

**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: 3rd May 2023

Your ref: FOI

Our ref: FOI 2023 / 428

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 13th April 2023 concerning Uninsured Vehicles and lack of MOT's.

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 following information in relation to your local area please:

1. How many motorists were caught driving an uninsured vehicle between January 2022 and 2023 to date?
2. How many motorists were caught driving without a vehicle without a valid MOT between January 2022 and 2023 year to date?

In addition, please provide responses for both questions broken down by:

- Age of licence holder when caught
- How many fines have been issued for this offence throughout this period – please break this down by month and year
- Total value of fines given for these offences throughout this period

Please prioritise answering questions 1 and 2, and provide the additional information requested for each question in order of priority according to the limits of FOI requests.



INVESTOR IN PEOPLE

Our response:

The information that you are requesting in respect of the Age of the Driver when caught is not stored in a way which permits easy retrieval.

Whilst our crime recording system(s) are fairly sophisticated and we have a number of designated fields in which we can record (and then run automated searches on), we do not have a field in which we can record the Age of an offending driver in regards to Traffic Offences.

The ascertaining of this information would only be possible by physically locating and then reading each incident log for the time period you require and making a note of the details – in some cases this may not even be recorded as it is not a mandatory requirement for us to do so.

Given the sheer number of incidents concerned, 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.

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 – Motorists caught driving an uninsured vehicle / vehicle without a valid MOT

The following table provides the number of offences recorded by month and those that have gone down the Court route (see notes below).

Month	No Valid MOT		No Valid Insurance	
	Notices Issued	Taken to Court	Notices Issued	Taken to Court
Jan-22	45	4	23	60
Feb-22	33	9	28	50
Mar-22	40	7	41	45
Apr-22	47	7	55	47
May-22	46	8	22	39
Jun-22	38	4	32	41
Jul-22	33	7	8	48
Aug-22	46	8	51	25
Sep-22	31	10	24	27
Oct-22	40	4	68	37
Nov-22	34	6	49	27
Dec-22	40	4	43	38
Jan-23	50	0	36	23
Feb-23	37	3	81	9
Mar-23	29	0	61	12

Please Note

- No MOT offences are dealt with via a Fixed Penalty Notice (FPN) for which the fine is £100.
- No Insurance offences are dealt with via a Conditional Offer of a Fixed Penalty Notice (COFPN) for which the fine is £300.
- Due to how we record the numbers and statistics around these offences, some data may feature in both columns (notices issued and taken to Court) :-
 - FPN's (for No MOT offences) would only go to Court if the driver formally requested a hearing. Otherwise they would go to Fine Registration for the Court to recover the fines.
 - COFPN's (for No Insurance offences) would only go to Court if the driver did not comply with the payment of the fine.
- Due to a "time-lag" in how offences are handled, the numbers reported above for offences taken to Court in a given month are most likely to refer to offences that actually occurred in prior calendar months, not the same month that they went to Court.
- The information provided in the table above is as at today's date. Our Justice Traffic Team are currently dealing with a backlog of cases that might end up going down the Court route, so the Court figures reported for 2023 are likely to be understated.

Question – Fines levied

For a definitive answer in respect of how much in total in fines has been levied in respect of these offences our response is as follows – No Information Held.

For those offences that have gone through the Court process, Wiltshire Police do not have access to details of how much the Court fined an individual, so we would recommend that you submit an FOI request to HMCTS directly for this information if you still require it.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of Driver Age 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