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14 October 2019

**Our ref:** CM/PA/002546/19

Dear Nia Day,

**FREEDOM OF INFORMATION REQUEST**

I write in response to the above referenced Freedom of Information request submitted on the 30/09/2019, Hampshire Constabulary has now considered this request, which has been repeated below and have responded accordingly.

**S14 of the Freedom of Information Act is intended to protect public authorities from individuals who are seeking to mis-use the Act. Given the volume of requests that you have submitted and the amount of time already invested in your requests by Hampshire Constabulary, please note that any further requests around this subject area – whether they are the same or substantively similar - will be refused under s14(1) of the Freedom of Information Act, Vexatious Requests.**

Request	Response
Reference: Data & Information Issued by Hampshire Constabulary Via a Media Release in 2018.  I require under the Freedom Of Information Act that you disclose the following statements as made by you as being either (False) or (Accurate) as made by PC Richard Jewell (Investigating Officer). I require you to answer each of the points below separately, point by point, in response to my request.  Point 1: "Fantasist" jailed for creating extraordinary web of lies to avoid speeding	Hampshire Constabulary can neither confirm nor deny that it holds the information you requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:  <b>S40(5)(a)(i) Personal information</b>  <b>S30(3) Investigations and proceedings conducted by public authorities</b>  Please see below.



ticket .

You state in the press release that Mr Henry was jailed for avoiding a speeding ticket.

Please confirm –

(a) When was Mr Henry issued with a speeding ticket

(b) When was Mr Henry heard in court in relation to your speeding ticket statement

(c) Please confirm what the speeding ticket value was in (£'s).

(d) When did you prosecute the driver of the vehicle in court that caused this speeding ticket.

(e) In relation to this press statement and as a matter of fact, did Hampshire Constabulary ever take Mr Henry to court for any speeding ticket

(f) Was Mr Henry ever prosecuted in court for speeding or even heard in court for a speeding offence.

Point 2: A motorist who created an extraordinary web of deceit to avoid a speeding ticket has been jailed for 12 months.

You state that Mr Henry created a web of deceit to avoid a speeding ticket.

(a) Please confirm on what date you cautioned MR Henry for Speeding

(b) Please confirm on what date you charged Mr Henry for speeding

(c) Please confirm whether you took Mr Henry to court for speeding and in which court this speeding ticket matter was heard

(d) What conviction did Mr Henry receive for specifically 'Speeding' in this Yellow Freelanders and in what Court that Speeding Conviction was made.

Point 3: (1) Who was formally identified at the scene of the speeding offence in relation to speeding in the Yellow Freelanders as being the driver.

(2) Who was the person that was prosecuted in court for speeding in relation



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to this Yellow Freelanders doing 35mph in a 30mph zone and how was this person formally identified as being at the scene of the speeding.

Point 4: You state that Christopher Henry went to extreme lengths to dodge the speeding offence.

(1) Please confirm that Mr Henry was charged for this speeding offence

(2) Was formally prosecuted for this speeding offence and

(c) Who was the registered keeper of the Yellow Freelanders with the DVLA at the time of the alleged offence

(d) Was Mr Henry ever recorded as the registered keeper of the Yellow Freelanders with the DVLA (e) Was Mr Henry ever recorded as the registered owner of the Yellow Freelanders with the DVLA.

Point 5: The press statement as issued by PC Richard Jewell stated that by the dedication and determination of a Hampshire officer has finally seen the 52-year-old behind bars following a two-year investigation into this speeding offence of 35mph in a 30mph zone.

(1) Please confirm on what date and in which court Mr Henry was formally prosecuted for speeding at 35mph in a 30mph zone given that he was investigated for this offence for 2 years by PC Richard Jewell.

(2) In fact has Hampshire Constabulary ever prosecuted Mr Henry for any speeding offence between 2000 and 2019 and please list which courts this prosecution(s) took place and what the offences were.

