| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-1958Responded to: 31 August 2023 |
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Your recent request for information is replicated below, together with our response.

## 1. Firstly concerning the detection of HGV (i.e. goods vehicles over 7.5 tonnes) speeding offences on the section of the A75 (T) extending west of Crocketford to the Allanton roundabout at the eastern termination of the Castle Douglas bypass.

## a. We wish to know the total number and breakdown of alleged speed ranges of all Police Fixed Penalty Notices issued with respect of HGV 40 mph speed limit violations on that section of the A75 (T).

## b. We wish to know the total number and breakdown of alleged speed ranges of all Police Procurator Fiscal Reports made in respect of HGV 40 mph speed limit violations on that section of the A75 (T).

## We wish the information requested to cover only alleged speeding offences detected by Police Scotland on that section of the A75 (T) during the period 1 July 2022 to 30 June 2023. We wish the data to be broken down by month.

## c. If the statistics provided do not disclose any data with respect to alleged speed offences below 50mph we seek an explanation for this omission. Specifically, does Police Scotland/COPFS operate a policy of non-enforcement for alleged A75 (T) HGV speed limit violations in the speed range 41-49mph?

In relation to questions 1a and b a total of 15 offences have been detected by Roads Policing Officers.

In relation to the breakdown of speeds requested and the information requested at question c., I would first of all refer you to the Police Scotland Speeding Standard Operating Procedure, a link to which is provided below:

<https://www.scotland.police.uk/spa-media/gmfjjitx/speeding-sop.doc>

Further, the Lord Advocate’s Guidelines, which detail enforcement thresholds for speeding are considered exempt and as such I am refusing to provide you with this information.

Section 16 of the Act requires Police Scotland to provide you with a notice which:

(a) States that it holds the information,

(b) States that it is claiming an exemption,

(c) Specifies the exemption in question and

(d) States, if that would not be otherwise apparent, why the exemption applies. I can confirm that the information sought is held by Police Scotland and the exemptions I consider applicable are as follows:

**Section 35(1) (a) & (b) - Law Enforcement**

If we were to disclose the information requested above it would severely prejudice the prevention and detection of crime and the apprehension or prosecution of offenders. Accordingly, the information you have requested is exempt.

**Section 39(1) - Health, Safety and the Environment**

This information is exempt as its disclosure would or would be likely to endanger the physical health or safety of an individual.

If the above information was disclosed it may encourage road users to commit offences, thereby endangering other road users and pedestrians and render speed enforcement ineffective as a road safety measure.

**Public Interest Test**

It could be argued that public awareness and accountability would favour disclosure. That said, the application of the exemptions listed above, the efficient/ effective conduct of Police Scotland and overall public safety favour non-disclosure of the information.

On balance it is considered that the public interest in disclosing threshold data is outweighed by the potential consequences to law enforcement and the impact such a release would have on road safety measures.

2. We understand that £300,000 funding has been provided by Transport Scotland in 2022 for the implementation of a pilot for a Police Scotland National Safety Dash-Cam Portal and that Police Scotland is one of only four forces in the UK not to currently have this facility, which can be a vital tool to help prevent injury or death by driving through road safety aware members of the public highlighting to the police video examples of illegal/unsafe driving. We further understand that the that implementation date for the pilot was to be January 2023.

## a. By what timetable do Police Scotland intend that the National Dashcam Safety Portal will be available for public use as the delay in doing so is putting vulnerable road stakeholders at avoidable risk because evidence of endangerment is not able to be readily brought to police attention for action?

I can advise you that Police Service of Scotland does not hold any of the information requested by you. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the approach to this is currently under consideration.

## b. Meantime what has happened to the £300,000?

The £300,000 funding was made available on a draw down basis. To date a total of £21,732 has been drawn down since 2021. This was used to support preliminary research and benchmarking around this capability with other UK forces.

## c. Meantime how can the public readily submit dash cam footage of apparent road traffic offences observed when out walking, riding or driving to the police?

