

Our Ref: 006205/20



**Freedom of Information Section**  
Nottinghamshire Police HQ  
Sherwood Lodge, Arnold  
Nottingham NG5 8PP

**Tel:** 0115 967 0999  
**Ext** 318 0888  
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15 September 2020

**Request under the Freedom of Information Act 2000 (FOIA)**

I write in connection with your request for information, which was received by Nottinghamshire Police on 10/09/2020.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

**RESPONSE**

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does hold the information you have requested.

Please find below answers to your questions:-

***You publish the tolerances you apply to speed limits on your website. I would like to know the following:***

- 1. Were the tolerances set on automatic motorway speed cameras changed between 23 March and 1 July?***
- 2. What were they changed from and to?***
- 3. What was the reason for the change?***

Nottinghamshire Police are unable to provide this information in relation to your request as this information would be exempt by virtue of Section 31(1) Law Enforcement of the Freedom of Information Act 2000.

Section 31(1) is a prejudice based and qualified exemption which requires the prejudice (harm) to be evidenced and a public interest test to be carried out.

Upon completion of this process I am then required to ascertain where the balance in compliance with both my duty to confirm or deny that information exists and/or in disclosure of any relevant information. Please see below.

**31.** – (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

- a) the prevention or detection of crime
- b) the apprehension or prosecution of offenders
- c) the administration of justice

### **Harm**

The aim of roads policing is to make roads safer by encouraging people to keep within the speed limits, hence reducing speeds, reducing collisions and consequently, reducing the number of individuals killed or seriously injured on the roads.

By definition, those routes selected for speeding enforcement have inherent dangers and, as such, *appropriate* disclosure of information around enforcement activity is essential. Disclosure of the threshold for prosecution in relation to speeding offences, would inform individuals about the uppermost speed they can attain without fear of detection and prosecution in the Nottinghamshire Force area, this is likely to affect driver behaviour in that individuals could use this information to drive over the speed limit but under the enforcement threshold, thereby evading prosecution.

A disclosure to an individual under Freedom of Information is, in effect, a disclosure the world at large. Driving above the stated speed limit is an offence. Withholding the information on prosecution thresholds from the public would maintain the perception that when an individual chooses to speed they are risking criminal liability and therefore, run the risk of being caught and having enforcement action taken against them. This preserves the Police Force's ability to prevent and detect criminal activity and to apprehend and prosecute offenders this engaging S31 of the Act

### **Factors favouring disclosure**

Disclosure of this information would enhance the public's knowledge of roads policing tactics thereby increasing the level of any public debate on the matter.

Nottinghamshire Police provide a public service and therefore should be accountable to the public whom they serve and transparent in our speed enforcement decisions and patterns. Such accountability and transparency will increase the public's level of trust in the Police service strengthening relationships between the Police Force and the local communities.

## **Factors favouring maintaining the exemptions**

Law enforcement tactics would be compromised. There should be no confusion in the mind of drivers as to what the speed limit is on a particular road. Disclosure of the information requested would lead to some motorists treating the enforcement threshold as the 'perceived' speed limit knowing they could do so without recrimination. This will have a detrimental impact on the Police's ability to prevent and detect crime and to apprehend and prosecute offenders which in turn, would lead to an impact on obtaining justice for victims.

Although guidelines exist regarding speeding enforcement, Police Forces can apply varying thresholds for the implementation of various enforcement actions.

## **Balance Test**

Disclosure of the requested information would lead to a better informed public thus enhancing the level of any public debate on these issues. Residents of Nottinghamshire and beyond would see the rationale behind the application of the various speed enforcement limits across the county and that decisions are recorded appropriately. The Force would also be held more accountable for its patterns and level of speed cameras.

However, this must be balanced against the wider public interests relating to operational policing and issues in respect of public health and safety. Although it is widely known that there are guidelines in existence which support the prosecution threshold of 110% of the speed limit + 2mph, however Police Forces can apply varying thresholds for the implementation of various enforcement actions. To definitively state the threshold to specific cameras an individual Police Force enforces speeding offences, would assist individuals evading detection from such offences and have a damaging impact on prosecuting offenders.

Therefore, at this moment in time, it is our opinion that for these issues the balancing test for non-disclosure is made.

This letter constitutes a refusal notice under Section 17 (1) of the Freedom of Information Act 2000 with Sections 31(1)(a)(b) being applied

## **Complaints Rights**

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

## **Copyright**

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988.

However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9670999 Ext 318 0888 or e-mail [freedomofinformation@Nottinghamshire.pnn.police.uk](mailto:freedomofinformation@Nottinghamshire.pnn.police.uk) quoting the above reference number.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. B. R.', written in a cursive style.

Electronically signed on behalf of Information Request Team

## **Are you dissatisfied with your response?**

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

### **How do I appeal?**

All appeals should be made in writing and sent to:-

Information Management  
Nottinghamshire Police  
Force Headquarters  
Sherwood Lodge  
Arnold  
Notts  
NG5 8PP

or alternatively [freedomofinformation@nottinghamshire.pnn.police.uk](mailto:freedomofinformation@nottinghamshire.pnn.police.uk)

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

**Your request for review must be received within 28 calendar days your response. If your request for review is not received within this time period a review will not be considered.**

## **What if I'm still not satisfied?**

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Website: <https://ico.org.uk/>