Point 6: The press statement says that this was a complex investigation which began back in February 2016 when Henry was caught speeding by a mobile camera van on the A343 Newbury Road, Hurstbourne Tarrant, driving his ex-wife's Freelanders.

(1) Please confirm if this statement is accurate or false

(b) Was Mr Henry caught speeding at the scene whilst driving this Yellow Freelanders,



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Yes or No

(c) Did the Yellow Freelanders at the time of the offence belong to Mr Henry's Ex-Wife as stated in the press statement (Yes or No).

(2) Was Mr Henry ever convicted in a court of law or heard in a court of law for the alleged speeding offence of travelling at 35mph in a 30mph zone on the A343 Newbury Road, Hurstbourne Tarrant (Yes or No).

Point 7: PC Jewell stated in the press statement that Rather than accept the £100 fine and three points on his driving licence, Henry embarked on trail of deceit that lead to enquiries in the Outer Hebrides and with French Interpol. Please confirm the following

(a) Was Mr Henry ever formally issued with a £100 fine for speeding

(b) Was Mr Henry ever heard in any court in the UK for this speeding offence

(c) Given that No Court ever heard any speeding allegation against Mr Henry, do you agree that he could not be held liable for any £100 speeding fine or ticket, as no such allegation in court was ever heard in relation to a speeding offence.

(d) If a court did hear the speeding offence, please confirm which court heard the speeding offence that would have led to a £100 fine.

Point 8: Is accurate and correct that for the offence of speeding at 35mph in a 30mph zone as outline din this press statement would automatically lead to a £100 fine and is the amount of £100 accurate in any event by way of a fine for a £35mph speed in a 30mph zone. Is it not the case that an alterative offer may have been made for a speeding course had someone been formally identified as being the driver at the time of the alleged offence.

Point 9: As a matter of public record how many point did Mr Henry have on his DVLA licence at the time of the alleged offence in February 2016.



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Point 10: As a matter of public record how many times had Mr Henry been prosecuted for speeding by Hampshire Constabulary between 2000 and 2019 in the Hampshire catchment area.

Point 11: Your press statement made by PC Jewell states that it took 2 years to prosecute Mr Henry for this speeding offence

(a) Did PC Jewell within 2 years ever actually prosecute Mr Henry for any speeding offence inclusive this one relating to a Yellow Freelanders

(b) If PC Jewell and Hampshire Constabulary never actually obtained any speeding prosecution at all against Mr Henry in a UK Court, as no court actually heard any speeding case against Mr Henry, is the statement made by PC Richard Jewell that it took him 2 years to prosecute Mr Henry for speeding at 35mph in a 30mph zone simply a lie / false in fact.

Point 12: The press statement as made by PC Richard Jewell stated that that an Audi TT was registered to Mr Henry when it was caught speeding in August 2016.

(a) Please confirm who the DVLA had the Audi TT registered against at the time of this second alleged offence

(b) At the time of the second alleged offence can you formally confirm that on the date of the Offence the DVLA did not have Mr Henry registered at the vehicle owner or keeper (Yes or No).

(c) Please confirm if Mr Henry was ever prosecuted for speeding in this Audi TT by Hampshire or Somerset Police (d) Please confirm who actually received the fine and points for this speeding offence in the Audi TT - was this Mr Henry (Yes or No)

Point 13: The press statement as made by PC Richard Jewell from the Safer Roads and Summary Justice Unit, said:  
"Hampshire police and our Safer Roads team takes road safety very seriously. "It is not right that certain individuals will try



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and avoid their responsibilities under the Road Traffic Act by lying about who was driving to avoid police or court action.

“This case shows that such claims are investigated and, where evidence exists, prosecution will follow.

(a) Please confirm if PC Richard Jewell and Hampshire Constabulary ever prosecuted any driver for the offence of speeding at 35mph in a 30mph zone in February 2016

(b) If yes which court heard the speeding offence and

(c) what penalty /fine and against who did the court register the speeding offence and fine against formally and on public record.

