

Our Ref: FOI 1323

1 March 2021

Dear

Freedom of Information Request – Reference FOI 1323

I refer to your request under the Freedom of Information Act 2000, received on 4 February 2021.

Set out below is the request you have raised and our response to it.

REQUEST

“The request concerns the investment made by the Home Office into your district under the Safer Streets Fund, announced in July 2020.

Please can you provide the following:

- 1. All the LSOAs (lower super output areas) under your jurisdiction that the intervention area covers*
- 2. The specification for CCTV that will be installed in these areas including:
 - i) the model of camera*
 - ii) a description of the camera*
 - iii) the number of cameras that will be installed**

If no CCTV cameras are planned, please make this clear.”

RESPONSE

Section 1 of the Freedom of Information Act 2000 provides two distinct but related rights of access to information, which impose corresponding duties on public authorities. These are:

- Section 1(1)(a) the duty to inform the applicant whether or not information is held by the authority, and if so,
- Section 1(1)(b) the duty to communicate that information to the applicant.

The Office of the Police and Crime Commissioner (OPCC) holds information relating to your request, however I am unable to supply all of that information. The information I can provide is as follows:

1. All the LSOAs (lower super output areas) under your jurisdiction that the intervention area covers.

The LSOAs that the intervention covers includes parts of 022C and 022A.

2. The specification for CCTV that will be installed in these areas including:
 - i) the model of camera
 - ii) a description of the camera
 - iii) the number of cameras that will be installed.

Exemption Section 43(2) - Commercial Interests is engaged.

Section 17 of the Freedom of Information Act 2000 requires the Office of the Police and Crime Commissioner (OPCC), when refusing to provide such information (because the information is exempt) to provide you, the applicant, with a notice which:

- a. states that fact,
- b. specifies the exemption in question and
- c. states (if that would not otherwise be apparent why the exemption applies).

Section 43(2)

Section 43(2) exempts information where disclosure would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

Section 43 exemptions are qualified exemptions, subject to the public interest test.

Public Interest Test

Favouring non-disclosure

- Releasing the requested information would prejudice the Doncaster Metropolitan Council's (DMBC's) and South Yorkshire Police's (SYP's) current or future negotiation capabilities
- Releasing the requested information would prejudice the commercial interests of DMBC's and SYP's suppliers if prices were released with regard to a competitive edge with the risk of:
 - putting companies at a commercial disadvantage on renewal of the contract

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- if/when the renewal of the contract goes to tender, release of the information would have a direct impact on the companies' ability to compete on a 'level playing field'.
- Ongoing relations between the PCC/OPCC and third parties could be prejudiced or damaged
- Releasing the requested information would be likely to prejudice the position of DMBC and SYP in:
 - Maintaining its position as a Business partner
 - Threatening the ability to obtain suppliers of goods
- There is already a high level of scrutiny in place by the Home Office

Favouring Disclosure

- There is a legitimate public interest in knowing how the PCC spends public money
- It would inform the public of the activities carried out on their behalf, allowing for more user involvement and collaborative decision making
- It would enable the public to better scrutinise the public monies spent
- It would ensure the tender process was open and transparent
- It would show that the calculation of the ceiling rate followed a transparent process
- It would ensure clarity around fairness, equity, value for money and quality of care in the overall tender process
- Disclosure of the disputed information to a potential bidder would lead to better value for money

I have carefully considered your request for information. The key test when considering the public interest is to establish whether, in all the circumstances of the request, the public interest in disclosing the information is not outweighed by that in maintaining the exemption. Whilst the public interest considerations favouring release are noted, this must be balanced with the impact any release would have on third parties. Taking all this into consideration, I am of the opinion that withholding the information outweighs the arguments in favour of disclosing the information requested.

If you are dissatisfied with the handling of your request, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire, SK9 5AF

Telephone: 08456 306060 or 01625 545745



Website: www.ico.gov.uk

Yours sincerely

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