



WEST MIDLANDS POLICE

Force Policy Document

POLICY TITLE:	BUS LANE AND RESTRICTED ROADS
POLICY REFERENCE NO:	CJ/23

Executive Summary.

The purpose of this policy document is to provide clear instruction when it may be appropriate for a Police Vehicle to contravene a Bus Lane or a Restricted Road.

It is designed to protect and serve our communities by defining the driving standards expected of West Midlands Police.

The policy reinforces the responsibilities of all officers and staff to ensure that the care and use of vehicles projects a positive image of West Midlands Police.

***Any enquiries in relation to this policy should be made directly with the policy contact / department shown below.*

Intended Policy Audience.

This policy is aimed at all police officers and staff of West Midlands Police who have been assessed and authorised as drivers for West Midlands Police.

Current Version And Effective Date.	V.2	May 2015
Business Area Owner	Criminal Justice Services	
Department Responsible	Criminal Justice Services	
Policy Contact	T/Inspector 8981 Rowley	
Policy Author	T/Inspector 8981 Rowley	
Approved By	ACC Cann	
Policy Initial Implementation Date	29/05/2015	
Review Date	29/05/2017	
Protective Marking	Not Protectively Marked	
Suitable For Publication – Freedom Of Information	Yes	

Supporting Documents

- http://intranet2/content/B_PRD/Policy_Portal/Policy_Documents/Driver.pdf
- Code of Ethics (http://www.college.police.uk/docs/Code_of_Ethics.pdf)
- <http://www.legislation.gov.uk/ukpga/1988/52/section/38>
- <http://www.birmingham.gov.uk/buslanes>

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UPTO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP DATABASE ON THE INTRANET.

Force Diversity Vision Statement and Values

“Maximise the potential of people from all backgrounds through a culture of fairness and inclusion to deliver the best service for our communities”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

Code of Ethics

West Midlands Police is committed to ensuring that the Code of Ethics is not simply another piece of paper, poster or laminate, but is at the heart of every policy, procedure, decision and action in policing.

The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position

Every single person working in West Midlands Police is expected to adopt and adhere to the principles and standards set out in the Code.

The main purpose of the Code of Ethics is to be a guide to "good" policing, not something to punish "poor" policing.

The Code describes nine principles and ten standards of behavior that sets and defines the exemplary standards expected of everyone who works in policing.

Please see http://www.college.police.uk/docs/Code_of_Ethics.pdf for further details.

The policy contained in this document seeks to build upon the overarching principles within the Code to further support people in the organisation to do the right thing.

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ACRONYMS

WMP	West Midlands Police
LPU	Local Policing Unit
RTC	Road Traffic Collision

1. INTRODUCTION

- 1.1. Since September 2013 WMP have seen a significant increase in the receipt of Penalty Notices due to employees driving and parking police vehicles in bus lanes and on restricted roads, with most offences being identified by Council CCTV.
- 1.2. This policy has been developed to meet the operational needs of West Midlands Police (WMP), to provide clear guidance on when it may be appropriate for a police vehicle/motorcycle to contravene a Bus Lane or a Restricted Road.
- 1.3. It will also outline the expectation and responsibility of the WMP employee when a Bus Lane or Restricted Road is contravened.
- 1.4. This policy is applicable to all police officers and staff and all motor vehicles provided for use within WMP geographical areas.
- 1.5. Within the terms of this policy any reference to vehicles driven by WMP employees shall apply equally to the use of motorcycles.
- 1.6. Police vehicles may only be driven by officers and staff who have been authorised in accordance with the Force Driver Policy.

http://intranet2/content/B_PRD/Policy_Portal/Policy_Documents/Driver.pdf

2. STANDARDS OF DRIVING TO ENSURE PUBLIC SAFETY

- 2.1. Police vehicles must at all times be driven in a professional manner, with drivers demonstrating appropriate standards of road safety in support of public trust and confidence.
- 2.2. If a WMP employee contravenes a Bus Lane or Restricted Road then their actions must be justified, appropriate, proportionate, auditable, necessary in the circumstances and must not compromise personal and public safety.
- 2.3. At all times Public Safety will be paramount. Employees will prioritise public safety above the desire to attend an Immediate Incident or apprehend a suspected offender.
- 2.4. Police drivers who are trained to standard or advanced level are entitled to make use of legal exemptions, however it is vital that such use is appropriate and only used in circumstances that can be justified.
- 2.5. Drivers must at all times consider the public perception of their actions and the fact that their driving may be recorded using mobile phones or similar devices.