(b) Is it not a fact that PC Richard Jewell and Hampshire Constabulary never actually prosecuted anyone formally for the allegation of speeding at 35mph in a 30mph zone in a yellow Freelander, as this case was never brought before a UK Court and was never in fact heard in any UK Court in relation to speeding in a Yellow Freelander.

(c) If no one was ever formally prosecuted in a UK court and no case was ever heard in any UK court for this alleged speeding offence in a Yellow Freelander, how can the PC state that a speeding prosecution was made and that Hampshire Roads had been made safer as a result of No actual speeding prosecution in 2 years, in fact no one was ever prosecuted in a UK court of law for speeding in this Yellow Freelander, is that correct (Yes or No).

Can you confirm that this press release by PC Richard Jewell was false and inaccurate in relation to Mr Henry speeding as he was never in fact convicted of any speeding offence by PC Richard Jewell and that no court ever heard any speeding offence in relation to this vehicle as a matter of fact (do you agree that no speeding case in court was ever heard) and to publicise Mr Henry speeding and showing a picture of a Yellow Freelander



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that was never registered to hi or owned by him as confirmed by the DVLA is in fact misrepresentation of the facts.

Prior to your reply to questions relating to the Formal and Public Press Statement as made by PC Richard Jewell that was provided to me by you recently in my other FOI request. I must bring to your attention and that of the public facts as stated by the judiciary and Courts in open and formal correspondence that I have dated 2018, which is as follows:

1. A formal written statement was issued by Basingstoke Law Courts dated (21/08/2018) 'At a single Justice procedure Hearing held on 14th July 2016 Mr Henry was convicted in his absence of failing to provide information in relation to a vehicle that he did not own and was not registered to him in relation to vehicle registration S20 SYR. The allegation made by Hampshire Constabulary that Mr Henry was speeding in a Yellow Freelanders registration S20 SYR on the A343 was withdrawn and was never heard in court. The only offence committed by Mr Henry as confirmed by this court was for failing to provide information in relation to a Yellow Freelanders S20 SYR that the Court and DVLA confirmed that Mr Henry was never the registered keeper or owner of this vehicle.

Question 1. (In summary No Court Case was ever heard in any UK court between 2016 and today) in relation to Mr Henry being accused of driving this vehicle (Is this factually correct) Yes Or No.

Question 2. It is a fact is it not that PC Richard Jewell and Hampshire Constabulary never took anyone to court for the case of Speeding in the Yellow Freelanders registration S20 SYR as a matter of public fact and record (Yes or No).

Question 3. During the two year investigation undertaken by Pc Richard



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Jewell who was the investigating officer and the person that issued the formal press statement on behalf of Hampshire Constabulary that he never prosecuted anyone in a UK court for the offence of speeding on the A343 (Yes or No).

Question 4. It is a fact of the court that Mr Henry was never heard in court for the alleged offence of speeding in a Yellow Freeland registration S20 SYR on the A343 and as such no one inclusive Mr Henry was ever prosecuted for the offence of speeding in any UK Court. (Yes or No).

The above qualification to your formal press statement as issued by PC Richard Jewell requires clarification on the points above.

2. The above facts have also been confirmed formally also by the CPS Victim Liaison Service in open correspondence dated (06/11/2018). Do you confirm that the CPS view is (Accurate or False).

3. The above facts have also been confirmed formally by the DVLA who in open correspondence state that according to their formal records that Mr was never a registered keeper or owner of the Yellow Freeland Vehicle Registration S20 SYR. Do you confirm that the DVLA view is (Accurate or False).

4. The above facts were also confirmed formally by the CCRC in open correspondence dated (11/11/2018) whereby they confirmed in open correspondence that Hampshire Constabulary never prosecuted anyone for the speeding offence on the A343 and that no case was ever heard in any UK court in relation to anyone being heard in court for the alleged offence of speeding on the A343 in a Yellow Freeland in February 2016.

5. Finally Hampshire Police confirmed in open correspondence in 2018 that (a) No One was ever fined £100 for speeding on



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the A343 as no £100 fine was ever issued to anyone (a) Is that Accurate or Not . That No One avoided any points or fines as they were never issued to anyone (b) Is that Accurate or Not. (c) That no case was ever heard in any UK court 'ever' from the date of the offence in February 2016 to todays date in relation to anyone being charged, arrested or brought to a UK court for the alleged offence of speeding in the Yellow Frelander Registration S20 SYR, Is that Accurate or Not.

In relation to the facts of the statement as made by PC Richard Jewell as issued to the press as the investigating officer of 2 years for this alleged speeding offence that his press statement was intended to pervert public opinion as it was false, not factually accurate, was misleading and that in fact he had not made Hampshire Roads safer as after 2 years he never prosecuted any person in court for the speeding offence itself. (Is that Accurate In your view). In effect PC Richard Jewell in releasing this press statement issued a statement that was knowingly false in relation to the Speeding element of the matter.

Is it not the case that after 2 years of investigating the case of speeding on the A343 in relation to the Yellow Frelander Registration S20 SYR, that he failed to prosecute anyone in a UK court for speeding as no such court case was ever heard in court. Is that (Accurate or False).

Is it not the case that Mr Henry was only heard in court for the matter relating to failing to provide a response to a S172 9Is that Accurate or False) in relation to the alleged Speeding Offence in the Yellow Frelander as he was never heard in court in relation to speeding in this vehicle that he did not own and was never registered to him. 9Is that Accurate or False).

This public qualification to the Media Press Release as created by PC Richard Jewell as the Investigating Officer and as



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provided by you to me recently, needs the above qualifications of accuracy in relation to data, information release and in relation to attempting to pervert public opinion as press releases by Police Officers have to be Accurate in fact.	
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#### **S40(5) Personal Information**

Information disclosed under the Freedom of Information Act is disclosed into the public domain, effectively to the world, not just to one individual. To confirm or deny whether personal information exists in response to your request could publicly reveal information about an individual or individuals, thereby breaching the right to privacy afforded to persons under the Data Protection Act.

When confirming or denying that information is held would breach an individual's rights under the Data Protection Act, Section 40(5) becomes an absolute exemption, and there is no requirement for me to provide evidence of the prejudice that would occur, or to conduct a public interest test.

Where personal information is requested under FOI that relates specifically to the applicant or a third party, anything other than a neither confirm nor deny response would inadvertently disclose personal information.

#### **S30(3) Investigations and proceedings conducted by public authorities**

This is a qualified exemption and therefore I am obliged to apply the public interest test to the decision to neither confirm nor deny.

#### **Public Interest Test**

<b>Favouring confirmation or denial</b>	<b>Against confirmation or denial</b>
Accountability in respect of public funds and investigatory focus.	Anything other than neither confirm nor deny would confirm that an investigation has occurred or is currently occurring in relation to the individual specified in your request.

#### **Balancing Test**

Whilst confirmation or denial would improve accountability, if information were held it would also reveal the focus of investigatory activity into the public domain. Likewise, if no information were held, it would disclose into the public domain that no investigation is or has taken place. Consequently, it is my decision that the balance of the public interest in this case lies in upholding the neither confirm nor deny position.

**This letter, however, should not be taken as confirmation that we hold the information you have requested.**

#### **COMPLAINT RIGHTS**

If you are dissatisfied with the handling procedures or the decision made by Hampshire Constabulary, you can lodge a complaint with the force to have the



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decision reviewed within 2 months of the date of this response. Complaints should be made in writing to the Public Access office at the address at the top of this letter.

If, after lodging a complaint with Hampshire Constabulary, you are still unhappy with the outcome, you may make application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, via telephone on 0303 123 1113 or 01625 545745 or at the website [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

Rosie Gaunt  
Public Access  
Joint Information Management Unit



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