



Your reference:

Our reference: FOI_24_0022

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 01/02/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0022

On 05/01/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

I am seeking the following information under the Freedom of Information Act.

Monthly over the last 5 years how many people were:

- a) moved on from an area under the Vagrancy Act 1824
- b) convicted under the Vagrancy Act 1824
- c) arrested under the Vagrancy Act 1824

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary may hold some relevant information.

Unfortunately, there is no central recording system to identify the number of times a person has been moved on from an area under the Vagrancy Act. The only way to provide a definitive response is to canvass all officers requesting a search of their Pocket Notebooks and any departmental records that may be held. It has been estimated that this part of the request would far exceed the permitted time constraints, therefore Section 12 of the Freedom of Information Act is applicable. This section does not oblige a public authority to comply with a request for information if the authority estimated that the cost of complying with the request would exceed the appropriate limit of 18 hours, equating to £450.00.

You should consider this to be a refusal notice under Section 17 of the Act for this part of your request.

Please see below for suggestions on how you can refine your request to come within the cost constraints of section 12 of the Act.

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1)– Fee Regulations states:

Section 1(1) of the Act 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. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

Section 16 of the Freedom of Information Act, provides the opportunity to assist the applicant with any suggestions or variation that may allow a search to be undertaken within the cost constraints of Section 12 of the Act.

I confirm that the Constabulary could provide the following:

A search can be made for the number of authorised detentions where the offence falls under the Vagrancy Act.

With regards to question b, this information is not held by Gloucestershire Constabulary. Please note that the Constabulary holds data in relation to the number of individuals charged/summoned for a particular offence. The ultimate outcome of these offences depends on what happens at court i.e. whether the offender is found guilty (convicted) or not. This information comes from the court results which do not come within our systems. Hence we record the detection disposals for each case but do not have the ultimate conviction data.

Therefore any information relating to the outcome of a case, the length of sentence or whether any appeal was made is not held by the constabulary, but by the HM Courts Service. Please find a link below to their website:

www.justice.gov.uk/

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you

are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary