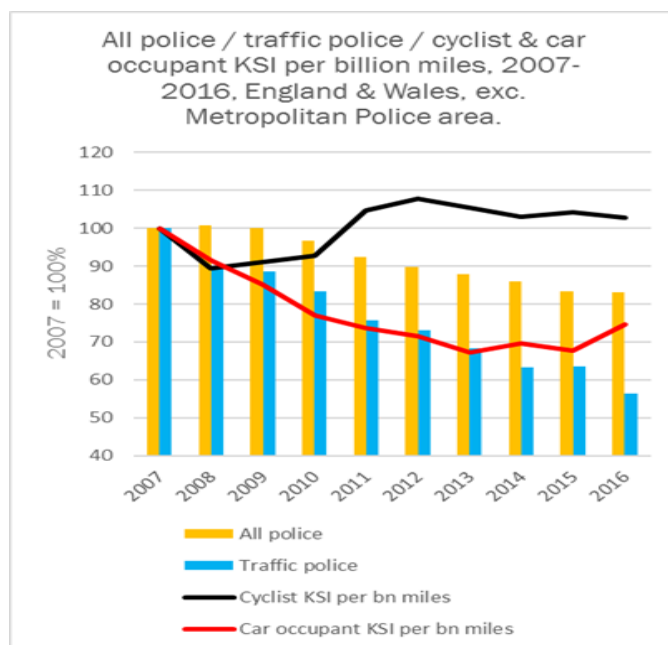
Victim support services for road crash victims should be better resourced. Victims should be fully informed about the conduct of their cases, including decisions about charging, who has taken these decisions and on what grounds.

Data should be made available on the prosecutions, convictions and sentences for road traffic offences involving different road user groups, both as the accused party and as the victim, to improve transparency on how the system of road traffic law is operating. These should be provided through the Ministry of Justice's 'Data First' programme.

## RESPONSES TO CONSULTATION QUESTIONS

### Q1: Why do you think road casualties have remained fairly constant?

Cycling UK does not claim to know with certainty what has caused the plateau-ing of road casualties over the past decade, following steady falls since the mid-1960s. However, we strongly suspect that the disproportionate cuts to roads policing are likely to have been a significant factor. The number of traffic officers in England and Wales outside the Met Police area fell by 48% between 2007/8 and 2016/7, a far greater drop than the 17% fall in total police numbers over this period.<sup>6</sup> The lack of progress on casualty reduction seems to have disproportionately affected the safety of cyclists, as is evident from a comparison of the red and black trend-lines in the following graph.



Visible roads policing is a highly effective road safety measure. Evidence to support this claim has been well summarised in a [recent report on roads policing](#) by the Parliamentary Advisory Council on Transport Safety (PACTS),<sup>7</sup> and we provide further evidence in our answers to further questions below.

The European Transport Safety Council (ETSC) has shown that the [fear of being caught](#) influences driver behaviour far more than the severity of the ensuing punishments.<sup>8</sup>

**Recommendation:** Roads policing should be included in the Strategic Policing Requirement for England and Wales, thereby empowering Police and Crime Commissioners to give it the priority and resources it deserves.

We say more about the Strategic Policing Requirement (SPR) in response to question 13.

<sup>6</sup> We have excluded the Met Police because, unlike other forces, they reported a huge rise in traffic police numbers between 2013/14 and 2014/15 (up from 264 to 1,433). However, we found that this was largely due to a 'reclassification' of roles, rather than a genuine rise in the numbers of roads police officers. When combined with other forces' figures, this gave the misleading impression that overall road policing numbers had risen by c20% between 2013/14 and 2014/15. Data sources: Home Office. *Police Workforce England & Wales*, March 2017. July 2017; DfT Road Casualty GB annual reports; PQ. [www.theyworkforyou.com/wrans/?id=2012-09-07b.119892.h](http://www.theyworkforyou.com/wrans/?id=2012-09-07b.119892.h)

<sup>7</sup> [www.pacts.org.uk/wp-content/uploads/Roads-Policing-Report-FinalV1-merged-1.pdf](http://www.pacts.org.uk/wp-content/uploads/Roads-Policing-Report-FinalV1-merged-1.pdf)

<sup>8</sup> <https://etsc.eu/how-traffic-law-enforcement-can-contribute-to-safer-roads-pin-flash-31/>

## Q2: What does the evidence suggest has the most impact on reducing deaths on the road?

As far as we can tell, there is virtually no literature which systematically compares the effectiveness of the range of available road safety measures. A [recent paper](#)<sup>9</sup> documents the methodology for a forthcoming study aimed at addressing this gap.

## Q3: What evidence led initiatives demonstrate what could be done to help reduce road traffic casualties?

The [paper referred to above](#) in response to Q2 contains (in section 1.6) a useful listing of various Cochrane and other meta-analyses of different types of road safety interventions.

