

DPE 022/010/2014

4 March 2015

To: Accounting Officers

Circular 04 /2015:

Minute of the Minister for Public Expenditure and Reform in response to the Committee of Public Accounts Report on the Fixed Charge Processing System and related Road Safety Issues

A Dhuine Usail,

1. I am directed by the Minister for Public Expenditure and Reform to enclose, for your information and guidance, a copy of the Minute of the Minister for Public Expenditure and Reform in response to the Committee of Public Accounts Report on the Fixed Charge Processing System and related Road Safety Issues.

2. Issues raised

The Minute addresses a number of issues, including:

- a. Cancellation of Fines and Penalty Points;
- b. System weaknesses leading to the non-payment of Fines;
- c. Operation of the GoSafe camera system.

3. Enquiries

Enquiries in regard to this circular can be addressed to Government Accounting Unit, Department of Public Expenditure and Reform, telephone: +353 1 6767571, LoCall: 1890 661010 or email: govacc@per.gov.ie.

Mise le meas,



Robert Watt
Secretary General

Minute of the Minister for Public Expenditure and Reform in response to the Committee of Public Accounts Report on the Fixed Charge Processing System and related Road Safety Issues

The Minister for Public Expenditure and Reform is informed, by way of general background, that many of the concerns raised regarding the efficiency of the Fixed Charge Processing System (FCPS) in the Committee of Public Accounts (PAC) Report, including issues highlighted by the Comptroller and Auditor General, are under active consideration by a Criminal Justice Working Group. This Group is jointly chaired by the Department of Justice and Equality and the Department of Transport, Tourism and Sport. The Group was established following the publication, in March 2014, of the Garda Inspectorate Report titled 'The Fixed Charge Processing System (FCPS): A 21st Century Strategy', and the Group was charged with taking forward the recommendations contained in that report.

The Group is required to report on a regular basis to the Minister for Justice and Equality and to the Minister for Transport, Tourism and Sport, and it will also present an end-2015 report to the PAC, outlining progress to date and the impact of changes made.

The Minister for Public Expenditure and Reform has examined the Committee's Report and has taken account of its conclusions. In relation to the Committee's recommendations, his response is as follows:

Recommendation 1.

The Garda Traffic Corp should examine the possibility of introducing touch screen technology to input traffic offences and which would also capture data such as the driving licence number at point of input.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that this recommendation has been accepted.

The Garda authorities have advised that they are consulting with other stakeholders (as part of their work with the Criminal Justice Working Group) with a view to maximising the use of technology in the input of traffic offences and to capture data.

Recommendation 2.

The Fixed Notice Processing Office should use the photographic evidence available to it when dealing with those who fall into the "company car" category.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality, following consultation with the Garda authorities, that it is not possible to proceed with this recommendation.

The Minister is informed that An Garda Síochána has advised that where the image of the front of an offending vehicle is captured it may in some instances be possible to see the driver to assist in the identification of the driver. However, due to lighting conditions and reflections, this may not always be possible. Furthermore, in many cases it is the image of the rear of the vehicle as opposed to the front of the vehicle that is captured. In such cases the image is not of any assistance in identifying the driver.

The Minister is, however, informed that issues relating to difficulties which can arise in relation to enforcement of penalty points and payment of fixed charge notices with respect to company vehicles is under examination by the Criminal Justice Working Group, with a view to improving enforcement in this regard.

Recommendation 3.

Court summonses should be served by registered post using the address that is used to tax the motor vehicles. The onus of proof of non-serving of the summons should transfer to the driver.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that this recommendation has been noted and is under consideration.

The summons process is being reviewed by An Garda Síochána and the findings of this review will be presented to the Criminal Justice Working Group as part of its overall deliberations.

Recommendation 4.

The driving licence number should be captured when the offence is entered into the system and used throughout the administrative and court process as the unique identifier. The National Vehicle and Drivers File should then be updated automatically with penalty point information when the cases are dealt with.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that this recommendation has been noted and is under consideration.

The Criminal Justice Working Group is identifying the steps necessary to ensure that accurate and up to date driver information is available to all State bodies involved the FCPS.

The Minister is further informed that a driver license number can only be captured in cases where the driver is intercepted for a road traffic offence (as opposed to a speed camera detection). In the latter instances it is the vehicle registration number which is detected by the speed camera. An Garda Síochána has advised that there is currently no link between a person's driving licence number and any given vehicle registration number. The Criminal Justice Working Group is studying how driver license information

might be linked to registration details to improve the operation of penalty point application along the lines recommended by the Committee.

Recommendation 5.

The system whereby fixed charges can be cancelled should be the subject of an annual audit by the Internal Audit unit of An Garda Síochána so as to give assurance to the Garda Commissioner that any cancellations are in full compliance with the policy of the force.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that this recommendation has been accepted.

The Minister is further informed that An Garda Síochána has advised that as part of the revised FCPS procedures, which came into effect on 16th June 2014, Garda Internal Audit Section, with the assistance of the Garda Professional Standards Unit, will carry out an annual audit of fixed charges that have been cancelled.

The Minister is also advised that the Minister for Justice and Equality has appointed Judge Mathew Deery, former President of the Circuit Court, to act as Independent Oversight Authority for the Garda FCPS cancellation policy. The Authority will be free to inspect at random any fixed charge notice cancellation and report findings on the operation of the system to the Minister for Justice and Equality.

Recommendation 6.

