

**Police Headquarters**

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date 30th January 2023

Our ref FOI 2022/990

Dear ***,

I write in connection with your request for information dated 15th December 2022 concerning 'middle-lane hogging'.

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.

Following receipt of your request, research was conducted by the Justice Traffic Department at Wiltshire Police.

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 figures for the number of road users caught "middle-lane hogging" on motorways or three-lane carriageways in your area. This is when drivers break Rule 264 of the Highway Code, which states that: "You should always drive in the left-hand lane when the road ahead is clear".

The official offence is "careless driving" or "driving without due care for other road users", but I would only like to request the information specifically in relation to unnecessarily driving in the middle lane of the carriageway.

I am interested in the following calendar years:

-5th June - 31st December 2013 (the offence was introduced on June 5th this year)

-1st January - 31st December 2014

-1st January - 31st December 2015

-1st January - 31st December 2016

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-1st January - 31st December 2017

-1st January - 31st December 2018

-1st January - 31st December 2019

-1st January - 31st December 2020

-1st January - 31st December 2021

-1st January - current date 2022 (please specify current date when submitting back)

Broken down by each of the years above, please provide the following information for your force area:

1. The total number of recorded incidents of "middle-lane hogging"
2. The total number of fines handed-out for "middle-lane hogging"
3. The total number of prosecutions for "middle-lane hogging"
4. The total amount of money collected from fines handed-out for "middle-lane hogging"
5. The single largest fine handed-out for "middle-lane hogging"
6. The number of drivers sent on awareness courses for "middle-lane hogging"
7. If possible within the cost limits of the FOIA, a full list of the roads/motorways where people were found to be "middle-lane hogging"

*If your force does not record data in calendar years, please provide the information in the closest yearly periods available – eg financial years.

Response:

The information that you are requesting is not stored in a way which permits easy retrieval.

Wiltshire Police do not hold any details of the fine money collected, in order to obtain this information, you would be required to make contract with the HMCTS team as they are the team who deal with the money from fines. In addition to this, any higher fine would have been from a court hearing so they HMCTS would be the organisation that could assist with this query too.

We are unable to retrieve the information for the number of prosecutions for the offence with "middle lane hoggers" only – to obtain the FPN data as provided below has already taken our Justice Traffic Unit 11.30 hours and to obtain the details for any prosecution would take in excess of the set 18 hours. This is because they would be required to identify ALL Careless Driving Prosecution for the dates given then review each one individually to confirm what the offence was.

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

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rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it.

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:

FPN's issued for Carless Driving – Reason for Issue Middle Lane

Please note: The figures below relate to the number of FPNs provided for middle lane hogging. However, please be aware there may be additional results not brought back. There were a vast number of FPN's listed as 'not stated' or "other" this is because it is not a mandatory field to select what the FPN relates to. As a result, there may be other FPN's issued for middle lane hogging but I am unable confirm this without looking into every single FPN during the period you are requesting.

Date of Issue	Location	Middle Lane
2014	M4 Swindon	X
2018	M4 Motorway Junction 17 to 15, Swindon	X
2019	M4 J16 to J15	X
2019	M4 Chippenham	X
2020	M4 JCT 15 Eastbound	x
2020	M4 MP 134A - 137/2A Chippenham	x
2021	M4 j 15 - Membury Swindon	x
2021	M4 MP 136A	x
2021	M4 J16 Westbound Swindon	x
2022	M4 J16-J15, SWINDON	x
2022	M4 MP133/0A SWINDON	x
2022	M4 MP128/5B SWINDON	x
2022	M4 J16-J17 SWINDON	x
2022	M4 J14	X
2022	M4 J15-J14	x
2022	A350 WEST CEPEN WAY, CHIPPENHAM	x
2022	M4 J18 TO LEIGH DELEMERE	x
2022	M4 MP 144/0B	x

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:

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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

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

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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 Fol 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

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SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>