

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 June 2015

Public Authority: Chief Constable of Cambridgeshire
Address: Constabulary Headquarters
Hinchingsbrooke Park
Huntingdon
PE29 6NP

Decision (including any steps ordered)

1. The complainant has requested information about Speed Watch schemes from Cambridgeshire Constabulary (the 'Constabulary'). The Constabulary has advised the complainant that it does not hold any recorded information. The Commissioner's decision is that, on the balance of probabilities, the Constabulary does not hold the information requested. However, the Commissioner does find a breach of section 16. No steps are required.

Request and response

2. On 7 February 2015, the complainant wrote to the Constabulary and requested information in the following terms:

"I understand a new speed watch is soon to commence in Gamlingay I have been told you operate a different system to Beds Police Please advise me what is the difference, and also why it is necessary to operate a different system".

3. The Constabulary responded on 27 February 2015. It stated that it did not hold the requested information.
4. Following an internal review the Constabulary wrote to the complainant on 26 March 2015. It maintained its position.

Scope of the case

5. The complainant contacted the Commissioner on 27 March 2015 to complain about the way his request for information had been handled. Having attended a meeting where he says the subject matter of his request was aired, his grounds of complaint were as follows:

"How is it possible for the Officer who controls over 20 speed watch Units in Cambridge should stand up at a Public Meeting and state that Cambridge operate a different system to Bedford.

Surely this Officer does not design this system to his personal wishes, but must comply to laid down written procedures, even if you have altered original guide lines, therefore you must hold this information. I fail to understand why vehicles travelling through Cambridge are different to those that pass through Bedford".

6. The Commissioner has considered whether the Constabulary holds any information relevant to the request.

Reasons for decision

Section 1 – general right of access

7. Section 1 of the FOIA states that anyone making a request for information to a public authority is entitled to be informed whether the public authority holds the information, and if so, to have that information communicated to them.
8. The Commissioner is mindful that when he receives a complaint alleging that a public authority has stated incorrectly that it does not hold the requested information, it is seldom possible to prove with absolute certainty whether the requested information is held. In such cases, the Commissioner will apply the normal civil standard of proof in determining the case and will decide on the 'balance of probabilities' whether information is held.
9. Therefore, the Commissioner has sought to determine whether, on the balance of probabilities, the Constabulary holds any recorded information within the scope of the request. Accordingly he asked the Constabulary to explain what enquiries it had made in order to reach this position. In response to these enquiries he was provided with the following details.

10. The Commissioner was advised that the person referred to in the complainant's request is the Constabulary's Volunteer Community Speedwatch Coordinator and that he is the single point of contact for all matters relating to Speedwatch Schemes. The Coordinator had been identified and asked about the request when it was first received and was also asked whether he held any relevant information.

11. The Coordinator responded as follows:

"There are differences in the way the two schemes are managed.

I manage all aspects of training, kit allocation, reporting, and day to day support of our scheme. I report directly to [name removed] whereas Bedfordshire operate under the control of their Traffic Management Scheme and are heavily dependant on support from the LPTs [Local Policing Teams] who distribute and manage the equipment. No front line Police officers are used to support our scheme. All our team coordinators submit reports direct to our BSU [Business Support Unit] for processing and Beds members send theirs to their Traffic Management Manager [name removed] and his staff for processing. Beds also use a different type of roadside recording equipment".

12. The Constabulary went on to explain that it had specifically asked the Coordinator whether he held any recorded information that would explain any differences between the two schemes. The Coordinator confirmed that no such information was held and that his explanation of the differences between the two Speedwatch schemes had been identified from his own personal research using the internet after receiving the request. He advised the Constabulary as follows:

"The differences between the two County schemes is known to me from my own research which I undertook using available public websites, the Bedfordshire scheme is described at www.bedfordshire.police.uk/tackling_crime/watch_schemes/speed_watch.asp and ours at www.cambs.police.uk/roadsafety/speedwatch if you have the time to go through both you will see the basic concept is the same, the way it is managed is similar, the equipment is different but the biggest difference is the access volunteers have to internal systems in Beds, we do not allow volunteers to upload data or use PNC [Police National Computer]. That is all done by our BSU".

13. The Constabulary also advised that, following the Commissioner's notification that he was investigating a complaint regarding this request, it had again contacted the Coordinator and asked him to confirm whether or not he held any relevant information at the time of the

request. The Coordinator stated that he was an invited speaker at the relevant Parish Council and that he held no recorded information regarding the matters raised in the complainant's request.

14. In addition to contacting the Coordinator the Constabulary provided the following details to the Commissioner:

"Neither [the Coordinator] or the Constabulary had any business need or cause to explore differences between Cambridgeshire Speedwatch Schemes and any other Police operated Speedwatch Scheme prior to [the complainant]'s request. As such no information was held by the Constabulary that compared our Scheme with any other Scheme being operated by another Force.

Any information, if held, would have been available to [the Coordinator] as the Force single point of contact for Community Speedwatch matters. He has confirmed that there was nothing held either manually or electronically with regard to comparisons made between the Cambridgeshire Speedwatch Scheme and any other Force Community Speedwatch Scheme (this would include Bedfordshire).

He has also confirmed that there had been no information relevant to this request, that had been deleted at any time.

I have considered whether there is any other exemption within the Freedom Of information Act that should be applied to this request and still consider the correct Response is 'No Information Held'.

I have considered whether Section 12 Excess Costs may be relevant, is it the case that we might hold some relevant information but as yet have not located it. [The Coordinator] is the dedicated single point of contact for the Community Speedwatch Schemes, this is a very small area of business within the constabulary and I am satisfied that if there was anything held relevant to the request by [the complainant], then [the Coordinator] would be aware and able to access it".

15. The Commissioner considers that the Constabulary contacted the relevant party to consider whether or not any information was held in respect of the request. Based on the information provided by the Coordinator about the subject matter, the Commissioner is satisfied that, on the balance of probabilities, no recorded information within the scope of the request is held. He is therefore satisfied that the Constabulary has complied with the requirements of section 1 of the FOIA in this case.

Section 16 – advice and assistance

16. Section 16(1) of the FOIA provides that a public authority should give advice and assistance to any person making an information request.
17. The Constabulary did not advise the complainant that the Coordinator had found information that may have been helpful to him. Whilst he understands that this information was only located as a result of the Constabulary having received the request, its existence was nevertheless apparent to the Constabulary prior to its issuing a refusal notice. Had it made the complainant aware of this information, the Commissioner considers that the complainant may have accepted that this satisfied his enquiries. This in turn may have negated his complaint to the Commissioner and meant that no investigation or decision notice was necessary.
18. Accordingly the Commissioner considers that the Constabulary breached section 16(1) of the FOIA by failing to give appropriate advice and assistance to the complainant.

Right of appeal

19. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

20. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
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Wycliffe House
Water Lane
Wilmslow
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SK9 5AF