



Your reference: n/a

Our reference: FOI\_24\_0200

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 11/03/2024

Dear

**Gloucestershire Constabulary Freedom of Information request FOI\_24\_0200**

On 14/02/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

In January 2022 an updated highway code came into effect.

This specifies that motorists should not 'close pass' cyclists and that cyclists should not 'close pass' pedestrians.

1. How many motorists have you fined or taken other action against for close passing cyclists?
2. How many cyclists have you fined or taken other action against for close passing pedestrians?

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

Unfortunately, it's not possible to electronically search for the information you have requested.

Although rules under the Highway Code, motorists 'close passing' cyclists and cyclists 'close passing' pedestrians, are not specific offences. Any such allegation of motorists 'close passing' cyclists, may be prosecuted under Driving without due care and attention. In order to ascertain if any such prosecutions have been recorded, a manual review of all Driving without due care and attention offences would need to be conducted. This would take longer than the 18 hours prescribed by Section 12 of the Freedom of Information 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.

Unfortunately, I'm unable to assist in suggesting ways of refining your request to come within the confines of Section 12 of the Act. Even reducing the timescale would not reduce the number of records enough that a manual review could be conducted within the timescale but still provide meaningful information.

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](mailto:casework@ico.org.uk)

Post –

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

Yours sincerely,

Disclosure Officer  
Gloucestershire Constabulary