



BUS LANES AND RESTRICTED ROADS POLICY

Executive Summary

The policy provides 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 (WMP). The policy reinforces the responsibilities of all officers and staff to ensure that the care and use of vehicles projects a positive image of WMP.

Authorised Professional Practice (APP)

This policy has been checked against APP and there is none in relation to the subject matter of this policy.

Scope

The Chief Constable has overall direction and control of WMP and is ultimately accountable for all policies and supporting documents of the organisation and its actions. Adherence to this force policy will be expected from:

- All police officers and police staff of WMP who have been assessed and authorised as drivers for WMP. Police vehicles may only be driven by officers and staff who have been authorised in accordance with the [Police Driving APP](#).
- All motor vehicles provided for use within WMP geographical areas and shall apply equally to the use of motorcycles and marked and unmarked police vehicles.
- This policy only applies to police officers and police staff when on duty.

Objectives

The purpose of this policy is to:

- Meet the operational needs of 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.
- Outline the expectation and responsibility of the WMP employee when a bus lane or restricted road is contravened.

Definitions/Acronyms

APP	Authorised Professional Practice
ASB	Anti-Social Behaviour
LPA	Local Policing Area
NIP	Notice of Intended Prosecution
PCN	Penalty Charge Notice
RTC	Road Traffic Collision
SPOC	Specific Point of Contact
WMP	West Midlands Police



Policy Information

1. STANDARDS OF DRIVING TO ENSURE PUBLIC SAFETY

- 1.1 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.
- 1.2 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.
- 1.3 At all times public safety will be paramount. Employees will prioritise public safety above the desire to attend an Emergency Incident or apprehend a suspected offender.
- 1.4 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.
- 1.5 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.

2. CONTRAVENING A BUS LANE OR RESTRICTED ROAD (OPERATIONAL PURPOSES)

- 2.1 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 Emergency Incident.
- 2.2 Each contravention of a Bus Lane or Restricted Road will be judged on its own merit.
- 2.3 It is recognised that on occasions employees will contravene a bus lane or restricted road due to operational requirements. These occasions include;
 - response to an emergency incident as directed by the Force Contact Centre
 - vehicles exempt from the white lists
 - occasional operational reasons which are not classed as an emergency incident. (i.e. road traffic collisions (RTC) which occur in bus lanes, forensic examination, a medical emergency etc)
 - with direction from the local policing unit (LPA) to address community concerns with anti-social behaviour (ASB) or Crime.
- 2.4 Even if the employee has justification as listed above, the employee will still have responsibility to document the contravention of a bus lane or restricted road, notifying the Force Contact Centre by the use of their Airwave radio and by placing an entry on the incident log. This is to be completed as soon as practicable.



3. CONTRAVENING A BUS LANE OR RESTRICTED ROAD (NON-OPERATIONAL PURPOSES)

- 3.1 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.
- 3.2 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.
- 3.3 The employee's supervisor will consider management action after reviewing all circumstances if they believe that the employee's actions were not justified.
- 3.4 In these circumstances, if you are in receipt of such a notice, with no operational policing purpose identified, then you should notify the Professional Standards Department by completing a change of circumstances form.

4. PAYMENT OPTIONS ON RECEIPT OF A PENALTY NOTICE

- 4.1 Upon receipt of the bus lane / restricted road Notice of Intended Prosecution (NIP) / Penalty Charge Notice (PCN), Fleet Services (Corporate Asset Management) will use telematics to try and identify the driver/rider.
- 4.2 Where a driver / rider is identified, Fleet Services will email the NIP / PCN to the driver/rider and the LPA / departmental specific point of contact (SPOC) within 48 hours for payment or appeal.
- 4.3 The mail sent to the nominated driver / rider will include a copy of the NIP / PCN which should be read in full to ascertain details on how to pay or appeal.
- 4.4 Where Fleet Services are unable to identify a driver / rider, the NIP / PCN will be emailed to the departmental SPOC within 48 hours and they will be responsible, on behalf of the department Standards Manager, for conducting local enquiries i.e. reviewing the vehicle log book, identifying the incident log etc. to identify the driver / rider.
- 4.5 To support this process the PCN / NIP will also be forwarded to the LPA / Department Planning email account where available.
- 4.6 The SPOC will ensure that the driver of the vehicle is identified within 7 days from receipt of notification.
- 4.7 If the driver/rider cannot be located within the 7-day period and no operational reason can be identified, the WMP LPA / Department Chief Inspector or above (or staff equivalents) should authorise payment of the fine as the registered keeper of the vehicle whilst enquires continue into identifying the driver/rider. This will prevent the employee having to pay an increased fine once they are identified.



4.8 Once the driver / rider is identified then the employee will be expected to pay all monies back to WMP.

4.9 If an employee is identified as the driver / rider of the police vehicle and has not complied with this policy, the Standards Manager after reviewing all circumstances will consider taking any disciplinary action against the employee.

4.8 Payment of Penalty Charge Notice (operational need not identified)

4.8.1 If the driver / rider identifies 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 Standards Manager Authority with their rationale as to the contravention.

4.8.2 In the event that the driver / rider wants to appeal the fine, they will appeal to the Force (via their Standards Manager) who will then make that decision as to Operational Use / Policing Purpose.

