| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0011Responded to: 18th January 2023 |
| --- | --- |

## Your recent request for information is replicated below, together with our response.

**For the five-years period 2017 to 2021 inclusive, 36 Property Factor Enforcement Orders issued by the First-tier Tribunal were not complied with by the property factor. 32 of those failures to comply were passed to Police Scotland for prosecution. Could you please let me know:**

* **How many of the 32 cases were prosecuted.**
* **How many of those prosecutions resulted in the PFEO eventually being complied with.**
* **Of the cases prosecuted, but where the PFEO remained uncomplied with (if any), what follow-up action took place (including alternate sentences being brought).**

Police Scotland does not hold prosecution information. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You may wish to contact the Crown Office and Procurator Fiscals Service (COPFS) which holds conviction information for Scotland. A request can be submitted to COPFS via email using the following address foi@copfs.gsi.gov.uk

To be of assistance however, Police Scotland can provide recorded and detected crime statistics which are publically available on the Disclosure Log, via the below link:-

[Response to FOI 22-1496 - Disclosure Log](https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/disclosure-log-2022/july/22-1496-crime-stats-property-factors-2011-td/)

## Could you please let me know what the status of this case is?

Having considered your request in terms of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

* It would be contrary to the public interest to reveal whether the information is held
* If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

In this instance, section 34(1)(b) would apply given any information held would be held for the purposes of an investigation, conducted by the authority, which in the circumstances may lead to a decision by the authority to make a report to the procurator fiscal to enable it to be determined whether criminal proceedings should be instituted.

This should not, however, be taken as conclusive evidence that the information you have requested exists or does not exist.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.