

DMPC Decision – PCD1594

Title: Evidential Screening Devices

Executive Summary:

This paper is seeking the support to initiate procurement for Evidential Screening Devices. The devices enable officers to conduct roadside preliminary alcohol screening breath tests. Most existing devices have been in circulation for a considerable period of time, and there is a need to increase device availability and reliability to ensure compliance with regulation.

Recommendation:

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

1. Approve the initiation of a procurement for preliminary roadside breath testing devices (Evidential Screening Devices) framework up to the value of £1m with an initial call-off of £400k to support the procurement of 1,550 devices and associated consumables. Only the initial call-off element is budgeted for.
2. Delegate the approval to award the outcome of the procurement to the Director of Commercial Services.
3. The replacement evidential screening devices are a one off purchase totalling £0.400m to be met from the New Met for London earmarked reserve which was created in 2023/24. The consumable costs will continue to be met from existing BCU budgets which will be less than £2,000 per annum per BCU.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature

Spencer Under

Date 18/03/2024

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. Section 6 RTA 1988 provides officers with powers to require preliminary alcohol screening breath tests using Home Office-type approved Electronic Screening Devices (ESD). These devices are essential to assist officers in identifying those drivers who are likely to be over the prescribed limit whilst, equally importantly, eliminating those drivers more than likely not committing such offences.
- 1.2. In addition Sec 6(D) allows a constable to arrest a person if, as a result of such a preliminary breath test, they suspect the person has excess alcohol either in their breath or blood, and Sec 6(E) provides a constable power to enter when there has been an injury accident to require a preliminary breath test or arrest a person under Sec 6(D).
- 1.3. ESDs are therefore a vital tool in enabling officers to exercise their powers under Sec 6 and effectively enforce the relevant drink drive legislation. It is MPS policy that all drivers involved in a collision are subject to a roadside breath test. Such devices are required to be type approved by the Home Office before they can be used for such enforcement and the MPS are required to provide annual breath test returns on their usage.
- 1.4. Currently the MPS use both the Lion 500B alcometer and Draeger A6820. The devices are managed at a local level, which include the purchase of replacement devices where required.
- 1.5. Many of the MPS devices were introduced around 2008 so still have a repair service offering but it is not possible to purchase replacements. The cost of repair now often outweighs the cost of a new device, leading to increased disposals.
- 1.6. FLP officers highlighted a lack of ESDs across BCUs to Met Succeed. The replaced devices were redistributed across the MPS, however, despite this and the number of devices shown on contract there appears to be a lack of operational availability throughout the MPS which results in officers having significant waiting times for devices, no devices being available or officers arresting drivers without conducting a breath test. Such situations are undesirable, potentially unlawful and draw criticism both from within the organisation and externally. In 2021, the IOPC issued the MPS with a Section 10 Learning Recommendation as a result of a complaint they received from a driver detained for an hour whilst officers awaited an ESD.
- 1.7. Roads Policing Teams are regularly asked to assist local officers with an ESD either as a result of attending road traffic collisions (to ensure compliance with MPS policy) or suspecting drivers of alcohol consumption during routine stops. In some cases this can involve significant distances being travelled which is inefficient and detracts from their core business enforcing road safety and policing the strategic road network.
- 1.8. The Mayor's Vision Zero Action plan published in 2018 identified that 8% of road deaths in 2016 involved drivers under the influence of alcohol and/or drugs whilst 51% of people riding motorcycles claimed to sometimes ride under the influence of alcohol. This proposal supports the MPS response to this action plan by assisting in the identification of offenders and, through visible roadside breath testing, deter those from driving after consuming alcohol.
- 1.9. The benefits for this proposal are:
 - 1.9.1. Increased device availability – the current shortage of ESDs prevents officers from carrying out preliminary breath tests. Acquiring new devices would alleviate

the shortage and ensure that officers have the necessary tools to enforce road traffic regulations and eliminates waiting times for devices.

1.9.2. Enhanced reliability and accuracy – Modern ESDs devices will be equipped with the latest technology, leading to improved accuracy and reliability. This ensures credible enforcement efforts, minimizing the risk of false positives or negatives.

