



Dear ,

Gloucestershire Constabulary Freedom of Information request 2023.0167

On 06/02/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

Please could you supply me with the following information:

1. How many BMW vehicles with an N57 engine the does the force have and use? These will include, but not be limited to, such models as the 330, 330d, 530d, 5 series etc. (All forces have been issued with guidance about cars with this engine, so the force will know which cars have it).
2. For what purpose are these cars used?
3. What restrictions, if any, has the force imposed on usage of these cars? Eg, including, but not limited to, setting an upper speed limit or advising drivers not to sit with the engine idling.
4. What special maintenance of these cars, if any, has been implemented? Eg, including, but not limited to, more frequent oil changes or inspections.

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

1. And 2. I can confirm that the Constabulary hold some information but to confirm how many vehicles and the purpose of any vehicles is exempt under the Freedom of Information Act.

Section 17 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.

The following exemption applies:

Section 31(1)(a) – Law Enforcement

The exemption above is qualified and prejudice based therefore both a Public Interest Test and Harm Test are required.

Evidence of Harm

To disclose any of the above requested information could cause subsequent harm to the Police service's ability to protect the public it serves and could prejudice its ability to perform core functions such as the prevention and detection of crime. Releasing such specific information about the number of vehicles affected and their roles would give individuals the intelligence required to disrupt police activity and give away the Police capability to criminals within Gloucestershire.

The disclosure of information which is likely to undermine the Police service's ability to serve the public in preventing and detecting crime can only be considered as being harmful to the public.

Public Interest Test

Factors in Favour of Disclosure

The disclosure of this information would lead to a better awareness of the Police Vehicle resources in the Force area and provide information and reassurance to the public that adequate resources are in place to protect the Community.

Factors against Disclosure

The disclosure of the details requested would compromise law enforcement tactics by identifying policing capabilities and resource, enabling criminals to easily identify vehicles that may be limited in their abilities to pursue. This would enable more crime to be committed and have an impact on police resources, thereby hindering the prevention and detection of crime.

Balance Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst there is a public interest in the transparency of policing activity and providing assurance that the police service is appropriately and effectively resourced, there is a very strong public interest in safeguarding the integrity of police operations, tactics and capabilities in order to ensure that the protection of the public is safeguarded. Therefore it is our opinion that the balance of the public interest favours withholding the information.

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

3. I can confirm that the Constabulary has imposed restrictions on any such vehicle as follows:

- Limit to speeds below 70mph
- No use of sport mode or paddle shift
- Minimise unnecessary idling

4. I can confirm that the Constabulary has imposed the following in relation to service and maintenance:

- Increase in service intervals to every 4500 miles interval for oil change

Not to be driven in the event of services light illuminating

Gloucestershire Constabulary can neither confirm nor deny (NCND) that it holds any information about covert vehicles in relation to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 31(3) Law Enforcement

Section 31 is a prejudice-based, qualified exemption and therefore there is the requirement to articulate the harm that would be caused in confirming or not whether information is held as well as considering the public interest.

Evidence of Harm

To confirm or deny that any information is held in relation to any of the above requested information for covert vehicles could cause subsequent harm to the Police service's ability to protect the public it serves and could prejudice its ability to perform core functions such as the prevention and detection of crime. Confirming or denying that such specific information about the Constabulary's vehicle fleet is held would give individuals the intelligence required to disrupt police activity and give away the Police capability to criminals within Gloucestershire.

The confirmation or denial that information is held which is likely to undermine the Police service's ability to serve the public in preventing and detecting crime can only be considered as being harmful to the public.

Public Interest Test

Factors in favour of confirming or denying information is held

The confirmation or denial that this information is held would lead to a better awareness of the Police Vehicle resources in the Force area and provide information and reassurance to the public that adequate resources are in place to protect the Community.

Factors against confirming or denying information is held

To confirm or deny any details of covert police vehicles would compromise law enforcement tactics by identifying policing capabilities and resource, enabling criminals to easily identify covert vehicles. This would enable more crime to be committed and have an impact on police resources, thereby hindering the prevention and detection of crime.

Balance Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst there is a public interest in the transparency of policing activity and providing assurance that the police service is appropriately and effectively resourced, there is a very strong public interest in safeguarding the integrity of police operations, tactics and capabilities in order to ensure that the protection of the public is safeguarded.

Therefore it is our opinion that the balance of the public interest favours neither confirming nor denying information is held.

No inference can be taken from this refusal that information does or does not exist.

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,

Disclosure Officer
Gloucestershire Constabulary