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Councillor Chris Matthews,  
Infrastructure, Highways and Emergency Planning  
East Riding of Yorkshire Council.

cc to all East Riding Councillors, Alan Menzies and others as before..

**Bogus Claims of Benefit Provided by Safer Roads Humber's "Safety" Cameras**

Dear Cllr. Matthews,

All numbered documents referred to in this reply (47) are accessible via the list at the foot of <http://www.fightbackwithfacts.com/humberside-safer-roads-false-claims/>.

The **most significant aspect** of your dismissive and brusque rejection (41) of my complaints (02, 04, 11, 14, 18, 25, 31, 32, 35, 37, 39, 40) about bogus claims of benefit by **Safer Roads Humber (SRH) is that you made no attempt whatever to justify their data and analysis, or to challenge mine.**

Of course I have to accept that the collapse in standards of education since my day might mean that there may be now people who genuinely believe that speed cameras that typically reduce speeding by **one third** can reduce accidents by **10 times the number that speeding ever causes**, or that when someone is killed or injured on our roads the work they would otherwise have done is **lost forever** rather than taken up by others. However as such people are **more likely to be held in secure institutions<sup>1</sup>** for their own safety and ours rather than in paid employment at any level, let alone yours, the most likely explanation of your failure to address the points I raise is that **you know perfectly well that SRH's claims are nonsense** and my objections wholly justified, **but prefer for some reason best known to yourself not to admit it.**

I assume it was for this reason that you reply instead (par. 2) on what older lawyers, I believe, still call the Nuremburg Defence - "**Only Following Orders**"- or in this case "**Never mind whether it's right or wrong, it's what we are told to do.**" But we **do** mind, Cllr. Matthews. We care about **road safety policy and spending being skewed by nonsensical claims of benefit and value for money** and we care about the safety of those directly affected by the bad decisions that result. **And so should you.**

Furthermore, as others at and since Nuremburg discovered to their cost, there are problems arising from the most basic principles in that self-serving defence:

(a) **No one is required to follow orders or instructions which are illegal** or which would clearly result in harm to others - as any military man or police officer surely knows and any Councillor surely should. No one has the authority to instruct others to behave illegally or improperly.

(b) There can be no dispute that all public employees, **including Councillors**, are bound by a **statutory Duty of Care** to those potentially affected by their actions, and indeed their failure **to act**. Our newspapers not infrequently report convictions of employees who breached rules under headings such as Misconduct in a Public Office, Miffeasance, Malfeasance, False Accounting, Fraud, Misrepresentation, Obtaining Money by False Pretences and others. Not to mention gross incompetence devoid of intent.

(c) Nor can there be any rational dispute that this duty of care necessarily includes:

(i) **not publishing false information, analysis or claims, and**

(ii) ensuring, when it becomes clear that, by accident or design, such false information has been published, that **it is withdrawn and corrected promptly**.

[Issuing false information in public documents has, under the relevant terms of the **Perjury Act 1911**, rightly been a criminal offence for a hundred years. An Appeal Court verdict recently confirmed a prison sentence on a lady who had failed to act when her duty of care to her sister required her to do so.]

However, the 'following orders' defence becomes moot in any case because the prime responsibility was transferred to Partnerships **more than five years ago**, as the DfT confirmed to me (22) in an email dated 14 May 2012,

*"Since the end of the National Safety Camera Programme on **31st March 2007**, actions relating to enforcement cameras have **been a local matter for the Partnerships**, where they still exist, or the police where they do not. With the end of hypothecation, the **Department has no power to direct or influence the actions of those agencies undertaking enforcement**".*

(my emphasis)

**In response to your final paragraph:**

The information I have provided is not my "*viewpoint*" but **simple arithmetic**. It is **mathematically impossible** for cameras to provide the scale of benefits claimed, whether in terms of accident and casualty numbers or the (seriously flawed in any case) cash values involved.

My complaints have not been "**addressed**" through your system but **brushed off and ignored, apparently in the hope that I will give up and go away. You will find that this is a mistake, as others have done<sup>2</sup>**.

It is less than clear how **Humberside Police**, involved as it is in SRH, seem not to understand - though the Romans did long ago - that "*Nemo iudex in causa su*" (No one may be the judge of his own case) and refuse to pass my complaint to another Force not tainted by such association. Nor for that matter why they assessed my complaint about **civilian employees** of SRH under **Professional Standards** procedures relating to the conduct of **police officers**.

