



Hampshire Constabulary

Chief Constable Paul R. Kernaghan CBE QPM LL.B MA

Our Ref : HC/02733/08
Your Ref :

Mike Payne
request-1780-
1fa4e2e3@whatdotheyknow.com

Police Headquarters
West Hill
Romsey Road
Winchester
Hampshire
SO22 5DB

Telephone: 0845 045 45 45

Direct Dial: 01962 814757

Fax: 01962 871204

E-Mail: information@hampshire.pnn.police.uk

MiniCom: 01962 875000

10th October 2008

Dear Mr Payne

FREEDOM OF INFORMATION REQUEST REFERENCE NO: HC/02733/08

Your request for information under the Freedom of Information Act was received by the Information Compliance Unit at Hampshire Constabulary on 14th August 2008. I note you seek access to the following information:

Point 1

Please provide the total number of people who have been caught speeding through the climbing lane road works between junctions 11 and 12 on the M27 for the full duration that the cameras were in place?

Response:

The combined total for the westbound and eastbound cameras is 33.

Point 2

Please break these numbers down into those who have been travelling between 60 and 70 mph, 70 and 80 mph, 80 and 90 mph and those travelling in excess of 90mph.

Response:

Your request for information has now been considered and I am not obliged to supply the information you have requested in this part of your request. Section 17 of the Freedom of Information Act 2000 requires Hampshire Constabulary, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The following exemptions apply to this information:

S31 Law Enforcement

Information is exempt from disclosure under s31(1)(a)(b)(c) where the release of information would, or would be likely to, prejudice the prevention and detection of crime, the apprehension or prosecution of offenders and/or the administration of justice.



Hampshire Constabulary

Chief Constable Paul R. Kernaghan CBE QPM LL.B MA

This exemption is qualified and prejudice-based and, as such, I am required to evidence the harm in disclosure and apply the public interest test.

S38 Health & Safety

S38(1) applies where disclosure of information would, or would be likely to, endanger the physical or mental health of any individual or the safety of an individual.

This exemption applies to 'any individual'. This may be a police officer, a witness, a member of the public the applicant, friends and relatives etc and the harm may be actual or perceived. It refers to physical, mental, emotional, psychological etc types of harm.

Evidence of Harm

The release of information relating to speed bands is likely to demonstrate enforcement patterns implemented by the Safer Roads Partnership. This, in turn, may inadvertently provide intelligence about working practises which, if disclosed, would have an impact on operational policing.

If figures were disclosed specific to the speed bands requested, this would inform members of the public as to the focus of police enforcement activity, encouraging individuals to ignore the official speed limit and to drive up to the speed disclosed rather than the signed speed limit. This will impact on road safety for all, possibly leading to an increase accidents and casualties and compromise health and safety of pedestrians and road users at large.

The aim of roads policing is to make roads safer by encouraging people to keep within the speed limits, hence reducing speeds, reducing collisions and, consequently, reducing the number of people killed and injured. The consequence of the release of this information, especially where the number of offences is relatively low, would be to compromise this aim and inform drivers the level at which they can exceed the speed limit without fear of prosecution.

PUBLIC INTEREST TEST

Factors favouring disclosure:

Accountability - when information disclosed relates directly to the efficiency and effectiveness of the force or its officers. In this case, it is important that the partnership is accountable for its enforcement at locations where temporary road works are in place. This factor is negated, however, by virtue of the fact that the constabulary has disclosed the overall total of the tickets issued for the cameras in question.

Public debate - where release of information would contribute to the quality and accuracy of public debate. The subject of speeding is a topical discussion point and is a relatively high profile media issue. As such, the provision of information around enforcement may improve the quality of the media coverage and thus better inform the debate.



Hampshire Constabulary

Chief Constable Paul R. Kernaghan CBE QPM LL.B MA

Factors favouring non-disclosure:

Interests of third parties – where third party interests might be jeopardised by release of information that relates to personal affairs of individuals and/or sensitive commercial information held about business, financial, contractual or operational issues. In this case, operational issues may be negatively impacted should this information be disclosed and the objectives of the roads policing unit and Safer Roads Partnership may be compromised should enforcement focus and by implication, enforcement thresholds, be released into the public domain.

Efficient and effective conduct of the force - where current or future law enforcement role of the force may be compromised by the release of information. In this case, disclosing information around the focus of enforcement activity and threshold speeds may encourage motorists within Hampshire to drive up to this limit, thus impinging on the ability of the constabulary to police the road network in Hampshire effectively and efficiently.

Public safety/casualty reduction– there may be occasions where the release of information relating to public safety may not be in the public interest. Public safety is of paramount importance to the policing purpose and must be considered in respect of every release. In this case, if information around the number of tickets issued per speed band were disclosed, drivers may be encouraged to drive up to this level rather than adhere to the official speed limit. This may have health and safety implications for all road users, resulting in an increase in speed-related accidents and casualties.

Balancing Test

In this case, there are factors favouring disclosure and non-disclosure. Whilst the force acknowledges it must be accountable to members of the public for enforcing the law in relation to speed enforcement, the weight of this factor is reduced by disclosure of the overall totals for the cameras.

There are also compelling factors around law enforcement and public safety that counter-balance the accountability argument. For example, it is crucial that the focus of speed enforcement and threshold speeds remain confidential to ensure that motorists are not tempted to drive up to enforcement levels rather than adhere to the speed limit. Releasing such information may have the effect ultimately of reducing public safety as drivers use the information on force-specific thresholds to avoid law enforcement in respect of speed.

On balance, therefore, it is my decision that public interest lies in non-disclosure of this information at this time.

COMPLAINT RIGHTS

Your attention is drawn to the attached sheet detailing your rights.

Thank you for your interest in Hampshire Constabulary.

Should you have any further inquiries concerning this matter, please write or contact Rebecca Shepherd on telephone number 01962 814789 quoting the reference number above.



Hampshire Constabulary

Chief Constable Paul R. Kernaghan CBE QPM LL.B MA

Yours sincerely

Rebecca Shepherd
Freedom of Information Officer



Hampshire Constabulary

Chief Constable Paul R. Kernaghan CBE QPM LL.B MA

COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require Hampshire Constabulary to review their decision.

Prior to lodging a formal complaint, you are welcome and encouraged to discuss the decision with the case officer who dealt with your request.

Ask to have the decision looked at again –

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision of Hampshire Constabulary made under the Freedom of Information Act 2000 regarding access to information, you can lodge a complaint with Hampshire Constabulary to have the decision reviewed. Hampshire Constabulary must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

Freedom of Information
Information Compliance Unit
Police Headquarters
West Hill, Romsey Road
Winchester
Hants SO22 5DB

In all possible circumstances, Hampshire Constabulary will aim to respond to your complaint within 3 months.

The Information Commissioner

If, after lodging a complaint with Hampshire Constabulary, you are still dissatisfied with the decision, you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Freedom of Information Act (2000).

For information on how to make application to the Information Commissioner, please visit their website at www.informationcommissioner.gov.uk. Alternatively, phone or write to:

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

Telephone: 01625 545 700