



Your reference: N/A
Our reference: FOI_24_0323
E-mail: FOI
@gloucestershire.police.uk
Direct dial: 01452 754304
Postal Address: As above
Date: 16/04/2024

Dear

Gloucestershire Constabulary Freedom of Information request 24.0323

On 15/03/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

I am writing to you under the Freedom of Information Act 2000 to request the following information.

We are requesting that you please share data around Fixed Penalty Notices issued to drivers splashing pedestrians with road water while driving which we believe is a "Careless, and inconsiderate, driving offence" according to the Road Traffic Act which states, *"If a person drives a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, he is guilty of an offence."*

1. Please fill out the below table regarding careless, and inconsiderate, driving offence FPNS.

Year	Total number of careless and inconsiderate driving offence FPNS issued	Value of the FPN fines issued to careless and inconsiderate driving offences per person	Total number of careless and inconsiderate driving offence FPNS issued <u>related to</u> motorists splashing pedestrians while driving	Value of the FPN fines issued to careless and inconsiderate driving offences <u>related to</u> motorists splashing pedestrians

				while driving per person
2023				
2022				
2021				

Although it is a rule of the Highway code there is no specific offence of splashing

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

Unfortunately, it is not possible to electronically search for the information you have requested. In order to identify and retrieve whether a Fixed Penalty Notice (FPN) have been issued under Careless and Inconsiderate driving offence for a motorist splashing pedestrians, a manual review of all Careless and Inconsiderate driving offences recorded over the three year period to ascertain if the FPN was issued for a motorist splashing a pedestrian would be required. This manual review would exceed the 18 hours as prescribed by Section 12 of 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, I can confirm if you resubmit your requesting the following:

- **Total number of careless and inconsiderate driving offence FPNs issued**
- **Value of the FPN fines issued to careless and inconsiderate driving offences per person**

We may be able to assist with your request. If this would be of use for you, please resubmit a new FOI request to 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