The Fixed Charge Processing Office of An Garda Síochána should report annually on the number of charges cancelled using discretion, the number of petitions received and the number of petitions rejected.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that this recommendation has been accepted.

The Minister is further informed that An Garda Síochána will report annually to the Minister for Justice and Equality on the number of Fixed Charge Notices cancelled using discretion, the number of petitions for cancellation received and the number of these petitions rejected.

Recommendation 7.

The Garda Commissioner should arrange for a review of the confidential recipient system with a view to recommending improvements which would make it more effective.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that this recommendation has been accepted.

The Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007, which provided for an independent Confidential Recipient, have been revoked and replaced by provisions under Section 19 of the Protected Disclosures Act, 2014. This new Act provides a statutory framework for employees to raise concerns regarding wrongdoing in the workplace, and Section 19 of that Act revokes the 2007 Regulations and amends the Garda Síochána Act, 2005 to provide that members of An Garda Síochána now make disclosures to the Garda Ombudsman Commission.

Recommendation 8.

An investigative process independent of the Commissioner should be established to deal with complaints of mal-practice against Gardaí.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that this recommendation has been accepted.

The Minister is further informed that, in the context of complaints by members of An Garda Síochána of malpractice against other Gardaí, Section 19 of the Protected Disclosures Act amends the Garda Síochána Act, 2005 to include the Garda Ombudsman Commission as a prescribed person to whom a member of the Garda Síochána can make disclosures under the Act. Any complaints of malpractice against members of An Garda Síochána by others can be reported directly to the Garda Síochána Ombudsman Commission.

Recommendation 9.

A cost benefit analysis study should be undertaken prior to the renewal of the Go-Safe camera contract in 2015.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that the GoSafe contract runs for a duration of 5 years from date of service commencement (16 November, 2010), with the option to extend for one year subject to a downward price review.

The Safety Camera Project Board, which oversaw the award of the contract, has carried out a careful examination of the question of taking up this 12 months extension, incorporating the conclusions of a cost-benefit analysis, and a final decision will be made in this regard in the near future. The Board will also consider and make recommendations on the future provision of a safety camera network following the conclusion of the current contract.

Recommendation 10.

There should be greater flexibility in the Go-Safe Contract so as to enable the Garda to move the cameras to areas other than designated black-spots.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that, following consultation with the Garda authorities, there is flexibility in the current contract to take account of changes in driver behaviour over time.

The Minister is further informed that the operational criteria for the operation of the safety camera network are determined by An Garda Síochána, and the deployment of safety cameras is focused on locations - designated as 'speed enforcement zones'- where there is an established or prospective risk of collisions. Speed compliance and collision trends are monitored on an ongoing basis and a weighting applied in relation to camera deployment. These weightings ensure prioritisation of areas of the road network that need greater enforcement.

GoSafe vans are deployed based on an analysis of a rolling five years of collision data. In 2013, the number of zones monitored increased from 518 to 727 nationally. 34 of the original speed enforcement locations have been identified as no longer requiring enforcement due to reduced collisions and/or improved compliance with speed limits and therefore have been removed from the list of speed enforcement zones.

However, it is important to note that the use of GoSafe vans is only one of the speed enforcement mechanisms operated by the Garda authorities. Garda enforcement, utilising handheld laser speed detection devices and Garda safety vans, takes place across other parts of the road network outside of the zones in which GoSafe operates.

Recommendation 11.

The Garda Síochána, in consultation with the Garda Inspectorate and the Department of Justice & Equality, should now draw up a whistle-blowers charter.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that this recommendation has been noted and is under consideration.

The Minister notes that the Garda authorities have advised that they are currently operating under the Protection Disclosures Act, 2014. Section 21 of the Act provides for the issue of guidance by the Minister for Public Expenditure and Reform for the purpose of assisting public bodies in the preparation of the required procedures and that public bodies must have regard to any such guidance.

The Department for Public Expenditure and Reform is currently working on the preparation of detailed guidance in accordance with this provision and it is anticipated that these Guidelines will issue in the near future. The Minister is informed that these guidelines will form the foundation of An Garda Síochána's policy. It should be noted

however that notwithstanding the fact that the Ministerial Guidance has not as yet been issued this does not absolve public bodies from their responsibilities under Section 21 to establish and maintain procedures in accordance with the provisions of that Section.

Recommendation 12.

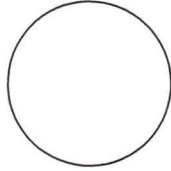
A progress report on the impact of changes made to address the systemic weaknesses identified by the C&AG should be made by the Garda Commissioner, the Department of Justice & Equality and the Department of Transport, Tourism & Sport to the Public Accounts Committee at the end of 2015.

The Minister for Public Expenditure and Reform is informed by the Department of Justice and Equality that this recommendation has been accepted.

The main role of the Criminal Justice Working Group is to oversee and facilitate the implementation of the recommendations contained in the Garda Inspectorate Report. The Group, which is jointly chaired by the Department of Justice and Equality and the Department of Transport, Tourism and Sport, comprises all relevant State bodies involved in the FCPS – including An Garda Síochána, the Road Safety Authority and the Courts Service. The Group is required to report progress on a regular basis to the two Ministers involved, and these progress reports will inform the end 2015 report to the PAC, which will also refer to the impact of changes made since the implementation of recommendations.

Given under the Official Seal of the Minister
for Public Expenditure and Reform on this the
day of 4 March, 2015

L.S.



Robert Watt

Robert Watt
Secretary General
Department of Public Expenditure and Reform