

Sent Via Email:  
XXXX

Your Ref: F0007009

25<sup>th</sup> November 2010

Dear XXXX

### **Freedom of Information Request**

Thank you for your email dated 28<sup>th</sup> October in which you requested the following information to be released under the Freedom of Information Act 2000:

- 1) A copy of the report Transport Management and Policing Integration – Outline Project Brief
- 2) Details of all internal DfT correspondence relating to the recommendations/conclusions set out in the report
- 3) Copies of correspondence between the Department and the British Transport Police Authority about the report

I am writing to confirm that the Department does hold information that is relevant to your request. I should however clarify that, as there is an ongoing requirement to ensure that public services are delivered in a cost effective way, ideas might be considered and be the subject of correspondence. In this case, such ideas are at a very preliminary stage of exploration and the relevant information requested does not constitute a report with recommendations/conclusions for implementation.

We have decided that some of the information in your request cannot be disclosed for the reasons given below. The information that can be released is the factual background information which has been provided to assist in the consideration of ideas. This is attached at Annex A.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. The Department may therefore, be releasing to the public the information provided, together with any related information that will provide a key to its wider context.

The information being withheld falls under the exemption in section 35 (1)(a) of the Freedom of Information Act 2000 relating to the formulation or development of government policy. The attached Annex B to this letter sets out the exemption in full. In regard to the factual information we have provided, certain sections of this information have been redacted also in reliance of the exemption in section 35(1)(a).

The exemption in section 35(1)(a) is not absolute and in considering your request we have applied a public interest test, balancing the public interest in withholding the information you requested against the public interest in disclosure. The key public interest factors for and against disclosure are set out in Annex B, together with our conclusions.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04  
Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA  
E-mail: [FOI-Advice-Team-DFT@dft.gsi.gov.uk](mailto:FOI-Advice-Team-DFT@dft.gsi.gov.uk)

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please quote reference number F0007009 in any future communications.

Yours Sincerely

XXXX

**Your right to complain to Department for Transport and the Information  
Commissioner**

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

## Annex A

### BACKGROUND

- 1.1 Currently each organisation has set out its mission in terms of their respective desired outcomes:
  - 1.1.2 **The Highways Agency** strives to be *‘The world’s leading road operator’* acknowledging that the strategic road network must function smoothly to support national economic recovery. Part of this mission is delivered through its Traffic Officer Service whose officers patrol the motorways and whose aim is to keep traffic moving around collisions and make road users’ journey as safe and reliable as possible.
  - 1.1.3 **British Transport Police** seeks to *“To work in partnership with others to help build a safe railway environment that is free from disruption and the fear of crime”* which it achieves through the deployment of a combination of police officers, police and community support officers, police staff, special police constables and working in partnership with key stakeholders by accrediting staff from other agencies.
  - 1.1.4 **The Vehicle Operator Services Agency** has a declared mission of *“Saving lives, safer roads, cutting crime, protecting the environment”* which is delivered through the deployment of staff focused on a range of licensing, testing and enforcement services aimed at improving the roadworthiness standards of vehicles and the compliance of operators and drivers.

[Text redacted under section 35(1(a) of the Freedom of Information Act 2000]

### 1.2 British Transport Police

- 1.2.1 BTP is the national police force for the railways providing a policing service to rail operators, their staff and passengers throughout England, Scotland and Wales. BTP’s strategic aims are to reduce disorder and crime on the railway network and protect the railway economy. It provides a service to the railway community, specifically train and freight operating companies, Network Rail, Transport for London and the travelling public.
- 1.2.2 BTP’s operational remit is focused on the railway network, concerning the prevention, detection and investigation of crime associated with it. This includes assault, terrorism, vandalism, theft and major incidents/accidents. Police officers in BTP have enforcement powers including the power of arrest.
- 1.2.3 BTP’s current jurisdiction, as set out under the Railways and Transport Safety Act (RTSA) 2003, extends to railway stations, depots and other land used for the purpose or in relation to a railway, anywhere in the country. It does not currently provide policing services to the strategic or local road network nor does it have powers or jurisdiction in relation to the road network. BTP has been in existence since around 1826 but the RTSA 2003 finally provided BTP with a complete statutory jurisdiction on the railways and transferred responsibility from the Strategic Rail Authority to the newly created non-departmental public body (NDPB) British Transport Police Authority (BTPA).

- 1.2.4 BTP has 2,914 police officers, 190 special police constables, 322 police community support officers (PCSOs) and 1,316 police staff. It is divided into 7 territorial policing areas; Scotland, North Western, North Eastern, Wales and Western, London North, London South and London Underground (which includes the Docklands Light Railway (DLR)).
- 1.2.5 BTP is financed largely by the train and network operators. The BTPA is responsible for setting BTP's budget and objectives each year and enters into Police Service Agreements (PSAs) with train and network operators in order to raise the funds needed. BTP's budget for 2010/11 is £208m (of which £2m is used to operate the BTPA). The £208m budget is provided by train and network operators and additionally the DfT makes a contribution towards BTP's capital budget (£9m for 2010/11) and towards Olympic Security (around £4m this year).

