

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 25th February 2022

Your ref: FOI

Our ref: FOI 2022 / 158

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 14th February 2022 concerning Speeding Offences.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested in full.

You wrote:

The request relates to speeding offences detected by your force, with a particular interest in how these were resolved and how many were cancelled.

My questions are as follows:

1. How many speeding offences did your force detect in the 2021 calendar year (1 January to 31 December, inclusive)?
2. Please provide a breakdown of how these offences were detected (i.e. via fixed speed camera, mobile speed camera, police officer with radar gun etc).
3. Please provide a breakdown of how these offences were resolved (i.e. how many were cancelled, how many resulted in awareness courses, fines/penalty points, court action etc).
4. For the offences that were cancelled, please provide a breakdown of the reasons why cancellations occurred (i.e. emergency service vehicles on blue light runs, court agreements etc).



INVESTOR IN PEOPLE

Our response:

The information that you are requesting in Questions 1 and 2 are not stored in a way which permits easy retrieval.

Whilst our crime recording system(s) are sophisticated, for some offences (including a number that are related to Traffic Offences), we are not able to easily provide a definitive number of offences as information is held in more than one place and – in some cases – duplicated.

In respect of Question 1, we can provide the volumes of Penalty Notices Given and also the volume of cases that ended up going to Court. However the total number of speeding cases is not simply one plus the other.

When Fixed Penalty Tickets are not paid, those cases end up going to Court - so the figures for a certain number of speeding offences will be featured in both totals that we hold in our systems.

For 2021, we recorded the following :-

Fixed Penalty Notices issued for Speeding offences	1,396
Cases that went to Court (either direct or due to non-payment of FPN)	712

The only way to ascertain an accurate number of unique speeding offences that were recorded in 2021 would be to look at every case that went to Court and determine whether this happened directly or as a result of non-payment of a FPN and remove those from the data.

Even allowing a very generous 5 minutes per record, I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it.

In respect of Question 2 - how these offences were recorded - we do not record the method in an easily searchable field on our database(s). We would need to manually look at every individual offence and make a manual note of the method by which the speeding offence was captured, in order to ascertain the information you require.

It needs to be noted that under the FOIA there is no obligation on an Authority to create information in order to answer an FOI where no information exists today.

Although excess cost removes the forces' obligations under the Freedom of Information Act, as a gesture of goodwill I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request. What I am able to provide you are the answers documented below :-

Question 2

No Information Held.

However, I can confirm that all our speeding offences are identified from either an officer at the roadside with a device or via the Community Speedwatch enforcement officer who would also be on the roadside with a speed detection device.

We no longer have any operational fixed speed cameras in Wiltshire.

Question 3

In terms of how these offences were resolved, we do not hold any information in terms of Court Results or Fines issued – you would need to submit an FOI request directly to the CPS to obtain this information.

The attached spreadsheet details the number of cases where offenders were offered and accepted National Speed Awareness Courses – this is broken down by month and offence type. Please see the note below regarding cancelled FPN's during 2021.

Question 4

During 2021, there were 30 Fixed Penalty Notices that were cancelled. Please refer to the attached spreadsheet which summarises the reasons for each of those cancellations, by offence type.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of questions 1 to a more manageable level. However, due to the difficulties outlined above, I cannot see how this can be achieved in this particular case.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 12: Exemption where cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Nick Penny
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk