

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **11 October 2021**

Public Authority: **Chief Constable of Nottinghamshire
Constabulary
Nottinghamshire Police HQ
Sherwood Lodge
Arnold
Nottingham
NG5 8PP**

Decision (including any steps ordered)

1. The complainant requested various information from the Nottinghamshire Police relating to speed limit enforcement in and around Southwell. The Nottinghamshire Police had failed to provide a substantive response by the date of this notice.
2. The Commissioner's decision is that the Nottinghamshire Police failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Nottinghamshire Police to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The Nottinghamshire Police must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 13 July 2021, the complainant wrote to the Nottinghamshire Police and requested information in the following terms:

"Dear Sirs

This is a request for information under the FOIA.

I should be grateful to receive your response with 20 working days following receipt of this e mail ie following receipt today, Tues 13/7/21, by Tues 10/8/21, latest.

I am happy to receive the requested information in electronic format ie as a response to this e mail.

The information I require is as follows -

a) the number of occasions during the period 12/1/20 - 12/7/21 inclusive on which a dedicated or ad hoc speed limit enforcement van/vehicle and crew has been deployed by Nottinghamshire Police in the following locations -

i) Upton village (approximately 2.5 miles east of Southwell), and

ii) the town of Southwell,

b) for each of the number of deployments in Southwell from a) above -

i) the location(s) adopted for each such exercise ie per date (eg verge of abc road, opposite xyz junction),

ii) the duration(s) of each such exercise ie per date (hours/mins),

iii) the number of vehicles on each such occasion (ie per date) recorded as exceeding the relevant speed limit, and

iv) following each such exercise (ie per date), and as a breakdown of the number of vehicles recorded as exceeding the speed limit -

- the number where no follow up action was taken,

- the number issued with 'conditional offers' (ie the opportunity to pay/take points or attend 'awareness course'), and

- the number referred to Magistrates' Court (either straightaway or as a result of the purported offence being contested).

In dealing with the above, you may find it helpful to refer to previous FOI cases 6734/18, 8501/18, 4719/19 and 329/21 which

effectively provide precedent and format template for the supply of this sort of information (Information Disclosure Officers then were [name redacted] and [name redacted])."

6. The Nottinghamshire Police failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 25 August 2021 to complain about the failure, by the Nottinghamshire Police, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Nottinghamshire Police on 21 September 2021 to highlight the outstanding response. She requested that the Nottinghamshire Police respond to the request within 10 working days.
9. Despite this intervention the Nottinghamshire Police has failed to respond to the complainant.
10. The scope of this notice and the following analysis is to consider whether the Nottinghamshire Police has complied with section 10 of the FOIA.

Reasons for decision

11. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

12. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
13. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Nottinghamshire Police has breached section 10 of the FOIA and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Michael Lea
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