

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.police.ukDate: 22nd July 2022

Your Ref: FOI

Our Ref: FOI 2022/532

Reply contact name is: Kay Moore

Dear,

I write in connection with your request for information dated 23rd June 2022 concerning speeding prosecutions. My apologies for the delayed response.

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:

1. How many drivers have you prosecuted for speeding in each of these years; 2017, 2018, 2019, 2020, 2021 and 2022 so far.
2. How many drivers have appealed against their prosecution for speeding?
3. How many drivers have been successful in appealing against the speeding prosecution?
4. How many of all appeals have been because the driver had evidence that the Notice of Intended Prosecution and/or prosecutor was using an incorrect speed limit in detailing the nature of the alleged offence?
5. How many of these appeals because of the use of incorrect speed limits were successful?
6. Can I please have a copy of your enforcement policy regarding speeding offences?

Our response:

The information that you are requesting (namely questions 2, 3, 4 and 5) is not stored in a way which permits easy retrieval. This is because in order to ascertain whether we hold any information relating to appeals, this would involve us having to physically trawl through each speeding traffic file there is from 2017-present, to see if we hold any of the information requested. This would undoubtedly take a considerable amount of time to achieve and as a result, this part of your request is exempt from disclosure.

DISABLE

INVESTOR IN PEOPLE

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.

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 –

1. How many drivers have you prosecuted for speeding in each of these years; 2017, 2018, 2019, 2020, 2021 and 2022 so far.

We are unable to provide you with the number of prosecutions that have come about as a result of drivers being caught speeding because we do not hold prosecution data. I would advise that you approach the Crown Prosecution Service (CPS) for this information.

6. Can I please have a copy of your enforcement policy regarding speeding offences?

Wiltshire Police does not have an enforcement policy regarding speeding offences. The criteria for enforcement of speeding offences is contained within legislation (i.e. Road Traffic Regulation Act 1984, Road Traffic Offenders Act 1988). The decision to pursue any allegation (including allegations of speeding) is made on a case by case basis taking into consideration the particular facts, the evidence and the likelihood of proving an offence has been committed beyond reasonable doubt.

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

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone 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