

Citizen Participation and Public Petitions Committee

7th Meeting, 2023 (Session 6), Wednesday 3
May 2023

PE1971: Take Robust Action to Stop Motorcycle Theft

Lodged on 19 October 2022

Petitioner Kenneth Clayton on behalf of Motorcycle Action Group

**Petition
summary** Calling on the Scottish Parliament to urge the Scottish Government to increase the actions available to help prevent and reduce motorcycle theft by:

- Empowering police to pursue and tactically engage thieves; and
- Reviewing sentencing policy to allow the courts to implement tougher punishment for those convicted of motorcycle theft, including the use of mandatory custodial sentences for those carrying weapons or groups who threaten individuals with violence.

Webpage <https://petitions.parliament.scot/petitions/PE1971>

Introduction

1. The Committee last considered this petition at its meeting on [21 December 2022](#). At that meeting, the Committee agreed to write to Police Scotland, the Scottish Police Authority, and the Crown Office and Procurator Fiscal Service.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from Police Scotland, the Crown Office and Procurator Fiscal Service and the Scottish Police Authority, which are set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the petition's [webpage](#).

5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the petition's [webpage](#).

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

PE1971: Take Robust Action to Stop Motorcycle Theft

Petitioner

Kenneth Clayton on behalf of Motorcycle Action Group

Date lodged

19 October 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to increase the actions available to help prevent and reduce motorcycle theft by:

- Empowering police to pursue and tactically engage thieves; and
- Reviewing sentencing policy to allow the courts to implement tougher punishment for those convicted of motorcycle theft, including the use of mandatory custodial sentences for those carrying weapons or groups who threaten individuals with violence.

Previous action

I have previously written to the Cabinet Secretary for Justice, Keith Brown MSP, and the Minister for Trade, Business, Trade, Tourism and Enterprise, Ivan McKee MSP, requesting robust action be taken.

Background information

In recent years there has been an increase in the number of motorcycles stolen from owners in our cities, with Edinburgh being particularly affected. In my view, the present police policy not to pursue or engage means that the perpetrators can continue with impunity.

In Edinburgh, a number of foreign tourists have had bikes stolen outside hotels. Riders groups across Europe are now advising their members to

avoid Edinburgh, which apart from being damaging to our local economy, reflects badly on our country's reputation.

In other instances, attempts have been made to hijack riders, where riders have been threatened with violence or pushed off their bikes by groups of thugs. This is of concern for vulnerable women and young riders, many of whom work in jobs involving late night shifts and rely on their motorcycle as their only means of travel. The measures we request are used successfully by other UK Police forces.

It is time to put the safety of the public before the interests of the thieves.

Annexe B

Extract from Official Report of last consideration of PE1971 on 21 December 2022

The Convener: PE1971, which was lodged by Kenneth Clayton on behalf of the Motorcycle Action Group, calls for robust action to stop motorcycle theft. The petition calls on the Scottish Parliament to urge the Scottish Government to increase the actions available to prevent and reduce motorcycle theft by empowering the police to pursue and tactically engage thieves and by reviewing sentencing policy to allow the courts to implement tougher punishment for those who are convicted of motorcycle theft, including the use of mandatory custodial sentences for those who carry weapons or groups who threaten individuals with violence.

Kenneth Clayton tells us that there has been an increase in the number of motorcycles that are being stolen in cities, with Edinburgh being particularly affected. He goes on to highlight concerns that the current police policy not to pursue or engage means that thieves behave with impunity, a position that is out of sync with that of other police forces across the UK.

The Scottish Parliament information centre briefing notes that Police Scotland has taken targeted action to tackle motorcycle theft and associated antisocial behaviour in Edinburgh through operation Soteria, which saw police recover £600,000 of stolen motorbikes.

In responding to the petition, the Scottish Government states that there is

“a wide range of effective actions currently available to Police Scotland to prevent and reduce motorcycle theft”.

As the use of those actions would be an operational matter, however, the Scottish Government has indicated that the committee might wish to explore them further with the chief constable or the Scottish Police Authority.

In relation to the petition’s call for mandatory custodial sentences, the Scottish Government has indicated that judges are best placed to decide on the appropriate sentence for each offender. The Scottish Government also notes that the Scottish Parliament has previously rejected calls for mandatory sentencing on the basis that it removes discretion from the court.

Do members have any comments or suggestions for action on the petition? We could do with some clarification in the first instance.

David Torrance: Perhaps the committee might like to write to Police Scotland and the Scottish Policy Authority to ask how many incidents of motorcycle theft have been recorded in each of the past five years, what further action they are taking to

tackle motorcycle theft now that operation Soteria has concluded, and whether they plan to roll out similar initiatives across the rest of Scotland.

Alexander Stewart: It would also be useful to write to the Crown Office and Procurator Fiscal Service to seek information about the number of cases of motorcycle theft in each of the past five years and the outcomes of those cases.

The Convener: Are members content with those proposals?

Members indicated agreement.

Annexe C

Police Scotland submission of 3 February 2023

PE1971/B: Take Robust Action to Stop Motorcycle Theft

Recording

Under the Crime Classification scheme Police Scotland report on “Theft of motor vehicle and contents (including taking and driving away)”. This includes all “motor vehicles” and there is no data recorded to allow robust disaggregation to types of motor vehicles. While work remains ongoing to roll out the National Crime Recording system it will not be possible to provide the data requested although we will revisit this when nationally consistent data is available.

Operation Soteria

Operation Soteria is Edinburgh Division’s well established city-wide initiative focused on tackling motorcycle thefts and related anti-social behaviour. Last year’s operation ran between June to September, with our multi-themed response having included the deployment of the Division’s very own Operation Orbit officers. Trained in the use of offroad motorbikes, these officers completed targeted patrols to identify offenders, prevent and deter further incidents, whilst also providing community reassurance.

Operation Soteria’s enforcement activities resulted in 36 arrests, 185 charges for a variety of offences, and the recovery of 131 motorcycles, with a total value in excess of £600,000.

Understanding the impact on motorcycle owners and communities alike, we remain committed to tackling the theft and reckless use of motorcycles, and while this year’s period of intensification has now concluded, supported by Road Policing colleagues, our locally based Initiative Teams, Response, Community and CID Officers continue their

efforts to identify offenders, prevent and deter further incidents, and engage with communities.

Prevention remains key to addressing these issues.

An integral part of Operation Soteria, our Prevention, Interventions and Partnership team completed a comprehensive suite of engagement/awareness raising, providing crime prevention and personal safety/security advice, across the motorcycling community, and more specifically, motorcycling tourists visiting the Capital over the summer period.

Whilst not exhaustive, stakeholder engagement included:

- Edinburgh based holiday accommodation outlets / operators and booking sites
- The AA / motorcycling magazines / tour companies
- The Scottish Business Resilience Centre
- The German and Dutch Consulates
- Ferry operators and ports
- Visit Scotland
- North Coast 500 web site
- Police colleagues in mainland Europe

To ensure accessibility and maximise our reach, materials including CrimeStopper literature, were developed and provided in multiple languages.

Wider activities included:

- Engagement with local motorcycling businesses
- Car park site visits and staff awareness raising across Edinburgh
- Discussions with City of Edinburgh Council around the provision of ground anchors and signage
- Sharing of the 'Mummy's Boy' short film on social media and with Lothian Association of Youth Clubs. This film was made by local young people for young people, and seeks to deter 'joyriding'
- The release of prevention materials on social media, including a motorcycle security video developed by our Prevention, Interventions and Partnership team
- All prevention materials shared with Neighbourhood Watch Alert

- Additional officers trained in the use of DNA tagging spray. This spray can be used to 'tag' a suspected perpetrator (rider or passenger), their clothing and/or a stolen motorcycle, leaving a uniquely coded but invisible DNA and providing forensic evidence to link them to a specific crime.

Looking ahead, our Prevention, Interventions and Partnership team will continue to broaden their network and contacts, schedule crime prevention events at motorcycle retailers and maintain dialogue with the Driver and Vehicle Standards Agency to seek to secure the inclusion of motorcycle security awareness within Compulsory Basic Training (UK wide).

Notwithstanding which, the Police cannot prevent or tackle the root causes of offending alone and we continue to work collaboratively with Strategic partners as part of the Edinburgh Partnership and at a locality level, within Community Improvement Partnerships and Locality Community Planning Partnerships.

