

Citizen Participation and Public Petitions Committee

19th Meeting, 2022 (Session 6), Wednesday
21 December 2022

PE1971: Take Robust Action to Stop Motorcycle Theft

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: <ul style="list-style-type: none">• 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. This is a new petition that was lodged on 19 October 2022.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected to collect this information. 1,664 signatures have been received.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.

Action

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

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

The logo for SPICe is a purple rounded rectangle with a gradient. The text 'SPICe' is written in white, bold, sans-serif font.

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1971](#): Take robust action to stop motorcycle theft, lodged by Kenneth Clayton

Background

The [petition](#) was lodged by Kenneth Clayton on behalf of the [Motorcycle Action Group](#).

It seeks the following action to help tackle motorcycle theft:

- empower the police to pursue and tactically engage thieves
- review sentencing policy to allow the courts to impose tougher sentences for motorcycle theft, including the use of mandatory custodial sentences for those carrying weapons or groups who threaten individuals with violence.

Previous parliamentary consideration of relevant issues includes scrutiny of petition [PE1618](#) on combatting motorcycle theft, lodged in 2016 on behalf of the Riders Club Edinburgh. The petition was closed in 2017 on the basis that:

“stakeholders consider that Police Scotland has adequate powers in relation to motorcycle theft and measures are in place to address the wider social issues”.

Policing of motorcycle theft

Police Scotland has advised that it has: (i) a comprehensive standard operating procedure for vehicle pursuits (including motorcycles); and (ii)

a standalone pursuit tactics directory, but that neither are publicly available.¹

It added that police officers have the training and capability to manage pursuits involving motorcycles, whilst noting that such pursuits present greater risks (e.g. due to the vulnerability of the rider) and require a proportionate response.

Police Scotland has also highlighted its efforts to tackle motorcycle theft (and associated antisocial behaviour) in Edinburgh through 'Operation Soteria' (e.g. see '[Police recover £600,000 worth of stolen motorbikes as part of Operation Soteria](#)', Edinburgh Evening News September 2022).

The [2018-2021 local policing plan for Edinburgh](#), described Operation Soteria as a "multiagency response" (p 5) to tackling this type of crime.

Statistics on motorcycle theft

The Scottish Government's statistical bulletin [Recorded Crime in Scotland, 2021-2022](#) includes figures for the theft of motor vehicles (see table A6). However, a break-down of the figures to identify the level of motorcycle theft is not available.²

In response to the earlier petition on combatting motorcycle theft, [Police Scotland provided some figures in 2017](#).

A recent freedom of information request sought information from Police Scotland, including:

"The total number of motorbike thefts over the last two years split per police force area that you cover. If possible, please can the total number of thefts, for each year, be split per month, so we can determine the most popular time per year for theft, e.g., spring/winter, etc."

[Police Scotland's response](#) (July 2022) stated that providing the information would exceed the cost threshold for requests. It went on to explain that this is due to the way in which crimes are classified for

¹ SPICe advised by Police Scotland October 2022.

² SPICe advised by Scottish Government officials September 2022.

statistical purposes. Police Scotland has advised that this limitation on the availability of relevant statistics still stands.³

Frazer McCallum
Senior Researcher
11/10/2022

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP

³ SPICe advised by Police Scotland October 2022.

Annexe C

Scottish Government submission of 5 October 2022

PE1971/A: Take robust action to stop motorcycle theft

Under the Police and Fire Reform (Scotland) Act 2012, Section 17, the Chief Constable of Scotland is responsible for the policing of Scotland, and is accountable to the Scottish Police Authority rather than Scottish Ministers. As some of the issues raised by the petitioner refer to operational matters for Police Scotland, the Committee may therefore wish to explore these further with the Authority and the Chief Constable.

However, I am happy to outline our current position on this issue. Firstly, there are already a wide range of effective actions currently available to Police Scotland to prevent and reduce motorcycle theft, empowering officers to lawfully pursue and tactically engage thieves, where it is deemed necessary. Theft is a criminal offence under Scots law, which has developed over centuries through operation of the courts rather than being provided for in statute.

I understand that Police Scotland has a comprehensive Standard Operating Procedure in relation to Vehicle Pursuit, including a separate section on Quad Bikes and Motorcycles. All pursuits must be justified, proportionate and conform to the principle of least intrusion. Every pursuit has to be authorised and is closely managed with it being stood down as soon as it has been identified that the level of risk is disproportionate to the reason for undertaking it. Pursuits involving motorbikes present additional challenges and risks.

Secondly, the petitioner considers there is a need to review sentencing policy to allow the courts to implement tougher punishment for those convicted of motorcycle theft, including the use of mandatory custodial sentences.

It might be helpful if I explain that theft is a common law offence and, as such, the maximum sentence a court can impose on conviction is only limited by the sentencing powers of the court where the case is tried. A

similar position applies with regard to the common law offence of assault in cases where violence is used.

Judges are best placed to decide on the appropriate sentence for each offender before them as they hear all the facts and circumstances of a case before making their sentencing decisions within the overall legal framework provided by Parliament.

In determining the appropriate sentence, the judge may consider, for example, the offender's previous criminal convictions, any criminal justice social work report or victim impact statement, the background to the particular offence including the convicted person's motive in committing the offence, and the financial means of the offender. Mandatory sentencing removes discretion from the court and has been previously rejected by the Scottish Parliament on that basis.

I hope that the information I have set out in this letter is helpful to the Committee and would suggest, as above, should further details on police procedure in this area be required, contacting the Chief Constable.