

GWENT POLICE

Speed Complaint Procedure



**Heddlu
Gwent
Police**

SUMMARY

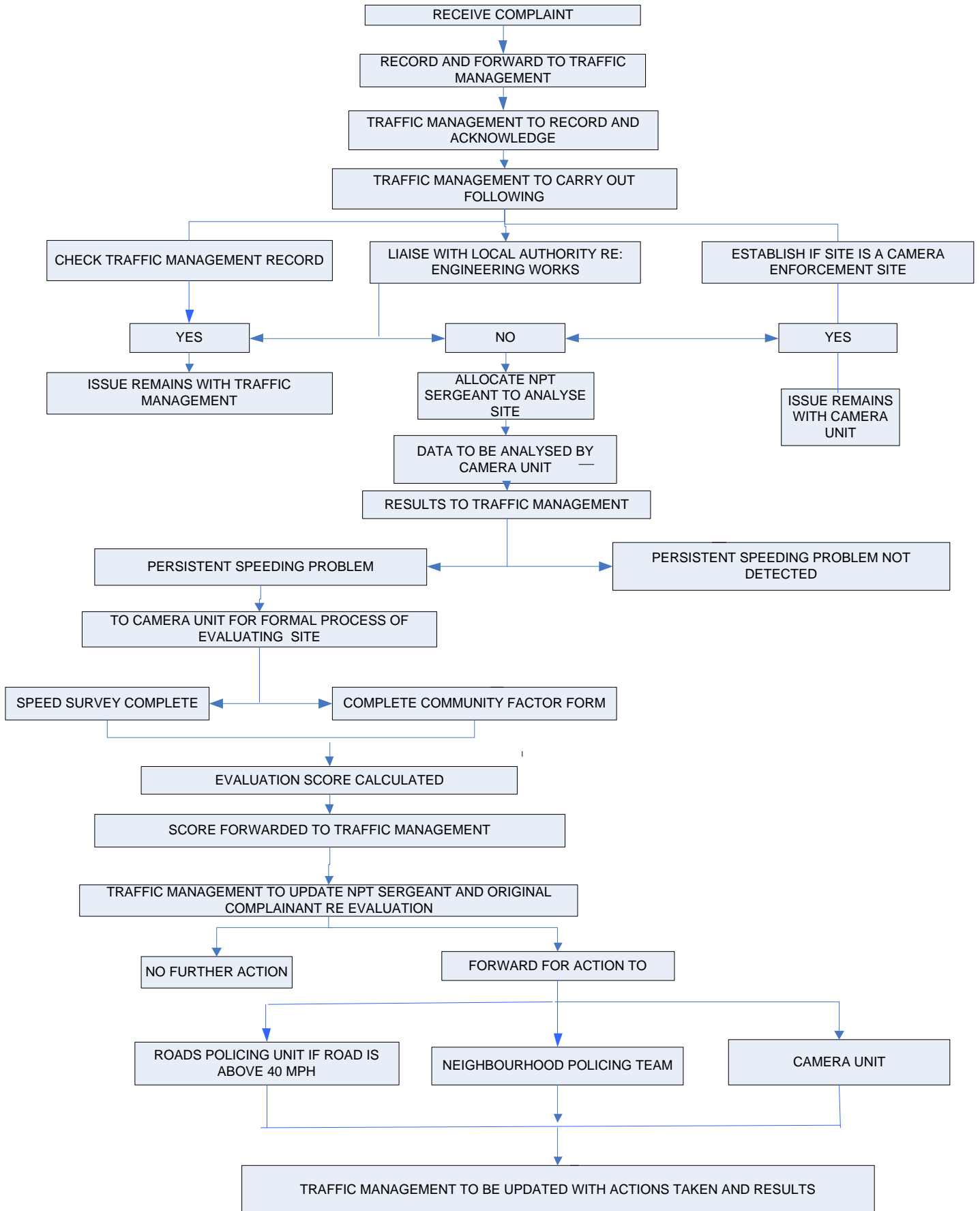
STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ

This document has been written to inform and guide police personnel on the process to be complied with when receiving, referring and addressing complaints received within the Force concerning perceived speeding vehicles on the roads within Gwent.