In any case, as the Humberside police rejection (34) made clear, their decision was **not based on the merits or otherwise of these false claims**, but on **the narrow and legalistic point of whether, even if the claims were false they amount to criminal offences**. Incidentally, the officer's understanding of these issues is brought into question by his apparent statement (34) that public servants **may publish anything they wish** in public reports without censure - despite the Perjury Act 1911 covering publication of false information in public documents, not just oral evidence in court under oath as pretends.

As their letter (45) makes clear, the **IPCC made no assessment of my complaint against SRH** over their false claims, rejecting only my **complaint against Humberside Police's handling of that first complaint**. Their actual words were,

*"Before outlining our decision I should explain that our role in the appeal process is **not to investigate your complaint** but to review:*

- *whether or not the Humberside Police is the **right police force** to consider your complaint; and if so,*
  - *whether or not they should have recorded it as a complaint about the way **their staff** have behaved."*
- (my emphasis)

The latter point suggests that the IPCC too are confused, in that they appear not to have realised that my complaint was **against SRH civil servants** and not the way **Police staff** have behaved.

## **In conclusion:**

**It is beyond rational dispute** that SRH's claims (in its 2010/11 Report) for the benefits their cameras provide **far exceed** the contribution of speeding to accident causation confirmed by the DfT's annual reports. That being the case it would be **utterly impossible** (even if the DfT's figures for "values" of accidents realistically represented **cash** savings - which they do not<sup>3</sup>) that accidents and casualties prevented by the cameras could **remotely total the £73m** claimed by SRH. Indeed, on any realistic basis, the savings were **unlikely to have exceeded operating costs probably about £15m** over that period. On a **purely cash basis** there was **no possibility whatever** that they could even have approached that figure.

**I must insist that you and your colleagues put a stop to this nonsense now** - road users deserve better than to have road safety policies and spending based on such crass nonsense, the probable consequence of which are spending limited resources on the wrong policies and methods - see for example <http://www.fightbackwithfacts.com/cameras-versus-activated-signs/> showing that compared on a like-for-like basis, vehicle activated signs are some 50 times more cost effective than cameras,

The late Paul Smith of Safe Speed from time to time referred to politicians and bureaucrats who "*prefer to save face than save lives*" - **please ensure that you and your colleagues do not. Lives depend on it.**

**Yours faithfully,**

**Idris Francis B.Sc.**

<sup>1</sup> such as mental hospitals, perpetual motion machine factories, alchemy research laboratories or the ECB Euro Solution Department.

<sup>2</sup> for example

Stephen Ladyman MP, then Transport Minister and Gwyneth Dunwoody MP, Chairman of the Transport Select Committee, both of whom flatly denied that the **DfT's cost effectiveness comparison of speed cameras and vehicle activated signs were wildly wrong** - until I proved that they were and forced Ladyman to write to Transcom admitting as much. Fully documented at <http://www.fightbackwithfacts.com/cameras-versus-activated-signs/>.

Jim Fitzpatrick MP, then Transport Minister, who had stated that **daytime running lights** would add 5% to fuel bills. When I complained he checked and confirmed not just a typing error - for 0.5% - but also that as half our driving is done in the dark the figures was half of that, and far less still due to LED lights replacing tungsten filaments. See <http://www.fightbackwithfacts.com/daytime-running-lights/>

The supplier of a defective stair-lift who thought he could welch on his guarantee - he is now **paying back the purchase price plus costs** through a County Court Attachment of Earnings Order.

A lorry owner thought he could **park his lorry with impunity** where a Covenant said he could not. He now has a **County Court Injunction** against him, has recently paid an **Interim Costs Order for £6,000** and awaits a further Order for the balance.

<sup>3</sup> The DfT's estimates of "values" of accidents and casualties avoided consist of 3 main parts - **actual cash costs, notional estimates of the "value" of suffering avoided and supposedly "lost output."** However painful the suffering might be (and as the National Audit Office have confirmed) these notional figures should **not be treated as if they were cash saved for the State.** In addition, the proposition that when someone is killed or injured, his output is lost is preposterous - others step forward to take on his work to fulfil the continuing demand. For these reasons, for example, the **real cash cost to the State of a fatal accident is not the DfT's £1.9m "value" but about £20,000.** See <http://www.fightbackwithfacts.com/bogus-dft-values/>