

To prepare this report, advice has been obtained from Department for Transport (Dft) & from the Association of Chief Police Officers' (ACPO) Committee.

Limits/Zones

The DfT produced a circular dated 18th January 2013 providing updated guidance unveiled by Stephen Hammond, Road Safety Minister; this paper is intended to help Local Councils implement more consistent speed limits on local roads.

National Speed Limits on street lit roads remains 30mph, however Traffic Authorities can, over time, introduce 20mph limits or zones on:

- Major streets where there are – or could be – significant numbers of journeys on foot, and / or where pedal cycle movements are an important consideration, and this outweighs the disadvantage of longer journey times of motorised traffic.

This is in addition to:

- Residential streets in cities, towns and villages, particularly where the streets are being used by people on foot and on bicycles, there is community support and the characteristics of the street are suitable.

Where they do so, general compliance needs to be achieved without excessive reliance on enforcement.

Evidence from successful 20mph schemes show that the introduction of 20mph (engineered) Zones generally reduces mean traffic speed by more than is the case where a 'signed only' 20mph limit is introduced.

It has always been the view that it should not be possible to exceed the speed limit within a 20mph zone; to drive at excess speed in this area identifies a failing with the engineering solutions.

Traffic Regulation Order (TRO)

If speed limits are to be legally implemented and enforceable, Traffic Orders must be made. Part VI of the Road Traffic Regulation Act (RTRA) 1984 deals specifically with speed limits and includes the powers under which Traffic Authorities may make speed limit orders.

Devon & Cornwall Police and County Councils are currently facing appeals and complaints regarding a high number of 20mph limits that have been found to be non-enforceable. The advice from Devon & Cornwall Police is prior to any consideration of enforcement; the local authority should physically measure the signs and frequency to ensure that they comply with the law. Enforcing a 20mph limit that is found to be non-complaint results in reputational damage, damage to community confidence and high costs in repaying fines/court costs etc.

Enforcement

Enforcement is reactive and should not be seen as a preventative measure, prevention relying on public support and compliance by the majority. It is also expensive; is both time and resource intensive and competes with other important policing issues of public concern.

Speed restrictions must be clear, appropriate, with the need for compliance obvious to all road users. Where there is non-compliance, the police will investigate specific offenders who ignore the posted speed limit. Mass defiance identifies questionable limits in inappropriate areas rather than a need for high levels of enforcement and prosecution, which possibly has the potential to lose public support. It is these principles that inform any police decision to undertake enforcement.

The enforcement of traffic law by the police should be guided by the principles of proportionality in applying the law and securing compliance; consistency of approach; and transparency about what enforcement action is undertaken, and why; and recognition that effective partnerships with other organisations are essential.

To achieve compliance there should be no expectation on the police to provide additional enforcement beyond their routine activity, unless this has been explicitly agreed.

Targeting Offending Drivers

20mph zones are predominantly introduced in residential areas where road safety has been raised as an issue by those who live locally. The approach of Neighbourhood Policing Teams in every community is built around ensuring that local crime and disorder issues and concerns are identified, so that a police force delivers an appropriate policing response. This applies to enforcement of 20mph zones as to any other area of policing.

ACPO speed enforcement guidelines include thresholds for enforcement across all speed limits, intended to underpin a consistent policing approach. Within that framework local police forces will take a responsible and proportionate approach to enforcement of 20mph limits based on their assessment of risk to individuals, property and the seriousness of any breach. Where drivers are regularly and wilfully breaking the law we would expect that officers will enforce the limit and prosecute offenders.

Local Neighbourhood Policing Teams therefore can conduct routine speed enforcement within 20 mph limits/zones where deemed appropriate.

Prosecution Options

Options are currently limited for enforcing 20mph Limits/Zones. The reason for this is that 20mph limits and zones were introduced for a specific road safety danger; compliance is the aim, not enforcement. For these reasons it is not currently considered suitable to issue Fixed Penalty Notices or offer 'Driver Improvement' scheme options for 20mph offenders.

I have provided a comparison below with a 30mph limit to demonstrate the difficulties in enforcing 20mph offences. *Taken from National Guidelines*

Speed Limit	Fixed Penalty Notice	Driver Improvement	Summons
20mph	FPN not issued	No Speed Awareness Course applies	35mph
30mph	35mph & above (10% +2)	Speed Awareness 35mph – 42mph (only in counties that operate educational packages)	50mph

Discretion can be used allowing officers to summons lower than the speeds in the above table, therefore it is possible to summons at 24mph, however this would be inappropriate as the volume of offences would result in high costs for the Courts and prosecution system.

The Crown Prosecution Service and Courts would certainly not welcome this; therefore the realistic option would be police officers offering verbal warnings to offending drivers until the speeds or numbers of occasions warned justified issuing a summons. It must also be considered that "is it proportionate to place someone within the criminal justice system for travelling at 24mph?" This would not occur within a 30mph limit until the speeds reached 50mph.

In the future it may be possible to issue Fixed Penalty Notices or offer educational courses for 20mph offences, therefore albeit there are currently some restrictions this situation may improve in the coming months/years.

National Roads Policing 5 Year Strategy 2011-2015

The Road Policing Strategy 'Policing the Roads' has a vision of safer roads with habitual compliance. Officers are encouraged to enforce with education and engineering so as to affect and influence driver behaviour and achieve a reduction in road casualties and combat anti-social road use. There is a real drive to encourage officer discretion as oppose to always issuing Fixed Penalty Notices or prosecuting lower end offences.

Conclusion

Speed limits are only one element of speed management; local speed limits should not be set in isolation. They should be part of a package with other measures to manage speeds including engineering, visible interventions and landscaping standards that raise awareness of the drivers environment. Simply altering a sign from a 30 to a 20 will risk high levels of offending with many drivers being unaware of their behaviour.

The ACPO Traffic Committee have highlighted that without the right level of engineering, the police would become the cheap option to achieve compliance. Guidelines have been provided that the police will not conduct routine speed enforcement in 20mph limits/zones unless they were in areas where:

- 24mph or above was the norm
- The limit/zone meets Dft guidelines by providing a form of engineering that would make it obvious to drivers that they were in this type of limit and should control their speed. *This applies to correct signage as much as traffic calming measures.*

Current Position – We will support all appropriate speed limits where:

- There is a proven need
- The limit is clear
- Motorists have the ability to comply.

We need to remember that we have many roads within our county that require enforcement; we must also consider those roads that pose the greatest risk, i.e. those with a Killed and Seriously Injured (KSI) risk. It is rare for the 20mph limit/zone to be in areas where we have seen KSI collisions, albeit this cannot be discounted as a risk.

Therefore it must be decided on a case by case basis as to which roads are subject to routine police officer speed enforcement, clearly a Speed Management Strategy is applied to this to inform the correct decision, i.e. police enforcement as oppose to the council led initiatives of installing Speed Indicator Devices or implementing Community Speed Watch.



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