



Gloucestershire Constabulary Freedom of Information request 2022.0008

I would firstly like to apologise for the delay in responding to your request. This has been due to an exceedingly high volume of requests and resourcing issues which have impacted both upon the Information Disclosure team and the business areas upon whom we rely to supply the information.

On 4 January 2022 you sent an email constituting a request under the Freedom of Information Act asking the following:

Please could I receive the information broken down by calendar year from 2016 onwards in order to establish trends?

I'd like to know how many close passes involving cyclists have been reported and how many of them were accompanied by supporting video evidence.

I'm also interested in the outcomes of the reports. What are the outcomes and what is their split amongst the reports? E.g., how many reports result in no further action being taken, how many resulted in the driver being written to, how many resulted in the drivers being asked to attend an awareness course, and in how many instances were drivers prosecuted etc.?

Also, in how many of the reports did the cyclist receive a warning or prosecution relating to their part in the incident?

Having submitted many videos to different regions, highlighting what I believed to be obviously dangerous close passes that have resulted in different outcomes, I'd also like to understand how the level of outcome is arrived at and how the consistency of the evidence review is ensured?

For example:

- Is there a minimum level of training required for each person reviewing evidence?*
- Is it ever acceptable for a vehicle to pass close within 1.5m of a cyclist? If not, how is the proximity assessed from video evidence? If so, how is the speed of pass or risk presented assessed from video evidence?*
- What are the documented guidelines/standards that those reviewing the video evidence follow?*

Finally, with respect to the changes in the Highway Code concerning a hierarchy of vulnerable road users, will this be acknowledged in your regions budget spend and what will I notice as a cyclist?

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary may hold some relevant information.

There is no central register for this information and no way to retrieve the information by way of electronic searches. "Close Pass" is not an offence in itself and any report of such an occurrence may fall within several different driving offences as listed in Part 1 – Principal Road Safety Provisions, Road Traffic Act 1988 [Road Traffic Act 1988 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1988/26) The only way of trying to determine whether any relevant information is held in respect of the questions you posed and to retrieve that information would require a manual review of each recorded driving offence. Given that your request relates to data as far back as 2016, this would involve the review of many hundreds of records and would therefore take far longer than the 18 hours prescribed by the Freedom of Information Act. A search of the incidents for either 'cyclists' or 'close pass' in the date range 01/01/2016 – 12/06/2023 brought back 3,698 results.

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1) – Fee Regulations states:

Section 1(1) of the Act 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. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

It is more likely that this type of "offence" would only come to the attention of the Constabulary via dash cam or helmet cam footage that may be submitted, however cycling clips are not recorded separately to motor vehicle clips, therefore a manual review of all clips submitted would also be required to determine the relevance to you request.

The Constabulary utilises a police officer to assess all dash cam cases so they are trained as any officer would be. The video must show an offence of driving without due care / careless driving. A significant number do not as many don't show the vehicle going past but rather just after they have passed the cyclist.

To prove driving without due care the police must show some inconvenience to the cyclist therefore they look at vehicles driving so close as to cause the cyclist to wobble, to take avoiding action or to brake. A car driving within 1.5 metres is not in itself an offence but it is

good evidence so the police rely on the obvious nature of the driving exhibited on the video. The police proceed with approx. 50% of dash cam cases received.

Changes to the Highway Code have not shown an increase in complaints so there is no need to change the budget or process.

Providing Information Outside of the Act

By way of assistance and although excess cost removes the Force's obligations under the Freedom of Information Act, we have supplied some information relevant to your request which has already been retrieved. We trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Unfortunately, I am unable to provide any further assistance under Section 16 of the Freedom of Information Act as I am unable to suggest any way to refine your request to come within the cost constraints of Section 12 of the Act.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

Yours sincerely,