

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2020-02215

Keyword: Crime

Subject: Cuckooing and Closure Orders

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1) (a) of the Freedom of Information Act 2000 (FOIA) we can confirm that the Police Service of Northern Ireland does hold some of the information you have requested however it is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000. We have explained to you below that when PSNI estimates whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if certain conditions are met. In this case those conditions are met and complying with all of your requests would in our estimation exceed that appropriate limit set out in Regulation. We have explained this further below but also we followed the Information Commissioner’s Office guidance ‘*Requests where the cost of compliance exceeds the appropriate limit*’ in relation to this request, which also provides further detail on the application of section 12 (1) of the FOIA. This guidance is available on the ICO website at the following link:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

You requested the following information from PSNI:

Request 1

How many properties containing vulnerable people is your force currently concerned about?

Answer 1

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The ‘appropriate limit’ is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees)

Regulation 2004 SI 2004 No 3244. These are known as the 'Fees Regulations' for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Regulation 5(2) of the Fees Regulations requires that the requests which are to be aggregated relate "to any extent" to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

Enquiries made in relation to your request have identified that retrieval of information would exceed the 18 hour cost limit set under the FOI Act by the Secretary of State. A 'vulnerable' person is too broad in its definition. This can relate to a wide variety of persons such as an elderly occupant, a hate crime victim, a repeat victim, a person on the resettlement scheme, a person living within a residential unit or sheltered/ assisted accommodation or a household where there have been or could be issues of domestic violence, mental health or drug use. Essentially every property within Northern Ireland has potential to pose concerns for policing. The PSNI currently have over 50,000 active flags within Belfast; please note this is for numerous reasons and not just for vulnerable persons. The PSNI have estimated that it would take two minutes to assess each flag, to deem if it specifically relates to a vulnerable person. To assess each flagged occurrence within Belfast alone, is estimated to take a total of 1666 hours. This estimate would be further increased when assessing flagged occurrences in policing districts outside of Belfast. This grossly exceeds the FOI legislative cost of 18 hours as set by the Secretary of State.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

Advice and Assistance

Under Section 16 of the FOIA PSNI will always try to assist you to refine your request and provide advice where we can. PSNI have considered how your request may be refined to bring it under the appropriate limit and unfortunately on this occasion due to the PSNI recording system, we are unable to provide refinement for your request. However submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

Request 2

How many closure orders have you issued in the last three years (2018, 2019, 2020 so far)? Please state the reason for the order.

Request 3

Do you have any new strategies in place to deal with cuckooing and what are they?

Answers 2 and 3

Your requests have now been considered. In respect of section 1(1) (a) of the Act we can confirm that the Police Service of Northern Ireland does not hold information in relation to your requests.

The Anti-Social Behaviour, Crime and Policing Act 2014, section 80(6) defines a closure order as 'An order prohibiting access to the premises for a period specified in the order'. The PSNI do not use Closure Orders.

A definition taken from a National Crime Agency (NCA) report into County Lines, considers 'cuckooing' to be: 'A criminal group exploiting young or vulnerable persons, to achieve the storage and/or supply of drugs, movement of cash proceeds and to secure the use of dwellings'. The PSNI hold no information in relation to specific strategies in place to deal with 'cuckooing'.

To summarise, enquiries made in relation to your requests failed to locate any records or documents relevant to your request, based on the information you have provided. Accordingly I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

If you have any queries regarding your request or this decision please do not hesitate to contact me on 028 9070 0164. When contacting the Corporate Information Branch, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

