

5 March 2025

FOI Ref 17917

Request - You asked us the following:

I received a fixed penalty notice for a speeding offence on the M6 Northbound between Junctions 13 & 14, approximately 2.5 miles after Junction 13, at 22:29hrs on the 11/01/2025.

I admit the offence.

However, there were repeated 50mph speed limits in operation on the 'Smart' motorways, without any evidence of a need. No 'cones', workers, flashing blue or amber lights or stranded vehicles. The limits were in operation in both directions. On the night in question, there were three or four sections of the M6 covered by a 50mph 'Smart' or 'variable' speed limit, covering approximately 40+ miles, none of which had any obvious reasons for the restrictions to be in place.

Please provide me with the following information, specifically regarding the 'Smart' motorway/variable speed restrictions, for the entire section that covers Junctions 13 & 14, both North & Southbound.

1. On the night of 11/01/2025 why were the 50mph restrictions in place? If different on North & South bound, please indicate this.
2. What time was this restriction in place from/to. If different on North & South bound, please indicate this.
3. During the month of January, how many nights had restrictions in place at 10:30pm? If different on North & South bound, please indicate this.
4. What time were those restrictions in place? If different on North & South bound, please indicate this.
5. How many Fixed Penalty notices were issued on this section of 'Smart motorway'? (North & South bound)
6. Where fixed penalty notices were issued, please provide the range of speeds (lowest & highest and if you have the information, the average speed of offences)

We received your request on 04/03/2025 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police's response to your enquiry is as follows:

Staffordshire Police holds some of the requested information.

- 1. On the night of 11/01/2025 why were the 50mph restrictions in place? If different on North & South bound, please indicate this. – **No information held.**
- 2. What time was this restriction in place from/to. If different on North & South bound, please indicate this. – **No information held.**



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- 3. During the month of January, how many nights had restrictions in place at 10:30pm? If different on North & South bound, please indicate this. – **No information held.**
- 4. What time were those restrictions in place? If different on North & South bound, please indicate this. – **No information held.**
- 5. How many Fixed Penalty notices were issued on this section of 'Smart motorway'? (North & South bound) – **Disclosed, 88 vehicles were captured speeding on 11/01/2025 both North and South bound M6.**
- 6. Where fixed penalty notices were issued, please provide the range of speeds (lowest & highest and if you have the information, the average speed of offences) – **Partially disclosed, the variable base speed limit was changed throughout the course of the day. The variable speed limit was 50 mph at the time the requester was caught at 60 mph. We are unable to provide the lower speed limit and average as this engages a section 31 exemption. However, the highest speed captured was 28 mph over the 50-mph limit.**

Please be advised questions 1 to 4 are held by National Highways, FOI requests can be made at this link;

[Do you have access to an email address? - Make an FOI request to National Highways](#)

The following exemption has been applied:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

- Section 31 (1) (a) (b) - Law Enforcement.

Information is exempt from disclosure under section 31 (1) (a) (b) where the release of Information would, or would likely to, prejudice the prevention and detection of crime and/ or the apprehension or prosecution of offenders. This exemption is qualified and prejudice-based and, as such, we are required to evidence the harm in disclosure and apply the public interest test.

Harm:

Safety cameras are not always active and the police rely on the perception of drivers that camera housings could be active and would therefore adjust their speed so as not to contract a fine. To release this information would diminish the effectiveness of safety cameras in the Staffordshire Police area, undermining police enforcement and could have a detrimental impact on how motorists drive, which would lead to an increase in road traffic collisions.

Public Interest Test

Factors favouring disclosure under Section 31(1)(a)(b)

The public are entitled to know how public funds are spent and how the use of speed cameras can have an effect on drivers using the road. Disclosure of the information would show that Staffordshire Police supports transparency and accountability.

Factors favouring non-disclosure under Section 31(1)(a)(b)

Any release of information under the FOI Act is a disclosure to the world, not just to an individual applicant. Safety cameras are used to protect the community that Staffordshire Police serve and deter motorists from exceeding the speed limit. Disclosure would allow the public to take action to frustrate the operational tactics adopted to enforce road traffic law and this would undermine the police's key function of preventing and detecting crime. Disclosure may encourage motorists to fail to adhere to the speed limit and would put lives at risk. Disclosure would, or would be likely to, prejudice substantially the apprehension or prosecution of offenders and interfere with law enforcement. Therefore, this could lead to an increase in road traffic collisions.

Balance test

When considering whether disclosure is appropriate, we must weigh the strongest reason for disclosure against the strongest reasons for non-disclosure. In this case, whilst the factors favouring disclosure are important in that it would adhere to the basic principle of being open and transparent, we believe when weighed against the risk of disclosure undermining our ability to prevent and detect crime and hindering our ability to protect the public, then non-disclosure takes precedence.

Please be advised that all Freedom of Information request responses are published on the Staffordshire Police website although personal details are not included.

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing within two months of the date of receipt of this email, and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Central Disclosure Unit within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by another Decision Maker who is independent from the original Decision Maker. The Central Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within 20 working days. In more complex cases the review may take up to 40 working days.

The independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information
Central Disclosure Unit