

London Councils' Transport & Environment Committee

Speed Enforcement - Update

Item No: 18

Report by: Andrew Luck **Job title:** Transport Manager
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Contact Officer: Andrew Luck
Telephone: 020 7934 9646 **Email:** Andrew.luck@londoncouncils.gov.uk

Summary: This report provides an update to members on London Councils' activity on the Safe Speeds Review for London and future actions in lobbying for changes in the way speed is enforced in London.

The report also provides an update to members on LB Wandsworth's speeding enforcement pilot that was presented to TEC at the meeting on 21 October 2021.

Recommendation:

The Committee is asked to note the contents of the report on the two above aspects relating to speed enforcement.

Part 1 – Safe Speeds Review for London

Background

1. Following concerns from members in 2018 regarding the adequacy of speed enforcement in their boroughs, London Councils sought to explore enforcement options and whether there was a better alternative to the current approach. The Safe Speeds Review for London programme encompasses a variety of interventions, but largely focusses on the investigation into enhanced borough enforcement powers, including the partial decriminalisation of speed enforcement and continued closer working with TfL and MPS (Metropolitan

Police Service), to deliver improvements in the current way that speed is enforced in London.

2. In June 2021, members agreed that London Councils should continue with the Safe Speeds Review for London programme and also continue to lobby for the partial decriminalisation of speed enforcement. To do this, London Councils sought amendments to Part 5 of the Police, Crime, Sentencing and Courts Bill (the Bill). The Bill is making legislative changes to overhaul the police and criminal justice system and provided the opportunity to lay the legislative foundations for enhanced borough speed management powers.
3. The list of amendments to Part 5 of the Bill were drafted and a lobbying document created to build parliamentary support (both were presented to TEC in October 2021). This focussed on the House of Lords as the Bill had progressed quickly to this stage of the debate.
4. With cross-party support of Lords Berkeley (Labour), Sandhurst (Conservative) and Tope (Liberal Democrat) amendments to the Bill were raised in the House of Lords on 8 November 2021.
5. The chances of securing an amendment to the Bill were remote, and a request was not made to formally take the motion forward. However, the discussion did raise the profile of the issue. The full debate on Part 5 can be read here [Hansard link](#) (speed discussion, number 156, 7.15pm)
6. Indeed, Baroness Vere met with Lords after the debate to better understand the issues at hand and to provide a clear view of Government's position, which is that the severity of speed limit non-compliance and the potential serious consequences of speeding mean that it should remain a criminal matter enforced by the police.
7. The Chair and Vice Chairs of TEC met with Baroness Vere on 7 March 2022 and had constructive further engagement on the subject. There will be further opportunities to engage in the coming months.

Next Steps

8. London Councils continues to make the case for enhanced borough powers. Evidence clearly indicates that the police, while committed to increasing enforcement, do not have the resources to tackle speeding to the extent that boroughs consider necessary. A collaborative approach, sharing intelligence and data, maintaining licence endorsements, and invoking criminal procedures for multiple offences and those above an agreed threshold is the way forward.
9. It was clear from the debate in the House of Lords that further evidence and data to demonstrate the scale of the speed management problem is required to support the case for change. In London, we have only received speed data from a limited number of boroughs so continue to work with them to develop a clearer picture of the issue. We are also seeking nationwide evidence which would support a national change in legislation. We have had initial discussions with officers at the Local Government Association (LGA) and look to cement these further in the future.

10. We are continuing to work with our communications team on building a full suite of tailored documents that outline the key messages and underlying evidence to specific targeted audiences. This includes local authority stakeholders (London and National), road user groups and charities, residents' groups, and the media. Discussions with other Metropolitan areas in England have clearly identified a similar level of dissatisfaction, so we need to maximise outreach to make a national case for change. We are also monitoring activity in European cities to establish whether systems similar to what we are proposing exist or are being considered.
11. It is also clear that government acceptance for change rests, in part, on 'buy-in' from the Metropolitan Police Service (MPS). Currently the police are sceptical of the changes that have been tabled, as they believe that there could be an erosion of compliance if certain actions are decriminalised which could also lead to a reduction in intelligence linked to other criminal behaviour.
12. We have continued to make the case that a collaborative approach would have substantial benefits for the MPS, allowing them to utilise resources more efficiently and share the significant increase in intelligence and data that would be generated. The proposals do not seek to diminish police powers but enhance them. We have held meetings with MPS and will continue to work with them to make the case and build their support.
13. We also understand that there could be future legislative opportunities in the coming year and there is a possibility of an additional transport related bill. We are monitoring developments with our Parliamentary Officer to ensure that these opportunities are not missed.

Continuing work with TfL and MPS

14. It must be restated that we continued to work with TfL and MPS on plans for enhanced enforcement and educational activity under the current regulations. We believe improved collaboration under the existing enforcement regime is having a positive impact and should continue to be supported.

Part 2 – LB Wandsworth Speed Enforcement Pilot

Background

15. Item 12 at the TEC meeting on 14 October 2021 outlined LB. Wandsworth's proposals to pilot the use of an experimental traffic order on two roads in the borough that prohibited vehicular traffic moving at over 20mph.
16. LB Wandsworth had explained how speeding continued to be one of the main issues constantly raised by residents, and there remained a desire to see greater speed enforcement activity on residential roads. They had indicated how they believed that existing legislation allowed for the enforcement against speed limits set by local authorities through local authority experimental traffic order. These would be enforceable by the issue of Penalty Charge Notices (PCNs) under the provisions of the London Local Authorities and Transport for London Act 2003 by the inclusion of local speed limits in the traffic orders.
17. A pilot to commence enforcement was supported by London Councils officers to determine whether this procedure was legally acceptable and was scheduled to start in December 2021. TEC members had agreed the contravention code and fine level at the meeting in October.

Current Situation

18. LB Wandsworth have stated that the order has been made for the 20mph speed enforcement trial via experimental powers and this is now live. However, they are still awaiting permission for the release of keeper details from the DVLA as the pilot cannot become fully operational without this. They are also working through the operational set up of the cameras and systems to support a potential trial.
19. LB Wandsworth have further stated that they have had various discussions and meetings with MPS and DfT and are still seeking the necessary support from these parties. They will be having further meetings to fully address outstanding issues. Until this engagement has taken place, the pilot will not be launched and is in deferral at present. Therefore, no PCNs have been issued.
20. Members are advised that in line with enforcement protocols for new contraventions, once LB Wandsworth do get sign off from DVLA to receive keeper details, they will initially issue Warning Notices rather than PCNs.
21. London Councils officers have continued to offer assistance and attend or facilitate any discussions with DfT and MPS in the future. We will continue to raise this out our future meetings.
22. It should be noted that following the TEC report on the speed pilot in October 2021, several boroughs approached London Councils interested in what was being proposed, the methodology and the feasibility of commencing something similar.
23. The current position from MPS and DfT and LB Wandsworth's deferral of their pilot may end interest in the short-term as boroughs wait to see what happens. However, if there is an opportunity for future engagement and partnership working with MPS, this may be revisited.

Financial Implications

24. There are no financial implications from either Part 1 or Part 2 to this report.

Legal Implications

25. There are no legal implications for London Councils from either Part 1 or Part 2 at this stage. The legal issues regarding the pilot as outlined in Part 2 or for LB Wandsworth.

Equalities Implications

26. There are no equalities implications from either Part 1 or Part 2 of this report.

Recommendation

The Committee is asked to note the contents of the report on the two aspects relating to speed enforcement in London.