



Your reference:

Our reference: FOI_2023.0953

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 20/10/2023

Dear

Gloucestershire Constabulary Freedom of Information request 2023.0953

On 27/09/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

Under the Freedom of Information Act, I would like to request the following:

1. How many drivers have been pulled over for 'middle lane hogging' in your force area, broken down by year for 2019, 2020, 2021, 2022 and 2023 to date?
2. How many drivers have been penalised (e.g. issued a fine and/or points) for 'middle lane hogging' in your force area, broken down by year for 2019, 2020, 2021, 2022 and 2023 to date?
3. The total number of drivers caught/penalised for careless driving in your force area broken down by year for 2019, 2020, 2021, 2022 and 2023 to date

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

Unfortunately there is no central register for this information which you have requested and no way to retrieve the information by way of electronic searches. Whilst it is possible to retrieve the number of Fixed Penalty Notices issued for the offences of "drive without reasonable consideration to other users" and "Driving without Due Care/Attention", the specific circumstances of the offences, such as staying in the middle lane, are not recorded separately and it would require a manual review of the records to identify the relevant information. This would involve the review of hundreds, if not thousands of records and would therefore take far longer than the 18 hours prescribed by the Freedom of Information Act.

Please see below for suggestions on how you may be able to refine your request to come within the cost constraints of Section 12 of the Act.

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.

Under Section 16, duty to assist, a search our offence recording system can be conducted for the following offences whereby a conditional offer of a fixed penalty has been issued:

- Drive a mechanically propelled vehicle on a road/in a public place without due and attention
- Drive a mechanically propelled vehicle on a road/in a public place without reasonable consideration to other users.

A search can also be conducted for the specific offences above for any prosecutions which have been issued.

If this would assist please submit a new FOI request: foi@gloucestershire.police.uk.

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.

The Information Commissioner can be contacted via the following means:

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

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

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

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary