



Force Disclosure Unit
Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 10th November 2023

Ref: FOI 2023/962

Dear,

I write in connection with your request for information dated 4th October 2023 concerning 'lane hogging' offences on motorways. 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. Please could you provide the number (over the last 12 months) of vehicles pulled over for 'lane hogging' offences and brief statistics related to the outcome of the stops (advice given only, license endorsed, arrest etc).
2. Please could you advise if your force has directly targetted lane hogs as part of a campaign over the last 12 months.
3. I'd be grateful if you could provide a word of advice you'd like to communicate to those who habitually spend too much time in lanes other than the left.
4. I'd also, if appropriate, be grateful if you could provide examples of the most outrageous or ridiculous reason/s you've heard for persistently failing to move left when the lane is clear.

Our response:

The information that you are requesting is not stored in a way which permits easy retrieval. This is because lane hogging is not a technical crime class within our database(s) that we can easily search on, therefore, the only way in which we would be able to obtain the number of occurrences there have been where a driver has been stopped for lane hogging, this would involve us having to manually go into each road traffic related report over the last 12 months, in order to extract this information accurately.

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 –

The table below provides the number of Fixed Penalty Notices/Traffic Offence Reports issued by officers for due care offences over the last 12 months –

Middle Lane	Not Stated
10	84

Please note, that the specific reason for the drivers being issued FPNs/TORs for being in the middle lane is not clear, as not all have provided the reason as to why the FPN/TOR has been issued so please bear in mind that the figure above may not necessarily be indicative of those simply 'lane hogging'. Also, there are a number of FPNs/TORs that have been issued where the reason has simply not been stated, so please be aware that an FPN/TOR may have been issued for lane hogging, however, we cannot confirm this for definite. Also, please be aware that the drivers may have been issued further FPNs/TORs for other driving offences.

Ordinarily under our Section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of questions 2, 3 and 4 to a more manageable level. In relation to question 2, if this question was to be submitted to us separately then we may be able to confirm whether or not such a campaign has taken place over the last 12 months. In respect of question 3, where you have requested that we provide a word of advice to those who may be habitually lane hogging on motorways – under the Freedom of Information Act, we are not obliged to create information in order to furnish such a request. The FOI Act is all about information we as a force may hold and we are not obligated to comment or give words of advice in order to fulfill a request. With question 4, where you have requested for examples of the “most outrageous or ridiculous reason/s” for a driver potentially lane hogging – this is not a valid request. This is because you are asking for us to provide our opinions on the data we hold as opposed to requesting for information we do hold in itself and of course; opinions are entirely subjective and not necessarily fact. Even if we were able to provide this detail, the data provided would likely be slightly different each time as it would be down to the personal opinion of the member of staff extracting this information as to what they deem to be the most outrageous or ridiculous reason(s) given. Again, you could argue that us imparting our opinion on any data held would technically be creating information, as this is not information we would otherwise likely hold and again, we are not obligated to provide this under FOI.

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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,

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

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.

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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