These frameworks are complemented by the work of our Community and School Link Officers, our Youth Justice Sergeant and our VOW team, wherein officers work with Peer Mentors to actively identify and support vulnerable young people on the cusp of offending or with experience of the criminal justice system to make positive life choices, reducing harm and breaking the cycle of re-offending. These tenets also underpin the city's Serious and Organised Crime Early Intervention Service – 'Sidestep'- which sees Edinburgh Division, City of Edinburgh Council and Action for Children work collaboratively to divert young people from involvement in serious and organised crime.

As Divisional priorities, Edinburgh Division, supported by partners, will continue to tackle acquisitive crime, anti-social behaviour and road safety concerns.

Crown Office and Procurator Fiscal Service submission of 6 February 2023

PE1971/C: Take Robust Action to Stop Motorcycle Theft

I refer to your letter of 9 January 2023 regarding the above petition seeking information on the number of cases relating to motorcycle theft reported to the Crown Office and Procurator Fiscal Service (COPFS) over the course of the past five years and the associated outcomes of those cases.

As the Committee will be aware there is no specific common law offence of theft of a motorcycle.

The following seven offences may relate to theft of a motorcycle:

1. Attempted theft
2. Attempted theft of a motor vehicle
3. Section 178 (1)(a) of the Road Traffic Act 1988 – taking and driving away
4. Section 178 (1)(b) of the Road Traffic Act 1988 – allow to be carried in a stolen vehicle
5. Section 178 (1)(b) of the Road Traffic Act 1988 – drive a stolen vehicle
6. Theft of a motor vehicle and theft
7. Theft of a motor vehicle

The following figures are provided with the caveat that the COPFS database is an operational database designed for case management purposes. It is not designed for statistical purposes and the information contained within it is structured accordingly. Information provided may therefore be subject to change as our systems are updated for operational reasons.

In order to provide the figures requested by the Committee, charges relating to the above offences for the last 5 years were identified. An additional filter was then applied to identify where the term “motorcycle” was used in the text of the charge. A manual interrogation of all relevant offences was not undertaken. The Committee will also note that the data does not include the charges of robbery or assault and robbery, covering circumstances where property is taken by force.

Based on the methods described above, we note that in the last five years there were a total of 47 of the above charges reported to prosecutors. The breakdown is as follows:

- 2017-18 – 10 charges
- 2018/19 – 11 charges
- 2019/20 – 7 charges
- 2020/21 – 7 charges
- 2021/22 – 12 charges

The Procurator Fiscal marked 36 of those charges for court proceedings, with five being marked “no further action”. Six charges were not separately actioned, meaning that action was taken in relation to other charges in the case, for example the prosecutor took the view that an alternative charge was more appropriate, or, for evidential reasons, details of the offending behavior were included within the body of another charge.

The geographical spread of areas affected by these offences is varied. It is noted that the highest proportion (32 percent) of relevant police reports originated from the Edinburgh area.

The Scottish Courts and Tribunal Service (SCTS) would be the appropriate body to confirm the procedural outcomes of the 47 prosecutions and we can provide a list of the relevant offences to SCTS to facilitate obtaining these outcomes, should that be useful to the Committee.

I hope this information is of assistance.

Scottish Police Authority submission of 9 February 2023

PE1971/D: Take Robust Action to Stop Motorcycle Theft

I refer to your correspondence of 9 January regarding the above petition and requesting information regarding Operation Soteria and the number of motorcycle thefts in each of the past 5 years.

I note you have written to Police Scotland in similar terms. Operation Soteria and Police Scotland's approach to tackling motorcycle theft is an operational matter for the Chief Constable. Police Scotland is best placed to provide the committee with the specific information it requests.

It is the Scottish Police Authority's role to closely monitor Police Scotland's performance against [five strategic outcomes](#) which are underpinned by 15 strategic objectives as detailed in the [Annual Police Plan for 2022/23](#).

The Authority's Policing Performance Committee considers quarterly reporting on Police Scotland's performance and operational activity. Vehicle crime, which includes theft of motorcycles, is a feature of this reporting. Recent reports highlight an overall increase in vehicle crime, however this is not specifically attributed to motorcycle theft. Through this quarterly reporting the Authority's Policing Performance Committee also receives updates on the annual motorcycle safety campaigns, which aim to promote safe and responsible riding and driving across Scotland's road network. This year saw 183 periods of activity with 1,850 motorcycle riders being stopped to engage, educate and encourage appropriate attitude and behaviours on the road. The Policing Performance Committee will consider its next report on performance in March. You can find out more information and view reporting at the Authority's website: www.spa.police.uk.