



Evidential Screening Devices

MOPAC Investment Advisory & Monitoring meeting 12th December 2023

Report by Vic Snedker on behalf of the Marie Hearcleous

Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC

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.

Recommendations

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 to support the procurement of 1550 devices and associated consumables.
2. Delegate the approval to award the outcome of the procurement to Director of Commercial Services.

Time sensitivity

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

Non-confidential facts and advice to the Deputy Mayor for Policing and Crime

The key issues the Portfolio and Investment board need to take account of are:

- The key benefits of replacing the ESDs.
- The risks of not replacing the current equipment.

- Local BCU budgets <£2k per annum will need to be utilised for ongoing consumable costs.

Introduction and background

Section 6 RTA 1988 provides officers with powers to require preliminary alcohol screening breath tests using Home Office type approved Electronic Screening Devices. These devices are essential to assist officers to identify those drivers who are likely to be over the prescribed limit, whilst equally importantly eliminating those drivers that are more than likely not committing such offences.

In addition Sec 6(D) allows a constable to arrest a person if as a result of such a preliminary breath test they suspect they have excess alcohol either in their breath or blood and sec 6(E) provides a constable a power to enter when there has been an injury accident to require a preliminary breath test or arrest a person under Sec 6(D).

ESDs are therefore a vital tool to enable 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.

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.

Many of our devices were introduced around 2008 so they continue to offer a repair service for these devices but it is not possible to purchase replacements. The cost of repair now often outweighs the cost of a new device and are therefore disposed.

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 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.

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.

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.

The benefits for this proposal are:

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

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.

Issues for consideration

1. Highlight any important factors which might influence a decision. Any sensitive details can remain in Part 2 of this document. If so, please include 'This information is contained in the restricted section of the report'.

Contributes to the MOPAC Police & Crime Plan 2022-25¹

2. 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.
- 3.

Financial, Commercial and Procurement Comments

4. Budget has been made available via New Met for London. 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. Further information is available in the restricted charters.
6. 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.

Legal Comments

¹ [Police and crime plan: a safer city for all Londoners | London City Hall](#)

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.

Section 4 of this report confirms the MOPAC's route to market is compliant with the Regulations.

The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve:

1. Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and
2. 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).

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.

Equality Comments

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

Privacy Comments

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.

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.

The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

- (a) The screening questions have been completed and a DPIA is not required because the project he project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

Real Estate Implications

8. There are no changes to the estate.

Environmental Implications

9. There is no impact to delivering the Mayor's London Environment Strategy²: state if there is no impact too.

Background/supporting papers

1. None Applicable.

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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 Screen Devices is exempt from publication for the following reasons:

- Commercial Interest Section 43

For advice, please contact the FoIA team.

The paper will cease to be exempt until the completion of the contract.

² <https://www.london.gov.uk/WHAT-WE-DO/environment/environment-publications/draft-london-environment-strategy>