

Our Ref: IM-FOI-2022-1070
Date: 13 June 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.

How many offences has your force recorded under the CU80 offence code – ‘Breach of requirements as to control the vehicle, such as using a mobile phone’ – in the last five years including the current year to date (2017 to date)?

Having considered your request, I would first of all advise you that CU80 refers to a license endorsement code.

Police Scotland do not record crimes in those terms.

Crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classifications and in this case, the most relevant is ‘mobile phone offences’.

To be of assistance, your request has been progressed on that basis which I trust is in order.

Please find below Recorded and Detected Mobile Phone Offences, for the period 1 January 2017 - 30 April 2022 by calendar year and calendar month

Recorded Mobile Phone Offences						
Month/ Year	2017	2018	2019	2020	2021	2022
Jan	388	196	169	140	75	133
Feb	404	245	203	122	110	126
Mar	380	240	214	116	133	137
Apr	314	281	273	93	189	270
May	299	313	284	166	157	-
Jun	320	259	255	172	129	-
Jul	350	266	265	220	160	-
Aug	357	280	218	168	162	-
Sep	281	272	240	174	137	-
Oct	263	242	214	154	105	-
Nov	216	239	190	166	102	-
Dec	195	148	144	95	75	-
Total	3 767	2 981	2 669	1 786	1 534	666

Detected Mobile Phone Offences						
Month/ Year	2017	2018	2019	2020	2021	2022
Jan	415	203	168	133	74	137
Feb	388	236	221	129	108	121
Mar	350	253	214	109	146	133
Apr	325	276	278	107	176	280
May	293	313	288	173	161	-
Jun	317	278	243	184	128	-
Jul	373	244	249	216	162	-
Aug	352	290	226	171	150	-
Sep	287	270	235	181	134	-
Oct	249	246	212	136	104	-
Nov	212	210	187	148	106	-
Dec	187	148	132	100	73	-
Total	3 748	2 967	2 653	1 787	1 522	671

All statistics are provisional and should be treated as management information.

All data have been extracted from Police Scotland internal systems and are correct as at 25th May 2022.

Please can you break this information down by:

Type of licence (provisional car licence holder, full car licence holder)

Month (e.g. April, May).

Age of licence holders when they committed the offence.

How many of the offences recorded in the time period stated above incurred fines?

What was the value of the total fines incurred for CU80 offences in the last five years?

Please break down the total value of fines issued for CU80 offences so far in 2022 by month (e.g. March, April, May, etc)

For years preceding 2022, please break down the total value of fines issued for CU80 offences by year

Having considered these question in terms of the Act, 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.

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, the only way to provide an accurate response to your request would be to be examine each and every offence detailed in the tables provided to establish whether the accused had been offered a Conditional Offer of Fixed Penalty Notice in the first instance.

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Please be aware that if an individual declines or refuse to accept COFPN the offence can be reported to COPFS. Given the volume of reports, this an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

Should you require any further assistance please contact Information Management - Dundee 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.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, 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.

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