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10/03/2022

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 101/2022

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

Applicant Question:

Can the National Police Chief's Council provide the information for the request below?

1. Number of fixed penalty notices issued for breaches of Covid lockdown rules in England between 27 March 2020 and 28 February 2022
2. The amount of money issued in fines during this time
3. How many of the fines were paid
4. The total amount paid in fines during this time

Would you also be able to provide a geographical breakdown of the number of breaches and fines issued?

NPCC Response:

The NPCC does hold information captured by your request. The information has been withheld under Section 21 Reasonably Accessible by Other Means, Section 22 Intended for Future Publication and Section 36 Disclosure Prejudicing the Effective Conduct of Public Affairs.

Part 1 of your request engages S21 and S22. For full details in regards to the legislation and the potential risk of harm, please see Annex A below.

Annex A of the latest NPCC data pack provides this information up to and including 19/12/2021 and can be found [here](#). This provides a breakdown by force of FPNS issued in England under emergency health regulations, 27th March 2020 to 19th December 2021 (pages 23-24). This also covers your request for a geographical breakdown of fines issued. As this information is available to you, S21 is engaged for information up to 19/12/2021 and S22 is applicable from 19/12/2021 to the end of February 2022, as this information is intended for future publication.

Parts 2, 3 and 4 of your request engage Section 22 Intended for Future Publication as the NPCC has committed to publishing information on payments at a later date and will be providing an update on this shortly. If a FPN is contested or not complied with within the 28 day payment period, the case becomes a matter for HM Courts and Tribunals Service following a force level review.



The NPCC has a legal obligation to try and advise and assist you further with your request. ACRO have provided a generic list of the potential fines for each legislation breach, which can be used in conjunction with the NPCC releases to create an estimate amount. However, please note that this amount may vary depending on whether the subject of the notice pays within the grace period or whether they had previous offences. I have attached the list to this response.

Yours sincerely

Fiona Greenlees

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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 21 Information reasonably accessible to the applicant by other means

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
 - a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
 - b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

S21 is an absolute exemption and there is no requirement to conduct a public interest test. I am not obliged to provide information for part 1 of your request if the information held is intended for future publication and exempt this information under S22(1)(a) of the Freedom of Information Act.

The legislation: Section 22 Information intended for future publication-

- (1) Information is exempt information if-
 - (a) The information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
 - (b) The information was already held with a view to such publication at the time when the request for information was made, and
 - (c) It is reasonable in all the circumstances that the information should be withheld from disclosure until the data referred to in paragraph (a)

Section 22 is a qualified exemption and as such is subject to a public interest test. This means that I have identified the exemption, considered whether the public interest in not disclosing the information outweigh the public interest test in disclosing the information.

In determining the public interest, I have evaluated the impact of releasing the information against the need for public bodies to exercise their functions. In this case, I have concluded that to release the statistics prior to them being published by the Home Office would be irresponsible on the NPCC's part.

The exemption is aimed at preserving intact all existing law providing access to information. The Freedom of Information Act is not designed to subsume other legal access rights or to give alternative routes to access where existing regimes are already available. The Freedom of Information Act access rights build on, but do not replace previous access rights. Those existing rights, and the separate procedural regimes which are tailored to them, continue in place, and the Freedom of Information Act observes corresponding limits to its role. There is a general public interest in disclosure and openness to increase public trust in, and engagement with, the police service and government.

Release of the information would undermine the Operation Talla publication strategy. Premature disclosure of statistics without adhering to established pre-publication procedures (which includes internal NPCC consultation about the final statistics being established on the Gov.uk website) could work to prevent the NPCC from being able to use their staff resources effectively in a planned way, so that reasonable publication timetables are not affected. This includes data which might not itself be published but which forms a subset of published data.

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.