

Our Ref: 007851/15



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

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Ext 800 2507
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23 November 2015

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 02/11/2015.

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

Please find below answers to your questions:-

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 could you advise me:

(a) How many requests are received for emergency use dispensations annually by each of the three emergency services (Police, Fire and Ambulance)?

No information held. Nottinghamshire Police do not keep records of how many actual exemption requests are received. However, we have been able to search our systems for the year 2014 and can state that 217 offences were cancelled because they were emergency vehicles (Police, Fire and Ambulance) and that these were cancelled as a result of claiming the exemption.

(b) Who makes decisions as to whether such requests are EHCR and policy compliant?

Managers within the Safety Camera Partnership



(c) What training the decision maker receives to assist this process?

In house training and complying with The Guidance regarding legal obligations placed on Forces as body corporate when dealing with speeding and red light offences by emergency service vehicles.(ACPO Guidelines please see link below.)

<http://library.college.police.uk/docs/acpo/ACPO-speeding-and-red-light-offences-2011.doc>

(d) What approximate rank or pay grade is the decision maker?

For the Police an exemption request must be authorized by an Inspector or above. For Fire and Ambulance the request should be authorized by a supervisor. The final decision is made by the Manager within the Safety Camera Partnership who is a grade A1 or above.

(e) How many decision makers there are?

Three

(f) If there is an appeals process?

If a request for exemption is declined then the appeal would be through a not guilty plea at a court hearing

(g) Do either of the other Emergency services have devolved ability to dispense NIPs without Police input?

No

(h) Does the system work any differently for internal Police alleged offenders and if so how?

No

Clarification received 02/11/2015

To clarify:

NIPs are Notices of Intended Prosecution. The ones I am interested in are those normally generated by mobile or static enforcement cameras (such as speed limits or traffic lights). Most forces have a basic assessment followed by the automatic issue of NIPs after which alleged offending emergency drivers seek to avail themselves of exemption from prosecution afforded by the legislation.

I am interested in these processes.

I would just like a year's worth of data and would prefer 2014.

Additional question received 02/11/2015

If you have any data on the actual number of Police, Fire or Ambulance personnel prosecuted where the dispensation was not applied for or refused it would be useful.

Obviously if this data is not kept or too onerous to gather I appreciate that it will not be available.

This information is not recorded in an easily retrievable format. To locate, retrieve and extract the requested information requires a manual search of all records held. It would require a search of each individual offence record for the year 2014 to ascertain if it was in relation to emergency services and the outcome. In that year 88,578 Notice of Intended Prosecutions were issued.

Evan at approximately 1 minute per record to search and extract any relevant data which would equate to approximately 1476 working hours (for 1 year worth of records). This takes the request over the cost threshold of 18 working hours and engages Section 12 (1) of the Act.

This letter constitutes a refusal notice under Section 17(5) of the Freedom of Information Act 2000 with Section 12(1) of the act being applied.

12. – (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.

Should you wish for the Force to continue with your request, a more accurate figure will be provided within a fee's notice. The cost will need to be paid by you, prior to any further investigation. Please advise if you wish to proceed.

Alternatively you are invited to refine your request to bring it within the cost threshold. However, due to the large numbers I am unable to suggest a refinement that would bring the request within the cost threshold.

In accordance with the Act, once one part of the request is excess cost the whole request exceeds the cost threshold. However in the spirit of the Act, but outside of it, we have provided the information we were already able to retrieve.

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 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

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

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.

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