

An Garda Síochána

Oifig Saorála Fáisnéise
An Garda Síochána
Teach Áth Luimnigh
Lárionad Gnó Udáras Forbartha Tionscail
Baile Sheáin
An Uaimh
Contae na Mí
C15 DR90



Freedom of Information Office
An Garda Síochána
Athlumney House
IDA Business Park
Johnstown
Navan
Co Meath
C15 DR 90

Teileafón/Tel: (046) 9036350

Láithreán Gréasain/Website: www.garda.ie

Bí linn/Join us  

Ríomh-phoist:/Email: foi@garda.ie

Ms Kelly O'Brien,

Re: Freedom of Information Request FOI-000014-2017 Request Partially Granted

Dear Ms O'Brien,

I refer to the Freedom of Information Act 2014 (FOI Act) and your request to An Garda Síochána dated and received on the 17th January, 2017.

Part 1(n) of Schedule 1 of the FOI Act states that An Garda Síochána is listed as a partially included agency “*insofar as it relates to administrative records relating to human resources, or finance or procurement matters*”. Therefore, only administrative records that relate to human resources, finance or procurement shall be considered.

Your request is shown below:

I am requesting records in relation to Fixed Charge Notices.

I would like to know how many FPNs were issued in 2015 and 2016 in the three Cork divisions, and what they were issued for.

I would also like to know how many FPNs were paid in 2015 and 2016, in the three Cork divisions, and what the FPNs that were paid had initially been issued for.

I wish to inform you that I have decided to partially grant your request on 9th February, 2017.

1. Findings and particulars.

On the 31st October 2002, the Fixed Charge Notice (FCN) process was introduced as a replacement of the old 'on the spot' fine system along with Penalty Points. The Fixed Charge Processing System (FCPS) was developed by An Garda Síochána to enable computerised, automated processing of FCNs and to assist in the management of the penalty points system. The process applied to the then penalty point offences, certain parking and other offences under the Road Traffic Acts. One of the key objectives of the fixed charge notice system is to contribute to safer driving and reduced road traffic collision casualties.

Since 2002 the system has been expanded to include offences related to the main collision causation factors, such as seatbelt wearing, speeding and intoxicant related offences, as part of a number of road safety strategies. Since their introduction an increased level of compliance by road users has been recorded and thereby contributing to a reduction in road fatalities.

More recently fixed charges for defective tyres and pedal cycle offences have been included.

Since 2008 Public Order offences (Intoxication in a Public Place and Disorderly Conduct in a Public Place) can also be dealt with by FCN.

Currently FCPS caters for 614 FCN offences which are grouped into 40 groups for internal administration purposes.

The current legislation for the FCN process allows for the payment of the fixed charge within 28 days of issue of the notice. If payment is not made in this period, an increased charge may be paid within a further 28 day period. (*Payment of the fixed penalty in relation to drink driving offences is restricted to one period of 28 days at the original amount*).

These payments are collected on behalf of An Garda Síochána by An Post. The payments received are used to offset the costs of the outsourced speed cameras contracts. In the event that the income from FCNs exceeds the costs of the contracts the excess is returned to the Exchequer.

If payment of the FCN is not made within the allowable period, court proceedings are initiated by way of summons application. Any fines arising from the court proceedings are not received by An Garda Síochána.

I advise that I am refusing the first part of your request seeking the number of FCNs issued as these are concerned with the detection of offences and are not "*administrative records relating to human resources, or finance or procurement matters.*" as set out in Part 1(n) of Schedule 1 of the FOI Act.

I would refer you to the decision by the Office of the Information Commissioner in case *Mr. Y and An Garda Síochána (FOI Act 2014)* (Case No. 160054) which discusses the nature of administrative records and Part 1(n) of Schedule 1 as it applies to An Garda Síochána. The details of this decision is available from their website (<http://www.oic.gov.ie/en/>)

Pursuant to section 15(1)(i)(i), I am refusing your request for details of the number and amount of paid fines for 2015 as this information has already been provided to you under a previous request (FOI-000262-2016). Section 15(1)(i)(i) states:

15. (1) A head to whom an FOI request is made may refuse to grant the request where –

(i) the request relates to records already released, either to the same or a previous requester where –

(i) the records are available to the requestor concerned

I am granting your request for the paid fines for the three Cork Divisions in 2016.

The number and amount of fines paid by offence group for the three Cork Divisions are provided to you in Appendix A attached.

The figures were extracted based on the date the payments were processed by An Post. Therefore some payments may relate to offences that occurred in the later stages of the previous year.