It also points to the '[Safety Cube](#)' [Decision Support System \(DSS\) project](#), which provides a [database of evidence](#) on a range of road safety intervention types.<sup>10</sup>

Cycling UK's [full response](#) to the Cycling and Walking Safety Review consultation,<sup>11</sup> and our overview briefings on [road safety](#)<sup>12</sup> and on [road traffic law and enforcement](#),<sup>13</sup> cite extensive evidence for various measures which improve safety for cyclists (and, in most cases, for other road users too).

## Q4: Can you provide examples or empirical evidence demonstrating a relationship between road traffic law enforcement and compliance with road traffic law?

The [ETSC report](#) mentioned above (see response to Q1) found evidence that drivers are more willing to comply with the rules if they feel that they are otherwise likely to be caught and punished. It therefore recommends that police controls should be sufficiently publicised, regular and long-term, unpredictable and difficult to avoid, and combine both highly visible and less visible activities.

In 2001, France had one of the worst road safety records in Europe, but after adopting a 'zero tolerance' policy over speeding offences and substantial investment in safety cameras and road traffic policing, [deaths dropped by 43%](#) between 2001 and 2007.<sup>14</sup> [One survey from 2004](#) found that 45% of French drivers said that 'fear of punishment' (*'la peur de la sanction'*) had made them change their behaviour, while 37% said 'better awareness of risk' (*'la prise de conscience'*) had done the same.<sup>15</sup>

The [evaluation of a policing operation](#) where the police increased their visible presence on a six mile stretch of the A23 in South London in 2008 found that: "*Vehicle speeds reduced systematically during the operation along the route and in surrounding areas, and some effects remained at least two weeks after the operation had finished.*"<sup>16</sup>

---

<sup>9</sup> <https://onlinelibrary.wiley.com/doi/full/10.1002/cl2.1077>

<sup>10</sup> [www.roadsafety-dss.eu/#/measure-search](http://www.roadsafety-dss.eu/#/measure-search)

<sup>11</sup> [www.cyclinguk.org/sites/default/files/document/2018/06/1806\\_cuk\\_response-to-dft-call-for-evidence\\_finalv2.pdf](http://www.cyclinguk.org/sites/default/files/document/2018/06/1806_cuk_response-to-dft-call-for-evidence_finalv2.pdf).

See also a summary at [www.cyclinguk.org/sites/default/files/document/2018/04/1804\\_cyclinguk\\_cycle-safety-make-it-simple.pdf](http://www.cyclinguk.org/sites/default/files/document/2018/04/1804_cyclinguk_cycle-safety-make-it-simple.pdf)

<sup>12</sup> [www.cyclinguk.org/sites/default/files/document/2017/11/rd-safety-strategies-overview\\_4a\\_brf.pdf](http://www.cyclinguk.org/sites/default/files/document/2017/11/rd-safety-strategies-overview_4a_brf.pdf)

<sup>13</sup> [www.cyclinguk.org/campaigning/views-and-briefings/traffic-law-and-enforcement-overview](http://www.cyclinguk.org/campaigning/views-and-briefings/traffic-law-and-enforcement-overview)

<sup>14</sup> <https://etsc.eu/wp-content/uploads/2nd-PIN-Annual-Report-2008.pdf>

<sup>15</sup> [www.nouvelobs.com/societe/20040427.OBS8343/les-francais-jugent-qu-ils-conduisent-mieux.html](http://www.nouvelobs.com/societe/20040427.OBS8343/les-francais-jugent-qu-ils-conduisent-mieux.html)

<sup>16</sup> [www.sciencedirect.com/science/article/abs/pii/S0001457511000042](http://www.sciencedirect.com/science/article/abs/pii/S0001457511000042)

Conversely, the introduction of 30kph speed limits in Graz, Austria was initially met with strong public approval, yet [speeds crept back to former levels when police enforcement was relaxed](#).<sup>17</sup>

In Victoria, Australia, an Arrive Alive! strategy led to significant decreases in average speeds and a [16% reduction in fatalities](#). A lower degree of tolerance for speeding offences and an emphasis on enforcement were major tactics.<sup>18</sup>

[Research for the former Scottish Office](#) found that: “*consideration of the costs and benefits of complying with the law*” affected how frequently motorists engaged in anti-social behaviour such as excessive speeding.<sup>19</sup>

## **Q5: Can you provide any examples or empirical evidence identifying a causal relationship between enforcement and road collision casualty numbers?**

A [report from European Transport Safety Council \(ETSC\)](#)<sup>20</sup> concluded that:

*“Improvements in traffic law enforcement should be part of an integrated road safety policy and have been shown to lead to rapid reductions in deaths and injuries when applying best practice.”*

A [TRL report](#) on the effectiveness of roads policing, commissioned by Thames Valley Police and Hampshire Constabulary, advised the forces that: “Increased levels of roads policing can reduce traffic violations and road casualties.”<sup>21</sup>

The [‘law and enforcement’ section of the SafetyCube DSS project](#) gives other examples.<sup>22</sup> There is particularly good evidence for the effectiveness of enforcement in tackling [speeding](#),<sup>23</sup> [drink-driving](#)<sup>24</sup> and [seatbelt laws](#),<sup>25</sup> both for improving compliance and reducing casualties.

