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25/01/2022

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 24/2022

Thank you for your request for information regarding fixed penalty notices, which has now been considered.

Applicant Question:

I'm looking into Covid breaches during the month of May 2020 where police handed out Fixed Penalty Notices (FPN).

I would like to know the name of the police force who handed out the fixed penalty notice, the local authority where the breach took place and the cost of each fixed penalty notice.

I'm also looking into the nature of the breach ie: which includes, but is not limited to, unlicensed music events, protests and private parties, face coverings, business, self-isolation regulations and international travel regulations.

Specifically please send me:

1. A count of all fixed penalty notices which were administered for Covid breaches, in England, during the month of May 2020. I would like this list broken down by the nature of the breach, the police force who administered the FPN, the local authority and the cost of the fine.
2. A count of all fixed penalty notices of £10,000 issued in relation to gatherings of 30 people or more for Covid breaches during the month of May 2020, in England. I would like this list broken down by nature of the breach, the local authority and the police force who administered the FPN.
3. A count of all fixed penalty notices of £10,000 issued in relation to gatherings of 30 people or more for Covid breaches, in England, specifically on 15 May 2020 and 20 May 2020. I would like this list broken down by nature of the breach, the local authority, and the police force who administered the FPN.

NPCC Response:

The NPCC does hold information captured by your request; however, complying with question 1 of this request will exceed the cost limit as set out within the legislation, found below at Annex A.



In order to retrieve the information requested, a manual review of each fixed penalty notice would be required to establish the reason it was issued, which equates to over 93 hours (with a conservative estimate of 1 minute to review each notice). There were 5,606 notices issued by forces in England during the month of May 2020.

There was only one legislation enforced in England and recorded at ACRO during May 2020, which was the general England COVID-19 (the Health Protection (Coronavirus, Restrictions) (No.1) (England) Regulations 2020). Specific legislation relating to face coverings, international travel, etc. were not brought in until June 2020.

In wishing to assist you, and outside of the Freedom of Information Act, I have provided you with a spreadsheet with a breakdown of police force and local authority detailing fines issued during May 2020.

From 01/05/2020 to 12/05/2020, the fine amount was £60*, in which 4,229 notices were issued during this time. From 13/05/2020 to 31/05/2020, the fine amount was increased to £100*, in which 1,377 notices were issued.

*Specific fine amounts may vary depending on whether the subject had paid within the 14-day period or if they had received a previous notice.

I can also advise outside of the Act that the legislation was not introduced until August 2020, and therefore the answer to part 2 and 3 of your request is none.

Yours sincerely

Sherry Traquair

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COMPLAINT RIGHTS

Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with NPCC, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Annex A

Section 17 of the Freedom of Information Act 2000 requires the NPCC, when refusing to provide information by way of exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a refusal notice to those aspects of your request.

The legislation: Section 12 – the legislation:

The provisions of section 12(1) of the Act are engaged in response to your request as the NPCC are unable to confirm what information it might hold in relation to your request because to do so would exceed the 'appropriate limit' – i.e. the cost limit. Section 12 of the Act provides:

- (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.**
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

These sections of the Act provide that the NPCC is not obliged to comply with its duties under section 1(1) of the Act – i.e. our duty to confirm or deny what information is or is not held, and to supply any information held in response to a request – if to do so would exceed the 'appropriate limit'.

The 'appropriate limit' is defined in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004. Section 3 and 4 of these regulations provide that an authority can take into account the costs it reasonably expects to incur in relation to a Freedom of Information request in regards to the following four activities associated with handling that request:

- (a) Determining whether or not it holds the information
- (b) Locating that information, or document(s) which might contain the information
- (c) Retrieving the information, and
- (d) Extracting the information from a document containing it

The regulations then confirm that the appropriate limit (in the case of a body such as the NPCC) is £450 and that any work estimated or carried out in respect of the above four activities is to be estimated at a rate of £25 per hour.

Therefore, the NPCC can refuse to handle an FOI request for information under section 12 of the Act if it reasonably estimates that it would take more than 18 hours of work to carry out the above four activities in relation to that request. If the limit is exceeded, **there is no requirement for the NPCC to conduct work up to that limit – the limit applies to the whole request and there is not a requirement to answer other parts of a request even if only one area of the request on its own engages the limit.**

Legislation – Section 16

- (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.