| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-0458Responded to: xx March 2024 |
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Your recent request for information is replicated below, together with our response.

**I recently submitted a Freedom of Information Request to yourselves asking how many fixed penalty tickets your officers had issued in Scotland during 2023 for littering offences.**

**I received a reply informing me that Police Scotland don't issue fixed penalty tickets for littering. Instead, the offence would go down as Recorded Police Warning and lumped together with other offences under the 'other' category.**

**I was further informed that it would be too expensive to interrogate the 'other' file in order to find out how many police warnings were given for littering.**

**Can you provide me with a comprehensive list of offences that fall under the 'other' category and how many police warnings were given during 2023 in relation to those offences.**

**For clarification - I'm trying to find out how proactive the police are in relation to litter. I may be able to get an idea of that by finding out how many 'other' offences were recorded and what those offences are/ could be / or were.**

As regards a list of offences reported as ‘other’ first of all, the information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the following exemptions apply:

Section 35(1)(a)&(b) – Law Enforcement

Information is exempt information if its disclosure under this Act would or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

Disclosure of the requested information would impact on the ability of the Police Service to prevent and detect crime and to release this information would be contrary to that purpose.

This is a non-absolute exemption and requires the application of the public interest test.

39(1) – Health, safety and the environment

The disclosure of the information requested may have the potential to increase the risk to the personal safety of individuals and also the safety of the police officers responding to incidents.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

I would suggest that public accountability may favour disclosure, given that the information concerns guidance that Police Scotland follows in relation to direct measures. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

However, any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity or tactics used could be used to the advantage of criminals.

Consequently, in terms of the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

Accordingly, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

I must advise you that it is doubtful it could ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals and prejudice the prevention or detection of crime.

In relation to how many RPWs were issued in 2023 in the ‘other’ category, the information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) and 27(1) exemptions apply:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”

Information for 2023 up to the end of September is publicly available:

[How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

(Please refer to the reports entitled [Police Direct Measures Report Quarter 2 2023/24](https://www.scotland.police.uk/spa-media/dgzpo1kn/direct-measures-mi-2023_24-q2.xlsx) etc)

Information for the last quarter of the year will be published at the same link within 12 weeks of this response.

“Information is exempt information if it is held with a view to its being published […] at a date not later than twelve weeks after […] the request for the information is made”.

I believe it is reasonable in all the circumstances that the information be withheld from disclosure at this time and that maintaining the exemption outweighs any public interest in disclosure.

The Police Scotland [Direct Measures Standard Operating Procedure](https://www.scotland.police.uk/spa-media/1yyffcgw/direct-measures-sop.pdf) might also be of interest.

Data regarding recorded crimes for ‘litter offences’ is also available online:

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

To be of further assistance, the Scottish Government are a lead agency in respect of the current Action Plan below and may be able to provide you with further information:

[National Litter and Flytipping Strategy 2023-24 Action Plan (www.gov.scot)](https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/06/national-litter-flytipping-strategy/documents/national-litter-flytipping-strategy-2023-24-action-plan/national-litter-flytipping-strategy-2023-24-action-plan/govscot%3Adocument/national-litter-flytipping-strategy-2023-24-action-plan.pdf)

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.