Similar conclusions were reached by a TRL review of the literature on the effectiveness of roads policing see [summary](#)<sup>26</sup> or [full report](#).<sup>27</sup>

## **Q6: Can you provide any evidence or examples that road traffic enforcement can disrupt or detect other (non-motoring) criminality?**

[Police Scotland report](#) that: “*Intelligence-led policing of the strategic road network, such as the M74 crossborder corridor, has led to the successful seizure of large quantities of cash, illicit drugs and other illegal goods ...*”<sup>28</sup>

---

<sup>17</sup> [https://webarchive.nationalarchives.gov.uk/20060214160545/http://www.dft.gov.uk/stellent/groups/dft\\_rdsafety/documents/pdf/dft\\_rdsafety\\_pdf\\_504682.pdf](https://webarchive.nationalarchives.gov.uk/20060214160545/http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/pdf/dft_rdsafety_pdf_504682.pdf)

<sup>18</sup> [www.parliament.vic.gov.au/papers/govpub/VPARL2003-06No217.pdf](http://www.parliament.vic.gov.au/papers/govpub/VPARL2003-06No217.pdf)

<sup>19</sup> <https://www2.gov.scot/Publications/1999/01/b0d42f57-77a7-4296-af24-d47af13cc953>

<sup>20</sup> <http://etsc.eu/how-traffic-law-enforcement-can-contribute-to-safer-roads-pin-flash-31>

<sup>21</sup> [www.trl.co.uk/reports-publications/report/?reportid=6997](http://www.trl.co.uk/reports-publications/report/?reportid=6997)

<sup>22</sup> [www.roadsafety-dss.eu/#/references?topic=COUNTERMEASURE&taxonomy=5373](http://www.roadsafety-dss.eu/#/references?topic=COUNTERMEASURE&taxonomy=5373)

<sup>23</sup> [www.roadsafety-dss.eu/assets/data/pdf/synopses/Speeding\\_general\\_police\\_enforcement\\_speeding\\_15062017.pdf](http://www.roadsafety-dss.eu/assets/data/pdf/synopses/Speeding_general_police_enforcement_speeding_15062017.pdf)

<sup>24</sup> [www.roadsafety-dss.eu/assets/data/pdf/synopses/Law\\_and\\_enforcement\\_Random\\_breath\\_tests\\_and\\_DUI\\_checkpoints\\_15062017.pdf](http://www.roadsafety-dss.eu/assets/data/pdf/synopses/Law_and_enforcement_Random_breath_tests_and_DUI_checkpoints_15062017.pdf)

<sup>25</sup> [www.roadsafety-dss.eu/assets/data/pdf/synopses/Seatbelt\\_law\\_and\\_enforcement\\_14062017.pdf](http://www.roadsafety-dss.eu/assets/data/pdf/synopses/Seatbelt_law_and_enforcement_14062017.pdf)

<sup>26</sup> [https://trl.co.uk/sites/default/files/TVP\\_Summary\\_All\\_Pagesv2.pdf](https://trl.co.uk/sites/default/files/TVP_Summary_All_Pagesv2.pdf)

<sup>27</sup> <https://trl.co.uk/sites/default/files/PPR731%20-%20The%20effectiveness%20of%20roads%20policing%20strategies.pdf>

<sup>28</sup> [www.grahamfeest.com/wp-content/uploads/2016/11/Police-Scotland-Annual-Police-Plan-2016-17.pdf](http://www.grahamfeest.com/wp-content/uploads/2016/11/Police-Scotland-Annual-Police-Plan-2016-17.pdf)

An association between road traffic and other offences is suggested by a [small-scale investigation](#) of drivers who infringed disabled parking bays in Huddersfield.<sup>29</sup> Remarkably, it found that:

- A fifth of those illegally parked in a disabled space would occasion immediate police interest, contrasted with 2% of legally parked cars.
- A third of keepers of cars illegally parked in a disabled space have a criminal record, contrasted with 2% of legally parked cars.
- Half of those vehicles illegally parked in a disabled space had a history of traffic violations, contrasted with 11% of legally parked cars.
- A fifth of those vehicles illegally parked in a disabled space were known or suspected to have been previously used in crime. None of the legally parked cars were.
- One in ten of those vehicles illegally parked in a disabled space were currently in an illegal condition, compared to 1% of the legally parked cars.

A [TRL report](#) found that people who had committed multiple non-traffic offences were significantly more likely to commit traffic offences.<sup>30</sup>

This study also found a particularly strong association between those who committed vehicle theft offences and those committing road traffic offences. [Another TRL study](#) found that stolen vehicles were around four times more likely to be involved in a road collision – and that this increased to twenty times when the stolen vehicle was driven by a male aged under 20 or in collisions which occurred at night. Collisions involving stolen vehicles were also more likely to result in serious injuries.<sup>31</sup> Hence the reverse association also applies: detecting vehicle crime (which is also a roads policing function) can also prevent road collisions.

