

PFCC Decision Report

Report reference number: 037-24

Classification: Official

Title of report: Motor insurers' Bureau Funded Policing Activity

Area of county / stakeholders affected: Countywide

Report by: Insp 3440 Swain (South Roads Policing Inspector)

Chief Officer: ACC Nolan

Date of report: 4th March 2024 (received in the PFCC's office 28th March 2024)

Enquiries to: Insp 3440 Swain (South Roads Policing Inspector)

1. Executive Summary

This decision report features a recommendation to the Police, Fire and Crime Commissioner to enter into a legal agreement to accept an initial donation of £50,000 from the Motor Insurers' Bureau, in order to fund proactive policing relating to uninsured drivers in Essex.

2. Recommendations

To endorse and approve the donation agreement as set out at Appendix 1 between the Motor Insurers' Bureau, the Chief Constable of Essex Police, and the PFCC, for the initial sum of £50,000.

Any future funding agreements will be subject to a separate decision report.

3. Background to the Proposal

The Motor Insurers' Bureau (MIB) Group consists of the Motor Insurers' Bureau (MIB) and subsidiary companies Tracing Services Limited, MIB Management Services Limited and MIB Portal Services Limited. The Motor Insurers' Bureau is a company limited by guarantee registered in England and Wales under company number 412787 (VAT number 991 2548 92) whose registered office is at Linford Wood House, 6-12 Capital Drive, Milton Keynes MK14 6XT. Every insurer underwriting compulsory motor insurance is obliged, by virtue of the Road Traffic Act 1988, to be a member of the MIB and to contribute to its funding.

Uninsured driving affects everybody. This is a problem that seriously affects the lives of those involved in road accidents and costs millions of pounds every year. Each year, thousands of people are injured or killed by uninsured drivers and, without the correct insurance, their compensation comes from the Motor Insurers' Bureau. This bill is paid for through the insurance premiums of all motorists.

Evidence suggests that uninsured vehicles are consistently used to conduct wider criminal activity and are more likely to be involved in a collision, so by targeting uninsured drivers we can help deter criminal activity, remove their means of transport and make our roads safer.

The MIB works alongside the police to remove uninsured vehicles from UK roads. The MIB also works with enforcement agencies such as the Driver and Vehicle Licensing Agency (DVLA) in a joint venture to tackle uninsured driving using the powerful continuous insurance enforcement legislation.

The MIB, which supports victims of uninsured and hit-and-run driving, has stated that it assisted around 30,000 people in the calendar year ending 31 December 2023 – with the worst injured often needing care and treatment for the rest of their lives. In 2023 alone, the MIB paid out more than £375 million in compensation to victims, which is ultimately paid for by honest premium-paying motorists through their insurance policies.

Within Essex alone, for the 12 months ending 26 March 2024, the force seized almost 4,000 vehicles, the majority without valid insurance. A dedicated vehicle recovery unit utilises three authorised recovery agents to collect vehicles from the roadside seized under section 165A of the Road Traffic Act 1988. A number of these vehicles are not reclaimed within the statutory 14-day period and are then disposed of.

In addition to the detected offences, uninsured driving featured in a fatality in Essex in 2023. There are also numerous instances nationally where no insurance has been recorded in fatal collision, albeit not the main contributing factor.

The MIB has commenced a trial whereby it has identified four forces to undertake specifically funded policing activity dedicated to tackling the ongoing issues associated with uninsured driving. One of the four forces to be approached for this funding is Essex. West Midlands Police has already agreed the funding donation

through a legal document and is seeing positive results from the operations to date, taking upwards of 12 vehicles off the road each day they are deployed. There has also been significant action related to criminal use of the road networks.

Current statistics show that Essex has two of the top 10 areas for non-insured driving; Southend and Thurrock.

4. Proposal and Associated Benefits

This proposal is to enter into a legal agreement with the Motor Insurers' Bureau to donate the initial sum of £50,000 to Essex Police to support the trial of specifically tasked days tackling uninsured drivers. The initial sum of £50,000 will fund four officers, working rest days alongside a staff member from the vehicle recovery unit, to process the seizures and a communications officer / ANPR operator to provide tasking and organise the response to activations. Following an anticipated four-month period, the MIB will review the success of the activities and make a decision as to whether funding will continue or cease.

The funding from the MIB will augment existing activity to target uninsured drivers. The MIB-funded officers will work with another four officers on normal rostered duties to deliver targeted operations. This does not incur any additional financial or opportunity costs as it constitutes a more coordinated use of resources that would otherwise have been doing this work within their normal duties.

