

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-17-1412 - Penalty Notices for Littering  
**Date:** 19 October 2017 10:09:06  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)

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Dear [REDACTED]

Thank you for your information request of 3 October 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**Please let me have the following information in respect of your Borough in the calendar years April 2017 to October 2017 & April 2016 to October 2016:**

**The number of:**

**1. Fixed Penalty Notices issued for littering**

April – October 2016 = 223

April – October 2017 = 89

**2. Fixed Penalty Notices paid for littering**

April – October 2016 = 41

April – October 2017 = 42

**3. Prosecutions made for non-payment of Fixed Penalty Notices for littering. (Please include FPNs issued for other offences such as dog fouling separately)**

The Procurator Fiscal would hold this information, not the City Warden Service. If you would like to contact the Procurator Fiscal, the details are available at: <http://www.copfs.gov.uk/in-your-community/our-offices/office-details/?id=22>

ACC is unable to provide you with information on **prosecutions made for non-payment of Fixed Penalty Notices for littering** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

**4. Litter Abatement Notices under S92 of the Environmental Protection Act (EPA) issued**

None - ACC does not currently enforce S.92 of the EPA.

**5. Street Litter Control Notices (EPA S93 & 94) issued**

None – ACC does not currently enforce S.93 & 94 of the EPA.

**6. Litter Clearance Notices (EPA S92A) issued.**

None - ACC does not currently enforce S.92A of the EPA.

We hope this helps with your request.

Yours sincerely,

Anna Buchan  
Information Compliance Officer

## **INFORMATION ABOUT THE HANDLING OF YOUR REQUEST**

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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\*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.  
Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).

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