## **Q7: What else alongside enforcement (such as education or examples of use of technology and signage) has been evidenced to increase compliance?**

The combination of education and enforcement is a tried and tested strategy for tackling drink driving, and an [EU-wide study of effective roads policing](#) has recognised this combination as an example of best practice.<sup>32</sup> On the 50<sup>th</sup> anniversary of drink-driving campaigning in 2014, DfT documented the huge change in attitudes which had occurred, alongside the 85% reduction in drink-drive deaths, over that period. Educational campaigns aim to build public appreciation of why the law matters, and hence support for its enforcement. But having built a public consensus, the enforcement is needed so that the law is not undermined by a minority who might otherwise continue flouting it with impunity, thereby giving the impression that it is not that important after all.

Yet curiously, this combination is relatively little used in tackling other forms of road crime. It is reasonable to suspect that the laws on speeding, mobile phone use and indeed parking – and the enforcement of those laws - might well be more readily accepted if more effort was made to explain to the public why these laws are justified and necessary.

There is however one excellent example of education and enforcement being combined, which is specifically relevant to cycling, namely the West Midlands Police's widely-praised 'Operation Close Pass'. This sought to tackle the [danger and intimidation faced by](#)

---

<sup>29</sup> [https://popcenter.asu.edu/sites/default/files/problems/bicycle\\_theft/PDFs/Chenery\\_etal\\_1999.pdf](https://popcenter.asu.edu/sites/default/files/problems/bicycle_theft/PDFs/Chenery_etal_1999.pdf)

<sup>30</sup> <https://trl.co.uk/sites/default/files/TRL562.pdf>

<sup>31</sup> <https://trl.co.uk/sites/default/files/TRL577.pdf>

<sup>32</sup> [https://trimis.ec.europa.eu/sites/default/files/project/documents/20100318\\_173636\\_67806\\_PEPPER\\_Final\\_Report\\_20081014.pdf](https://trimis.ec.europa.eu/sites/default/files/project/documents/20100318_173636_67806_PEPPER_Final_Report_20081014.pdf)

[cyclists](#) – particularly less confident and experienced cyclists – when drivers leave too little space when overtaking them.<sup>33</sup> Launched in 2016, It involves plain clothes officers cycling, then radio-ing ahead to colleagues when they experience a ‘close pass’. Those colleagues then pull over the offending driver and ask them whether they were aware that they had just overtaken a cyclist intimidatingly closely. They then explain to the driver that the cyclist was a plain clothes police officer, adding that a cyclist is also someone’s partner, brother or sister etc, that close passing causes acute intimidation and can endanger cyclists’ lives. They are then educated as to how much space to leave in future, using a mat which shows the distance. They are also advised that, having been warned, they could have their vehicle confiscated if they are observed committing the same offence in the future.



The initiative has been widely publicised, hence the message has reached a much wider public than just the drivers pulled over as part of the operation. After a year, there had been a 20% reduction in serious cyclist injuries compared with the preceding year.<sup>34</sup> Cycling UK has raised funds to [supply similar mats](#) to most other police forces in the UK.<sup>35</sup>

The Government is currently consulting on a [review of the Highway Code](#).<sup>36</sup> The proposed new rules, which Cycling UK strongly welcomes, aim to improve safety for pedestrians and cyclists, particularly at junctions and crossing points. However, if and when these new rules are adopted, it will be essential to ensure drivers are made aware of them. The Government must therefore make provision for a significant public awareness campaign, backed by police enforcement, covering the proposed new rules on:

- Pedestrian and cyclist safety and priority at junctions;
- Leaving ample space when overtaking cyclists and equestrians;

<sup>33</sup> <http://rachelaldred.org/wp-content/uploads/2019/03/Nearmissreport-final-web.pdf>

<sup>34</sup> <https://west-midlands.police.uk/news/3951/serious-cycle-smashes-down-fifth-close-pass-first-year>

<sup>35</sup> [www.cyclinguk.org/campaign/toocloseforcomfort](http://www.cyclinguk.org/campaign/toocloseforcomfort)

<sup>36</sup> [www.gov.uk/government/consultations/review-of-the-highway-code-to-improve-road-safety-for-cyclists-pedestrians-and-horse-riders](http://www.gov.uk/government/consultations/review-of-the-highway-code-to-improve-road-safety-for-cyclists-pedestrians-and-horse-riders)

- Opening car doors safely using the ‘Dutch Reach’ – i.e. using the hand on your opposite side to the door you want to open (e.g. using your left hand to open a door on your right) – making you turn your head so that you are more likely to see an approaching cyclist;
- Why cyclists are trained to position themselves in the centre of their lane in certain situations (rather than near the left hand side of the road), and why is important for drivers to respect this.

Once adopted, the Highway Code’s new rules will similarly require a combination of awareness and enforcement campaigns.