It has been developed in response to enable all police personnel, especially those in Traffic Management and Neighbourhood Policing Teams, to be able to respond to the concerns raised by members [of the public, local authorities, councillors etc through The Partnership and Community Together \(PACT\) process or through written or verbal complaints received by police personnel.](#)

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

SPEED COMPLAINTS PROCEDURE FLOW CHART



NOT PROTECTIVELY MARKED

INDEX

1.0 Guidance, Procedures, Tactics

- 1.1 Risk Assessments and Health & Safety Considerations
- 1.2 Specific Instructions, Tactics, Methods, Practices and Procedures
- 1.3 Individual Roles and Responsibilities
- 1.4 Related Protocols, Practices or Service Agreements with Other Agencies
- 1.5 Administration

2.0 Procedure Statement & Intentions

- 2.1 Principle & Scope of Procedure
- 2.2 Aims of Procedure

3.0 Introduction

- 3.1 Origins / Background Information
- 3.2 Motivators / Driving Forces
- 3.3 The Legal Basis and Legitimate Aims

4.0 Implications of the Procedure

- 4.1 Financial Implications
- 4.2 Human Resources / Training
- 4.3 Strategic Plan Links
- 4.4 Partnership Links
- 4.5 Diversity
- 4.6 Consultation

5.0 Human Rights Consideration Certification

- 5.1 Auditing for Potential Interference and Discrimination
- 5.2 Key Human Rights Principles
- 5.3 Rights, Publication, Audit and Inspection
- 5.4 Certificate of Compliance
- 5.5 Legal Vetting

6.0 Promotion and Distribution

7.0 Monitoring / Review

8.0 Procedure Identification Page

1.0 Guidance, Procedures, Tactics

1.1 Risk Assessment and Health and Safety Considerations

Police personnel should apply the Gwent Police Service Dynamic Risk Assessment.

1.2 Specific Instructions, tactics, methods, practices and procedures

1.2.1 Receive Compliant

Gwent Police can receive complaints with regards to possible speeding vehicles from many sources, from PACT (Partnerships and Communities Together) meetings, communication direct from the public, from Local Authorities, councillors etc.

These complaints can be received by any police personnel within the organisation. It is imperative that these complaints are recorded by the receiving officer and then forwarded to the Gwent Police Traffic Management Department who will provide a focal point for all speed related enquiries.

(An ORIS log is not to be created for this purpose)

1.2.2 Traffic Management

Upon receipt of the complaint the Traffic Management Department must record and acknowledge receipt of the complaint to the complainant. The complaint is to be recorded electronically where the progress of the complaint can be tracked through this procedure.

The following actions must then be carried out:

- Check site history records held within the Traffic Management Department (including Personal Injury Collision records over last 3 years).
- Establish with the Local Authority if any engineering work is planned at the site.
- Establish if the site is currently adopted as an enforcement site by the Wales Road Casualty Reduction Partnership (Gwent Camera Unit).
- Liaise with forwarding police personnel / local NPT to gain any further information required.

1.2.2.1 Engineering Work Planned

If the Traffic Management Department establish that engineering work is planned at the location within the next 12 months their records must be updated with the details of the complaint and the Department will monitor the engineering work planned.

If engineering work is planned to commence in excess of the next 12 months this procedure is to be complied with.

It will be for the Traffic Management Department to update the original source of the complaint with the details of the engineering work planned and that the work will be monitored by them. A copy of this update is to be forwarded to the referring police personnel for information.

1.2.2.2 Site Adopted as an Enforcement Site

If the site has been adopted by the [Gwent Camera Unit](#), Traffic Management is to forward the complaint to the Sergeant at the [Unit](#) so that the site history can be updated. [All further activity, especially that conducted by NPTs must have prior approval of the Sergeant of the Camera Unit, to ensure that consistency is achieved within the enforcement site.](#)

Traffic Management is to update the original complainant informing them that the site is an existing site and that enforcement is on going . A copy of the update is to be forwarded to the referring police personnel.