### **1.3 Highways Agency Traffic Officer Service**

- 1.3.1 The Highways Agency (HA) was established in 1994, as an executive agency of the DfT. It is responsible for operating, maintaining and improving England's motorways and all purpose trunk roads – collectively known as the strategic road network. The purpose of HATOS is to facilitate the HA network operator role in managing the effective operation and performance of the strategic road network. HATOS is focused on helping to keep traffic moving on the strategic road network by working to reduce incident related congestion, improve journey time reliability, improve safety and free up police resources to focus on criminal activity.
- 1.3.2 HATOS consists of 1,853<sup>1</sup> staff made up of on road traffic officers, regional control centre staff and business support. Of this figure approximately 1,250 are on-road traffic officers. HATOS operates on a 24/7 365 day basis and has jurisdiction across the whole of the strategic road network in England operating from seven regional control centres. About four million people use the strategic road network every day.
- 1.3.3 Key activities for HATOS include clearing of incidents, removal and disposal of vehicles and supporting customers who may have broken down on the motorway. It also supports the police and other emergency services in managing the traffic consequences of major incidents and accidents where the police are required to attend. The regional control centre room monitors the network and is able to set signs and signals warning of hazards ahead, it also provides intelligence to enable the effective management of the strategic road network and deployment of the on road traffic officers. HATOS is also responsible for the operation of managed motorways on relevant sections of the network.
- 1.3.4 At present the on road HATOS operates mainly on the motorway network but the regional control centres have the ability to monitor and set relevant signals and information on some of the major trunk roads on the strategic road network. HATOS has jurisdiction to operate on the local road network but only under the direction of the relevant chief constable of police or local highway authority and for purposes connected to traffic management.
- 1.3.5 To assist with these duties HATOS has powers to stop and direct traffic and set signs and signals under the Traffic Management Act 2004 and it also has powers to remove and dispose of vehicles. HATOS has no enforcement powers, including powers of arrest. It is an offence to fail to comply with the directions of a traffic officer.

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<sup>1</sup> Figure taken from February 2010 data

- 1.3.6 HATOS is funded through the Highways Agency's annual budget. The budget for 2010/11 £103m and for 2011/12 is forecast to be £98m.

## **1.4 VOSA Enforcement Officers**

- 1.4.1 VOSA provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles ensuring the compliance of operators and drivers with road traffic legislation, and supporting independent Traffic Commissioners (in their role in licensing and regulating heavy goods vehicles (HGVs) and public service vehicles (PSVs)). VOSA also provides services to the police in examining vehicles as part of accident investigation. VOSA is part of the DfT Motoring Freight and Services Group and employs approximately 2,600 staff.
- 1.4.2 For the purpose of this exercise, operations are focused on activities of VOSA on-road enforcement teams, separated from other VOSA activities around, for example administration of the MOT system.
- 1.4.3 VOSA is responsible for enforcing a number of roadworthiness and traffic regulations associated with commercial vehicles and passenger carrying vehicles. This includes; condition of vehicles, compliance with driver hours and licensing and loading regulations. This is achieved through annual statutory checks on commercial vehicles, inspections at operator premises and by inspecting vehicles at the roadside. VOSA focuses heavily on roadside checks as the primary means of enforcing regulations.
- 1.4.4 Enforcement officers operate through four regions which are sub divided into 23 area teams. VOSA employs around 803 road side enforcement staff. Of those around 347 are vehicle examiners (qualified mechanics); 263 are traffic examiners (experienced in transport management and law enforcement) and 74 are enforcement support officers who identify and intercept vehicles for checking using liveried vehicles, similar to those of HATOS. Decisions on who to intercept are drawn from a number of intelligence sources including the police, Driver and Vehicle Licensing Agency (DVLA) and HA. VOSA staff check driver records, maintenance schedules, vehicles and all issues in relation to operator licences.
- 1.4.5 VOSA enforcement officers are located at 72 fixed check sites around Great Britain and have mobile enforcement units. Some VOSA officers are co-located at regional control centres (e.g. at South Mimms).
- 1.4.6 Some VOSA on-road enforcement officers, who have been duly authorised, have the powers to stop vehicles for inspection purposes without the presence of a police officer and are able to issue a range of prohibitions if defects or offence are found. This includes fixed penalties and power to immobilise vehicles. The powers are derived by virtue of accreditation under the Police Reform Act 2002.
- 1.4.7 VOSA's budget for 2009/10 was £202m, 12% of that was DfT funding (£24m) providing for enforcement activities with 82% generated from statutory income. In 2008/09 VOSA spent £36.6m in total on enforcement.

## Annex B : PUBLIC INTEREST TEST

### Section 35(1)(a) exemption – formulation or development of government policy

Information held by a government department or by the National Assembly for Wales is exempt information if it relates to:

(a) the formulation or development of government policy

In favour of disclosure	Against disclosure
<ul style="list-style-type: none"><li>• Greater transparency makes government more accountable to the electorate and increases trust;</li><li>• The public interest in being able to assess the quality of advice being given to ministers and subsequent decision making;</li><li>• The greater the impact on the country or on public spending the greater the public interest may be in the decision making process being transparent.</li></ul>	<ul style="list-style-type: none"><li>• Good government depends on good decision making and this needs to be based on the best advice available and a full consideration of all the options without fear of premature disclosure;</li><li>• There needs to be a free space in which it is possible to ‘think the unthinkable’ and use imagination, without the fear that policy proposal will be held up to ridicule;</li><li>• The impartiality of the civil service might be undermined if advice was routinely made public as there is a risk that officials could come under political pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision-making;</li><li>• Advice should be broad based and there may be a deterrent effect on external experts or stakeholders who might be reluctant to provide advice because it might be disclosed.</li></ul>
<p><b>Conclusion/Decision:</b></p> <p>To withhold. Disclosure of this information would impinge on the freedom of discussion around ideas in an extremely early phase. If there is interest in pursuing a proposal, it would be in the public interest for consultation and wider consideration to take place on the basis of a developed assessment of the case for any change. It is expected that, should any ideas be taken forward, it would be through an appropriate process of consultation.</p> <p>Releasing the information would be likely to affect the course of early policy development in this area and the quality of any decisions reached. The information also relates to external stakeholders and disclosure may discourage further discussion in this area or on wider matters, which could result in worse outcomes for the public. Therefore, in our view, the damage caused by releasing the information now would outweigh the general public interest in transparency.</p>	