**Recommendation:** Educational and enforcement campaigns should be run in conjunction with one another – as exemplified by the West Midlands Police’s ‘Operation Close Pass’.

The principle should be adopted to promote awareness of and compliance with the proposed new Highway Code rules, as and when these are adopted.

### **Q8: How have improvements in design and technology of vehicles (such as collision avoidance systems) impacted upon road safety?**

In terms of cycle safety, the most important recent development in vehicle technology has been the development of ‘direct vision’ lorry cabs – see [evidence of their benefits](#). Cycling UK welcomes the commitment, made in the Government’s ‘Gear Change’ vision for cycling and walking, to promote safe lorry cab design, following the [model adopted by Transport for London](#).<sup>37</sup> However this is unrelated to roads policing.

### **Q9: In respect of commercial vehicles can you provide any evidence or examples that current levels of enforcement by police and/or DVSA and the sanctions that follow are an effective deterrent to encourage compliance?**

We suggest the evidence available points to the opposite conclusion. DfT’s latest survey of hand-held mobile phone use showed that 1.0% of car drivers were observed to be using hand-held mobile phones, but the figure was 2.1% among van drivers. It was slightly lower among lorry drivers - 0.6% - however this is still alarmingly high.<sup>38</sup>

### **Q10: If not, can you provide any evidence or examples of how enforcement or sanctions could be changed to achieve improved compliance?**

The regulation of commercial vehicles falls between several different bodies:

- The police are responsible for breaches of ‘standard’ breaches of road traffic law.
- The Health and Safety Executive (HSE) has responsibilities for work-related road safety. This could include not only more obvious breaches (e.g. of the rules on drivers’ hours), but also offences such as speeding or mobile phone use if the employer bears some responsibility for the offence, or has negligently failed to prevent it);
- The Driver and Vehicle Standards Agency maintains the databases of driver and vehicle licences;
- The Traffic Commissioners are responsible for issuing operator licences to public transport and goods vehicle operators.

<sup>37</sup> [https://consultations.tfl.gov.uk/roads/direct-vision-standards-phase-2/user\\_uploads/appendix-6--dvs-phase-1-consultation-results--tfl.pdf](https://consultations.tfl.gov.uk/roads/direct-vision-standards-phase-2/user_uploads/appendix-6--dvs-phase-1-consultation-results--tfl.pdf)

<sup>38</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777018/mobile-phone-seatbelt-use-surveys-2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777018/mobile-phone-seatbelt-use-surveys-2017.pdf)



However it seems there are frequent failures of information-sharing between these bodies. Cycling UK has highlighted two cases where lorry operators ([Drummond's](#)<sup>39</sup> and [Fry's Logistics](#)<sup>40</sup>) have been allowed to function for months after fatal collisions involving serious breaches of licencing or other requirements, because the Traffic Commissioners (who can take action in such cases) were not alerted in good time. In the latter case, the HSE, DVSA and police still [failed to act](#) against the company and its boss and transport manager (Mark Fry), even after the Traffic Commissioner had revoked both Mr Fry's and his company's operators licences.

A model of good practice is provided by the Freight Enforcement Partnership (LFEP), set up in 2015 to improve co-ordination between the relevant bodies.<sup>41</sup> We urge the adoption of similar collaborative arrangements across the UK.

Recommendation: Arrangements should be put in place to strengthen collaboration between the police and other agencies with roles relating to road traffic law and enforcement, e.g. the Health and Safety Executive, DVSA and Traffic Commissioners.

### **Q11: Can you provide evidence or examples of where enforcement of road traffic law can benefit congestion management and air quality?**

Cycling UK is one of many organisations that has long [called for](#) Part 6 of the Traffic Management Act 2004 to be brought into effect, allowing highway authorities outside London to enforce moving traffic offences.<sup>42</sup> We strongly welcome the Government's recent (but long overdue) [decision to do so](#),<sup>43</sup> as this will enable them (for instance) to enforce 'school streets' schemes as well as yellow box junction offences. We urge that this is now implemented as soon as possible.

### **Q12: Is there evidence to show how prosecutions contribute to road safety?**

We know of no evidence of the impact of prosecutions. However we strongly suspect that road safety is badly undermined the unduly lenient sentences which are routinely handed down to those who have committed offences which result in death or serious injury, but which are dismissed by prosecutors or the courts as being merely "careless" driving.

Although this is probably outside the scope of this review, we reiterate our call for a [comprehensive review of road traffic offences and penalties](#).<sup>44</sup> The limited reforms that the Government currently intends to bring forward will [make little difference](#).<sup>45</sup> Increasing the maximum sentence for causing death by dangerous driving from 14 years to life will affect a tiny number of (admittedly high-profile) cases, while the proposed new offence of causing serious injury by careless driving will further accelerate the legally incorrect use of the term 'careless' to categorise driving that has caused 'danger' that should have been "obvious to a careful and competent driver".

