



AVZ Blog (Jan22) Getting unsafe drivers off our roads with license suspensions

On Monday 10th January, [MPs debated](#) whether police should have the power to suspend driving licenses. This was a [Westminster Hall debate](#) triggered by the huge public support for this change. Over 104,000 people had supported [Tom's Law](#), the petition by Tom McConnachie's family before it closed last March.

Tom's Law

Tom was killed by a driver who left the scene and then tried to destroy evidence by burning the car. It took 11 months for the case to come to court where he pleaded guilty to:

- drink-driving
- failing to stop
- driving without insurance and
- perverting the course of justice after a collision.

These were 11 months where the driver was allowed to continue driving as if nothing had happened. Eleven months where the family had to wait for the police investigation to finish and the court case to commence. The police investigation was made more difficult by the driver leaving the scene and destroying evidence. This pre-court time where drivers—despite being arrested for suspicion of causing a death or another serious offence—are allowed to continue driving, adds insult and suffering to families already devastated from the death of their loved one.

Tom's family and their petition called for police to be able to suspend driving licenses for drivers arrested on suspicion of drink, drug or dangerous driving. This would not have affected "their driver". They were focused on protecting the wider public and sparing other families.

Remain and Report

Action Vision Zero and RoadPeace West Midlands' [Remain and Report](#) campaign is aimed at holding drivers to account for failing to remain at the scene of a fatal or serious injury crash. All of the bereaved families we have spoken to were outraged at how drivers are allowed to continue driving until court. In none of their cases had the accused been given an interim ban.

Interim driving bans are possible, as was mentioned during [the 10th January debate](#). But they are extremely rare. They are usually only given for serial offenders where there is a high chance of reoffending. This should have applied in Tom's case as the driver was a serial offender but he had lied about his previous convictions and was not given an interim ban.

This is why immediate and interim license suspension is one of [Remain and Report](#) campaign's four key calls for criminal justice reform. It was added after consulting with bereaved families. We have argued that driving licenses should come with the condition that they are suspended upon arrest for any offence that carries a mandatory driving ban. This approach was recommended to RoadPeace many years ago by both Liberty, the human rights organisation, and ACPO—the Association of Chief of Police Officers. [RoadPeace](#) raised it with Andrew Jones MP, Road Safety Minister in 2018 but to no avail. Our video on our [Remain and Report facebook](#) page explains more.

Nor was the government spokesperson swayed by the arguments for police powers yesterday. Trudy Harrison MP, standing in for Baroness Vere, Road Safety Minister, warned this could make matters worse without further explanation. She offered little except to once again refer to the [upcoming review of road traffic offences](#).

Licence Suspensions in the Review of Road Traffic Offences

This review, promised [over 7½ years ago](#), will have much to cover beyond closing the loopholes with hit and run. This will include not only [the lack of a serious charge](#) for a driver leaving the scene of a fatal or serious injury collision. It will also need to cover the lax approach to reporting—the driver who hit Tom turned himself in after 7 hours. But as our current system allows a maximum of 24 hours, this was enough to save him from being charged with Fail to Report. This too must change and is another of [Remain and Report's](#) key calls.

We have also heard from both families and police of problems with passengers. Occupants can refuse to say who was driving and police may not always be able to prove conclusively who it was. This is yet another loophole that needs to be closed.

But let's stay with license suspensions here. Several of the MPs, especially Johnny Mercer MP, highlighted how driving licenses were [a privilege not a right](#). This is a point that campaigners regularly make. At a time when active travel is being promoted, and a new [Highway Code](#) with a road user hierarchy is due to come into force later this month, our government should be open to rethinking license suspensions.

Roadside suspensions

Roadside suspensions have become common in [Canada](#). Police are able to suspend driving licenses and impound vehicles for up to ninety days for “minor” offences. These include drink driving if it is a first-time offender, if no casualty crash is involved nor any child passenger is in the car. It can also apply to speeding drivers. [Mothers Against Drunk Driving \(MADD\) Canada](#) has said this was a game changer in tackling drink driving as drivers often hired solicitors to challenge the longer driving ban imposed by courts.

Back to England and Wales. With the huge [backlog in court cases](#), most motoring cases are being heard online, the review needs to consider how out of court sanctions can be improved. This should include both license suspensions and vehicle confiscations. The latter should not be limited to uninsured drivers as at present. It should also be used with dangerous, drink/drug drivers and speeding drivers.

Licence suspensions should play a key role in making our roads safer, as vehicle confiscations did with reducing uninsured vehicles. [Yesterday's debate](#) should help ensure they are included in the long-awaited review. Thanks to Charlotte and Christina, Tom's mother and partner, for finding the strength and channelling their grief to help get unsafe drivers off our roads.