

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

[www.wiltshire.police.uk](http://www.wiltshire.police.uk)[disclosure@wiltshire.pnn.police.uk](mailto:disclosure@wiltshire.pnn.police.uk)

XXXXXX – by email

Date: 13<sup>th</sup> February 2025

Your ref: FOI

Our ref: FOI 2025 / 190

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 12<sup>th</sup> February 2025 concerning drivers using mobile phones whilst driving.

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:**

For 2021, 2022, 2023, 2024 and 2025 (so far) :-

- a) How many drivers have been stopped for using a mobile phone whilst driving ?
- b) How many drivers received a fine and/or penalty points for using their mobile phone whilst driving ?
- c) How many drivers lost their licence for using their mobile phone whilst driving ?

**Our response:**

The information that you are requesting for the majority of your request (namely question b) is not stored in a way which permits easy retrieval.

To ascertain definitive numbers per year for question B it would be necessary to locate and read each individual Penalty Notice issued, because of the way this information is recorded within our system(s).

Given the sheer number of these for the 4+ years worth of data you are requesting (2,769 tickets to date) and allowing a very conservative 3 minutes per record to do so, I am absolutely confident



INVESTOR IN PEOPLE

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, ordinarily 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.

However, 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 :-

#### Question a

No information Held.

There is no obligation on an Authority to provide a reason when supplying a No Information Held response, however in this instance – and under our Section 16 obligation to be as helpful as possible to an applicant – I am happy to provide some additional context.

Our Justice Traffic Team are only able to advise the number of FPN (Fixed Penalty Notices) and Fines that are actually issued in a given year, not the total number of drivers that have actually been stopped.

When a driver is stopped and only given words of advice by an Officer, we do not record these occurrences in our Traffic system(s) as we have no policing reason to do so.

It is therefore impossible for us to provide details of the total number of drivers actually stopped for using a mobile phone whilst driving.

#### Question b

The number of FPN's (Fixed Penalty Notices) issued and the number of cases that have gone down the Court route per year are shown in the table below :-

| Year         | FPN's issued | Court |
|--------------|--------------|-------|
| 2021         | 227          | 58    |
| 2022         | 414          | 138   |
| 2023         | 861          | 286   |
| 2024         | 1219         | 238   |
| 2025 to date | 48           | 0     |

When an FPN is issued the driver is issued with a £200 fine and 6 penalty points.

If the driver refuses to pay the fine OR contests the offence, then we create a crime record for it on our systems and it then gets taken to Court.

Details of some of these offences will feature in both columns of the above table.

The low numbers reported so far for 2025 are due to a backlog in FPN's being logged onto our system(s) in the Justice Traffic Department.

If an offence of this nature is contested and taken to Court (for appeal per-se), there is a possibility that some of these offences may be cancelled, with fees not levied and any penalty points duly removed. We do not hold details of those cases, but you may be able to get this information by submitting an FOI request directly to HMCTS (HM Courts and Tribunal Service).

### Question c

No Information Held.

Again, under our Section 16 obligation to be as helpful as possible to an applicant, I am happy to provide some context to you.

Whilst we are able to provide the limited information as shown in b above, we do not hold information regarding how many individuals have lost their licence through using a mobile phone whilst driving.

Penalties of this nature are imposed by HMCTS and details of them are not provided back to Wiltshire Police.

We would recommend that you submit an FOI request directly to HMCTS for this information.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of questions B 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](mailto: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](mailto:mail@ico.gsi.gov.uk)