

**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: 19th July 2024

Your ref: FOI

Our ref: FOI 2024 / 591

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 19th June 2024 concerning Middle Lane Hogging Penalties.

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 Team - I am now able to respond as follows.

You wrote:

I am writing to request information under the Freedom of Information Act 2000.

Specifically, I would like to obtain data on driving penalties issued for "middle-lane hogging" since the law was enacted in 2013. This is when drivers break Rule 264 of the Highway Code, which states that: "You should always drive in the left-hand lane when the road ahead is clear".

The details I am requesting are as follows:

1. The total number of penalties issued for middle lane hogging each year from 2013 to current date (June 2024).*
2. The total amount of fines issued as a result of these penalties, broken down by year.
3. The total amount of money collected from fines handed out for middle lane hogging, broken down by year.
4. Details on the cars (make/model) given penalties for middle lane hogging - if the data is available.

*If your force does not record data in calendar years, please provide the information in the closest yearly periods available – i.e. financial years.



INVESTOR IN PEOPLE

Please provide the information in the form of a table (word document or spreadsheet).

Our response:

The information that you are requesting is not stored in a way which allows for easy retrieval.

Wiltshire Police do not have the search facility to automatically gather details of ALL the instances where penalties have been issued for Middle Lane Hogging offences.

We do have a stand-alone system in which we record the details of FPN's (Fixed Penalty Notices) that are issued by Officers for driving offences, obtaining the information for those instances where drivers actually went through the Court Process is much more problematic.

Whilst our main crime recording system is fairly sophisticated and contains a number of fields in which specific data about a crime or incident are recorded, we do not have any fields in which we record whether or not a Court appearance is due to a Middle Lane Hogging offence or what penalty (if any was imposed).

As such the only way to ascertain the details you require for Middle Lane Hogging offences that went through the Court process would be to manually review many thousands of individual records to identify whether or not it met your criteria and – then – make a separate note of the key information you require.

Under the circumstances – and given the sheer number of these offences involved - 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 also 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 :-

For the time period you require officers have issued Fixed Penalty Notices on 35 occasions. These can be broken down by year as follows :-

2013	0
2014	1
2015	0
2016	0
2017	0
2018	1
2019	2
2020	3
2021	2
2022	9
2023	13
2024	4 (year to date – up to end of April 2024)

Note

- These figures only relate to Middle Land Hogging offences where officers have issued a FPN directly.
- They do not include those instances where drivers have gone through the Court process for this offence.
- For each of these 35 offences, drivers will have been issued with a £100 fine and 3 points on their driving licence.
- Our Justice Traffic Team are currently dealing with a significant backlog of FPN documentation that still requires adding to our system – the information provided above for 2024 is up to any including the month of April 2024.

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