3. CONTRAVENING A BUS LANE OR RESTRICTED ROAD (Operational purposes)

- 3.1. Respective Councils have strict guidance on the issuing of penalty notices and although there is no agreement for them to exempt a police employee from prosecution, local councils are more receptive to cancel a penalty notice if the employee is attending an IMMEDIATE INCIDENT. This applies to marked, unmarked police vehicles and police motorcycles.

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- 3.2. Each contravention of a Bus Lane or Restricted Road will be judged on its own merit.
- 3.3. It is recognised that on occasions employees will contravene a Bus Lane or Restricted Road due to operational requirements. These occasions being;
- a) response to an immediate incident as directed by the Force Contact Centre
 - b) vehicles exempt from the white lists
 - c) occasional operational reasons which are not classed as an immediate incident. (i.e. RTC's which occur in bus lanes, forensic examination, an medical emergency etc).
 - d) with direction from the local LPU appropriate authority to address community concerns with ASB or Crime.
- 3.4. Even if the employee has justification as listed above, the employee will still have responsibility to notify the Force Contact Centre by the use of their airwave radio and request an entry be placed on the incident log. This is to be completed as soon as practicable.

4. CONTRAVENING A BUS LANE OR RESTRICTED ROAD (None operational purposes)

- 4.1. If an employee contravenes a bus lane or restricted road which was not for operational purposes, then that employee **MUST** inform their supervisor during their tour of duty that they have contravened the Bus Lane or Restricted Road.
- 4.2. The employee is responsible for recording the fact that they contravened a Bus Lane or a restricted Road on an incident log so they can be identified if a penalty notice is received.
- 4.3. The employee's supervisor will consider management action after reviewing all circumstances if they believe that the employee's actions were not justified.

Please note

If you are in receipt of such a notice you should notify the Professional Standards Department by completing a change of circumstances form.

5. PAYMENT ON A RECEIPT OF A PENALTY NOTICE

- 5.1. On WMP receiving a penalty notice, shared services will forward it to the LPU/Department Appropriate Authority of the offending vehicle within 48hrs.
- 5.2. To support this process the penalty notice will also be forwarded to the LPU/department planning email account.
- 5.3. The Appropriate Authority will then ensure that the driver of the vehicle is located within 7 days from receipt of notification and that the employee has a valid operational reason for the contravention of the bus lane or restricted road.

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Payment of penalty notice (Operational need identified)

- 5.4. If an operational need is identified then the Appropriate Authority will endorse the penalty notice and request that the penalty notice be made null and void.
- 5.5. Shared Services will be informed of the Appropriate Authority's decision within 7 days on receipt of the penalty notice. The Appropriate Authority's decision will then be communicated to the respective local council.

Payment of penalty notice (Operational need not identified)

- 5.6. If the Appropriate Authority deems that a bus lane or restricted road has been contravened and there is no operational reason identified, then the employee will submit a [WG401](#) to the Appropriate Authority with their rationale as to the contravention.
- 5.7. In the event that the officer wants to appeal the fine, they will appeal to the Force (via their Appropriate Authority) who will then make that decision as to Operational use/Policing Purpose.

Identifying the driver/employee of the offending vehicle

- 5.8. If a penalty notice is received then attempts will be made to identify the driver/rider from the vehicle log book or incident log.
- 5.9. If the driver/employee cannot be located within the 7 day period and no operational reason can be identified, WMP will pay the fine as the registered keeper of the vehicle whilst enquires continue into locating the driver/employee. This will prevent the employee having to pay an increased fine once they are identified.
- 5.10. Once the employee is identified then the employee will be expected to pay all monies back to WMP.
- 5.11. If an employee is identified as the driver/rider of the police vehicle and has not complied with this policy, the Appropriate Authority after reviewing all circumstances will consider taking disciplinary action against the employee.

