

**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 E Mail

Date: 22nd April 2024

Your ref: FOI

Our ref: FOI 2024 / 372

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 8th April 2024 concerning Complaints of Noisy Vehicles.

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 – having consulted our Justice Traffic, Roads Policing and Business Performance Teams - I am not able to respond to your request in full.

You wrote:

Numbers of noisy vehicle complaints in the last 5 complete years (2019-2023 inclusive), year on year.

The outcomes of those complaints, i.e. numbers of NFA, driver fines, seizures of vehicles, and any NIPs.

For NFAs, why was no further action taken?

Total numbers of excessive vehicle noise offences and/or tickets in the last 5 complete years, year on year.

Any information on noisy exhaust initiatives in your force, i.e. the nature of any initiatives, their dates, length, and outcomes.

Our response:

The information that you are requesting in respect of the number of complaints received and their respective outcomes is not stored in a way which permits easy retrieval.



INVESTOR IN PEOPLE

Whilst our call recording system(s) are reasonably sophisticated and we have a number of fields in which we can store specific information (and theoretically search on it) we do not have a designated field in which we record the fact that a complaint is being made specifically about noisy vehicle exhausts.

This information – if held at all – would only be featured in the call log transcript taken at the time the call is made by our call handlers. We are not able to undertake automated searches of our individual call logs for specific terms such as “noisy exhausts”.

The ascertaining of this information would only be possible by physically reading every call and attendance log made for the 5 year period you are requesting.

Given that in any given calendar year, Wiltshire Police receive c120,000 individual calls to either 101 or 999 numbers, 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.

Ordinarily, if one part of a request engages a Section 12 response, then the whole request would 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.

However, although excess cost removes the forces’ obligations under the Freedom of Information Act, as a gesture of goodwill - and under our Section 16 duty to be as helpful as possible to an applicant - 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 3

You have asked why no further action was taken on occasion. A response to this question would essentially necessitate Wiltshire Police offering an opinion – there is no obligation on an Authority to provide an opinion under the FOIA.

Question 4

The number of offences where FPN’s (Fixed Penalty Notices) were issued to drivers (by year) and crime recording category were as follows :-

Offence Code	Offence Description	2019	2020	2021	2022	2023
RC86066	Use a motor vehicle on a road with a defective exhaust system / silencer	1	0	0	0	0
RC86068	Use a motor vehicle on a road with silencer / exhaust system altered to increased the noise made	6	6	6	8	22
RC86092	Use a motor vehicle on a road in a manner as to cause excessive noise	1	1	0	0	4
	Total	8	7	6	8	26

Question 5

For the time period you mention there have been no specific initiatives of this nature within Wiltshire Police. There is no national guidance regarding an acceptable decibel level for exhausts and also no calibrated kit available to specifically detect this exact offence.

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