



Heddlu Police

DYFED-POWYS

FOI Reference: 573/2020

Request:

I am writing to request information under the Freedom of Information Act on police action taken regarding sex work offences.

More specifically, I am requesting the following information:

- 1) Arrests made regarding the offence of loitering and soliciting
- 2) Arrests made regarding the offence of keeping a brothel
- 3) Arrests made regarding the offence of assisting in the management of a brothel
- 4) Closure Notices issued regarding the offence of keeping a brothel
- 5) Prostitute Cautions issued
- 6) Civil orders issued - for example Criminal Behaviour Orders, Public Space Protection Orders and Engagement and Support Orders - regarding the offence of loitering and soliciting
- 7) This information for each calendar month in 2019
- 8) This information for each calendar month in 2020 (where available)

Response:

Section 1 of the Freedom of Information Act 2000 places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

I can confirm that the cost of determining whether any information relative to this request is or isn't held is above the amount to which we are legally required to respond therefore we are withholding the whole of the requested information since we consider that the Section 12 (2) exemption the Cost of Compliance exceeds the Appropriate Limit applies to it.

Where exemptions are relied upon Section 17 of the Freedom of Information Act 2000 requires Dyfed Powys 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 following exemption has been applied to the whole of the information you have requested:

Section 12(2) – The cost of compliance exceeds the Appropriate Limit

OFFICAL

Section 12(2) states: "...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."

The cost of determining what information is held, if any, relevant to your request is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. It is estimated that it would exceed 18 hours (i.e. minimum of **98.25** hours) to comply with your request. The regulations can be located @ www.legislation.hms.gov.uk/si/si2004/20043244.htm

The Freedom of Information Department has been advised that the information in relation to question 5 of your request is not held in an easily retrievable format.

Therefore, in order to establish the number of prostitute related cautions, would require individual interrogation of each of the 1179 cautions recorded during the specified time period (2019 and 2020 calendar years).

It has been estimated that it would take a minimum of 5 minutes to review each caution, the time estimate is broken down below:

2019 = 835 cautions x 5 minutes per record = 69.58 hours

2020 (until 11th September 2020) = 344 cautions x 5 minutes per record = 28.67 hours

Total cautions = 1179.

Total time to complete task = 98.25 hours

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice for the WHOLE of this request under Section 17(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or section 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact. You may wish to refine and resubmit your request so that it reduces the time shown above to fall within the 18 hours, should you require any further advice in relation to this matter please don't hesitate to contact the Freedom of Information Unit.

Please also be advised that should the request be refined, it does not remove the Force's right to cite exemptions if relevant.

Although excess cost removed the force's 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.

Responses 1 – 4 & 6:

I can confirm that there is no information held by Dyfed-Powys Police due to the fact that, in relation to 2019 and 2020 (up to 11/09/2020), the answer to all of the listed questions is zero (0).

This is a response under the Freedom of Information Act 2000 and disclosed on 1st October 2020