1.9.3. Compliance with regulations – new ESDs will lead to increased compliance with MPS policy related to roadside breath tests.

1.9.4. Improved public safety – With readily available ESDs officers are more likely to regularly conduct tests, leading to better enforcement of road traffic legislation. This in turn will contribute to enhanced public safety by removing impaired drivers from the road and reducing the potential for accidents caused by alcohol-impaired drivers.

1.9.5. Operational efficiency and long-term value – The use of modern ESDs streamlines testing procedures, reducing downtime and increasing officer productivity. Whilst there is an initial investment, the long term benefits include reduced maintenance costs and extended operational lifespan.

1.10. These benefits collectively highlight the urgency and importance of upgrading to new ESDs to address current operational challenges and enhance MPS effectiveness at enforcing road traffic legislation and policy.

2. Issues for consideration

2.1. A decision is required from the Deputy Mayor by 31st January 2023 as there is a need to commence procurement.

2.2. This proposal contributes to the MOPAC Police & Crime Plan 2022-25. The Mayor's Vision Zero Action plan published in 2018 identified that 8% of road deaths in 2016 involved drivers under the influence of alcohol and/or drugs whilst 51% of people riding motorcycles claimed to sometimes ride under the influence of alcohol. The proposal supports the MPS response to this action plan by assisting in the identification of offenders and, through visible roadside breath testing, deter those from driving after consuming alcohol.

3. Financial Comments

3.1. Budget has been made available via New Met for London but this is only sufficient to cover the initial £400k call-off, meaning an additional £600k will need to be requested in additional funding or sourced internally.

3.2. Devices to be purchased are subject to Home Office Type Approval. London Anchor Institutions & Social Value will be included as part of the competitive process.

3.3. The replacement evidential screening devices are a one off purchase totalling £0.400m to be met from the New Met for London earmarked reserve which was created in 2023/24. The consumable costs will continue to be met from existing BCU budgets which will be less than £2,000 per annum per BCU.

3.4. Further information is available in the restricted chapters.

4. Legal Comment

4.1. The Mayor's Office for Policing and Crime ("MOPAC") is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of public contracts for goods and/or services valued at £213,477 or above shall be

procured in accordance with the Regulations. This report confirms the value of the proposed framework agreement and contract exceed this threshold.

- 4.2. Section 4 of this report confirms the MOPAC's route to market is compliant with the Regulations.
- 4.3. The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve:
- 4.4. Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and
- 4.5. All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).
- 4.6. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.

5. Commercial Issues

- 5.1. The initiation of a procurement for preliminary roadside breath testing devices (Evidential Screening Devices) framework up to the value of £1m with an initial call-off of £400k to support the procurement of 1550 devices and associated consumables.
- 5.2. A framework procurement will be completed in line with all awards of public contracts for goods and/or services valued at £213,477 or above shall be procured in accordance with the Regulations.
- 5.3. Further information is contained in the restricted sections of the report.

6. GDPR and Data Privacy

- 6.1. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.
- 6.2. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
- 6.3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
- 6.4. The screening questions have been completed and a DPIA is not required because the project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

7. Equality Comments

- 7.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics

are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2. There are no implications for equality and diversity in this request.

8. Background/supporting papers

None.

Part 2 - This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:
OFFICIAL-SENSITIVE [COMMERCIAL]

Part 2 of Evidential Screening Devices

BJP is exempt from publication for the following reasons:

- Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information)

Order 2011 (Data Protection Section 43 - Trade Secrets and Prejudice to Commercial Interests).

The paper will cease to be exempt upon completion of the contract. This is because the information is commercially sensitive and could compromise future procurement activity.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? YES/NO

If yes, for what reason:

Until what date:

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – **YES**

ORIGINATING OFFICER DECLARATION	<i>Tick to confirm statement (✓)</i>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Commercial Issues Commercial issues are covered in the body of the report.	✓
GDPR/Data Privacy GDPR compliance issues are covered in the body of the report .	✓
Drafting Officer Omo Okuonghae has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The MOPAC Chief Finance Officer and Director of Corporate Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature

Samuel Wood.

Date 18/03/2024