

RAC Written Evidence to the Transport Select Committee

“Road Traffic Law Enforcement”

Terms of reference:

The Transport Committee is conducting an inquiry into road traffic law enforcement. The objective of this inquiry is to scrutinise how effectively the Government's policies to improve road safety – by tackling dangerous or careless driving – are being enforced.

The Committee has published the following terms of reference for this inquiry. The Committee is particularly interested in receiving submissions on:

- The Government's priorities and leadership role in improving road safety through traffic law enforcement.
- Enforcement agencies' capacity to enforce DfT policy on dangerous and careless driving.
- The introduction of fixed penalty notices for careless driving: how these powers are being used, and whether alternatives to penalties should be considered.
- The impact of road traffic law enforcement on the safety of cyclists and pedestrians.
- The deployment of people and technology in enforcing road traffic policy.
- The impact of the introduction of the HGV Road Users Levy on road traffic law enforcement against non-UK registered HGV drivers.
- The impact of devolution of road traffic enforcement activities to local authorities.
- The EU Cross Border Enforcement Directive.
- The inquiry will not cover sentencing for offences as this falls under the remit of other Government departments

ABOUT THE RAC

With more than eight million members, the RAC is the oldest and one of the UK's most progressive motoring organisations, providing services for both private and business motorists. As such, it is committed to making driving easier, safer, more affordable and more enjoyable for all road users.

The RAC, which employs more than 1,500 patrols, provides roadside assistance across the entire UK road network and as a result has significant insight into how the country's road networks are managed and maintained.

The RAC is separate from the RAC Foundation which is a transport policy and research organisation which explores the economic, mobility, safety and environmental issues relating to roads and their users.

The RAC website can be found at www.rac.co.uk

RAC Response to the Committee

- Government priorities and leadership role in improving road safety through traffic law enforcement

The RAC welcomes the Committee's focus on road traffic law enforcement, which a majority of motorists regard as a serious concern and one which the Government needs to address. Each year, the RAC publishes an annual Report on Motoring. Now in its 27th year, the Report is an extensive survey of a representative cross-section of UK motorists to find out what is on their mind and where their priorities on roads policy lie. It informs Government and policy makers with insight into the attitudes of the UK motorist and what is high on their agenda. Findings in the 2015 RAC Report on Motoring continue to show motorists to be concerned about the enforcement of dangerous and illegal driving behaviour; however rather than increased penalties, most drivers (79%) want to see more effective enforcement of existing laws. Almost two-thirds (62%) believe there are not enough traffic police on our roads. This percentage has been rising year-on-year for several years.

According to official figures published in a parliamentary question earlier this year, the number of road traffic police has fallen by 23% across England and Wales between 2010 and 2014¹. There are large regional variations between Forces: The Devon and Cornwall Force has suffered the largest cut – 76% – taking its dedicated traffic officers from 239 to just 57. Essex's traffic police numbers fell by 71%, Nottinghamshire's by 68%, Wiltshire's by 47% and both the Avon and Somerset and Dorset forces traffic function diminished by 39% each. Whilst all police officers have the ability to enforce some motoring offences, dedicated traffic police officers are the primary enforcers for offences where technology cannot assist. With some forces taking such large scale cuts, it is clear that the priority on improving enforcement should start with halting the decline in roads police officer numbers.

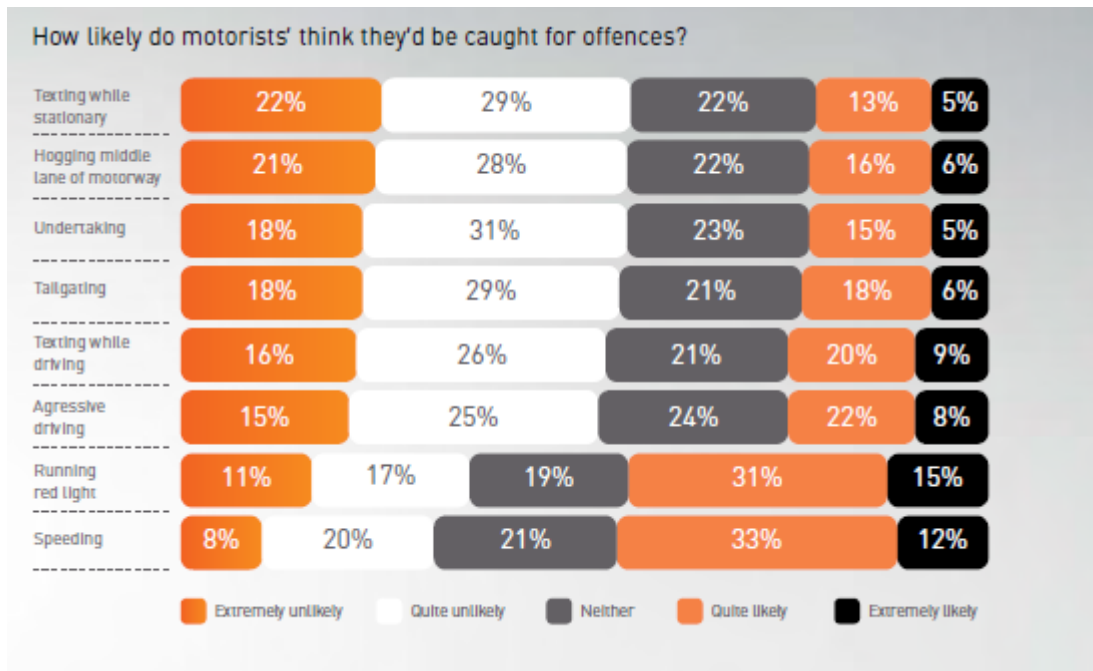
Use of handheld mobile phones at the wheel continues to be a major concern for motorists, with more than a third (34%) saying the use of mobile phones to talk, text or go online is one of their top four areas of concern. Worryingly, 12% of motorists still believe that it is acceptable to take a short call with a hand-held mobile phone while driving, despite this being illegal since December 2003.