Members of the public continue to be able to contact Police Scotland via below methods:

Local Police Station in person

Emergency - 999

Non emergency - 101

Contact Us via our website - [Contact Police Scotland - Police Scotland](https://www.scotland.police.uk/contact-us/)

## 3. At a public meeting in Crocketford Village Hall on 12 December 2022, following a horrific HGV pile on the adjacent A75 street , a police representative in attendance informed the meeting that the 30mph speed limit at the locus and in Springholm had to be in effect , quote, "self enforcing". This is utterly disingenious because there can be no such so called "self enforcement" on a route of that nature. It has to remain to trunk carriageway standard devoid of any obstruction, narrowing, speed humps or residents street parking.

## a. Do the police no longer accept that it is their responsibility to enforce the law when the Springholm A75 speed limit is not adhered to?

## b. Do the police not consider that enforcement and deterrence is an essential part of providing a safe road network?

## c. Do the police not consider that road safety particularly on residential sections of major international trunk routes like the A75 should be paramount?

## d. Do the police take the operational view that there is no need for the force to take a robust enforcement approach against endangering speeding on the A75 through Springholm despite a situation stated by Transport Scotland that hard engineered speed control measures such as humps, carriageway narrowing etc cannot be deployed therein the absence of which vast numbers of impatient drivers succumb to the temptation to adopt speeds on the wide clear stet substantially in excess of the 30mph speed limit?

## e. Do the police take the operational view that only the more central portions of town or village communities merit any attempt at police speed enforcement and that elsewhere street speeding very frequently 19mph or more over the limit before exiting the residential speed limit must simply be tolerated by the vulnerable in harm's way there and remain always unenforced? This is the situation along the trunk route pavement running past the new 47 house development under construction at Springholm west to the village gateway and between the address on this letterhead and past Woodside Cottage, Springholm and the minor road junction beside the eastbound channel.

In terms of the Freedom of Information (Scotland) Act 2002 a public authority is only obliged to provide recorded information.

Under Section 8 of the Act, information which requires opinion or a yes/no response is not in essence a valid request.

If you wish to refine your request to seek recorded information your request will be considered and an appropriate response provided.

4. Have the police opposed the inclusion of the unenforced/unenforcable speed activated reverse discrimination traffic signals installed in Springholm in the TSRGD which would thereafter have given these the force of law and permit enforcement of red light running which at present is so prolific as to render these toothless measures useless against determined speeders?

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Under Section 8 of the Act, information which requires opinion or a yes/no response is not in essence a valid request.

If you wish to refine your request to seek recorded information your request will be considered and an appropriate response provided.

## 5. Why have the police stood down regular speed enforcement along the A75 in Springholm following the late 2017 installation of the toothless speed activated reverse discrimination traffic signals when this leaves a complete speed enforcement vacuum to be exploited by impatient rogue drivers?

Following the installation of the reverse discrimination traffic lights (RDTL) the then Dumfries and Galloway senior management and head of V Division Road Policing department made the decision to take a step back from providing a visible Police presence within Springholm in relation to speeding matters. This decision was made to allow accurate statistical data to be collated on the effectiveness of the RDTL, which in effect are meant to be self-enforcing. A continued Police presence during the trial period may have impeded this trial scheme and provided a false picture of its true effectiveness.

In the early stages of this pilot the speed data collated before and after the installation of the RDTL showed that the mean speeds for the Village had reduced and the system was having a positive impact on the reported speeding concerns.

Since the installation of the RDTL scheme a new road safety framework has been developed and published

“Scotland’s road safety framework to 2030”

This document focuses heavily on its key priorities to reduce road casualties and injuries on our roads and goes even further by breaking this down into a number of categories.

Any deployment of the finite number of resources available to Divisions and departments absolutely requires to be intelligence led and where available supported by statistical data.

There is a continual review of all road deaths and injury collisions across Scotland and from this data, a list of priority locations are identified. These priority locations are where statistically Road Policing and Police resources are likely to have the greatest chance on making a positive impact on the number of road traffic collisions and specifically those collisions that result in serious injury or death.

