

Chief Constable
Chief Constable Robert Carden
Police Headquarters
Carleton Hall Penrith,
Cumbria
CA10 2AU



29th April 2025

Dear

FREEDOM OF INFORMATION REQUEST – FOI 394/25 – Nitrous Oxide RTC's

I refer to your request for information which was received by Cumbria Constabulary on 1st April 2025. I note you seek access to the following information:

- 1. The number of road traffic collisions recorded in the past three years (2022, 2023, 2024) where nitrous oxide was listed as a suspected factor.*
- 2. The number of individuals arrested or charged under Section 5 of the Road Traffic Act 1988 (Driving or Being in Charge of a Motor Vehicle with Excess Alcohol or Drugs) where nitrous oxide was recorded as the substance involved.*
- 3. The number of individuals arrested or charged under Section 2 (Dangerous Driving) and Section 3 (Careless or Inconsiderate Driving) of the Road Traffic Act 1988, where nitrous oxide was suspected or confirmed as a contributing factor.*
- 4. Whether your force has conducted any specific roadside operations or drug-driving tests targeting nitrous oxide use while driving.*
- 5. Whether nitrous oxide is included in standard drug impairment testing for drivers. If not, has there been any internal discussion or policy review about adding it?*

Your request for information has been considered and I can confirm that Cumbria Constabulary does not hold all the information you seek in an easily retrievable format.

In relation to Questions 1,2 and 3 as there is currently no test for Nitrous Oxide, unlike alcohol and cannabis, we would need to conduct a manual search of our Traffic Collision data, Custody records and other associated records, to ascertain if inhaling/consuming Nitrous Oxide was mentioned in the reports as a factor. Although signs of nitrous oxide usage such as empty cannisters and balloons may appear in the vehicle after a RTC, to prove that this was the cause is difficult when also taking into account cases where drivers were tested positive for other drugs such as cocaine.

We hold in excess of 1000s of reports and based on the minimum of 1000 reports at approximately 5 minutes per report, would take at least 83 hours.

This would be a very large amount of work and I have estimated that it would exceed the "appropriate limit" as stated in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The current limit for police forces has been set at £450, which equates to 18 hours of work. Section 12(1) of the Act does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.



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In accordance with Section 17(5) of the Freedom of Information Act this section acts as a Refusal Notice for your request, by virtue of Section 12(1) of the Act.

In accordance with my duty under Section 16 of the Freedom of Information Act, 2000 (Duty to provide advice and assistance), I have tried to think of a way to recommend that your request may be refined to bring it under the limit explained above. At this time, unfortunately, I have no suggestions, due to the way that the information requested is recorded.

Complaint Rights

Your attention is drawn to the attached sheet, which details your right of complaint. I would like to take this opportunity to thank you for your interest in Cumbria Constabulary.



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