4.9 Payment of Penalty Charge Notice (operational need identified)

4.9.1 If the contravention has occurred due to a valid operational reason and the driver / rider believes they have a right of appeal then the employee must submit the circumstances and grounds for appeal to their Inspector or above. This rank should be in line with the issuing Council's appeal guidance and the rank required for appeal submission.

4.9.2 If the relevant line manager agrees that an exemption applies, they will endorse the NIP / PCN to evidence this to support an appeal within the timelines detailed in the NIP / PCN.

4.9.3 The employee should then ensure the appeal is submitted in line with the details on the PCN / NIP. The employee remains responsible for the NIP / PCN until it is made null and void.

4.10 Employee refusal to pay the penalty notice

4.10.1 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 Finance and the employee.

4.10.2 In the event that the employee refuses to pay the fine, the departmental Standards Manager will be informed and will refer the employee to the Professional Standards Department for Misconduct procedures to be implemented.

5. LEGISLATION

5.1 Road Traffic Act 1988

5.1.1 The Highway Code is issued with the authority of Parliament under the [Road Traffic Act 1988](#). 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.



5.1.2 On occasions, often due to circumstances outside their control, police drivers / riders will find themselves considering contravention of other signs and regulations where no statutory exemptions exist. Such actions could result in criminal / disciplinary proceedings.

5.1.3 No circumstances can justify the contravention of any legal requirement, whether exempted or not, which would endanger any road user.

5.2 Transport Act 2000

5.2.1 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:

- the owner of the vehicle involved in the contravention or
- 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.

5.3 Traffic Management Act 2004

5.3.1 [Part 6](#) Civil Enforcement of Traffic Contraventions of the [Traffic Management Act 2004](#) 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.

Relevant Legislation / Policies / Procedural Guidance

- [Road Traffic Act 1988](#)
- [Transport Act 2000](#)
- [Traffic Management Act 2004](#)

Equality Impact Assessment

WMP places trust in their employees to comply with force policies and to work in accordance with and in support of:

- [WMP Vision and Values](#)
- [Code of Ethics | College of Policing](#)
- [Voice of the Child](#)



	What impact has this policy had on the nine protected characteristics in relation to the three general duties? (If applicable)	How will this updated policy positively impact each of the nine protected characteristics in relation to the three general duties? If not, explain why it will not.
Age (including children and young persons)	No Impact	By circulating the policy internally for consultation consideration has been given to engaging all ages within the WMP. Given the age range of the workforce the style of communication is appropriate and accessible to all. The policy is also made accessible to all via the WMP Policy portal which has previously been subject to equality impact assessment.
Disability	No Impact	This policy relates to contravention of bus lane and restricted roads and the payment/ appeal for subsequent PCN / NIP. If employees are subject to any reasonable adjustments then this will be supported.
Gender Reassignment	No Impact	The language used does not reflect any reference to gender identity or relationships which may identify the sexual orientation of anyone involved.
Pregnancy & Maternity	No Impact	Nothing in this document or the prescribed processes may lead people to make presumptions about any individuals in this respect and applies to all drivers.
Marriage & Civil Partnership	No Impact	The language used has no reference that reflects different relationships. The policy could not lead people to make presumptions about the relationships of those involved. This review will have no impact on any individuals or their personal or professional relationships and applies to drivers.
Race	No Impact	No particular racial / ethnic groups will be more disadvantaged than others in relation to this Policy Document and subsequent identified processes. The group of people involved in completing the consultation process is diverse and from no particular race or ethnicity. The Diversity & Inclusion Coordinator and the pertinent federations and associations have also been included in the consultation process.
Religion or Belief	No Impact	No particular religious groups will be more disadvantaged than others in



		relation to this Policy Document and the beliefs of individuals are not affected by the processes. The group of people involved in completing the consultation process is diverse and from no particular religion or belief.
Sex	No Impact	Throughout the review and consultation period the differing needs of people with different genders has been considered by a varied group of individuals within the organisation. The document is equally accessible by people of different genders. The document has also been sent for consultation to ensure it meets the needs of those with different gender identities. This policy makes no reference to the gender of a person.
Sexual Orientation	No Impact	The language used throughout this document does not reflect different relationships and no presumptions about the sexual orientation of those involved could be drawn.
Other identified group (e.g. Carers, Gypsy and Traveller communities, socio-economically deprived, etc.)	No Impact	No presumptions can be drawn about individuals and any of these identified groups
A particular WMP Dept or West Midlands area	No Impact	The new streamlined policy document is much easier for the end product user to use. The language and grammar have been improved in order to make it more accessible and the format has also been improved upon. This impacts all WMP drivers.



Publication Instructions

Suitable for publication to public

Document Control

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FET Lead: <i>[role and name]</i>	ACC O'Hara [REDACTED] Assistant Chief Constable - Operations
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Any enquiries in relation to this policy should be made directly with the Strategic Lead.

All policies are subject to a formal consultation process which encompasses Legal, Professional Standards, Faith Groups, Trade Unions, Independent Advisory Groups and wider force groups and any other relevant parties. A record of consultation can be found on the Policy Portal.

It is responsibility of the Strategic Lead to ensure that all links within the policy are correct and accessible.

Amendment History:

Version Number:	Effective Date:	Summary of Amendments:	Author:
2	28/4/15	All policy amended	T/Insp [REDACTED]
2.1	25/4/25	Minor amendments to include new force language, departmental structures and policy templates.	CI [REDACTED]