---

<sup>39</sup> [www.cyclinguk.org/news/20150630-regulator-bans-haulage-operators](http://www.cyclinguk.org/news/20150630-regulator-bans-haulage-operators)

<sup>40</sup> [www.commercialfleet.org/news/latest-news/2015/11/20/frys-logistics-disqualified-for-10-years-after-double-fatal](http://www.commercialfleet.org/news/latest-news/2015/11/20/frys-logistics-disqualified-for-10-years-after-double-fatal)

<sup>41</sup> <https://tfl.gov.uk/info-for/media/press-releases/2015/october/enforcement-partnership-to-make-london-s-streets-safer> and <https://tfl.gov.uk/info-for/media/press-releases/2017/november/partnership-checks-more-than-33-000-vehicles-to-keep-london-s-roads-safe>

<sup>42</sup> [www.cyclinguk.org/article/why-it-important-activate-part-6-traffic-management-act-2004](http://www.cyclinguk.org/article/why-it-important-activate-part-6-traffic-management-act-2004)

<sup>43</sup> <https://hansard.parliament.uk/Commons/2020-07-02/debates/12617192-17B5-4C95-AAD9-6E94F93F0B6E/ActiveTravel#contribution-09634DEF-CD9E-4A22-8794-7FAFDDB3295E>

<sup>44</sup> [www.cyclinguk.org/article/why-should-government-review-road-traffic-offences-full](http://www.cyclinguk.org/article/why-should-government-review-road-traffic-offences-full)

<sup>45</sup> [www.cyclinguk.org/blog/why-increasing-maximum-sentences-killer-drivers-doesnt-fix-problem](http://www.cyclinguk.org/blog/why-increasing-maximum-sentences-killer-drivers-doesnt-fix-problem)

### **Q13: Can you provide evidence or examples (in particular the use of technology) of what could be done to better enable and equip those charged with enforcing traffic laws?**

#### Priority and resourcing

The single most important action required to strengthen the hand of roads policing officers is to boost the priority and resourcing of this vital area of policing, by including it within the Strategic Policing Requirement (SPR) – as previously noted in response to question 1.

[Section 77 of the Police Reform and Social Responsibility Act 2011](#) mandates the Home Secretary to publish a SPR,<sup>46</sup> setting out his or her view of current national threats and the policing capabilities appropriate to counter them. The current SPR for England and Wales (E&W),<sup>47</sup> issued in 2015, focuses on terrorism, organised crime, cybercrime, public disorder etc. However, it does not mention roads policing, despite the large numbers of deaths and serious injuries it causes, the specialist skills involved in roads policing, and its cost-effectiveness both as a road safety measure and as a means of detecting other crimes.

The position in E&W compares unfavourably with that in Scotland, which saw a 4% increase in the number of officers assigned to roads policing in the year to March 2016,<sup>48</sup> and where road safety, tackling road crime and road user education have all been regularly identified as priorities in Scotland's Annual Police Plans (e.g. see the current plan for 2020/21<sup>49</sup>).

Given the financial pressures they face, Police and Crime Commissioners in England are reluctant to cut services identified as priorities within the SPR. Roads policing has therefore faced disproportionate cuts compared with other police services. To reverse this, it is vital that the Government takes the lead and includes roads policing within the SPR.

We therefore reiterate our recommendation (see Q1) that roads policing should be prioritised by national government and incorporated in all overarching policing strategies and plans, including the SPR. This would strengthen the case for individual police forces to give it the priority it deserves.

### **Q14: Can you provide evidence of existing approaches to enforcement or available technologies that could inform the future shape of road traffic enforcement by police and other agencies?**

In terms of technology, Cycling UK supports the increased use of safety cameras (whether area-based speed cameras, traffic light cameras, ANPR etc) to support the enforcement of road traffic law, though we believe these should complement rather than substitute for 'human' roads policing. Other organisations are better placed than ourselves to make the case for these technologies.

---

<sup>46</sup> [www.legislation.gov.uk/ukpga/2011/13/part/1/chapter/7/crossheading/requirement-for-national-policing-capabilities/enacted?view=plain](http://www.legislation.gov.uk/ukpga/2011/13/part/1/chapter/7/crossheading/requirement-for-national-policing-capabilities/enacted?view=plain)

<sup>47</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417116/The\\_Strategic\\_Policing\\_Requirement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/417116/The_Strategic_Policing_Requirement.pdf)

<sup>48</sup> Response to Freedom of Information request made by Cycling UK. 26/10/2016

<sup>49</sup> [www.scotland.police.uk/media/liin5tz2/annual-policing-plan-2020-21-signoff.pdf](http://www.scotland.police.uk/media/liin5tz2/annual-policing-plan-2020-21-signoff.pdf)

The technology we most wish to highlight is the use of a properly-resourced online portal for cyclists and other road users to upload video evidence of road crimes.

The best practice model here is ‘Operation Snap’, an online reporting portal and common system for reporting incidents of bad driving and submitting video evidence.<sup>50</sup>

Unfortunately, many forces have no online reporting systems to allow cyclists to submit headcam or handlebar video footage of incidents, or for drivers to submit dash-cam footage. Amongst the forces that do, there is a wide variation in reporting requirements in terms of evidence required, length of recording etc.