2. Rights of appeal

In the event that you are not happy with this decision you may seek an Internal Review of the matter by writing to the address below and quoting reference number **FOI-000014-2017**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, Navan, Co. Meath C15 DR90

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Accountant, Garda Finance Directorate, Garda Headquarters, Phoenix Park, Dublin 8.

Payment can be made by electronic means, using the following details:

Account Name: Garda Síochána Finance Section Public Bank Account

Account Number: 10026896

Sort Code: 900017

IBAN: IE86B0F190001710026896

BIC: BOFIE2D

You must ensure that your FOI reference number (FOI-000014-2017) is included in the payment details.

You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal may be permitted in appropriate circumstances.

Please be advised that An Garda Síochána replies under Freedom of Information may be released in to the public domain via our website at www.garda.ie.

Personal details in respect of your request will be removed to protect confidentiality where applicable.

Should you have any questions or concerns regarding the above, please contact me by telephone at (046) 9036350.

Yours sincerely,

Helen Deely SUPERINTENDENT
HELEN DEELY
FREEDOM OF INFORMATION OFFICER.

10th FEBRUARY, 2017

Appendix A – Paid Fixed Charge Notices 2016 for Cork North, Cork City and Cork West

Division	Offence Group	Number	Amount
Cork City	Crossing Centre Lines On A Roadway Causing Danger.	30	€2,480.00
	Dangerous & Endangering Overtaking	79	€6,640.00
	Drink Driving Fixed Penalty	47	€12,200.00
	Drive On Or Across A Footway, Cycle Track Or Continuous White Line	6	€360.00
	Drive Or Park On A Pedestrianised Street Or Area	3	€120.00
	Driving A Vehicle Without Reasonable Consideration	115	€9,600.00
	Enter Or Stop Or Park On A Tram Line, Tram Only Street Or Cycle Track	55	€2,340.00
	Exceed Vehicle Weights	13	€2,800.00
	Fail To Observe Traffic Signs And Road Markings	135	€9,710.00
	Fail To Yield Right Of Way	1	€80.00
	Failing To Display A Valid Tax Or Insurance Disc	996	€66,420.00
	Failing To Obey Parking Signs And Road Markings	1092	€46,340.00
	Failing To Stop At Traffic Lights (Red & Amber)	378	€31,640.00
	Failure To Obey Mandatory Traffic Signs, Weight Restrictions And Reversing Offences	12	€780.00
	Holding A Mobile Phone Whilst Driving	1514	€97,020.00
	Novice Driver Offences	356	€28,050.00
	Obstruct Or Delay a Vehicle Entering/Exiting From A Fire, Ambulance Or Garda Station,	12	€520.00
	Parking In A Manner Or Location That Causes A Danger Or Obstruction	528	€22,200.00
	Parking Offences - Hired Vehicles	16	€900.00
	Parking Or Stopping In A Clearway Or Disabled Space	128	€10,580.00
	Parking Within 15 Metres Before Road Junctions, Traffic Lights And Pedestrian Crossings	4	€160.00
	Parking Within 5 Metres After a Road Junctions, Traffic Lights And Pedestrian Crossings	9	€420.00
Parking/Entering A Bus Lane, Bus Contraflow, At Bus Stop Or Taxi Rank	894	€39,610.00	
Parking/Stopping In Loading Bay And School Entrance	16	€700.00	
Pedal Cycle Offences	17	€700.00	

Division	Offence Group	Number	Amount
	Public Order Offences	113	€13,230.00
	Seat Belt Offences	350	€22,170.00
	Speeding Offences	4014	€336,640.00
	Stopping/Parking On A Motorway Etc.	45	€3,740.00
	Use A Vehicle With Defective Or Dangerous Tyres	27	€2,360.00
	Using Vehicle Without NCT Test Certificate	319	€21,360.00
	Using Vehicle/Trailer Without The Required Lighting	89	€5,670.00
	Failure to obey or signal intent to comply with an instruction given by a Garda or School Warden	1	€80.00
Cork City Total		11414	€797,620.00
Cork North	Crossing Centre Lines On A Roadway Causing Danger.	70	€5,960.00
	Dangerous & Endangering Overtaking	23	€1,960.00
	Drink Driving Fixed Penalty	54	€12,200.00
	Drive On Or Across A Footway, Cycle Track Or Continuous White Line	6	€360.00
	Driving A Vehicle Without Reasonable Consideration	156	€13,040.00
	Exceed Vehicle Weights	2	€500.00
	Fail To Observe Traffic Signs And Road Markings	161	€10,460.00
	Fail To Yield Right Of Way	8	€640.00
	Failing To Display A Valid Tax Or Insurance Disc	1295	€86,610.00
	Failing To Obey Parking Signs And Road Markings	208	€8,820.00
	Failing To Stop At Traffic Lights (Red & Amber)	40	€3,400.00
	Failure To Obey Mandatory Traffic Signs, Weight Restrictions And Reversing Offences	1	€60.00
	Holding A Mobile Phone Whilst Driving	1068	€68,580.00
	Novice Driver Offences	185	€14,770.00
	Obstruct Or Delay a Vehicle Entering/Exiting From A Fire, Ambulance Or Garda Station,	8	€320.00
	Parking In A Manner Or Location That Causes A Danger Or Obstruction	41	€1,740.00
	Parking Offences - Hired Vehicles	16	€760.00
	Parking Or Stopping In A Clearway Or Disabled Space	50	€4,280.00

