

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.police.ukDate: 1st June 2022

Your Ref: FOI

Our Ref: FOI 2022/422

Reply contact name is: Kay Moore

Dear,

I write in connection with your request for information dated 13th May 2022 concerning using a mobile phone whilst driving 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.

You wrote:

I would like to submit a freedom of information request to access the information detailed below. Please provide responses to queries **1, 2 and 3** in order of priority, if limited by time/resource restrictions, and where time periods are indicated, please prioritise providing data for the year 2022-to date:

1. How many offences has your force recorded under the CU80 offence code – ‘Breach of requirements as to control the vehicle, such as using a mobile phone’ – in the last five years including the current year to date (2017 to date)? Please can you break this information down by:
 - i. Type of licence (provisional car licence holder, full car licence holder)
 - ii. Month (e.g. April, May).
 - iii. Age of licence holders when they committed the offence.
2. How many of the offences recorded in the time period stated above incurred fines?
3. What was the value of the total fines incurred for CU80 offences in the last five years?
 - i. Please break down the total value of fines issued for CU80 offences so far in 2022 by month (e.g. March, April, May, etc)
 - ii. For years preceding 2022, please break down the total value of fines issued for CU80 offences by year

Please see suggested presentations of the information below:

	Provisonal licence holders	Full car licence holders
...		
April 2022		
May 2022		



DISABLED

INVESTOR IN PEOPLE

	17-20	21-25	26-30	...
April 2022				
May 2022				

Our response:

The information that you are requesting (namely question 1(i)) is not stored in a way which permits easy retrieval. Whilst our crime recording system(s) are fairly sophisticated, we do not hold in a separate searchable field any reference that indicates whether traffic offences of this nature have been committed by a person holding a provisional licence or a full licence.

Therefore, the only way in which we would be able to ascertain the information you require would be to physically access and read each of the offences that fall into the offence category you mentioned for the last five years, and undertake a physical check to see whether the licence held at the time of the offence was provisional or not.

It also needs noting that if there is no reference held to the type of licence the driver held at the time of the offence, we would not be able to undertake additional searches of our PNC database to fill in any gaps as any search undertaken on Police system(s) need to have a defined policing purpose – and providing information to fulfil the requirements of an FOI request could not be classified as a defined policing purpose.

Under the circumstances 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.

Please note, that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Ordinarily under our Section 16 duty to provide advice and assistance, we would advise you how to refine your request 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,

Kay Moore
Force 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.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