In our 2014 RAC Report on Motoring, we explored motorist's expectations of being caught when committing various motoring offences. These findings are summarised in figure 1 below:

Figure 1²:

¹ <http://www.rac.co.uk/press-centre/press-releases/traffic-police-numbers-cut-by-1279-officers-in-fi>

² <http://www.rac.co.uk/pdfs/report-on-motoring/rac-rom-2014-v16-compressed> (



Unsurprisingly, the offences where motorists expect to be caught are those where enforcement cameras operate. Official statistics from the Ministry of Justice show that in 2010, there were 35,255 motorists were taken to court for using a mobile phone whilst driving. By 2014, the number had dropped to 17,431. This is a decrease of 51%. Likewise those prosecuted for dangerous driving in 2009 stood at 3,887. By 2014, this figure had fallen to 3,031, a decrease of 22%.³ The number of fixed term penalties awarded to drivers for the use of a handheld mobile phone is also in decline. – In 2011 the numbers receiving FPNs was 123,100, whilst by 2013 this had fallen to 52,400, a drop of 57%.⁴ The RAC is concerned that the steep falls are probably attributable to a lack of enforcement. A Department of Transport's survey showed that the proportion of car drivers observed using a handheld mobile phone in England in 2014 (1.5 per cent) was relatively unchanged from the 1.4 per cent observed in 2009, when the previous survey was carried out. This suggests that the decline in prosecutions and fixed penalty notices reflects a decline in enforcement rather than a reduction in the number of motorists committing the offence. . With road traffic police officers still decreasing in number, the problem is likely to worsen.

The RAC believes that the solution does not lie with more laws, or tougher penalties but with better enforcement of existing laws. Once motorists believe that they are unable to "get away with it", standards of driving are likely to improve. The RAC therefore has called upon the Government to halt

3

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/428937/outcomes-by-offence-tables.xlsx / <https://www.gov.uk/government/statistics/criminal-justice-statistics-quarterly-december-2014>

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https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0CCEQFjAAahUKEwjl_s_CpojlAhXIOhOKHUDFA1w&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F421819%2Fppp-fixed-penalty-notice-2014-tabs.ods&usg=AFQjCNFWSiufZ_ZS802_oo91x2SGmyENJA

the decline in the numbers of road traffic police. Better enforcement needs to be part of the more comprehensive road safety strategy which we understand the Government is currently initiating.

There is also a need to supplement existing enforcement technology with new technology, wherever possible to counter the effects of falling road traffic police numbers. We are concerned that a number of recently introduced offences like tail-gating and overtaking on the inside are losing credibility through a lack of enforcement and we believe that technology could potentially assist in enforcing such offences.

- **Enforcement agencies' capacity to enforce DfT policy on dangerous and careless driving.**

The decline in road traffic police officers demonstrates that local police forces are struggling to cope with the imposition of budget cuts since 2010 and as a result the enforcement of road traffic laws is likely to suffer even more. We have expanded on our concerns regarding enforcement by the police earlier in this response

- **The introduction of fixed penalty notices for careless driving: how these powers are being used, and whether alternatives to penalties should be considered.**

The RAC welcomed the introduction of new powers in August 2013 giving police greater authority to clamp down on careless driving acts including middle lane hogging and tailgating. However, as the data in Figure 1 suggests from the 2014 RAC Report on Motoring, a majority of motorists still believed they were unlikely to be caught for offences such as tailgating, hogging the middle lane and undertaking. This is despite the fact that 69% knew that tailgating was illegal, and 58% understood that hogging the middle lane was also against the law.

Earlier this year, authorities published the first sets of data through a Freedom of Information request showing the numbers of drivers that had fallen under the category of careless driving. The data showed that in 2013/14, the number of FPNs issued totalled 9,852 in 35 of the 45 UK police forces that responded. There were enormous regional variations. Essex police (which has recorded one of the largest cuts in the numbers of road traffic police), for example, recorded zero FPNs for careless driving whilst neighbouring Hertfordshire constabulary recorded 309 FPNs. The data also revealed that some police are clamping down on motorists for incidents such as splashing pedestrians with puddles and racing other drivers across traffic lights.⁵

Early indications suggest that whilst some forces are clearly using these extra powers to reduce careless or anti-social driving whilst others clearly are not. The RAC believes that there needs to be greater consistency on enforcement, but also that alternatives should be considered in place of penalties. These may include further roll out of driving awareness training as an alternative to prosecution.

⁵ <http://www.telegraph.co.uk/motoring/news/11472113/Inconsiderate-drivers-fall-foul-of-100-fines.html>

- The impact of road traffic law enforcement on the safety of cyclists and pedestrians.

Many motorists are also cyclists and pedestrians and the RAC believes that the existing traffic law should be applied uniformly to all road users. Clearly, unsafe and illegal behaviour by any road user, whether driving a motor vehicle, cycling or walking can place other road users at risk. Cyclists and pedestrians are however particularly vulnerable and therefore more likely to be killed or seriously injured in a collision.

- The deployment of people and technology in enforcing road traffic policy

The declining number of road traffic police is currently the greatest risk to the enforcement of road traffic laws.

We believe that Technology can go some way to fill the void left. It is clear that motorists are more likely to expect to get caught for offences enforceable by camera. There are opportunities for new technology to assist in other offences like tailgating, and undertaking. We note that earlier this year it was reported that police in Norfolk are working jointly with Westotec to develop technology that is able to detect if a mobile phone is being used in a moving car.⁶ Such initiatives are to be encouraged.

- The impact of the introduction of the HGV Road Users Levy on road traffic law enforcement against non-UK registered HGV drivers.

The RAC has no specific comment to make on this particular aspect to the inquiry.

- The impact of devolution of road traffic enforcement activities to local authorities.

The RAC is generally supportive of road traffic enforcement activities being devolved to local enforcement agencies. It is clear that on many stretches of road, local authorities and the police are best placed to understand where road traffic accidents are likely to occur and where it is appropriate to set local speed limits and target local enforcement.

At present, enforcement operates within a framework defined by central Government, which is sensible. However, there should not be a postcode lottery when it comes to enforcement of national laws and we would like to see greater consistency across the UK. The RAC also has concerns regarding differences in motoring law within the devolved nations; for example, we believe it to be inappropriate to have different drink/drive blood-alcohol limits in different parts of the UK when the devolved nations share a common UK driving license. In this instance, the RAC's research suggests motorists would support a limit of 50 mg/100 ml across the UK.

- The EU Cross Border Enforcement Directive.

⁶ <http://road.cc/content/news/142406-speed-camera-style-mobile-phone-detectors-could-spot-drivers-talking-wheel-and>



In principle, the RAC is supportive of the Directive. We recognise however, that the UK will face practical difficulties. UK motoring law holds the driver accountable for offences whilst in charge of a vehicle and the registered keeper of the vehicle is required to identify the driver of the vehicle to the authorities when an offence has been committed. However, no such obligation exists in a number of other EU countries for the keeper of the vehicle to identify the driver. The UK authorities will be able to identify the keeper of the vehicle under the Cross Border Enforcement Directive but this may not allow them to identify the driver if the keeper is unwilling to identify who was driving at the time. This will inhibit enforcement of some offences.

We believe that the directive will assist Authorities in chasing up unpaid fines by foreign registered vehicles. This continues to be a problem in relation to toll crossings, the London Congestion Charge or for general enforcement of road traffic law, such as speeding. Highways England revealed in February 2015 that more than 18,000 foreign registered vehicles had not paid the Dartford Crossing charge⁷ since the toll booths were removed in November 2014. It was also revealed last year that in between January 2013 and September 2014, there were over 23,000 foreign registered vehicles that had outstanding unpaid speeding fines, amounting to £2.3 million.⁸

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⁷ <http://www.bbc.co.uk/news/uk-england-31637572>

⁸ <http://www.dailymail.co.uk/news/article-2785067/Foreign-drivers-escape-speed-fines.html>