Cycling UK submitted freedom of information requests to all 43 police forces in England and Wales, to identify which forces were making the most effective use of this technology. Eleven forces were clearly making excellent use of the technology: 33% of reports submitted to these forces resulted in some form of action against the driver, with over 1,000 drivers facing prosecution or some form of warning over the past year.

Yet the other 32 forces either said that their data was recorded in a format that made it hard to retrieve, or else or they failed to respond altogether.

Looking at the other side of the process, we also asked our members and supporters to share their experience of reporting dangerous driving to the police. 64% of respondents had reported dangerous driving to the police in the past year, with most of them submitting accompanying video evidence. Yet only 30% had received any kind of follow-up communication following their report. Of the 36% who had not reported their experiences, 60% said this was because they had no faith that the police would take action.

The inconsistent adoption of video reporting portals is disappointing, as Operation Snap was launched almost 3 years ago, with a similar national portal launched in 2018.

**Recommendation:** Police forces should put in place effective systems for acting on video evidence submitted by the public, following the model of ‘Operation Snap’.

## POST-CRASH ROADS POLICING (Consultation questions not asked)

### Road crash investigations

Cycling UK supports calls from the Parliamentary Advisory Council on Transport Safety (PACTS) and others for a road collision investigatory body with a similar remit to the ‘Accident Investigation Branches’ for rail (RAIB), air (AAIB) and shipping (MAIB). Its role would be to investigate the causes of collisions (looking both at individual collisions, and at the common causes of collisions in general) and to make recommendations on how these might be avoided, or lessened in severity, in future. This distinguishes it from the police, whose role is (and should remain) focused on criminal investigations.

The Rail Accident Investigation Branch (RAIB) provides an auspicious precedent. Its establishment was recommended by the Cullen Review, following a spate of rail fatalities in the 1980s and 1990s culminating in the Ladbroke Grove crash in 1999.<sup>51</sup> In the four years preceding the RAIB (2001/2 to 2004/5), there had been 18 rail movement fatalities, with another two in 2006/7. Since then, there has only been one rail

---

<sup>50</sup> <https://gosafe.org/>

<sup>51</sup> See [www.pacts.org.uk/wp-content/uploads/sites/2/TSC-1-RAIB-020.pdf](http://www.pacts.org.uk/wp-content/uploads/sites/2/TSC-1-RAIB-020.pdf) and [www.pacts.org.uk/wp-content/uploads/sites/2/170317-RTA-conference-slides-RAIB-Simon-French-final.pdf](http://www.pacts.org.uk/wp-content/uploads/sites/2/170317-RTA-conference-slides-RAIB-Simon-French-final.pdf).

movement fatality,<sup>52</sup>; and, since the Cullen Review's recommendations were made, a dramatic and steady fall in the annual number of 'potentially high-risk train accidents' (PHRTAs) - from 69 in 2001/2 to 22 in 2016/17.<sup>53</sup>

The Government has taken a step towards something similar for road collisions, by setting RAIDS (Road Accident In Depth Studies) process.<sup>54</sup> Like RAIB, AAIB and MAIB, RAIDS provides 'no-blame' investigations carried out by independent experts. However, it only covers a few areas of the country, and its findings are not generally made public (albeit for understandable reasons relating to confidentiality, since the participants in road collisions are much more likely to be members of the public rather than professionals, and there is a much greater chance that a criminal investigation will in ensue).

Recommendation: Set up a road collision investigations body with a remit purely to recommend measures for preventing future collisions, thereby freeing up the police to focus on criminal investigations of collisions that may necessitate a prosecution.

The College of Policing's 'Investigating Road Deaths' is the professional guidance that the police use in the UK.<sup>55</sup> Despite its title, the manual is also intended to cover 'life changing injuries', but there is no obligation to follow the guidance in cases where serious injuries have been sustained, but which are not 'life changing'.

This leads to inconsistency in the standard of collision investigations. Non-motorised road users are disproportionately affected, because of their greater susceptibility to injury, and their greater likelihood of being dependent on the police to find out what happened (e.g. where they are hit from behind, and/or suffer amnesia afterwards).

Some of the common problems with collision investigations include:

- Not investigating a serious injury case as carefully as a fatal incident;
- Not investigating fatal injuries adequately, due to the initial belief that the victim's injuries would not prove fatal;
- Not gathering evidence at the scene of the collision, or promptly afterwards, either from the driver, the victim(s) or other witnesses;
- Not investigating potential ancillary offences, e.g. mobile phone use or defective eyesight.
- Not following up witnesses who provided contact details at the scene, and not calling on them to give evidence in court;
- Relying so heavily on the presence of witnesses at the scene and their statements that they set too little store on other forms of evidence, e.g. CCTV footage or the results of an examination of the site.

Recommendation: The College of Policing's 'Investigating Road Deaths' guidance should be extended to cover serious injury cases.