Division	Offence Group	Number	Amount
	Parking Within 5 Metres After a Road Junctions, Traffic Lights And Pedestrian Crossings	9	€380.00
	Parking/Entering A Bus Lane, Bus Contraflow, At Bus Stop Or Taxi Rank	147	€6,320.00
	Parking/Stopping In Loading Bay And School Entrance	68	€2,880.00
	Pedal Cycle Offences	2	€80.00
	Public Order Offences	179	€20,380.00
	Seat Belt Offences	191	€12,090.00
	Speeding Offences	6532	€549,640.00
	Stopping/Parking On A Motorway Etc.	5	€280.00
	Use A Vehicle With Defective Or Dangerous Tyres	32	€2,760.00
	Using a Good or Passenger Vehicle with an Inaccurate or Modified Authorisation Plate or Without any Authorisation Plate	3	€210.00
	Using Vehicle Without NCT Test Certificate	188	€12,240.00
	Using Vehicle/Trailer Without The Required Lighting	43	€2,820.00
	Failure to obey or signal intent to comply with an instruction given by a Garda or School Warden	4	€300.00
Cork North Total		10795	€844,840.00
Cork West	Crossing Centre Lines On A Roadway Causing Danger.	102	€8,640.00
	Dangerous & Endangering Overtaking	11	€920.00
	Drink Driving Fixed Penalty	40	€9,800.00
	Drive On Or Across A Footway, Cycle Track Or Continuous White Line	4	€240.00
	Driving A Vehicle Without Reasonable Consideration	115	€9,520.00
	Exceed Vehicle Weights	3	€600.00
	Fail To Observe Traffic Signs And Road Markings	14	€1,120.00
	Fail To Yield Right Of Way	1	€80.00
	Failing To Display A Valid Tax Or Insurance Disc	877	€57,870.00
	Failing To Obey Parking Signs And Road Markings	151	€6,300.00
	Failing To Stop At Traffic Lights (Red & Amber)	6	€520.00
	Holding A Mobile Phone Whilst Driving	1013	€65,190.00
	Novice Driver Offences	185	€14,840.00

Division	Offence Group	Number	Amount
	Obstruct Or Delay a Vehicle Entering/Exiting From A Fire, Ambulance Or Garda Station,	2	€80.00
	Parking In A Manner Or Location That Causes A Danger Or Obstruction	37	€1,620.00
	Parking Offences - Hired Vehicles	10	€440.00
	Parking Or Stopping In A Clearway Or Disabled Space	23	€1,880.00
	Parking Within 5 Metres After a Road Junctions, Traffic Lights And Pedestrian Crossings	18	€760.00
	Parking/Entering A Bus Lane, Bus Contraflow, At Bus Stop Or Taxi Rank	8	€320.00
	Parking/Stopping In Loading Bay And School Entrance	2	€80.00
	Pedal Cycle Offences	2	€80.00
	Public Order Offences	78	€10,480.00
	Seat Belt Offences	179	€11,250.00
	Speeding Offences	3909	€325,880.00
	Use A Vehicle With Defective Or Dangerous Tyres	39	€3,320.00
	Using a Good or Passenger Vehicle with an Inaccurate or Modified Authorisation Plate or Without any Authorisation Plate	1	€60.00
	Using Vehicle Without NCT Test Certificate	154	€10,200.00
	Using Vehicle/Trailer Without The Required Lighting	72	€4,500.00
	Failure to obey or signal intent to comply with an instruction given by a Garda or School Warden	1	€80.00
Cork West Total		7057	€546,670.00
2016 Total		29266	€2,189,130.00