

Our Ref: 003818/17



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

Tel: 101
Ext 800 2507
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19 July 2017

Dear

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 15/05/2017.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

RESPONSE

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does hold the information you have requested.

Please find below answers to your questions:-

How many response officers does your force have on duty between the hours of 3am and 7am on a Tuesday morning?

At which police stations are those officers based and how many are at each police station?

if you require a specific time and date, please use between 3am and 7am on Tuesday, May 9, 2017

This information is exempt from disclosure under Section 31(1)(a)(b) of the Freedom of Information Act: Law Enforcement.

Section 31 is a prejudice based qualified exemption and as such, I am required to articulate the harm which may be caused by disclosure and to consider whether the public interest in disclosure outweighs the public interest in maintaining the exemption.

31. – (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

- a) the prevention or detection of crime
- b) the apprehension or prosecution of offenders
- c) the administration of justice

Overall harm

A disclosure made under the Freedom of Information Act is not only made to the individual making the request, but to the whole world. Therefore, any individual would be able to identify specific capabilities of Nottinghamshire Police. Providing information in respect of your request would reveal operational capability and is likely to influence criminals which may include terrorists or terrorist organisations. Knowledge of police operational capacity with regard to the number of officer available for a specific time period will ensure offenders are appropriately forewarned and enable them to effectively plan and execute strategies to overcome the police response.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those that plan to commit crime. However, there is also a duty of care to the public at large. The UK Police Service has a positive undertaking to protect the public from harm and that duty of care to all involved must be the overriding consideration.

Factors favouring disclosure

The information requested relates to a specific area of Policing. There is a public interest in the community being made aware of all the facts relating to operational Policing capacity in order to ensure complete openness and transparency as there is often speculation and rumour with regard to the specific number of officers available at any given time to ensure the prevention and detection of crime. In this case providing information relating to your request would provide transparency and may enhance public debate into this type of policing.

Factors favouring non-disclosure

The release of the requested information would compromise the current and future law enforcement role of the service. To divulge details of specific operational deployment for a specific area and timeframe would allow those who have intent on disrupting law enforcement to use this information for criminal purposes, which may include terrorists or terrorist organisations. Law enforcement tactics would be compromised which would hinder the prevention and detection of crime. This would lead to more crime being committed as knowledge of police operational capacity with regard to the number of officer available for a specific time period will ensure offenders are appropriately

forewarned and enable them to effectively plan and execute strategies to overcome the police response.

This would lead to more crime being committed which would have a detrimental impact on police resources. A fear of crime would be realized and individuals would be placed at risk.

Balance Test

Whilst there is a public interest in the transparency of policing resources for Nottinghamshire and providing reassurance that the Police Service is appropriately and effectively placing resources into the correct areas, there is a strong public interest in knowing that policing activity with regard to the delivery of law enforcement is appropriate and balanced, this will only be overridden in exceptional circumstances.

Additionally we must also consider the security of the country which is of paramount importance and the Police service must be careful in not divulging information if to do so would place the safety of an individual at risk or undermine law enforcement. As there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively operating, there is a very strong public interest in safeguarding both security and the integrity of police operational effectiveness and tactical capability. Therefore it is our opinion that for these reasons the balance test for disclosing all the requested information is not made out.

This letter constitutes a refusal notice under Section 17(1) of the Freedom of Information Act 2000 with Section 31(1)(a)(b) being applied.

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

Are you dissatisfied with your response?

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

How do I appeal?

All appeals should be made in writing and sent to:-

Information Management
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Notts
NG5 8PP

or alternatively freedomofinformation@nottinghamshire.pnn.police.uk

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

What if I'm still not satisfied?

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

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

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: casework@ico.org.uk