Being acutely aware of the fact Springholm and Crocketford are the only two villages / towns that the A75 passes through, collision data from these two locations is monitored very closely.

I can report that since

01 Jan 2020 to 31 July 2023

There has been no injury Road Traffic collision’s within Springholm and only 1 injury Collision with Crocketford that have been reported to the Police.

The above facts do no support the regular deployment of Road Policing resources within Springholm or Crocketford.

I can report that both of these villages do get a proportionate amount of Police presence which also includes the deployment of road policing resources but we need to balance this against the huge geographical area that we patrol and the vast number of other towns and villages located within Dumfries and Galloway and where possible we aim to give a service to our whole community.

## 6. Why have the police ignored the enforcement recommendation contained in the 2019 official survey of residents' traffic attiudes which specifically called for A75 enforcement within the village including sections away from the centre?

Please refer to the response provided to question 5. The statistical data in relation to Killed or seriously injured Road traffic Collisions does not support the requirement for the regular deployment of road policing resources at this location.

## 7. Are the police accessing the speed data broken down by vehicle length gathered by Transport Scotland's four inductive loop traffic counters along the A75 in Springholm? We regularly access this data and find it to be truly appalling with approaching a million drivers at 36mph or above with tens of thousands above 40mph well before exiting the 30 limit.

In terms of the Freedom of Information (Scotland) Act 2002 a public authority is only obliged to provide recorded information.

Under Section 8 of the Act, information which requires opinion or a yes/no response is not in essence a valid request.

If you wish to refine your request to seek recorded information your request will be considered and an appropriate response provided.

## 8. Do the police consider that a driver on the A75 in Springholm faces any credible threat of enforcement when exceeding the limit?

In terms of the Freedom of Information (Scotland) Act 2002 a public authority is only obliged to provide recorded information.

Under Section 8 of the Act, information which requires opinion or a yes/no response is not in essence a valid request.

If you wish to refine your request to seek recorded information your request will be considered and an appropriate response provided.

## 9. Was anyone charged with road traffic offences following the HGV pile up in Crocketford that ocurred around midnight on 21 November 2022 and the run off collision destroying a street lighting column and property boundary at Hilldale Cottage, Springholm between 1 and 2 March 2023? If so what charges and what judicial outcome from these so far?

In in terms of section 16 of the Freedom of Information (Scotland) Act 2002 (the Act), I am refusing to provide you with the above requested information.

Section 16 of the Act requires Police Scotland, when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemptions that I consider to be applicable are detailed below:

**Section 34(1) (a) (i) & (b) – Investigations by a Scottish public authority and proceedings arising out of such investigations**

Information is considered exempt information if it has, at any time, been held by a Scottish public authority for the purposes of an investigation which may lead to a decision to report the circumstances to the Crown Office and Procurator Fiscal Service to enable a determination on whether criminal proceedings should be instigated and to determine whether a person should be prosecuted for an offence.

This is a non absolute exemption and requires the application of the public interest test.

## Section 35 (1) (b) – Law enforcement

Information is exempt information if its disclosure would, or would be likely to, prejudice substantially the prosecution of offenders.

Disclosure of the requested information would impact on the live investigation and any ongoing and/or subsequent legal proceedings.

This is a non absolute exemption and requires the application of the public interest test.

**Public Interest Test**

I appreciate there is an interest in the release of such information, however this must be tempered against what is of interest to the public and what is in the public interest.

The Act does not define the public interest, however, it has been described as “something which is of serious concern and benefit to the public”, not merely something of individual interest. It has also been described as “something that is “in the interest of the public”, not merely “of interest to the public.” In other words, it serves the interests of the public.

It is in the public interest that an understanding exists as to the processes involved in police investigations, therefore, accountability and transparency relating to the actions of Police Scotland and its officers would favour disclosure of the requested information.

That said, a decision for non-disclosure follows consideration of ongoing or likely criminal investigations and the efficient and effective conduct of Police Scotland in relation to such investigations.

It is essential that information pertaining to investigations is disclosed at the correct time and where appropriate, to ensure that neither the investigation nor the potential for proceedings to be brought against an individual(s) are put at risk.

Accordingly, in this instance, the balance of the public interest test favours retention of the requested information.

To be of assistance and In general terms, I can advise that in circumstances where a person or persons are charged with offences then after review by the COPFs they may become subject to court proceedings. As these proceedings move through the legal processes details may become subject to public record and any relevant detail can be found on the Scottish courts website.

## 10. Do the police stand by the the following written statement made by V division to our Councillor?

## "Subject: EXTERNAL: RE: Springholm traffic speeds [OFFICIAL]

## OFFICIAL

## Cllr Drysdale

## Morning.

Can I ask what time frames you are referring to by “through the night”. I ask mainly due to the reference to agricultural vehicles. It would be better if your constituents reported this driver behaviour at the time, providing registration numbers and also confirming that they are willing to provide an evidential witness statement for court purposes. I need to point out that we could not report the driver for speeding offences on the strength of witness statement but there may be other road traffic offences that could be considered if we have corroboration for the offence.

From a roads Policing perspective we absolutely must dedicate our limited resources to locations where it has been identified to have a high number of injury or fatal collisions. I am sure you are aware that fortunately Springholm does not fall into this category. Currently where circumstances and resourcing allows the Roads Policing Unit will carry out speed checks in our towns and villages and this will include Springholm occasionally. As much as speed enforcement is an integral part of tackling poor driver behaviour in our towns and villages it is a very small part. The only real solution to this problem is road design and if there is an identified need to tackle this problem this needs to be addressed with the local roads authority and council.

## Thanks

## Gavin

## Gavin McHallum

## Inspector V041

## We regard this officer's comments as disingenous and counsel for despair at the speeds we daily have to contend with here. Firstly he will be well aware hard engineered calming is not carried out on major trunk routes so to state it is highways authority issue to resolve is confected buck passing. Secondly, at no time have we shared speeding videos in the expection the apparent offence filmed would be fomally investigated. Instead the purpose has been to prove to any who cares to view our vast album that it is simplicity itself to film drivers here including many of the largest HGVs doing speeds vastly in excess of the enforcement threshold in juridisctions where speeding is taken seriously. The last two unbypassed streets on the A75 merit special enforcement attention because they have by far the most impatient long distance drivers, particualry those acessing the North Channel ferries. The police focus on KSI entirely disregards the precautionary principle which should drive enforcement where overwhelmingly lethal speeds are present, most egregiously by 6 axle 44 tonne HGVs at night past frontage homes and pavements. We have many such videos of HGVs at all points of the main street the 40-55mph speed range. Yet so far nil police reaction. Indeed your officer's response is to deflect to other offences instead. We have nil confidence in traffic policing here which leaves the law mocked and the rogues scot free to endlessly repeat their endangering absence of duty of care.

In terms of the Freedom of Information (Scotland) Act 2002 a public authority is only obliged to provide recorded information.

Under Section 8 of the Act, information which requires opinion or a yes/no response is not in essence a valid request.

If you wish to refine your request to seek recorded information your request will be considered and an appropriate response provided.

11. We have previously had meetings with two former V Division Commanders, Thomson and Richie. Neither resulted in police attention. May we meet the present incumbent and go through our video material with that officer comparing and contrasting with residential speed limit enforcement activity elsewhere in the UK? If so we would wish to have a recording of this exchange - is that permitted? If not why not?

In terms of the Freedom of Information (Scotland) Act 2002 a public authority is only obliged to provide recorded information.

Under Section 8 of the Act, information which requires opinion or a yes/no response is not in essence a valid request.

If you wish to refine your request to seek recorded information your request will be considered and an appropriate response provided.

## 12. In the absence of any police enforcement of traffic speeds here may we street park outside the above address with a view to impeding the east bound channel?

In terms of the Freedom of Information (Scotland) Act 2002 a public authority is only obliged to provide recorded information.

Under Section 8 of the Act, information which requires opinion or a yes/no response is not in essence a valid request.

If you wish to refine your request to seek recorded information your request will be considered and an appropriate response provided.

In this instance I feel it appropriate to advise as follows: although there are no clearways, waiting restriction or double yellow lines with this stretch of road any parking of a vehicle must taking into consideration the following legislation

**Regulation 103 Road vehicles (Construction and use) Regulation 1986 -** No person in charge of a motor vehicle or trailer shall cause or permit the vehicle to stand on a road so as to cause any unnecessary obstruction of the road.

The question and context provided specifically states that your intention would be to impede the movement of vehicles.

“In the absence of any police enforcement of traffic speeds here may we street park outside the above address with a view to impeding the east bound channel?”

Any parking of vehicle in the circumstances stances outlined in your question is likely to be an offence under this legislation.

##  13. Having radar detected and filmed an oncoming speeding HGV at say 40mph+ in the village may we then stand on the carriageway with a view to slowing or halting it to obtain a clearer identification image of vehicle and driver or else may we undertake vehicular persuit of such a vehicle to continue to film and speed track it? Is it permitted to illuminate the oncoming speeding vehicle from the roadside to facilitate clearer identification when filming during hours of darkness?

In terms of the Freedom of Information (Scotland) Act 2002 a public authority is only obliged to provide recorded information.

Under Section 8 of the Act, information which requires opinion or a yes/no response is not in essence a valid request.

If you wish to refine your request to seek recorded information your request will be considered and an appropriate response provided.

Again I feel it is appropriate to provide the following explanation:

There are a number of points to answer under this question

NO - You have no legal authority to stand on the public highway to stop or slow a moving motor vehicle. This power is restricted to a small group of individuals including but not exclusive to a Police Constable in uniform, School crossing patrol, Driving standards agency. Any attempt by yourself or any other person to stop a motor vehicle could be deemed an offence and over and above that and more importantly you would be placing yourself  and / or other road users in serious danger which and could result in serious injury or worse.

NO - In relation to pursuing the vehicle again this is not within your powers to do and is limited to a suitably qualified Police Constable and even then there are a number of factors that require to be taken into consideration before this would be authorised. You also mention this in relation to a speeding vehicle, any attempt to follow or pursue this could also result in yourself or the person driving, breaching other road traffic laws for which there would be no exemption in these circumstances.

NO - In relation to illuminating the oncoming vehicle, again this COULD fall under the definition of a crime and has a number of risks attached to it. Any action that caused the driver to take any form of evasive action whether or not this resulted in a collision could result in the individual using the illuminating device being investigated and potentially charged with an offence. This behaviour would be extremely irresponsible and is likely to place all involved in extreme danger and this might include other road users and members of the public

In relation to all of the points referred to under Q13, the best course of action is to report the matter immediately and seek a Police response. Retain as much detail regarding the vehicle in question and provide this to Police in the form of a written statement to Police who will review the content and upon conclusion of their investigation inform you whether or not there is sufficiency of evidence to proceed to a formal charge against the driver.

## 14. What restrictions would be placed on a two person public placard demonstration at the V Division Cornwall Mount HQ?

## 15. What restrictions would be placed on a two person placard demonstration beside or on the A75 carriage way in Springholm. Is it permitted to undertake a slow march along the street carriageway? If so given advance notice would the police attend to maintain order?

I can advise you that Police Scotland does not hold the above requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, under the Civic Government (Scotland) Act 1982, Section 62 (1) (b) an applicant has to apply to the local authority to notify them of a procession, who will grant permission to hold a procession. It is not for the Police Scotland to “Sanction” a procession.

In respect of the current process police will submit a view to the local authority based on the threat, risk and harm to public safety and public order, with final determination lying with the local authority.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.