Employee refusal to pay the penalty notice

- 5.12. If the employee has no operational reason to contravene a Bus Lane or Restricted Road payment will be by way of deduction from the employee's salary after consultation with shared services and the employee.
- 5.13. In the event that the employee refuses to pay the fine, the Appropriate Authority will refer the employee to Professional Standards Department for Misconduct procedures to be implemented.

6. ROAD TRAFFIC ACT 1988, SECTION 38

- The Highway Code is issued with the authority of Parliament under the Road Traffic Act. While failure on the part of a person to observe a provision of the Highway Code does not in itself render that person liable to criminal proceedings, any failure to adhere to the Code's principles by an individual can be used to establish or negate any liability in civil or criminal proceedings.

General:-

- On occasions, often due to circumstances outside their control, police drivers will find themselves considering contravention of other signs and regulations where no statutory exemptions exist. Such actions could result in criminal / disciplinary proceedings.
- No circumstances can justify the contravention of any legal requirement, whether exempted or not, which would endanger any road user.

<http://www.legislation.gov.uk/ukpga/1988/52/section/38>

7. TRANSPORT ACT 2000

- 7.1. S.144(1) and (2) of the Transport Act 2000 confers on national authorities the power to make provision by regulations for the imposition of penalty charges in respect of bus lane contraventions by local authorities and the payment of those penalty charges. It does not define who is liable to pay such penalties.
- 7.2. The relevant statutory instrument as provided for by the Transport Act 2000 can be found in the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 ('the 2005 Regulations'). Regulation 5 of those Regulations provides that a penalty charge shall be paid by:
- a. the owner of the vehicle involved in the contravention or
 - b. by the person hiring the vehicle but only in circumstances where the vehicle involved in the contravention was at the material time the subject of a hiring agreement and the person hiring it had signed a statement acknowledging liability in respect of any penalty charge incurred during the currency of the hiring agreement.

8. EQUALITY IMPACT ASSESSMENT (EQIA)

- 8.1. The policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:
- Eliminate discrimination, harassment, and victimisation.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this policy.

9. HUMAN RIGHTS

9.1. This policy has been implemented and reviewed in accordance with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties and values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm.

10. FREEDOM OF INFORMATION (FOI)

10.1. Public disclosure of this policy document is determined by the Force Policy Co-ordinator on agreement with its owner. Version 2.0 of this policy has been GPMS marked as GPMS not protectively marked.

10.2. Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

Which exemptions apply and to which section of the document?	Whole document	Section number
None		

11. TRAINING

- WMP Driver Training.

12. PROMOTION/DISTRIBUTION & MARKETING

12.1. The following methods will be adopted to ensure full knowledge of the Policy:

- Newsbeat.
- Message of the day.
- Local Briefings.
- Publication onto policy portal.

13. REVIEW


13.1. The policy business owner CJS will maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.

13.2. The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.

13.3. A formal review of the policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.

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- 13.4. Any amendments to the policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.
- 13.5. Feedback is always welcomed by the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.



CHIEF CONSTABLE

14. VERSION HISTORY

Version	Date	Reason for Change	Amended/Agreed by.
V.1	10/11/14	2.1 Amended to incorporate plain vehicle, such as Road Policing Vehicles.	T/Inspector Rowley
V.1	10/11/14	2.2, 2.3 Amended to incorporate special circumstances apart from immediate incidents when vehicle can contravene bus lane or restricted road.	T/Inspector Rowley
V.1	10/11/14	4 – 4.3 Amended to explain who is responsible for paying the Fixed Penalty.	T/Inspector Rowley
V.1.1	30/12/14	3.6 amended after consultation with C/Inspector Doyle regarding management action. This has hence been removed.	T/Inspector Rowley
V.2	28/4/15	All policy amended.	T/Inspector Rowley
V.2	29/05/2015	Policy approved by CC – added policy ref and approval dets. Policy live and published	56408 Couchman