

WILTSHIRE POLICE



Via email



Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN
disclosure@wiltshire.police.uk

Date 01/09/2023

Your ref: FOI

Our ref: FOI 2023/760

Reply contact name is:

Dear

I write in connection with your request for information dated 02/08/2023 concerning assaults inside Burger King restaurants.

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:

1) Please state how many of the following crimes were alleged to have occurred and recorded by your force as happening inside **Burger King** restaurants in the financial year 2022/23.

Assault offences to include all assault offences:

- 5D - Assault with intent to cause serious harm
- 8N - Assault with injury
- 8P - Racially or religiously aggravated assault with injury
- 105A - Assault without injury
- 105B - Racially or religiously aggravated assault without injury

Please note I am only interested in assaults which occurred inside the restaurants' premises.

To clarify, an assault that was recorded as having happened 'down the road from' a Burger King would not be of interest, although one that happened inside the restaurant or at least in the doorway/entrance would be.

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2) In addition, please state the addresses of the **THREE** Burger King restaurants in your police force area with the most alleged/recorded assault offences in 2022/23, stating how many occurred for each one.

3) Finally, please provide me with a verbatim copy of the "investigation summary field" and/or the modus operandi (MO) for the **FIVE** most recent cases recorded for each of the top three Burger King locations.

Response:

The type of information you require is not stored in a way which allows for easy retrieval. When recording a crime, Wiltshire Police do not have a specific field in which to indicate that an assault has happened inside a particular premises (as requested), or whether it happened outside the walls, for example in the car park. To ascertain whether these assaults took place inside the buildings, we would need to manually peruse all relevant crime reports within the timeframe given. 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. Therefore the whole of the request falls under the exemption of section 12 of the Freedom of Information Act 2000.

Ordinarily under our Section 16 obligation to provide advice and assistance, we would advise you of a way to refine your request to a more manageable level. The only way I think this request could be answered is to use the same crime codes you have given already along with the specific addresses of the restaurants that you are interested in, however, we would still have to manually peruse all relevant crime reports in the period given to discover whether the assaults took place inside or not and may still result in a S.12 response.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, 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.

Please contact me if you would like to discuss the withheld information.

Yours sincerely

Force Disclosure Decision Maker

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The 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

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

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>