1.2.3 Site Not Adopted as an Enforcement Site / No Engineering Work Planned

If the site has not been adopted by the Camera Unit and there is no engineering work planned in the next 12 months, the following action is to be taken:

- 30 / 40 mph roads - the complaint is to be forwarded to the [NPT Sergeant to arrange for initial speed monitoring to be conducted at the site.](#)
- 40mph + roads - [the complaint is to be forwarded to the Roads Policing Unit \(RPU\) Inspector to arrange initial speed monitoring.](#)

Trained personnel within the NPT are to utilise suitable speed measuring equipment to carry out initial monitoring at the site.

[Action must commence at the site within 7 days of the referral from the Traffic Management Department. NPT are to conduct a minimum of 3 separate 1½ hour speed monitoring visits within a month.](#)

1.2.4 Data To Gwent Camera Unit

All of the data collected is to be forwarded to the Sergeant at the Camera Unit for evaluation.

- Persistent speeding problem.

If a persistent speeding has been detected at the site, further analysis (in the form of a covert speed monitoring survey) is to be carried out by Camera Unit staff. The Traffic Management Department is to be informed.

If the site is to be subject to further evaluation the Traffic Management Department must in the above communication inform the complainant that the formal process of evaluating the site will take approximately four weeks and that following that four week period the Traffic Management Department within Gwent Police will write to them informing them of the outcome.

- Persistent speeding problem not detected.

If the site is evaluated and a persistent speeding problem is not detected then the analysis results are to be forwarded to Traffic Management Department. They will then inform the complainant and the referring police personnel that no further action is to be taken by the Camera Unit at the site, at that time.

1.2.5 Persistent Speeding Issue.

If a persistent speed issue is detected via the covert speed monitoring survey results, the site will be assessed and given a site selection score dependant upon the following factors:

- No. of Personal Injury Collisions in the last 3 years.
- Average speed and 85th percentile speed.
- No. of community factors within complaint site and potential adverse impact it has on persons with protected characteristics.

The result of the formal evaluation by the Camera Unit and the complaint site score will be forwarded to the Traffic Management Department.

(All action carried out by the Camera Unit is governed by the Welsh Assembly Guidance document and the Wales Road Casualty Reduction Partnership exceptional site policy. Copies of which are available from the Sergeant of the Camera Unit).

1.2.6 Traffic Management

Upon receipt of the evaluation and site score the Traffic Management Department will update the original complainant with the result of the evaluation, further referrals and action required in line with the following information:

- If the site receives a score of between 0 and 9 then no further action will

be taken at the site.

- If the site receives a score of between 10 and 25 then it will be referred back to the NPT Sergeant covering the area for action to be decided at a local level around education, prevention and enforcement (enforcement action must be compliant with the Force Hand Held Speed Measuring Device Procedure).

NB

(If the speed limit is in excess of 40 mph it will be referred to the RPU Inspector, for allocation to a RPU Sergeant and action in line with the Force Hand Held Speed Measuring Device Procedure.)

- If the site received a score of 26 or above, [consideration will be given to adopting the speed complaint area as a Camera Enforcement Site.](#)

Traffic management must refer the matter to the relevant officers within the force for action as outlined above; a record of this referral must be kept within the Traffic Management office.

1.2.7 NPT / RPU / Camera Unit Action

When the NPT Sergeant or the RPU Sergeant receives a referral from the Traffic Management department action is to be put in place, this must be in line with the Force Hand Held Speed Measuring Device Procedure.

Action must be planned over a calendar month from the date of referral from Traffic Management.

Following this calendar month the Traffic Management Department is to be provided with details of action taken and the results of that action.

Traffic Management will update the complaint as to the action that has been taken at the site by the NPT Sergeant or RPU Sergeant.

1.2.8 Further Complaints

If a complaint is received by Gwent police within 2 years of the first referral this process will not be completed again provided that the Traffic Management Department has ensured that the nature of the site has not changed in the two year period.

If police personnel is in any doubt as to whether the nature of the site has changed in the 2 year period the complaint is to be referred to the Traffic Management Department.

The Traffic Management Department will check their records for the site:

Traffic Management will acknowledge the complaint and update the complainant that no further action will be taken at the site (outlining the reasons why), a copy of this is to be forwarded to the referring police personnel.

