



WEST YORKSHIRE POLICE

Information Management

Freedom Of Information

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Friday 27 April 2012

Dear Mr Straughn

FOI Reference No: Our ref: FOI-20122/272787

Thank you for your request for information received by West Yorkshire Police on 05 March 2012.

You requested the following information:

[I would like to know the exact amount of criminal convictions related to gun crimes within Leeds in the years 2001-2011. I would like to know each years statistics individually.](#)

Unfortunately, West Yorkshire Police are unable to provide you with the information requested.

In order to provide the number of convictions relating to gun crime in Leeds would involve identifying these types of crimes which resulted in a charge then manually searching the Police National Computer to establish whether or not the person was convicted.

For the period 2001 to 2004 we would have to review each record to ensure it should be included, based on type of 'firearm' or 'imitation firearm' and usage. There are 462 records for this period for the Leeds area and at an estimate of 2 minutes per record this would take in the region of 15 hours. In addition to this each record would need to be reviewed on the Police National Computer to identify convictions taking a further 2 minutes per record.

Please be advised that firearms offences were recorded differently from 2005 onwards. There are 245 of these offences which occurred in Leeds since 2005 which resulted in a charge with 306 offenders linked. Based on 2 minutes per record and the initial work to obtain the record set this would take in the region of 12 hours.

It is estimated that the cost of providing / locating the information you seek within your request would exceed the time threshold. Where a reasonable estimate has been made that the appropriate limit would be exceeded, there is no requirement for a public authority to undertake the work up to the limit.

Please see Appendix A for the full legislative explanation as to why West Yorkshire Police are unable to provide the information.

If you would like to refine or narrow the scope of your request, West Yorkshire Police will assist you in negotiating the possibility of the provision of some of the information requested. Please see the Advice and Assistance under Section 16 of Appendix A.

COMPLAINT RIGHTS

If you are not satisfied with how this request has been handled or with the information provided, please read the advice notice attached to this letter. If you do wish to take up your right of complaint, please remember to quote the reference number above in any future correspondence.

Yours sincerely

Julia Jones
Freedom Of Information

pp Steven Harding
Head of Information Management

The West Yorkshire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 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, West Yorkshire Police Headquarters, PO Box 9, Laburnum Road, Wakefield WF1 3QP.

Appendix A

Our ref: FOI-20122/272787

The Freedom of Information Act 2000 creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, state under Section 1(a) of the Act, whether it holds the requested information and, if held, then communicate that information to the applicant under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions which are designed to enable public authorities to withhold information that is unsuitable for release. Importantly the Act is designed to place information into the public domain, that is, once access to information is granted to one person under the Act, it is then considered public information and must be communicated to any individual should a request be received.

DECISION

This letter serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying with Section 1(1), give the applicant 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.

REASONS FOR DECISION

The reason that we are unable to provide you with this information is covered by the following exemption(s):

Section 12 - Where the cost of compliance exceeds the appropriate limit

West Yorkshire Police can confirm that we hold the information you seek, however it is not held in an easily retrievable format.

In order to provide the number of convictions relating to gun crime in Leeds would involve identifying these types of crimes which resulted in a charge then manually searching the Police National Computer to establish whether or not the person was convicted.

For the period 2001 to 2004 we would have to review each record to ensure it should be included, based on type of 'firearm' or 'imitation firearm' and usage. There are 462 records for this period for the Leeds area and at an estimate of 2 minutes per record this would take in the region of 15 hours. In addition to this each record would need to be reviewed on the Police National Computer to identify convictions taking a further 2 minutes per record.

Please be advised that firearms offences were recorded differently from 2005 onwards. There are 245 of these offences which occurred in Leeds since 2005 which resulted in a charge with 306 offenders linked. Based on 2 minutes per record and the initial work to obtain the record set this would take in the region of 15 hours.

It has been estimated that the cost of providing you with this information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the

'appropriate level' as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004, which currently stands at £450 worth of work.

Our ACPO guidance states that we do not issue fees notices and therefore in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice.

West Yorkshire Police have utilised Section 12, which states "A public authority does not have to comply with a request for information if the cost of compliance exceeds the appropriate limit", this is further affirmed by the Decision Notice issued by the Information Commissioner's Office (Reference: FS50143930), and Guidance issued by the Information Commissioner's Office on Using the Fees Regulations.

ADVICE AND ASSISTANCE

Under Section 16 of the Freedom of Information Act 2000, my duty to provide advice and assistance to persons who have made request for information, please be advised that West Yorkshire Police can offer the following advice as to how to refine your request:

In this case we may be able to provide convictions relating to gun crime in the Leeds area for a shorter time period. However, please be advised that any information held may be subject to exemption under the Freedom of Information Act 2000.

If you wish to refine your request in the way explained above please contact the Freedom of Information Team using the contact details at the top of this letter. Please ensure you quote your reference number in all correspondence.

Please note that police forces do not use generic systems or identical procedures for capturing the data. For these reasons this response to your questions should not be used for comparison purposes with responses you may receive from other police forces.

COMPLAINT RIGHTS

1. Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require West Yorkshire Police to review their decision. Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

2. Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter. That person will be able to discuss the decision, explain any issues and assist with any problems.

3. Complaint

If you are dissatisfied with the handling procedures or the decision of West Yorkshire Police made under the Freedom of Information Act 2000 regarding access to information, you can lodge a complaint to have the decision reviewed.

A West Yorkshire Police independent review panel, which will be made up of a Senior Police Officer and a representative from the Force Solicitor's Office, will deal with this appeal in the first instance. Both are fully trained in interpreting the Freedom of Information legislation and neither person on the Appeals Review Panel will ever have been involved in dealing with your initial request.

Complaints should include the FOI reference number, be made in writing or email and addressed to:

xxx@xxxxxxxxxxxxx.xxx.police.uk

or

West Yorkshire Police
FOI Appeals Panel
PO Box 9
Laburnum Road
Wakefield
WF1 3QP

In all possible circumstances West Yorkshire Police will aim to respond to your complaint within three months.

4. The Information Commissioner

If you are still dissatisfied with the decision after the review by the West Yorkshire Police Appeals Panel, you may then 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 application to the Information Commissioner please visit their website at www.ico.gov.uk.

Alternatively, phone or write to:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Phone: 01625 545 700