

Citizen Participation and Public Petitions Committee

19th Meeting, 2023 (Session 6), Wednesday
20 December 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 [3 May 2023](#). At that meeting, the Committee agreed to write to the Scottish Courts and Tribunals 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 a new responses from Scottish Courts and Tribunals Service, which is 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](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 1,676 signatures have been received on this petition.

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 3 May 2023

The Convener: PE1971, on taking robust action to stop motorcycle theft, was lodged by Kenneth Clayton. The petition calls on the Scottish Parliament to urge the Scottish Government 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 convicted of motorcycle theft, including the use of mandatory custodial sentences for those carrying weapons or groups who threaten individuals with violence.

We most recently considered the petition on 21 December, when we agreed to seek information from Police Scotland, the Scottish Police Authority and the Crown Office and Procurator Fiscal Service. Police Scotland has provided further detail on operation Soteria, which focused on tackling motorcycle theft and related antisocial behaviour across Edinburgh. Police Scotland also shared information on the work that its prevention, interventions and partnership team, in collaboration with others, is taking forward on the issue, which members will have read with interest.

The Crown Office and Procurator Fiscal Service noted that there is no specific common-law offence of theft of a motorcycle but that it had used its database to identify 47 charges related to motorcycle theft over the past five years. Interestingly, it also noted that 32 per cent of the relevant police reports originated from the Edinburgh area, where operation Soteria was in place.

The Scottish Police Authority's response mentions that recent reports highlight an overall increase in vehicle crime but that that is not specifically attributed to motorcycle theft. The SPA also noted that, in the past year, more than 1,800 motorcycle riders have been stopped in order to engage, educate and encourage what are described as appropriate attitudes and behaviours on the road.

Do members have any comments or suggestions for action?

Fergus Ewing: I suggest that we write to the Scottish Courts and Tribunals Service to seek information on the outcomes of the 47 prosecutions that are referenced in the response from the Crown Office and Procurator Fiscal Service. I make that recommendation because I noted in our papers a reference to the fact that the incidence of motorcycle theft in Edinburgh has led to advice being given to tourists not to visit Edinburgh. That is a particular concern, not to mention that theft is, of course, a serious matter—

The Convener: Is that advice being given only to motorcyclists or to tourists in general?

Fergus Ewing: Our notes indicate that some sort of tourist advisory group has given advice that riders should avoid travelling to Edinburgh. That is quite serious. None of us wishes people to be deterred from visiting Scotland for reasons of that nature. In deference to the petitioner and for the reasons that I have mentioned, I think that it would be worth making a further effort to explore the issue.

The Convener: Are members content for the committee to write to the Scottish Courts and Tribunals Service to establish what happened in relation to the prosecutions?

Foyso Choudhury wants to say something.

Foyso Choudhury: I apologise for coming in late. I was stuck in the car park.

The Convener: Not on a motorcycle, I trust. [Laughter.]

Foyso Choudhury: No. I have had quite a lot of cases of motorcycle theft. Can we ask how many of those who have committed that crime are waiting to go to court and how long the waiting time is? A lot of the time, the same person comes back and carries out the same act.

The Convener: What would be the best way to frame that question? Should we ask the Scottish Courts and Tribunals Service that question at the same time as we make the inquiry that Mr Ewing has suggested? Are we asking whether it can give any indication of the current volume of cases and the waiting times that are associated with such charges getting to court?

Do we agree to take that approach?

Members *indicated agreement.*

Annexe C

Scottish Courts and Tribunals Service submission of 5 June 2023

PE1971/E: Take Robust Action to Stop Motorcycle Theft

Thank you for your correspondence dated 10 May 2023 seeking information from the Scottish Courts and Tribunals Service (SCTS) in relation to the above petition.

The SCTS uses a live operational case management system, which is primarily used for the processing of criminal court business. The information held on the system is structured for these operational needs, rather than for statistical reporting or research purposes.

Whilst data can be extracted from this system, there are occasions where specific/additional information is required in order to identify the data sought. That information, on occasion, has to be provided to the SCTS by other justice colleagues.

Available data on the outcomes of a number of motorcycle theft related cases identified by the Crown Office and Procurator Fiscal Service (COPFS).

At the request of the SCTS, and in order to identify cases on our system, the COPFS provided the “PF Reference” for the cases/ charges set out in the COPFS submission of 6 February 2023. By way of explanation, motorcycle theft is included within the electronically registered charge of “theft of a motor vehicle”. There is no other specific electronic marker/information that the SCTS can use, to break down that charge (or any other charge), to identify cases of motorcycle theft.

With this additional information, two members of SCTS staff have expended some 5 hours manually interrogating our system (using the “PF Reference”) to retrieve and quality assure the data in order to respond to the Committee’s request and is set out in the [Annexe](#) to this response.

The number of such cases waiting to be heard by the courts, and timescales for taking forward proceedings on these cases

The Committee may wish to note that our system indicates that for the charge of “theft of a motor vehicle” alone there are around 1200-1300 case registrations per annum across the courts (summary and solemn).

Given what I have set out above, COPFS would require to provide the “PF Reference” for every case that they could identify in order for the SCTS to attempt to ascertain cases waiting to be heard by the courts, and the timescales for taking forward proceedings in these cases. The task to identify that data would in our view be onerous and could not be completed in the time provided (noting above the time expended by SCTS staff to provide the information to the Committee in the [Annexe](#)).

However, the SCTS is not aware of any evidence that cases involving theft of a motorcycle are taking longer to prosecute through the courts than other types of offence. On the matter of court business volumes and trends, I would draw the Committee’s attention to the latest quarterly bulletin (April 2023) on “Criminal Case Throughput” published by the SCTS, which can be found at the link below:

<https://www.scotcourts.gov.uk/about-the-scottish-court-service/scs-news/2023/05/23/monthly-information-on-criminal-case-throughput-for-april-2023>

The bulletin indicates that the average time between pleading diet and evidence led trial is:

- 49 weeks for High Court, compared to the pre-COVID level of 22 weeks;
- 44 weeks for sheriff solemn, compared to the pre-COVID level of 11 weeks;
- 41 weeks for sheriff summary, compared to the pre-COVID level of 23 weeks; and
- 41 weeks for Justice of the Peace, compared to the pre-COVID level of 22 weeks.

In addition, more detailed management information can be found at the link below and in particular at “Tab 1a”:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.scotcourts.gov.uk%2Fdocs%2Fdefault-source%2Faboutscs%2Freports-and-data%2Freports-data%2Fcriminal-mi%2Fscts-mcmi---april-2023.xlsm%3Fsfvrsn%3D5c572a20_2&wdOrigin=BROWSELINK

I can confirm that the SCTS would not hold data on cases that have yet to reach court, for instance those thefts reported to Police Scotland where no report has been submitted to COPFS or where on receipt of such a report no decision as to prosecution has been taken by COPFS.

The SCTS strives to provide available data when requested to do so and within the timescales provided and I regret being able to only partially assist the Committee on this occasion. However, I hope that the information above and that which is set out in the [Annexe](#) is of assistance to the Committee in its further consideration of Petition PE1971.

Annexe

Report Date	FY Reported	Charge	Court disposal identified	COPFS Additional information
01/08/2017	2017-18	Theft of motor vehicle	Restriction of Liberty Order imposed for 8 months	N/A
28/10/2019	2019-20	Theft Motor Vehicle & Theft	Charge not identified on SCTS case management system. Charges prosecuted related to other Road Traffic Act offences and Vehicle Excise & Registration Act offences. Disposals not provided as not relevant.	N/A
02/07/2021	2021-22	Attempted Theft of motor vehicle	Fine £250 and Victim Surcharge of £20	N/A
02/09/2021	2021-22	Attempted Theft of motor vehicle	Not guilty accepted	N/A
13/04/2018	2018-19	Theft of motor vehicle	Not guilty accepted	N/A

02/06/2020	2020-21	Theft Motor Vehicle & Theft	Deserted pro loco et tempore	N/A
02/06/2020	2020-21	Theft Motor Vehicle & Theft	Deserted pro loco et tempore	N/A
27/04/2017	2017-18	Attempted Theft of motor vehicle	<p>First accused: not guilty accepted.</p> <p>Second accused: pled guilty to an alternative charge under section 5(1) of the Civic Government (Scotland) Act 1982 – sentenced to 3 months, 2 weeks imprisonment.</p>	N/A
27/04/2017	2017-18	Attempted Theft of motor vehicle		N/A
06/12/2017	2017-18	Attempted Theft of motor vehicle	<p>Merge of charges under:</p> <p>Civic Government (Scotland) Act 1982 Section 57(1) – sentenced to 6 weeks imprisonment.</p> <p>Civic Government (Scotland) Act 1982 Section 57(1) – sentenced to 6 weeks imprisonment.</p>	Merge of charges
05/07/2018	2018-19	Road Traffic Act 1988 S178(1)(b) - Allow to be carried in stolen vehicle	No case identified on system	No action: time barred on receipt

02/11/2021	2021-22	Theft of motor vehicle	Intermediate and trial diet pending.	N/A
05/06/2017	2017-18	Attempted Theft of motor vehicle	No case identified on system	No action: insufficient admissible evidence
24/07/2017	2017-18	Road Traffic Act 1988 S178(1)(b) - Drive stolen vehicle	<p>First accused: Community Payback Order with a supervision requirement of 2 years and a programme requirement to participate in a Road Traffic Group and a Restriction of Liberty Order imposed for 9 months <i>in cumulo</i> with charges identified as Theft of motor vehicle and attempted theft of a motor vehicle.</p> <p><i>Quoad ultra</i> not guilty accepted.</p> <p>Second accused: sentenced to 3 months in a Young Offenders Institution.</p> <p>Third accused: not guilty plea accepted.</p>	Accused 3 - not guilty plea accepted in respect of this charge
24/07/2017	2017-18	Attempted Theft of motor vehicle		As above
06/07/2018	2018-19	Attempted Theft of motor vehicle	No case identified on system	No further action: delay to reach conclusions
06/07/2018	2018-19	Attempted Theft of motor vehicle	No case identified on system	No further action: delay to reach conclusions