---

<sup>52</sup> [www.gov.uk/government/statistical-data-sets/rai05-rail-accidents-and-safety#table-rai0502](http://www.gov.uk/government/statistical-data-sets/rai05-rail-accidents-and-safety#table-rai0502).

<sup>53</sup> [www.gov.uk/government/statistical-data-sets/rai05-rail-accidents-and-safety#table-rai0503](http://www.gov.uk/government/statistical-data-sets/rai05-rail-accidents-and-safety#table-rai0503).

<sup>54</sup> [www.gov.uk/government/publications/road-accident-investigation-road-accident-in-depth-studies/road-accident-in-depth-studies-raids](http://www.gov.uk/government/publications/road-accident-investigation-road-accident-in-depth-studies/road-accident-in-depth-studies-raids) and <https://trl.co.uk/projects/road-accident-depth-study-raids>.

<sup>55</sup> *The Authorised Professional Practice on Investigating Road Deaths* (College of Policing) superseded ACPO's *Road Death Investigation Manual* (RDIM) in 2014.

## The police's role in charging decisions

In theory, the police in England and Wales must refer all fatal road traffic cases to the CPS for a charging decision.<sup>56</sup> Yet they have authority to make a charging decision in the case of:

- Any 'summary only'<sup>57</sup> offence (including, for example, careless driving, drink-driving, driving whilst disqualified, without a licence or without insurance); and
- Any 'either way' offence where a guilty plea is anticipated and which is suitable for a magistrates' court sentence. This could potentially include dangerous driving cases.<sup>58</sup>

By implication, therefore, if the police believe that the non-fatal driving was merely 'careless' or not culpable at all, they are not required to report the case to the CPS, even for very serious injuries.

By the very nature of the problem, there is a lack of data on this issue. However Cycling UK is concerned that it is likely to be significant, with little or no action being taken against the driver in large numbers of cases, and that the extent of this problem may vary greatly from one police force area to another.

As a minimum, Cycling UK believes the police should be required to refer all cases involving serious injuries (not just fatalities) to the CPS for a charging decision.

**Recommendation:** The police should be required to refer serious injury collisions to the CPS for a charging decision, not just those that result in a fatality.

Cycling UK also calls for police and prosecutors to be required to justify their charging decisions, and data about these decisions should be systematically collected in the interests of transparency and accountability.

These data should cover:

- the reasons for decisions that are made about whether or not to press charges in road collision cases – and if so, what charges to bring; and
- who has taken these decisions.

This information is clearly important in individual cases. Road crash victims often wish to challenge decisions which they feel are wrong, yet they often struggle even to find out whether a decision in their case has been taken by the police or CPS, let alone the reasons for that decision. However it is also important at the aggregate level, so that the profession and the public alike is better informed about what is and what is not working in the system of road traffic law and enforcement.

We are heartened that Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has recently issued an excellent inspectorate report on roads policing. This follows several years of pressure from Cycling UK, RoadPeace and other road safety groups<sup>59</sup> and the All Party Parliamentary Cycling Group,<sup>60</sup> urging the former HMIC to include roads policing in its inspection framework. We strongly support the

---

<sup>56</sup> The circumstances in which the police may make a charging decision are set out in *The Director's Guidance on Charging* 2013. 5th edition, May 2013 (revised arrangements). Guidance to Police Officers and Crown Prosecutors Issued by the Director of Public Prosecution under S37A of the Police and Criminal Evidence Act 1984. (CPS).

<sup>57</sup> 'Summary only' offences are tried in a Magistrate's Court (or possibly a 'Traffic Court'), where there is no jury.

<sup>58</sup> An 'either way' offence is triable either in a Magistrate's Court (with no jury) or in the Crown Court (with jury).

<sup>59</sup> [www.cyclinguk.org/sites/default/files/document/migrated/blog/joint\\_response\\_to\\_hmic\\_consultation.pdf](https://www.cyclinguk.org/sites/default/files/document/migrated/blog/joint_response_to_hmic_consultation.pdf)

<sup>60</sup> <https://allpartycycling.files.wordpress.com/2017/05/appcg-justice-report-2017.pdf> (recommendation 4).

HMICFRS report's recommendations and urge their implementation. However we also call for better data on the actions of the police, CPS and the courts in relation to road traffic offences. This could be provided as part of the Ministry of Justice's 'Data First' data linking programme.<sup>61</sup>

Recommendation: Victim support services for road crash victims should be better resourced. Victims should be fully informed about the conduct of their cases, including decisions about charging, who has taken these decisions and on what grounds.

Recommendation: Data should be made available on the prosecutions, convictions and sentences for road traffic offences involving different road user groups, both as the accused party and as the victim, to improve transparency on how the system of road traffic law is operating. These should be provided through the Ministry of Justice's 'Data First' programme.

Roger Geffen  
Policy Director

August 2020

---

<sup>61</sup> [www.gov.uk/guidance/ministry-of-justice-data-first](https://www.gov.uk/guidance/ministry-of-justice-data-first)