

Prejudice/Public Interest Test

Requested information: *'Is there a speed tolerance on the fixed cameras used in your force area, and if so, what is the tolerance? For example, 10% + 2mph.'*

Exemptions engaged: Section 31 (Law enforcement) & Section 38 (Health and safety)

Harm

Every year 2,000 people are killed on UK roads and more than 170,000 people are injured. In 2018, the West Midlands accounted for 57 fatalities and 7,336 injured people, with excess speed being a significant contributing factor. This makes the requirement for speed management a necessary measure in the reduction of the volume of road traffic-related injuries.

Government and industry research has shown that the use of excess and excessive speed is common. Therefore, if we were to disclose the enforcement thresholds of our cameras, this would result in some people changing their driving habits to drive at the higher speed of the 'tolerance', rather than the speed limit of the road, believing that the likelihood of them being recorded speeding and prosecuted was low. As a consequence, this is likely to increase the number of deaths and serious injuries that occur on the roads in our region.

Section 31 - Factors favouring disclosure:

Disclosing the requested information would provide a greater transparency in the actions of West Midlands Police with regard to roads policing. It is clear that there is a public interest in police forces operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently. Confirming the speed threshold of the cameras in our region, would help to reassure the public that West Midlands Police is appropriately enforcing the law with regard to speeding motorists.

Section 31 - Factors favouring non-disclosure:

Section 89 of the Road Traffic Regulation Act 1984, states: "A person who drives a motor vehicle on a road at a speed exceeding a limit imposed by or under any enactment to which this section applies shall be guilty of an offence."

Confirming camera thresholds would allow drivers to disregard the imposed speed limit on a road, and drive at a speed in excess of what has been considered safe, appropriate, and lawful, knowing that their chance of being detected by a camera was low.

Releasing the requested information would therefore enable drivers to break the law with impunity. This would prejudice the law enforcement role of the force in the prevention or detection of crime and the apprehension or prosecution of offenders. Where the current or future law enforcement role of the force may be compromised by the release of information, then this is unlikely to be in the public interest.

Section 38 - Factors favouring disclosure:

Disclosure of the information would promote accountability and transparency for decisions West Midlands Police have taken, bringing to light information affecting public health and safety.

Section 38 - Factors favouring non-disclosure:

Enforcement thresholds and speed camera tolerances exist in order to improve driver safety. It means that drivers don't have their eyes fixed on their speedometer rather than the road. They are not there to act as an opportunity for drivers to deliberately drive above the speed limit. As described in the harm above, excess speed is a significant contributing factor to road traffic deaths and serious injuries and release of the requested information, would only serve to increase drivers' speeds.

Balance test

For a public interest test, factors that favour release of the information (disclosure), need to be weighed against factors against release (non-disclosure). It is important to note however that the 'public interest' is not what might interest the public, but what will be for the greater good if released to the community as a whole.

In this case, this involves balancing the argument for being transparent in how West Midlands Police enforces the law, against the argument that disclosure of the information could encourage more speeding and increase the risk of harm to the public.

West Midlands Police is committed to promoting safety for all road users in the West Midlands Metropolitan Area, and supporting the delivery of the West Midlands targets for the reduction in the number and severity of road traffic accident casualties.

Working together with our partners (local authorities, court service, etc.) our objective is to reduce vehicle speeds at identified casualty hotspots thereby reducing the number of people killed and injured on the roads.

Our position is that drivers should never exceed the sign posted speed limit. Posted speed limits are the maximum speed that road users should travel at any time, irrespective of the speed threshold that police commence enforcement action.

The importance of the force being open and transparent is noted, and disclosure of the speed threshold may go some way to demonstrating that this quality exists within West Midlands Police. However, as described in the harm above. Release of the threshold would have the effect of encouraging some drivers to exceed the posted speed limits, increasing the risk of injury or even death, not only to themselves, but to other drivers, passengers, road users and pedestrians.

West Midlands Police has a duty to deliver effective law enforcement and protect the public from harm. It therefore cannot be in the public interest to release information that would prejudice our law enforcement role and place the public at an increased risk of harm.

As a result, and after considering the arguments for and against disclosure, it is my opinion that the public interest test favours non-disclosure of the speed threshold. West Midlands Police will not disclose information that reduces its ability to effectively enforce the law and endangers the public.