

WILTSHIRE POLICE



Force Disclosure Unit
Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 21st April 2023

Ref: FOI 2023/457

Dear,

I write in connection with your request for information dated 19th April 2023 concerning police powers of eviction Criminal Justice and Public Order Act 1994.

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:

Use of police powers of eviction CJPOA 1994

I am requesting the following information using the Freedom of Information Act 2000. Some of the information requested may also be relevant to the Environment Information Regulations – if so please treat the relevant information requested as an EIR Request.

Background:

On April 28th, 2022, last year, the Police, Crime, Sentencing and Courts Act 2022 achieved Royal Assent and part of the provisions of that Act inserted section 60c (the criminal offence of trespass with vehicles with the intent to reside) into the Criminal Justice and Public Order Act 1994 (CJPOA).

Section 60c is now an addition to section 61 and 62a, the already existing CJPOA police powers of eviction in relation to unauthorised camps.

This freedom of information request, sent to all police services in England and Wales, is an attempt to determine how many times section 60c has been used in comparison to the use of section 61 and section 62 at a police service level and a national level.

Information requested:

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Within the timeframe of June 28th 2022 to March 31st 2023:

1. Do you hold any recorded information that would determine how many times your police service has served section 60C CJPOA in relation to unauthorised camps? If the answer to this is a yes, can you please tell us how many times your police service has used section 60C and the reason for its use?
2. Do you hold any recorded information that would determine how many times your police service has served section 60D (the seizure of vehicles following a section 60c) in relation to unauthorised camps? If the answer to this is a yes, can you please tell us how many times your police service has served section 60D?
3. Do you hold any recorded information that would determine how many times your police service has served section 61 CJPOA in relation to unauthorised camps? If the answer to this is a yes, can you please tell us how many times your police service has used section 61?
4. Do you hold any recorded information that would determine how many times your police service has served section 62A CJPOA in relation to unauthorised camps? If the answer to this is a yes, can you please tell us how many times your police service has used section 62A?

Our response:

The information that you are requesting for the majority of your request is not stored in a way which permits easy retrieval. This is because we do not currently have a flag within our systems to be able to search and extract this type of information easily and accurately. As a result, the ascertaining of this information would only be possible by manually trawling through every report made within the time frame requested.

Therefore, 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.

Please note, that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Ordinarily under our Section 16 duty to provide advice and assistance, we would advise you how to refine your request to a more manageable level. However, due to the difficulties outlined 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

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(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,

Force 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

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.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.

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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