

Response to Request for Information

Reference FOI 002925
Date 31 October 2018

Enforcement of PSPO(s)

Request:

I am writing to you under the Freedom of Information Act 2000. Please detail the following.

- Does the council subcontract enforcement of PSPO[s] to a private company (issuing penalty notices and enforcing their payment)? Please say yes or no, and detail the company used, the length of the contract and provide records of all fixed penalty notices issued under the contract.

Yes

Kingdom Services Group Limited

Contract is four years from 1 April 2017 to 31 March 2021

The number of FPNs issued for PSPO offences is 68

- If the council subcontracts enforcement of PSPO[s] does the local authority pay a flat fee under the tender agreement or is revenue from fixed penalty notices incentivised under the contract agreement (ie the more fines issued, the more a company is paid)?

A flat fee is paid based on paid FPNs not the number of FPNs issued.

- Please detail all court cases brought by the council (or by a private company in the council's name) for failing to pay a fixed penalty notice for breaching a PSPO in the local authorities territory?

With reference to your above question, your request for information has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such 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 that would not otherwise be apparent) why the exemption applies:

In relation to your particular request, the following exemption applies:

Section 12 - Exemption where cost of compliance exceeds appropriate limit

We can confirm that the Council holds information falling within the description specified in your request. However, Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information.

The Regulations provide that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 18 hours of work). In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:

- (a) *Determining whether it holds the information,*
 - (b) *Locating the information, or a document which may contain the information,*
 - (c) *Retrieving the information, or a document which may contain the information,*
- and*
- (d) *Extracting the information from a document containing it.*

For the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour.

The information appertaining to your request is not easily accessible and as such this information is not held as a distinct set able to be retrieved or reported on. To get the information would require a full-scale look into all individual records which would take approximately 200 hours. This would be a manual exercise and as such we believe that the aggregated time it would take to collate the information would be in excess of 18 hours (equivalent to a notional cost of £450).

Excess cost removes the City of Wolverhampton Council's obligation under the Freedom of Information, however under Section 16 – (the duty to provide advice and assistance, the Council may be able to provide answers to the request, should you wish to submit a refined request.