

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 13th December 2021

Your ref: FOI

Our ref: FOI 2021 / 1017

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 6th December 2021 concerning Coronavirus Breaches, Arrests and Fines.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

Please send me the information you have on Wiltshire Police's Coronavirus breach reports, arrests and fines. Further, from the 24th of March 2020 until the 19th of July 2021:

- a) How many potential breaches to the "lockdown laws" were reported to your police force by members of the public?
- b) Of these reports how many led to arrests, some other action (e.g. a caution fine or fixed penalty notice) or no further action
- c) Of the arrests how many have led to a conviction?
- d) How many fines were issued by Wiltshire Police?

Our response:

The information that you are requesting in Question A is not stored in a way which permits easy retrieval.

Wiltshire Police essentially uses two different systems by which we can record details of crimes and incidents that are reported to us – these are called Storm and Niche.



INVESTOR IN PEOPLE

For the time period you require, we have recorded in excess of 15,000 unique crimes and incidents which have been reported to us that have been Covid-related. This number has been ascertained by running searches based on a particular key field which records whether a crime or incident is flagged as being relevant to Covid.

Unfortunately, this Covid flag is not used purely to identify potential breaches of “lockdown laws” (as you have requested), but any specific incident or crime that has any link at all to covid - however tenuous that might be. For example a report made to us from someone that has had the phrase “I hope you catch covid and die” shouted at them would be recorded under this Covid flag but it is not an incident that is related to a potential breach of lockdown laws.

The only way to determine the correct number of these reported crimes and incidents that are actually related to a specific potential breach of “lockdown laws” would entail us accessing and reading each and every one of these reports to determine whether or not it met your specific criteria.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it.

Although excess cost removes the forces’ obligations under the Freedom of Information Act, as a gesture of goodwill I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request. What I am able to provide you are the answers documented below :-

General Note

The method that is used to process breaches of covid regulations or “lockdown laws” is quite a complicated one, so it might help provide some clarity and context if I summarised the process for you :-

- a) A Breach is identified by Officer directly or from a report submitted either from a member of the public or Border Force etc.
- b) Fixed Penalty Notice is issued to offender and ACRO is notified of each breach
- c) ACRO issue a formal ticket and a request for payment to the offender
- d) Offender pays fine directly to ACRO
- e) If an offender contests the fine or refuses to pay, then ACRO revert the ticket to the local Force (eg Wiltshire Police)
- f) The local Force then conducts a review undertaken by an Evidence Review Officer and the decision is then made to either cancel the ticket with no further action (NFA), to uphold the ticket (and proceed to prosecute via The Court) or to cancel / rescind the ticket.
- g) If the case then proceeds to Court, local Forces then get advised of the Court Decision

Question b

For the time period you have requested, there were 888 Fixed Penalty Notices that were actually issued for breaches of lockdown regulations or “lockdown laws”.

It needs to be recognised that a number of these tickets are still “active” for one reason or another, for instance

- a) they are either with ACRO and awaiting payment/processing
- b) they have been returned from ACRO for ERO review and still going through that process
- c) they are currently going through the Court process

However, at the date of this letter I can confirm the following :-

There have been 20 arrests made, 7 individuals have been charged, 1 FPN has been issued and 12 of these arrests have gone NFA (no further action).

Question c

Wiltshire Police do not hold any information in respect of Convictions. To obtain this information you will need to contact the CPS (Crown Prosecution Service) directly for this information.

Question d

During the time period you have requested, there have been 74 fines issued by Wiltshire Police. It needs to be noted that these fines are those issued by Wiltshire Police where the offender has contested the Fixed Penalty Notice or refused to pay it and ACRO have reverted the case to us for a subsequent review.

For details of the number of fines actually paid directly to ACRO (where offenders have essentially accepted the FPN) you will need to contact ACRO directly – we do not hold this information.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of questions A to a more manageable level. However, due to the difficulties I have outlined to you above, I cannot see how this can be achieved in this particular case.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 12: Exemption where cost of compliance exceeds appropriate limit

- (1) Section 1(1) 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.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Nick Penny
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire 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 to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

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 Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force 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 twenty 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
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk