

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 February 2020

Public Authority: Chief Constable of Warwickshire Police

Address: Police Headquarters

Leek Wootton

Warwickshire

CV35 7QA

Decision (including any steps ordered)

1. The complainant requested information from Warwickshire Police about traffic speeding enforcement.
2. The Commissioner's decision is that Warwickshire Police has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Warwickshire Police to take the following step to ensure compliance with the legislation.
 - Warwickshire Police must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. Warwickshire Police must take this step 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 9 November 2019, the complainant wrote to Warwickshire Police and requested information in the following terms:

"I would be grateful for information about traffic speeding enforcement in the Ansley Common area and Ansley Parish Council boundary.

For this request, the "Area" should be considered as the B4114 road between Church End (West) and B4114 Camp Hill Road (East) as it meets Mancetter Road as it becomes Tuttle Hill.

And, the "Parish" should be considered the boundary covered by Ansley Parish Council.

A) How many times and for how long (hours) has any Police mobile camera unit operated in the "Area" stated above during 1st January 2017 to Saturday 2nd November 2019.

B) How many times and for how long (hours) has any Police mobile camera unit operated in the "Parish" stated above during 1st January 2017 to Saturday 2nd November 2019.

C) How many notices of intended prosecution were issued by Warwickshire Police for speeding offences committed in the "Area" stated above during 1st January 2017 to Saturday 2nd November 2019.

D) How many notices of intended prosecution were issued by Police for speeding offences committed in the "Parish" stated above during 1st January 2017 to Saturday 2nd November 2019.

E) How many instances involving speeding, even if they did not result in a prosecution, were recorded by Police in the "Area" stated above during 1st January 2017 to Saturday 2nd November 2019.

F) How many instances involving speeding, even if they did not result in a prosecution, were recorded by Police in the "Parish" stated above during 1st January 2017 to Saturday 2nd November 2019.

G) Please could you state the average recorded speed of any fixed or mobile camera operations in the "Area" stated above during 1st January 2017 to Saturday 2nd November 2019.

H) Please could you state the highest record speed of any fixed or mobile camera operations in the "Area" stated above during 1st January 2017 to Saturday 2nd November 2019."

6. Warwickshire Police acknowledged the request on 14 November 2019. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 30 December 2019 to complain about Warwickshire Police's failure to respond to their request.
8. The Commissioner has considered whether Warwickshire Police has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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."

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.
11. On 15 January 2020 the Commissioner wrote to Warwickshire Police, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention Warwickshire Police has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that Warwickshire Police did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Warwickshire Police has breached section 10(1) by failing to respond to the request

within 20 working days 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: 0300 1234504

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

Phillip Angell
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