The targeting of uninsured drivers, and the hotspot locations we will operate in, align with Force Plan and Control Strategy priorities as uninsured drivers are more likely to be a danger on the roads and / or involved in other criminality.

This activity will have no financial implications for Essex Police regarding officer and staff pay. There is already a recovery contract in place for the vehicles and an effective back-office system which can undertake the processing of the seizures. The funding will cover the costs for the officers and their activities.

A dedicated team working solely to detect uninsured drivers will allow more vehicles to be seized and remove those vehicles from the roads of Essex, preventing further offending, be it minor or high-level Road Traffic Act offences. It will also reduce the criminal use of uninsured vehicles.

The operation will be publicised and highly visible and act on current information supplied by the MIB and policing databases. It will send a clear message to those considering driving in Essex without insurance that this will not be tolerated. This in turn will increase confidence in communities that Essex Police has a robust and proactive stance to uninsured drivers; something which impacts a significant number of the Essex public and businesses.

The dedicated operation will support Roads Policing Officers and free up other officers to attend other calls for service and focus on other areas of risk within the county.

As only one of four police forces selected to undertake this trial, this will offer positive partnership working and increase bonds within these forward facing and highly visible organisations.

5. Options Analysis

Option 1.

The preferred option is that the Commissioner endorses the recommendation contained within this report, allowing Essex Police to accept the initial £50,000 donation from the MIB to fund specific proactive policing activity, tackling uninsured driving.

Option 2.

The Commissioner could choose not to support the recommendation and not accept the donation of £50,000 from the MIB for police enforcement activity. Essentially this would mean that the activity would either not take place due to ongoing operational demands or would be significantly reduced. This would impact the effectiveness of Essex Police response to tackling uninsured drivers on the roads, reducing the anticipated results which could be achievable with the specific operations suggested.

6. Consultation and Engagement

Consultation has occurred with the management of the MIB, other trial forces, including West Midlands Police, which has the same legal agreement as that proposed for Essex, and the Finance team. The Force Solicitor has reviewed the legal document and has advised there are no significant issues. The agreement has been amended to clarify the operational independence of the Chief Constable and other officers under his direction and control.

7. Strategic Links

PFCC – Police and Crime Plan 2021-2024

The initiative supports many areas of the Police and Crime Plan and specifically the priority to improve safety on our roads, supporting Vision Zero objectives by promoting safer driving behaviours and robustly targeting those who cause the most harm. By working with a partner, MIB, we are correcting the misconception that it is acceptable to commit moving traffic offences which could ultimately lead to serious injury or death on our roads.

Force Plan

Within the Force Plan, one of the 11 priorities is to prevent, respond to and investigate death and serious injury on our roads. This dedicated policing activity will target the uninsured motorists who are responsible for a number of these incidents as well as criminal use of the roads. This links into other priorities within the Plan including burglary and robbery, serious and organised crime and exploitation, be it child or adult human trafficking.

Essex Police Control Strategy

Theft of motor vehicles is a priority in the Essex Police Control Strategy. In order to commit this crime, there is the criminal use of vehicles which are uninsured. Dealing with the vehicles in the infancy affects the overall amount of vehicles available to criminal gangs intent on stealing other high value vehicles.

8. Police operational implications

The funded officers and staff would be found from those that are on rest days. Within Essex, there is still a desire of officers and staff to earn overtime on rest days, therefore there are no anticipated issues with delivering the operations.

The current strains on the vehicles within Essex Police may cause an operational issue. There will need to be a response by officers at the road checks therefore it is expected that we will need to reposition some of the existing OPC fleet for the operational deployments. This will not affect the total number of vehicles on the fleet or impact on business-as-usual policing.

Officers funded through the MIB funding will work with the equivalent number from BAU resourcing. These officers will be drawn from Roads Policing or wider OPC resources, teams that target uninsured drivers within their normal duties. The resourcing of these deployment will not impact on minimum RPU levels or the force's effectiveness in dealing with calls for service. This activity clearly aligns with the work of RPU and other OPC teams.

Essex Police has a very robust stance on road traffic matters. We are also well respected within partnerships and are particularly supportive of national operations, forward thinking regarding operations to address the number of KSI (killed and seriously injured) collisions and supportive of charitable work such as the BRAKE foundation. This additional activity will ensure Essex is a hostile area to enter if you do not have the necessary insurance covering you to drive safely within the county.

9. Financial implications

This report relates to the initial donation of £50,000 which would be accounted for and controlled in the Essex Police finance system. When officers and staff conduct work associated with the specific operations, they will be paid by Essex Police and the funds would be transferred from the donation funding, to cover the additional expenditure (at net nil cost to the force). Once the donation is used in full the activity will cease. As such, Essex Police will not have to provide any financial resources for this proposal.

The Force expects to spend all £50,000 with no risk of any of the funds not being spent.

Expenditure of the funds will be monitored within the current OPC budget monitoring process. Performance will be monitored, assessed and reported through the OPC regular Command team with oversight from the Assistant Chief Constable. This will

ensure all funds are fully spent and the spend is against the agreed tasking of targeting uninsured motor vehicles. Once the donated fund is used in full, a final report with activity undertaken and outcomes achieved will be approved through Essex Police internal governance processes and then reviewed by the PFCC's Chief Financial Officer. Once the report is approved and reviewed it will be provided to MIB. There are no other reporting requirements to MIB.

10. Legal implications

Section 93 of the Police Act 1996

Acceptance of gifts and loans.

(1) A local policing body may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as appear to the body to be appropriate.

(2) The terms on which gifts or loans are accepted under subsection (1) may include terms providing for the commercial sponsorship of any activity of the local policing body or of the police force maintained by it.

G1901 Procedure - Charging for Police Services

This procedure is based on the NPCC Guidance on Charging for Police Services effective from April 2022.

Policing is primarily provided as a public service, the majority of which is funded from national and local taxation. However, there are also some functions performed that are beyond ordinary public duty, where it is appropriate for the force to make charges to individuals or organisations to recover costs. In other areas, there are opportunities for the force to provide goods or services which are relevant to specific policing roles and skills. Ensuring that charges are levied effectively in such circumstances will protect the public police provision and contribute to the overall funding of the service.

This policy is intended to achieve consistency wherever possible and to secure credibility and confidence in the charging process and to ensure that proper cost recovery across the service is not undermined.

Compliance with this procedure and any governing policy is mandatory.

11. Staffing implications

This proposal seeks to utilise the funding from the MIB of four police officers working on a rest day, one vehicle recovery staff member and a comms operator / ANPR operator. In addition, the force will augment the funded staff with four rostered duty officers, ideally from an RPU, who have the necessary knowledge and

understanding of road traffic law to ensure the matters are dealt with efficiently and correctly, thus reducing the future burden on support staff.

Rest day working will be paid at Essex Police private hire rates which, in this instance, will be at time and a half. Protocols L1660 – Police officer / L1680 Police staff relate to overtime rates and payment.

Consideration has been given regarding the vehicles and the wear and tear on them and the fuel used. This is incorporated within the proposal and the funding amount and will be covered by a reduction in the overall officer hours and an estimation of the costs incurred, obtained from transport services.

There will be no training implications for the officers and staff associated with this initiative. All officers are aware of the relevant legislation and policies. The staff are trained and have expertise in the areas required of them.

12. Equality, Diversity and Inclusion implications

There will be no equality, diversity and inclusion implications associated with the request to endorse the recommendation contained within this decision report. There will be no disadvantages to people with protected characteristics.

13. Risks and Mitigations

The main risk to this proposal is the legality of the donation and the need to ensure it meets the requirements pursuant to Section 93 of the Police Act 1996. In order to ensure the agreement meets the requirement, it has been reviewed by the Essex Police legal and financial teams.

There are no associated risks if the funding is not continued. The operational arrangements and deployment of the additional officers will be stopped at the point funding ceases.

14. Governance Boards

The proposal is supported by the Chief Constable but has not been considered by any formal governance boards.

15. Links to Future Plans

This is an initial trial period. The results of the trial will be reviewed by the senior management of the MIB in consultation with the relevant trial forces to understand the success and whether this proposal can form part of a longer term funded strategy. A further decision report will be submitted at this point if the trial is to be continued.

16. Background Papers and Appendices

The legal framework associated with this submission:



DonationAgreementE
ssexPoliceFinal20202.

Report Approval

The report will be signed off by the PFCC's Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O.

Sign: 

Print: P. Brent-Isherwood

Date: 28 March 2024

Chief Finance Officer

Sign: 

Print: Janet Perry

Date: 04 April 2024

Publication

Is the report for publication?

YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

None

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet?	YES	<input type="checkbox"/>	2. Of Appendix?	YES	<input type="checkbox"/>
	NO	<input checked="" type="checkbox"/>		NO	<input checked="" type="checkbox"/>

If 'YES', please provide details of required redaction:

N/A

Date redaction carried out:

Chief Finance Officer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign:

Print:

Chief Executive / Chief Finance Officer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: 

Print: Roger Hirst

PFCC/Deputy PFCC

Date signed: 12/04/2024

I do not agree the recommendations to this report because:

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.....
.....

Sign:

Print:

PFCC/Deputy PFCC

Date signed: