



Vehicle & Operator Services Agency

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**BY E-MAIL**

Our Ref: **F0003045**

Date: 7<sup>th</sup> January 2011

Dear

## **FREEDOM OF INFORMATION ACT 2000**

I refer to your e-mail of 7<sup>th</sup> December 2010. We have dealt with this request under the terms of the Freedom of Information Act 2000.

I have just sent you an e-mail explaining we have a problem with our system and have to re-run some queries. This has been completed quicker than I expected, with the exception of the information requested at Question 3 (which I will forward as soon as I receive it). I am now able to respond to all other questions raised.

For ease of reference, I have replied to each question in the same order as in your original e-mail.

*1. How many GFP and GFPD Notices have been issued to drivers by VOSA, giving nationality of driver and type of offence (in general terms) during the period 11/11/09 to 15/11/10?*

The required information is as follows:

<b>Fixed Penalty Notices</b>	<b>8,498</b>
<b>Fixed Penalty Deposit Notices</b>	<b>20,153</b>
<b>Court Deposit Notices</b>	<b>163</b>
<b>Total</b>	<b>28,814</b>



VOSA has only recently installed a centralised system of maintaining detail on action taken against Operators. Previously each individual office location kept a spreadsheet which was not designed to report on statistics and records of action were kept on each operator's paper file. We believe the cost of complying with this request would exceed the cost threshold laid down in the legislation. This is on the basis that it would take at least an hour for each of the 23 enforcement areas to find this information.

The migration of information in connection with action taken from the local to the centralised system will take place from early February 2011 which will be followed by a report generating facility, when information such as is requested here will be more readily available.

6. *What instructions are given to Vosa examiners about action to be taken where evidence of falsification of tachograph records is found? Are the instructions the same for UK and non-UK drivers?*

#### **UK**

Prohibit the driving of the vehicle being driven and prosecute the driver for the falsification offences found.

#### **Non-UK**

Prohibit, where appropriate, the driving of the vehicle being driven and prosecute the driver for the falsification offences found. This action can only be undertaken with the support of the police to arrest the driver as the driver will need to be dealt with by the court prior to leaving the UK as there is no requirement for a defendant to attend any court hearing when they do not reside within the UK.

Where examiners are not able to achieve support from the police, fixed penalty notices are issued for lower level offences.

7. *What instructions have been given to VOSA examiners about interviewing drivers they encounter on road checks since 2008. Have those instructions changed at any time, and if so, how?*

#### **Prior to 2009**

VOSA examiners were required to conduct a formal interview under caution to support prosecution cases brought as a result of offences discovered at roadside checks with contemporaneously taken notes. Non-UK drivers were only interviewed on those occasions where the Police were able to support VOSA by arresting the driver.

#### **Since 2009**

In 2008 VOSA reviewed the roadside interviewing process following advice received from the police. This resulted in VOSA examiners being instructed that to be compliant with PACE they only enter into an in depth interview in circumstances that warranted such action. In cases where the offence is evidenced by tangible information e.g. a tachograph record or a weighbridge ticket, the offence is pointed out to the driver, who is cautioned and advised that the offence is subject to further action, any response is then recorded. This is consistent with police practice.

However, in any case where the examiner considers that more in depth questions are required he is instructed to do so, and in all cases where the offence involves

guilty knowledge, e.g. falsification of tachograph records, a detailed interview would be undertaken.

If you have any queries about this letter, please contact us, quoting reference **F0003045**.

If you are unhappy with the response provided, you may ask for an internal review. To request an internal review, please write to:

VOSA Corporate Office,  
Berkeley House,  
Croydon Street,  
Bristol,  
BS5 0DA

or email [vosa.corporateoffice@vosa.gsi.gov.uk](mailto:vosa.corporateoffice@vosa.gsi.gov.uk)

giving the reasons for your dissatisfaction. It will help us if you quote the reference number for your case.

If you do not agree with the outcome of the internal review, you may lodge an appeal with the Information Commissioner ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)). The Information Commissioner is an independent official appointed by the Crown to oversee the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Information Commissioner can consider complaints about any aspect of the way in which requests for information have been handled. Please note: the Information Commissioner would be unlikely to consider your complaint if you have not first requested an internal review.

You can write to the Information Commissioner at:

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

Yours sincerely

VOSA Information Access