

WILTSHIRE POLICE



Via Email



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date 02/05/2023

Our ref **FOI 2023/391**

Reply contact name is:

Dear

I write in connection with your request for information dated 04/04/2023 concerning the use of mobile phones while in a vehicle following the amendment of the road vehicles regulations (constructions and use) 1986.

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 team at Wiltshire Police.

Your request for information has now been considered and I am able to respond as follows.

You wrote:

I am looking for information relating to enforcement regarding the use of mobile phones while in a vehicle following the Amendment of the Road Vehicles (Construction and Use) Regulations 1986 that came into effect on 25th March 2022.

In particular, are you able to provide me with:

- 1) The number of prosecutions in relation to the use of mobile phones while driving under the regulations effective 25th March 2022. This can include information relating to people who have also been prosecuted since 25th March 2022 under regulations in place before this date.

Please provide a total number of prosecutions since March 25th 2022.

- 2) The number of prosecutions in relation to the use of mobile phones while driving under the active regulations between 25th March 2021 and 24th March 2022.

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Please provide a total number of prosecutions between 25th March 2021 and 24th March 2022.

- 3) The number of incidents where police gave 'words of advice' to motorists found in contravention of Road Vehicles (Construction and Use) Regulations 1986 relating to the use of a mobile phone when in charge of a car since 25th March 2022.

Please provide breakdown by calendar month of the number of incidents where 'words of advice' were given to motorists since March 25th 2022.

Response

Please note: the niche column is for the offences that went to court

Notice Issued between 25/03/2021 00:00:00 and 25/03/2022 00:00:00

Offence Code	Offence Description	Number of Notices Issued	Niche Offences
RC86820	Use a handheld mobile phone / device while driving a motor vehicle on a road - endorsable offence	179	54
	Total	179	54
RV86019	Use a handheld mobile phone / device while driving a motor vehicle on a road - endorsable offence	2	1
	Total	2	1
Total		181	55

Notice Issued between 25/03/2022 00:00:00 and 27/04/2023 00:00:00

Offence Code	Offence Description	Number of Notices Issued	Niche Offences
RC86820	Use a handheld mobile phone / device while driving a motor vehicle on a road - endorsable offence	8	0
	Total	8	0
RV86019	Use a handheld mobile phone / device while driving a motor vehicle on a road - endorsable offence	588	117
	Total	588	117
Total		596	117

In relation to question 3:

The type of information you require is not stored in a way which allows for easy retrieval. When recording a crime or incident, Wiltshire Police do not have a specific field in which to indicate that 'words of advice' have been offered. To locate and extract that information, we would need to manually peruse all relevant reports within the timeframe given. 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. Therefore the whole of the request falls under the exemption of section 12 of the Freedom of Information Act 2000.

Ordinarily under our Section 16 obligation to provide advice and assistance, we would advise you of a way to refine your request to a more manageable level. However, due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

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Section 17 of the Freedom of Information Act 2000 requires the Constabulary, 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

Force Disclosure Decision Maker

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

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

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Wycliffe House
Water Lane
Wilmslow
Cheshire
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/>