

**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: 24th October 2023

Your ref: FOI

Our ref: FOI 2023 /1023

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 23rd October 2023 concerning E-Bikes.

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:

Please may I request the following information under the Freedom of Information Act For the financial or calendar years 2018 to the present, or most recently available (e.g March 2023)

- 1) The number of e-bikes (Electrically Assisted Pedal Cycles) seized under section 165 of the Road Traffic Act 1988
- 2) The number of e-bikes (Electrically Assisted Pedal Cycles) seized that exceeded the 15.5mph or 250watt limit.
- 3) The number of offences recorded under
 - a) section 28 of the Road Traffic Act 1991 – (dangerous cycling)
 - b) section 29 of the Road Traffic Act 1991 – (careless and inconsiderate cycling)
 - c) section 30 of the Road Traffic Act 1991 – (cycling under the influence of drink or drugs)
- 4) The number of penalty fines handed out under



INVESTOR IN PEOPLE

- a) Section 28 of the Road Traffic Act 1991 – broken down by fine amount, if this does not exceed the time limit of the request.
- b) Section 29 of the Road Traffic Act 1991 – broken down by fine amount, if this does not exceed the time limit of the request.
- c) Section 30 of the Road Traffic Act 1991 – broken down by fine amount, if this does not exceed the time limit of the request.

Our response:

The information that you are requesting for part of your request (namely questions 1 and 2) is not stored in a way which permits easy retrieval.

Although our crime recording system(s) are fairly sophisticated and we have a number of specific fields in which we record key information related to a reported crime such as the age, gender, ethnicity of a victim, the location, crime group and so on (all of which can theoretically then be searched upon in order to locate relevant information) we do not have designated field in which we record the following :-

- a) the involvement of an E-Bike or Electric Bicycle in a crime
- b) that an E-Bike or Electric Bicycle has been seized
- c) the specification of any E-Bike or Electric Bicycle involved

Whilst we have a designated field where we can flag if any items have been seized in a crime occurrence, it is only a flag and does not designate what was actually seized.

The only way to ascertain whether an E-Bike or Electric Bicycle had been seized as a result of a crime and to determine the specification of it would be to locate and read each crime occurrence log (an possibly also associated material such as statements and supporting paperwork) that is applicable where the "Items Seized" flag has been used.

For the time period you require, there have been almost 2,000 individual crimes recorded on our systems and even allowing a very generous 3 minutes per record to do this, 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.

It also needs noting that we may not even hold details of the make/model or specification of the E-Bike or Electric Bicycle that was seized.

Please also note that if one part of the request engages a Section 12 response, then 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,

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