26/07/2018	2018-19	Theft of motor vehicle	Theft of motor vehicle charge was part of petition appearance but charges libelled on subsequent indictment did not include that specific charge as far as can be identified	N/A
25/10/2018	2018-19	Attempted Theft of motor vehicle	Fine £200	N/A
01/11/2018	2018-19	Road Traffic Act 1988 S178(1)(a) - Take & drive away	Not guilty accepted	N/A
26/03/2019	2018-19	Theft of motor vehicle	First accused: Community Payback Order with 18 month supervision requirement Second accused: not guilty accepted	N/A
28/12/2019	2019-20	Attempted Theft of motor vehicle	Community Payback Order with 2 year supervision requirement	N/A
03/01/2020	2019-20	Attempted Theft of motor vehicle	Attempted theft of motor vehicle charge was part of petition appearance but charges libelled on subsequent indictment did not include that specific charge as far as can be identified.	Charge of attempted theft appeared on Petition and was changed to a charge of reset after consideration of full statements.

23/09/2021	2021-22	Attempted Theft of motor vehicle	No case identified on system	No action: further action disproportionate
23/09/2021	2021-22	Attempted Theft of motor vehicle	No case identified on system	No action: further action disproportionate
21/10/2021	2021-22	Theft of motor vehicle	Theft of motor vehicle - not guilty accepted Theft of motor vehicle - admonished and dismissed	N/A
26/01/2022	2021-22	Attempted Theft of motor vehicle	Deferred sentence pending in respect that the accused has other matters which are to call in court at a later date.	N/A
25/06/2018	2018-19	Attempted Theft	Not guilty accepted	N/A
18/05/2017	2017-18	Theft of motor vehicle	Fine £200	N/A
01/05/2019	2019-20	Theft of motor vehicle	Sentenced to 16 months imprisonment (appeal lodged but refused <i>quoad</i> periods of imprisonment)	N/A

03/04/2019	2019-20	Attempted Theft of motor vehicle	Sentenced to 120 days imprisonment (which was ordered to run consecutively with the period imposed in respect of another matter).	N/A
02/02/2021	2020-21	Attempted Theft	Admonished and dismissed	N/A
11/06/2021	2021-22	Attempted Theft of motor vehicle	Sentenced to 160 days imprisonment	N/A
31/08/2018	2018-19	Road Traffic Act 1988 S178(1)(a) - Take & drive away	Admonished and dismissed	N/A
16/09/2021	2021-22	Attempted Theft of motor vehicle	Admonished and dismissed	N/A
19/11/2021	2021-22	Attempted Theft	Not guilty accepted	N/A
31/01/2019	2018-19	Road Traffic Act 1988 S178(1)(a) -	Not called	N/A

		Take & drive away		
21/09/2021	2021-22	Attempted Theft of motor vehicle	Not guilty accepted	N/A
08/11/2019	2019-20	Attempted Theft of motor vehicle	Sentenced to 4 months imprisonment to commence from the expiry of a sentence imposed on another matter on the same date.	N/A
20/08/2017	2017-18	Theft of motor vehicle	Community Payback Order with 200 hours unpaid work/ other activity requirement	N/A
28/10/2019	2019-20	Attempted Theft of motor vehicle	Merge of charges - Theft of motor vehicle Restriction of Liberty Order of 9 months imposed	Merge of charges
13/12/2021	2021-22	Attempted Theft	Not guilty accepted	N/A
24/04/2020	2020-21	Attempted Theft of motor vehicle	Attempted theft of motor vehicle charge was part of petition appearance but charges libelled on subsequent indictment did not include that specific charge as far as can be identified.	Roll-up of 3 police reports and merge of charges - no further action in respect of attempted theft of m/v
19/05/2020	2020-21	Attempted Theft of	Not called	N/A

		motor vehicle		
28/04/2017	2017-18	Theft of motor vehicle	Fine £150 and Compensation Order of £50	N/A
16/07/2020	2020-21	Theft of motor vehicle	First accused: sentenced to 26 months imprisonment <i>in cumulo</i> Second accused: not guilty accepted	N/A
16/07/2020	2020-21	Theft of motor vehicle		N/A

Glossary of terms:

Admonition (admonished and dismissed) - in some circumstances when a person has pled guilty or been convicted of an offence, the judge may admonish the offender not to commit the offence again and impose no other penalty.

Desert pro loco et tempore - to stop the particular indictment or summary complaint proceeding further without the facts being determined.

In cumulo - this is an overall sentence that is given for offences that arise as a 'course of conduct' (at least 2 similar incidents) or where multiple offences arise from the same incident. Where this is done, no part of the overall sentence is for any of the individual offences.

Not called – the Crown may elect not to call a case. Where this occurs, matters are formally minuted by the clerk of court which brings those specific proceedings to an end. It may be open to the Crown to raise further proceedings if they choose to do so (subject to matters such as time bar).

Quoad – with respect to. **Quoad ultra** - as regards everything else.