

Our Ref: IM-FOI-2018-2618
Date: 7 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 4 December 2018 in respect of your original request for information, received on 5 November 2018.

Original Request

I would kindly appreciate if you could supply the following information in regards to V division (Dumfries and Galloway)

- 1. What is the policy and rules around stopping taxis for vehicle checks.**
- 2. What are the local policy for tyre tread depth for taxi at time of the stop check.**
- 3. Under what powers are being used to remove a taxi from service for being under 3mm**
- 4. All or any correspondence from dumgal council to police Scotland in regards to tyre tread depth of 3mm**

Correspondence to police officers from police Scotland in regards to the 3mm tyre tread depth that officers are enforcing.

Request for Review

Thank you for the information you have supplied but you have not supplied some of the details that was asked for.

You have failed to answer the part of what powers are the police officer using to order a vehicle off the road when a tyre is under 3mm as the information you supplied is only for taxi testing at a nominated taxi test centre and not for spot checks by police officers.

You have not supplied the information regarding correspondence between the council and police Scotland and you have failed for information from police Scotland to the traffic officers.

In this review process, 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 (FOISA).

As part of the review, I am also required to consider the quality of the administrative process applied to your request; and I note that you received a response within the legislative timescale.

Furthermore, 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.

In relation to your first point, Section 11 (2) of the Civic Government (Scotland) Act 1982, states the following:

An authorised officer of a licensing authority, an authorised civilian employee or a constable shall have power at any reasonable time to inspect and test, for the purpose of ascertaining its fitness

I have provided a link below which details the legislation in regarding to Section 11 (2) of the Civic Government (Scotland) Act 1982.

<https://www.legislation.gov.uk/ukpga/1982/45/contents>

A search was undertaken and as stated in our previous response one piece of correspondence that met your criteria was identified and included in our response.

Taking all of the above into account, I am satisfied that your request has been handled in accordance with the Freedom of Information (Scotland) Act 2002 and in terms of section 21(4)(a) of the Act, I uphold the original response.

Should you require any further assistance concerning this matter please contact Information Management – Glasgow 01786 895867 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:

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

Telephone: 01334 464610
Email: 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.

Information Management
Glasgow