

11th February 2021

Freedom of Information Request - Reference No: 20210163

REQUEST

I am seeking information under the Freedom of Information Act 2000 in relation to the enforcement of lane closures on smart motorways.

I understand that since June 2019 police forces have been permitted to use traffic cameras to issue Fixed Penalty Notices (FPNs) to drivers who ignore “red X” signs (indicating the closure of a lane) which is an offence under the Road Traffic Act 1988.

I am seeking information about this enforcement process. To that end, can you tell me:

1) How many miles of smart motorways do you have in your police force area? Please list these by motorway and junction sections.

2) Whether you are using fixed cameras on smart motorways to enforce compliance with “red X” signals and issue FPNs to motorists? If you have cameras but are not enforcing “red X” contraventions for any reason(s) please confirm this.

3) How many FPNs have been issued over the last two years (2019 and 2020) for non-compliance with “Red X” signals, either using cameras or by police officers? Note: if figures are not available by calendar year, please provide it for the last two financial years (2019/20 and 2020/21 to date).

4) Please advise how many incidents your officers have been called to in 2019 and 2020 to protect vehicles that were stranded (ie. broken down or in accidents) in live vehicle lanes that are still open to traffic?

Please provide responses to the email address below. Contact me using the email or telephone number provided if any part of this request requires further clarification and / or needs to be refined to meet the requirements of the 2000 Act.

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, 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 exemption applies to the disclosure of the information:

Section 12 – Exemption where cost of compliance exceeds appropriate limit

In regard to Q4, our Smart system records the majority of calls to South Yorkshire Police requiring the specific deployment of police resources, whether reported by members of the public via 999 or 101 or 'happened upon' by officers and staff in the course of their duties. There is no generic incident title that meets the criteria of your request. If a vehicle was broken down in a live lane this would be held in the incident text and all incidents would need to be read to see if officers attended to protect a vehicle and its occupants.

The Administrator did an initial check for incidents where the disposal closing code is "Vehicle Broken Down" with code "M" which denotes motorway, this produced a count of 3404. Each one would have to be checked to see if relevant to your question ie stranded/protecting/live lane/accident or breakdown. (And further to see if within a Smart Motorway section)

In essence to retrieve and extract the data to fulfil this question of your request would seriously exceed the 18hr rule. 3404 incidents at a conservative 1 minute per incident = in excess of 50hrs.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

Although excess cost removes the force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request neither does it bind South Yorkshire Police to any commitment that it will release information in such a manner in the future .

I had already approached our Safety Camera & Ticket Processing Unit for assistance with the other questions, and I can provide the following:

1. South Yorkshire Safety Cameras process Smart Motorway offences between junction 30 and junction 35A of the M1

3. There have been 7 FPN issued between 01/01/2019 and 31/12/2020.

Q4 - Please note, this scenario is no longer solely a police function but one also carried out by Highways England traffic officers. It may be that Highways England may be able to provide a true picture of such incidents.