However this does not preclude any activity being carried out at a local level by the NPT team, any action must be communicated to the Traffic Management Department at the commencement and conclusion so that they can update the complainant and the referring police personnel.

1.2.9 Complainants seeking a reduction in a posted speed limit

Complainants seeking a reduction of a posted speed limit should be directed to contact the relevant highway authority.

1.3 Individual Roles and Responsibilities

All police personnel are to be deployed in line with the force procedure on the use of the hand held speed measuring device and the training package that accompanies it together with any associated documents.

The Traffic Management Department must establish an appropriate audit trail within their office to track the progress of speed complaints across the Force.

All police personnel engaged in the analysis process are required to have completed the appropriate initial training and any subsequent refresher training course(s) before operating the equipment, any officer that is not compliant with the manufacturer's recommendations for training and refresher training is not to operate the hand held device.

It is the responsibility of the operating police personnel to ensure that the equipment has been maintained and is compliant, for example calibrated; and that their training is up-to-date.

If there is any doubt as to whether a member of police personnel should use the equipment advice is to be sought from the [hand held device Force trainers](#) or via the [Gwent Police Community Safety Department](#), where central training records will be maintained.

Police personnel are required to wear full uniform and Force issued high visibility clothing at all times when operating the equipment.

All stops are to be recorded in line with the Force all stops and stop and search

policy and procedure.

Fixed penalties are to be issued in line with Force policy and procedure, as outlined in the Force Hand Held Speed Measuring Device Procedure.

1.4 Related protocols, practices or service agreements with other agencies

Hand-held Speed Measuring Device Procedure
Data Protection Policy and Procedure
Information Security
Health and Safety Policy and Procedure
Management of Records Procedure

1.5 Administration

Stops carried out in accordance with this procedure are to be recorded as per the Force's Management of Stops and Stop Searches Policy and Procedure.

Officers are to comply with Force Policy in relation to the prosecution of speeding offences in line with ACPO standards as applied within Force, details of which can be found in the Hand Held Speed Measuring Device Force Procedure.

2.0 Procedure Statement & Intentions

2.1 Principle & Scope of Procedure:

This document has been written to inform all officers, Operational Supervisors and police personnel of the procedure to be complied with when receiving and referring complaints of perceived speeding vehicles on the roads within Gwent.

2.2 Aims of Procedure

To provide a consistent response to perceived speeding vehicle complaints across the Force.

3.0 Introduction

3.1 Origins/Background Information

As a result of the growing number of complaints being received by the Force regarding perceived speeding vehicles a process was needed to allow police personnel to respond to those complaints in a professional, structured and accountable manner.

3.2 Motivators/Driving Forces

The enforcement of speed limits is a key factor in the reduction of road casualties in line with National and Force Targets.

This procedure has been developed to ensure best practice is achieved, that all relevant evidence is gathered and that there is a consistent approach across the Force in its response to complaints of perceived speeding vehicles.

This procedure has been developed in response to a need to enable all officers and police personnel, especially those within Neighbourhood Policing Teams, to be able to respond to the concerns raised by members of the public and priorities that have been raised from the Partnerships and Communities Together (PACT) process across the Force.

3.3 The Legal Basis and Legitimate Aims

Road Traffic Offender Act 1988

Road traffic Act 1988

Road Traffic Regulation Act 1984, The 70,60,50mph (temporary speed limit) order 1977

The Motorways Traffic (speed limit) Regulations 1984

The Traffic management Act 2004

4.0 Implications of the Procedure

4.1 Financial Implications

There is an implication in purchasing and maintaining the equipment to ensure compliance with this procedure.

4.2 Human Resources/Training

Police personnel will require additional training to carry out some aspects of the procedure. This training will be co-ordinated and [delivered by Force trainers, details of whom can be obtained via the Community Safety Department.](#)

4.3 Strategic Plan Links

Developing a structured response for police personnel to respond to complaints of perceived speeding vehicles will allow police personnel to work towards [reducing road casualties in line with the forthcoming Department for Transport framework agreement \(yet to be ratified\)](#).

