| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1433  Responded to: 13 July 2023 |
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Your recent request for information is replicated below, together with our response.

## Information Required:

## I was travelling westbound on the Calder Road in Edinburgh, approaching the Bankhead roundabout. There had been an accident immediately before the Bankhead roundabout that meant the lane for cars was fully blocked. A uniformed police officer was on scene and was directing traffic to use the bus lane instead. Edinburgh Council then issued me with a charge for using the bus lane. I appealed the charge, which was denied on the grounds that Police Scotland had not notified Edinburgh Council of the incident. I asked at my local police station if they would be able to confirm that there was such an incident, but they informed me I would have to make a FOISA request.

## FOISA Request 1: Notification of Incidents

## Can you please confirm if Police Scotland has any obligation to notify Edinburgh

## Council of road traffic collisions, particularly those occurring near bus lane cameras?

## By "obligation", I mean any legal obligation or any other formal (or informal)

## agreement to do so.

## If there is any formal agreement, please can you provide me with a copy of the

## agreement?

In terms of Section 17 of the Act, I can confirm that the information you have requested is not held by Police Scotland.

By way of explanation there is no formal or informal agreement for Police Scotland to inform Edinburgh Council of any ongoing incident.

With respect to fatal traffic collisions, Police Scotland do retrospectively share information with local authorities on the grounds of assessing the location.

## Additionally, for injury only vehicle accidents a local authority can access Police Scotland’s vehicle accident database.

## Can you please confirm how many notifications, if any, you have made to Edinburgh

## Council during 2022?

In response to your request, 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.

As explained above, there is no obligation to inform the local authority of any ongoing incident. However, this does not mean that this cannot happen. It may be the case that some information may be held in officer notebooks.

As such, to determine if any such information did exist each officer notebook would need to be manually assessed to determine if any relevant details were recorded.

For Edinburgh City Division, the local police officer resource complement is 1122 officers. This includes community policing, response policing and divisional road policing teams. A highly conservative estimate is that it would take 20 minutes to assess a single notebook equating to 374 work hours, this would greatly exceed the cost threshold hold set out within the Act. Bearing in mind that officers can be abstracted from any area within Scotland to work any area for any shift, the reality is that the number of notebooks requiring assessment would be much higher.

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.

Whilst I would normally suggest a revised method to provide you with some information. I do not believe there is a way this question can be answered within cost in its current form.

## FOISA Request 2: Legal Obligation to Obey Police Officer

## Edinburgh Council have stated, in writing, that I should not have driven in the bus

## lane, regardless of the directions the police officer gave me. Can you please confirm

## if I had a legal obligation to obey the Police Officer? Or is Edinburgh Council

## correct, and I should have simply ignored his directions?

## Alternatively, were there any other actions I could have legally taken under the

## circumstances?

In response to this question, I must respond in terms of Section 8 of the Freedom of Information (Scotland) Act 2002. Section 8 states that a request must seek recorded information. This question requests an opinion on your specific situation as such is considered invalid.

However, to be of assistance please see the link below to the Road Traffic Act 1988 which provides guidance regarding legal obligations to follow officer instructions with respect to traffic directions.

<https://www.legislation.gov.uk/ukpga/1988/52/section/35>.

## FOISA Request 3: Record of Accident

## Can you please confirm if Police Scotland would be able to determine if a Police

## Officer attended any incident, accident or event on the Calder Road on 13 May 2022

## at any point between 17:00 and 18:30?

## If so, please can you provide me with any records you have regarding such an

## incident, accident or event

## I understand from discussions with the officers at my local police station that

## "incident'' can be used as a term of art, and that in some cases police may attend a

## scene that is not technically classified as an "incident" and may not be recorded on

## your incident management system.

## Therefore, I am requesting details of any police attendance at or near Calder Road

## during the date and time in question, regardless of whether or not this was technically classified as an "incident''.

## Furthermore, I understand that your incident recording system may not necessarily be able to identify the actual location of an incident.

## However, your officers apparently have GPS transmitters built into their radios which would be able to identify if an officer ( or officers) spent a period of time responding to an incident on Calder Road.

In response to this question, I can advise that no incidents were recorded within the location and time frame specified by you, Calder Road on 13 May 2022 between 17:00 and 18:30. As such in terms of Section 17 of the Act, I can confirm that the information you seek is not held by Police Scotland.

To be of assistance, I can advise that a single incident was recorded at the location and within the time frame specified on 13 May 2023.

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](mailto:foi@scotland.police.uk) 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](mailto:enquiries@itspublicknowledge.info) 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.