

# FOI Request – 20200007

## **REQUEST**

*Regarding all smart-motorways under your jurisdiction (believed to be M1 J31-35a).*

*1. Do speed cameras mounted on motorway gantries detect drivers breaking the speed limit when the road is set at the national speed limit of 70mph? Or do they only become operational when a variable speed limit is in place?*

*2. Can you provide statistics on the number of drivers that have been prosecuted for speeding on motorways in your area after being caught by a camera mounted on a motorway gantry when the national limit is being enforced (as opposed to a variable limit). Please provide for each of the last ten years (or for as many years for which data is available)?*

*3. Can you provide statistics on the number of drivers that have been prosecuted for speeding on motorways in your area after being caught by a camera mounted on a motorway gantry when a variable limit is being enforced. Please provide for each of the last ten years (or for as many years for which data is available)?*

*4. Can you provide statistics on the number of drivers that have been prosecuted for speeding on motorways after being caught by a mobile speed camera for each of the last ten years (or for as many years for which data is available)?*

*5. Are there plans to step up the use of motorway speed cameras, fixed and mobile, by using them to more frequently prosecute drivers exceeding the national limit? If so, when will this new enforcement regime commence?*

## **RESPONSE**

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police when refusing such information (because the information is exempt) to provide you the applicant with a notice which

- (a) states the fact,
- (b) specifies the exemption and
- (c) states (if it would not be apparent) why the exemption applies.

**Section 31 (1) (a) (b) Law Enforcement** states that information is exempt information if its disclosure under the Act would, or would likely to prejudice:

- a) The prevention or detection of crime;
- b) The apprehension or prosecution of offenders.

This exemption is a qualified and prejudice based exemption and therefore the legislators accept that there may be harm if released. The authority has to consider and describe the harm that would occur if a full disclosure of information were released.

## HARM

It is important to stress that when a disclosure is made under the Freedom of Information Act, it is a disclosure to the world and not to a single individual. In view of this, we may publish information released under the Freedom of Information Act on our website in order that any member of the public who may wish to view the information can have access to it.

In considering whether or not this information should be disclosed, consideration has been given to the potential harm that would be caused by disclosure.

**Q1** The speed cameras on the motorway gantries are governed by Highways England, they set the variable speed limits in response to traffic flow factors and incidents on the network.

South Yorkshire Safety Cameras enforce violations of the displayed speed limits. The cameras can detect violations of the speed limit in force from 20mph to 70mph.

**Q2, 3 and 4** Providing statistics of drivers prosecuted for speeding on the motorway when the National Speed Limit (NSL) is in force and separately when the Variable Speed Limit (VSL) is in force should be exempted by virtue of s31 Law Enforcement. Low or high numbers would indicate to drivers their likelihood of avoiding detection for speeding, thus encouraging drivers to break the law.

**Q5** There are currently no plans to step up the use of Motorway Speed Cameras.

**Section 31** is a qualified class based exemption with a requirement to conduct a public interest test.

The NPCC Roads Policing Strategy 'Policing our roads together' 2018/21 advocates a safe systems approach in an effort to prevent fatal and serious collisions. Safe Speeds is one of four key areas of enforcement activity known as the 'Fatal 4' (the others being Drink/drug driving, Seat belt use and use of mobile telephones while driving). Inappropriate or illegal speed was reported as a contributing factor in more than 19% of fatal collisions in 2018 (281 out of 1456) (<https://www.gov.uk/government/statistical-data-sets/ras50-contributory-factors#speed-contributory-factors>) which is why the enforcement of speeding offences is a strategic priority for our force.

## **PUBLIC INTEREST**

### **Section 31 – Considerations favouring disclosure**

Disclosure would contribute to openness, transparency and accountability which are principal objectives of the FOIA. It would also inform the public how your force tackles the issue of motorway safety by highlighting the high numbers of prosecutions for National and Variable speed limit offenders. Furthermore, it would aid collision and fatality research and challenge policy makers with a more informed debate.

### **Section 31 – Considerations favouring non-disclosure**

The presence of speed cameras has had a positive impact upon road safety. To disclose details of the numbers of prosecutions for speeding could, adversely impact on Police efforts to keep motorways safe and reduce fatalities and injuries. It would allow the comparison of statistics from one area to another. If numbers of prosecutions are low, it would highlight that speed cameras are not effective, either because they are not being used, or the law is not being enforced, encouraging illegal motoring thereby increasing the likelihood of accidents, resulting in law enforcement resources being stretched further.

## **ON BALANCE**

Having considered the benefits and harm associated with providing the information sought it is considered that the harm and risk to life outweighs the benefits of disclosure.

MAKING SOUTH YORKSHIRE  
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