

Our Ref: 005338/12



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

**Tel:** 101  
**Ext** 800 2507  
**Fax:** 0115 967 2896

16 October 2012

**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 11 September 2012.

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

Please find below answers to your questions:-

**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.

**I would like to know how many, if any, registered/convicted paedophiles live within either New Ollerton or Boughton. In addition, how many, if any registered sex offenders live within the same areas.**

Please be advised that 'paedophile' is not terminology used by the Police Service. Statistics relating individuals who are subject to the notification requirements of the Sexual Offenders Act 2003 are known as Registered Sex Offenders. From this point, I will only refer to Registered Sex Offenders.

I have had the opportunity to fully consider your request in accordance with the Freedom of Information Act and can advise you that I will not be releasing any information concerning your request by virtue of the following exemptions:



### **Section 31. – (1) Law Enforcement**

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

(2) The purposes referred to in subsection (1) g) to l) are –

- a) the purpose of ascertaining whether any person has failed to comply with the law
- b) the purpose of ascertaining whether any person is responsible for any conduct which is improper
- c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise

### **Section 38. – (1) Health and Safety**

Information is exempt information if its disclosure under this Act would, or would be likely to –

- a) endanger the physical or mental health of any individual, or
- b) endanger the safety of any individual

Sections 31 and 38 are qualified and prejudice-based exemptions and require the application of a harm and public interest test which I have set out below:

#### **Harm Test – Section 31**

If a positive response was made, the release of this information could potentially lead to crimes being committed against those believed to be Registered Sex Offenders and may result in local retribution. It may result in a greater fear of crime within the local area, have a negative effect on Police resources and could undermine current methods for managing Registered Sex Offenders and protecting the community both by Police and partner agencies.

### **Harm Test – Section 38**

If a positive response was made, the release of this information may lead to physical or mental attacks against individuals; it may give the local area a poor reputation and may become an undesirable location, leading to financial losses e.g. in house prices. If an increased fear of crime is realised, it may cause the wider community stress and paranoia.

### **Public Interest Test – Section 31**

Factors favouring disclosure – A positive response of this information may provide a better awareness of Registered Sex Offenders within the local area or lead to more information being provided to the Police by the public. The public may be more vigilant for suspicious behaviour and have a better understanding of reporting information to the Police. The public may also be able to take reasonable steps to protect themselves and others.

Factors favouring non-disclosure – The release of this information may lead to law enforcement tactics being compromised and may cause any Registered Sex Offenders within the area ‘going to ground’, meaning they cannot be appropriately managed by the Police. A fear of crime within the community may be realised, leading to the community living in fear. The community may ‘second guess’ the identity of any Registered Sex Offenders and individuals may be placed at risk of reprisals. The community may also become ‘over-suspicious’ and misreport information to the Police Service.

The release of the information may lead to more crime being committed which would have a negative effect on Police resources both in the management of any Registered Sex Offenders within the area and in policing crimes committed e.g. retribution. The partnership approach to managing Registered Sex Offenders may also be compromised, causing a loss of trust in the Police Service, resulting in additional measures having to be taken by the partner agencies.

### **Public Interest Test – Section 38**

Factors favouring disclosure – The release of the information may lead to better informed public awareness and debate. Local people may feel they have the right to know whether there are any Registered Sex Offenders within the local community in order that they can take appropriate measures to protect themselves. The community may also like to know whether the Police Service is using public funds to manage Registered Sex Offenders and protect the public, and on what scale.

Factors favouring non-disclosure – Due to the close-knit nature of this community, the release of these figures, despite the population size may lead to the public ‘second guessing’ the identity of any Registered Sex Offenders. Members of the community may wish to carry out retribution activities against those believed to be Registered Sex Offenders and would therefore put individuals at risk, either physically or mentally. If the release of this information leads to tension or increased crime within the community, the

public may lose confidence in the Police and it may be considered that the Police had caused any negative actions. The relationships within the community may also be adversely affected.

### **Balance Test**

The release of such information may have an adverse reaction within the local community, may put the health and safety of individuals at risk, may have a negative impact on Police resources and the trust that the public and partner agencies place in the Police. In this case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information. It is not sufficient that the public may find the release of this information interesting or feel that they are more able to protect themselves.

### **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](mailto:freedomofinformation@Nottinghamshire.pnn.police.uk) quoting the above reference number.

Yours sincerely

**Disclosure Officer**

## **Are you dissatisfied with your response?**

If so, prior to lodging a formal complaint, you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

### **Ask to have the decision looked at again**

The quickest and easiest way to have the decision reconsidered is to telephone the case officer that is identified at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

### **Formal Independent Review**

If you are dissatisfied with the handling procedures or the decision made by Nottinghamshire Police under the Freedom of Information Act 2000, you can request an Independent Review.

Upon receipt for a review of the initial request response, an independent audit officer from Information Management will review the request and assess whether it has been satisfactorily processed in accordance with policy and procedure.

Requests for Independent Reviews requests should be made in writing to-

Force Information Manager  
Nottinghamshire Police  
Force Headquarters  
Sherwood Lodge  
Arnold  
Nottingham  
NG5 8PP

The Audit officer will record and communicate his/her decision to the information requester within 20 working days.

### **Appeals**

If the findings of the formal independent review do not meet your approval, you can register an appeal against the decision.

An investigation will then take place by the Freedom of Information officer, which will be reported and presented to the Internal Appeal Board. This will include a full account of the reasoning for or against disclosure and the application of any relevant exemptions.

The Internal Appeal Board will consist of at least a member of the Chief Officer Team, a member of the Legal Team and the Force Information Manager.

Appeals should be registered in writing to:

Freedom of Information Officer

Nottinghamshire Police  
Force Headquarters  
Sherwood Lodge  
Arnold  
Nottingham  
NG5 8PP

Alternatively E-mail: [Freedomofinformation@nottinghamshire.pnn.police.uk](mailto:Freedomofinformation@nottinghamshire.pnn.police.uk)

Or call: 01159672507

**Applications to the Information Commissioner**

If you then remain dissatisfied, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner, please visit their website at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Alternatively, Write to:

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

Or call: 01625 545700.