



FREEDOM OF INFORMATION REQUEST

FREEDOM OF INFORMATION REQUEST 2024/27413

Dear requester,

Thank you for your recent request under the Freedom of Information Act 2000.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at, **Section 1(1) (a)**, is to confirm or deny whether the information specified in a request is held. The second duty at, **Section 1 (1) (b)**, is to disclose information that has been confirmed as being held.

The information that you are seeking is in relation to the following:

REQUEST

I would like to know about the average speed check zone near Newport, from J24-J28 on the M4.

1- is the average speed check zone constant throughout the J24-28 stretch, or is it broken up into several separate average speed checks? If so where do each of these zones start and end.

2- are there any parts of this J24-28 stretch that are not monitored by the average speed cameras, if so how many and where?

3- at what average speed do the cameras prosecute drivers? Is it the same as the standard police leeway of 10% +2, so above 57mph?

4- what times (if any) are these cameras not in operation? Do they not operate late at night for example?

RESPONSE

1- Is the average speed check zone constant throughout the J24-28 stretch, or is it broken up into several separate average speed checks? If so where do each of these zones start and end.

The average speed cameras are capable of enforcing in sections or for the entire stretch.

Please see below for the following exemptions.



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2- Are there any parts of this J24-28 stretch that are not monitored by the average speed cameras, if so, how many and where?

The average speed cameras are capable of enforcing in sections or for the entire stretch.

Please see below for the following exemptions.

3- at what average speed do the cameras prosecute drivers? Is it the same as the standard police leeway of 10% +2, so above 57mph?

Yes, the tolerance is 10% +1, prosecution begins at 10%+2.

4- what times (if any) are these cameras not in operation? Do they not operate late at night for example?

The average speed cameras are capable 24/7 enforcement in sections or for the entire stretch.

Please see below for the following exemptions.

Gwent Police can neither confirm nor deny that it holds any other information relevant to your request as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 31(3) Law Enforcement

Section 38(2) Health and Safety

Overall harm

In order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks to ensure the successful arrest and prosecution of those who commit or plan to commit offences.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. To do this the police require evidence, and that evidence can come from a number of sources, some of which is obtained through covert means. Having obtained sufficient evidence offenders are charged with offences and placed before the courts. By confirming or denying that any other information pertinent to this request exists could directly influence the stages of that process and jeopardise current investigations or prejudice law enforcement.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative



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impact on both national security and law enforcement.

Factors favouring confirmation or denial for S31 - By confirming or denying if a specific camera is active or not, would enable the public to see where public funds are being spent. Better public awareness may reduce crime or lead to more information from the public.

Factors against confirmation or denial for S31 - By confirming or denying that any a specific camera is active or not, risks criminals mapping across the Force area. Law enforcement tactics could be compromised which could hinder the prevention and detection of crime. More crime could be committed, and individuals placed at risk.

If it were to be the case that they are not recording, then providing this information would highlight to drivers that they could break the temporary speed limit without fear of apprehension or reprisal.

Balance test - The security of the country is of paramount importance and the Police service will not divulge whether information is or is not held if to do so could undermine or compromise law enforcement. Whilst there is a public interest in the transparency of camera status and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by the criminal fraternity, there is a very strong public interest in safeguarding the integrity of police investigations and operations in this area.

As much as there is public interest in knowing that cameras are active or not it is appropriate and balanced in matters of national security this will only be overridden in exceptional circumstances. Therefore, it is our opinion that for these issues the balancing test for confirming or denying whether any other information relevant to your request exists is not made out.

Section 38 (2) – Health & Safety - the duty to confirm or deny does not arise if, or to the extent that, compliance with Section 1 (1) (a) would or would likely endanger the safety of an individual.

Public Interest Test Factors Favouring Confirmation or Denial -Section 38 (2) Confirmation or denial of the existence of the active cameras would allow for better informed public awareness and debate and would assist the public in deciding whether they should take steps to protect themselves.

Factors Against Confirmation or Denial -Section 38 (2) Confirmation or denial of the position of active cameras would create a significant risk to the public.

This also endangers the safety of road users and highways operatives working within



any roadworks.

None of the above can be viewed as an inference that inference as to whether the cameras are currently active and enforcing or not.

Freedom of Information Act is a public disclosure regime, not a private regime. Any information disclosed under the Act is thereafter deemed to be in the public domain, and therefore freely available to the public and will be published on the Gwent Police website.

If, upon receiving a response to a freedom of information request, you are unhappy with the outcome, you may request an internal review. **This should be made within 40 working days of the initial response.**

Please direct any internal review requests to FOI@gwent.police.uk

You have the right to request an appeal from the Information Commissioners Office about your Freedom of Information request, if you are dissatisfied with your internal review response.

ICO Contact Details:

The Information Commissioner's Office, Wycliffe House, Wilmslow, Cheshire, SK9 5AF

Tel: 0303 123 1113

Web: www.ico.org.uk

Thank you for your interest in Gwent Police.