

Our Ref: IM-FOI-2018-2787

31 January 2019



## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 – INTERNAL REVIEW**

In accordance with section 20(1) of the Freedom of Information (Scotland) Act 2002, you have requested a review of the decision communicated to you on 21 December 2018 in respect of your original request for information, received 21 November 2018.

Please accept my apologies for the delay in responding to your review request.

### **Original Request**

Could you please provide a CSV file or pdf document containing a breakdown of the number of violations of the 20mph speed limit in force within North Queensferry, Inverkeithing and Rosyth, all Fife, in the period from 1 November 2016 to date.

When replying, would you please include the following details:

#### **1. SPEED RECORDED AT EVENT**

#### **2. SPEED CAMERA TYPE USED TO RECORD SPEED**

- Average speed camera
- Police patrol car
- Static speed camera
- Mobile speed camera
- Other types (Grouped by type if greater than 10% of the total number of events, otherwise grouped under 'Other')

#### **3. LOCATION OF OFFENCE**

- Street name
- Disposal type (e.g. fixed penalty)

### **Request for Review**

I am dissatisfied with your response dated 20 December 2018 to my FOI request. You responded to the same request last year (as attached) confirming that 4 offences were recorded in the period from 1/11/16 to 13/12/17, all of which were recorded by static hand held radar and dealt with by Conditional Offer Of Fixed Penalty.

What's changed?

I am interested to know: (i) whether it really the case that there has been no policing whatsoever of the 20mph speed limit in North Queensferry, Inverkeithing and Rosyth by Police Scotland; and (ii) the extent of disposal type e.g. Conditional Offer Of Fixed Penalty. I am not interested in warnings. As it did last year, my request covers the use of speed cameras other than fixed cameras.

My role is to consider the response issued and determine whether or not your request was handled in accordance with the provisions of the Freedom of Information (Scotland) Act 2002.

In reviewing the response I have studied all documentation relevant to the request, including that which documents both the research carried out and the decision making process.

After reviewing all documentation held in relation to your request, I can advise that when your request was received it was sent initially to our Safety Camera Unit to provide statistics. This was returned advising that the Safety Camera Unit do not operate in the area concerned, and a response was drafted on this basis. However, whilst reviewing your request I have been in contact with our Criminal Justice Division who also record statistics for speeding offences. These offences are reported by police officers as part of road side checks. They were able to provide a response to your original request, which I have set out below.

### **1. SPEED RECORDED AT EVENT**

35 mph in 20 mph limit  
 35 mph in 20 mph limit  
 34-36 mph in 20 mph limit  
 30 mph in 20 mph limit  
 34 mph in 20 mph limit  
 30mph in 20 mph limit  
 31 mph in 20 mph limit  
 31 mph in 20 mph limit  
 32 mph in 20 mph limit

### **2. SPEED CAMERA TYPE USED TO RECORD SPEED**

- Average speed camera
- Police patrol car
- Static speed camera
- Mobile speed camera
- Other types (Grouped by type if greater than 10% of the total number of events, otherwise grouped under 'Other')

These were all recorded using a static hand held radar.

### **3. LOCATION OF OFFENCE**

- Street name
- Disposal type (e.g. fixed penalty)

All offences occurred in Rosyth.

Taking all of the above into account, I am not satisfied that your request has been handled in accordance with the Freedom of Information (Scotland) Act 2002 and in terms of section 21(4)(b) of the Act, I modify the original response as I do not agree that Section(s) 17 of the Act was correctly applied.

Should you require any further assistance concerning this matter please contact Information Management – Edinburgh on 0131 311 3901 quoting the reference number given.

If you remain dissatisfied following the review of this case, you then have six months in which you may appeal to the Scottish Information Commissioner who can be contacted as follows:

Online appeal service - [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS

Telephone: 01334 464610  
Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.