4.4 Partnership Links

Developing this procedure will allow neighbourhood teams and roads policing officers to respond to the concerns raised by the community through PACT meetings held across the force by Neighbourhood Teams and by the Local Authority and other partner agencies.

This procedure is consistent with current policies and procedures within the Wales Road Casualty Reduction Partnership.

4.5 Diversity

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community. An equality impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Equality impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following legislation must be considered.
Equality Act 2010

4.6 Consultation NOT PROTECTIVELY MARKED

Police Authority
Chief Officers
Superintendents Association
UNISON
Federation
[Heads of Department](#)
Chief Inspector Roads Policing Unit
Chief Inspector Community Safety Department
[Neighbourhood Inspectors](#)
[Sergeant Gwent Camera Unit](#)
Traffic Management Department Supervisor
Data Protection Officer
Information Security Officer
Freedom of Information Officer
Force Solicitor
Force Network co-ordinator.

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 3, 6, 8, 9, 10, 11, 14.

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

In the application of this procedure the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights.

5.2 Key Human Rights Principles

Q1. What is the legal basis for your procedure?

Road Traffic Offender Act 1988
Road Traffic Act 1988
Road Traffic Regulation Act 1984. The 70,60,50 mph (temporary speed limit) order 1977
The Motorways Traffic (speed limit) Regulations 1984

Q2. Does the procedure provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this procedure? Restrictions on the rights protected in articles 8 -

NOT PROTECTIVELY MARKED

11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and
5. The protection of the rights of others.

Any restrictions relating to human rights will be in accordance with the above principles.

Q3. How are staff made aware of the clearly defined decision making processes?

As outlined in section 1.2

Q4. What are the minimum standards of documentation in relation to decision making?

As outlined in section 1.2

Q5. How does your procedure provide guidance on the justification for assessment and actions as to whether the action is the least intrusive?

As outlined in section 1.2

5.3 Rights, Publication, Audit and Inspection

Q1. Are there any sections of the document which should not be disclosed to the public on the Force Publication Scheme; because they consist of tactical or operational procedures, that would inhibit the apprehension or prosecution of offenders if publicly known, or would compromise the ability of the force to carry out its duties? Please outline the relevant sections that cannot be disclosed.

This document cannot be disclosed

5.4 Certification of Compliance

Consideration has been given to the compatibility of this procedure and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

There are no issues in this procedure under ECHR, which cannot be resolved. This procedure has been vetted.

6.0 Promotion and Distribution

ACPO

All Senior Officers – Chief Inspector and above

Roads Policing Senior Officers

Gwent Camera Unit Co-ordinator

Neighbourhood Inspectors and Sergeants

Traffic Management Department

To be published on the Force Intranet Site

GO Entry

7.0 Monitoring / Review

The Traffic Management Department is required to ensure compliance with this procedure; this must be demonstrated through an audit trail to be established within the Traffic Management Department.

The Neighbourhood Sergeant / RPU Sergeant are to maintain records in respect of all activities outlined within the procedure.

Following any analysis or period of activity at a site which is subject to this procedure a full report is to be forwarded to the Traffic Management Department who will circulate this information to relevant parties.

Police personnel operating any of the equipment in response to a complaint are to keep records in line with their training and the requirements outlined in the Force Hand Held Speed Measuring Device Procedure.

8.0 Procedure Identification Page

Procedure Title: Speed Complaints Procedure

Reference: 319/4 b issue 2

Procedure Ownership: Superintendent Uniform Operations

Portfolio/Business Area Owner: Chief Officer Operations

Procedure Written By: [Sergeant Wales Road Casualty Reduction Partnership \(Gwent Camera Unit\)](#)

Department Responsible: Uniform Operations

Procedure Lead: Superintendent Uniform Operations

Links to other Policies/Procedures: Professional Standards Reporting, Direction and Control Complaints, Health and Safety, Police Vehicle Collision, All stops and stop and search, Data Protection, Hand Held Speed Measuring Device.

Procedure Implementation Date: 29th August 2008 OPG. Reviewed 31st May 2011

Procedure Review Date: two years from implementation: