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Our Ref: IM-FOI-2022-2186
Date: 11th October 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

In relation to Bruntsfield Avenue/Montpellier Park Edinburgh:

I am writing to you regarding an information request concerning the "no motor vehicles" sign which means that the street is closed to vehicles during school drop-off and pick-up times.

As part of this FOI request could you:

- **Confirm whether driving in these two streets at that time of constitutes a traffic offence for which drivers would be liable for penalties (e.g. fines or points), such as an offence for careless and inconsiderate driving?**

The Temporary Traffic Restriction Order (TTRO) and signage have been in place since 26th May 2021. The offence is using a prohibited vehicle on a restricted road and it subject to a £50 fine. No points are applicable in this case.

- **If this is the case, could you confirm whether any drivers have received such penalties? If so how many have been delivered and if not, why not when there have been numerous cases of police officers turning drivers away half way down the pedestrian area?**
- **Do officers who attend the street take notes on drivers who do not heed the signs, and could Police Scotland provide a copy of notes, redacted of personal information, but identifying if there have been repeat offenders?**
- **If no such notes exist could we know why?**

In regards to these three questions I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

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As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, our Road Policing unit was contacted and they have confirmed that they do not specifically record statistics that cover the information requested. It is likely that the information requested would be recorded in the individual notebooks held by each officer involved in such circumstances. As such, a manual review of all officers notebooks from Road Policing and those deployed in Edinburgh since 26th May 2021 would be required to retrieve the information requested.

Due to the number of officers involved, this would take many hundreds if not thousands hours of work to complete.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

To be of some assistance however, I asked our statistics unit to retrieve all road traffic offences recorded for the police beat which covers this area. I have then manually reviewed these for any that relate to the TTRO covering Bruntsfield Avenue/Montpellier Park Edinburgh. I however did not find any matching offences.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.