



Freedom of Information Unit
West Midlands Police
Lloyd House
Colmore Circus Queensway
Birmingham
B4 6NQ

Switchboard: 101
Email: foi@westmidlands.police.uk

Date: 13th January 2026

Mr P Swift <request-1313405-e6e4719c@whatdotheyknow.com>

Dear P Swift,

FOI request reference: 1489A/25
Internal review reference: 1955A/25

Thank you for your original FOI request for information, received on the 19th July 2025. You requested an internal review on the 16th September 2025.

Original Request

Regarding the WMP&CC post* 16/07/2025 'PCC calls for police to be allowed to crush seized e-bikes and e-scooters after just 7 days' I ask to be provided:

For 2024 and 01/01/2025 to 30/06/2025 the storage costs referred to, for the seizure & potential disposal reasons identified:

1. The policy in place for seizure & disposal (crush)
2. A copy of the contract insofar as it pertains to storage
3. The costs associated with storage; the rates associated and whether any period is free of charge
4. The cost to WMP for the period; how much WMP have paid for storage
5. Any rebate, by whatever name, received by WMP related to recover, storage or disposal of these vehicles**
6. The calculation undertaken which identifies the savings to be achieved from reducing storage from 14 days to 7 days
7. Your exchanges with your WMP&CC on the subject

We extended this request by virtue of the consideration of the public interest test on 16/9/2025.

Original Response

Please note that questions 1 through to 6 will be answered by West Midlands Police and question 7 by the West Midland Police Crime Commissioner. The same set of questions has been received by both organisations.

While we remain two separate organisations both WMP and OPCC work closely together and in order to provide the best service at the first response. Therefore, we have coordinated the questions to the appropriate authority.

1. The policy in place for seizure & disposal (crush)

There is no specific policy in place regarding seizure and disposal of e-bikes and e-scooters. Almost every such vehicle is seized under S165a of the road Traffic Act. As such, if a vehicle (including these) cannot be registered with DVLA and insured, they are crushed. The NPCC endorse this approach around the country.

2. A copy of the contract insofar as it pertains to storage

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice for this question within the request, as the following exemption applies:

S43 Commercial Interests
S31 Law enforcement

These exemptions and explanatory notes are shown here:

[Freedom of information | College of Policing](#)

In line with the above, I am required to complete a Prejudice Test/Public Interest Test (PIT) on disclosure, in relation to Section 43 and Section 31. Please find this PIT below.

3. The costs associated with storage; the rates associated and whether any period is free of charge

If a vehicle (including e bikes) is held for more than 56 days then storage of £3 a day will be incurred.

4. The cost to WMP for the period; how much WMP have paid for storage

For E-bikes (PACE recoveries) and the storage charges for them in 2024 totalled £252 plus Vat and so far in 2025 £129 plus VAT

5. Any rebate, by whatever name, received by WMP related to recover, storage or disposal of these vehicles**

There have been no rebates.

6. The calculation undertaken which identifies the savings to be achieved form reducing storage from 14 days to 7 days

No information held – West Midlands Police have not made this calculation.

7. Your exchanges with your WMP&CC on the subject

As above this question is to be answered by West Midlands Police and Crime Commissioner's Office.

Public interest test for S43 commercial interest and S31 law enforcement.

Harm

S43 Harm

Disclosure of the contract for recovery / storage purposes is commercially sensitive, as divulging the contract details of the suppliers is likely to cause financial loss to that organisation and would harm the relationship between them and West Midlands Police. Revealing this information may give competitors an advantage in future tendering processes. This would undermine the integrity and effectiveness of the tendering process as it may dissuade organisations from submitting tenders or encourage those who do to compete on price rather than quality. If the contract details were revealed then it may lead to the current suppliers losing the contract when it is due for renewal.

S31 Harm

West Midlands Police are charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. To release the requested information causes a significant risk to future law enforcement capability of the force.

WMP has a duty to prevent crime, apprehend and prosecute offenders and carry out the administration of justice.

The disclosure of the requested information would provide the public at large with details of force systems and procedures which are intended to be secure. These systems and procedures are secure because they contain a variety of information which relates to policing activities. This information might include data relating to investigations, police intelligence and personal information. The requested information could be used by a hostile party to plan and execute an attack on force procedures or the service provider. Such attacks could take the form of data theft, theft of a stored vehicle, denial of service or other deliberate disruptions. This could not help but have the effect of reducing the ability of the police to undertake relevant activities.

Factors in favour of release

S43: There is a clear public interest in ensuring that public authorities are retrieving a fair price from the supplier of these services. Police finances are coming under increased scrutiny as budgets are reduced. It is important that West Midlands Police are held accountable for any decisions that are made that may affect finances or services.

Disclosing information about contracts would provide a greater transparency in the affairs of West Midlands Police. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently.

S31: The disclosure of the requested information would show how vehicles are collected / stored / treated by the supplier when recovered for the police service and reassure the public that procedures are up to date and secure. This would also provide reassurance to what services we use and the way in which we use them.

Factors not in favour of release

S43: Disclosure would be likely to prejudice the commercial interests of the company involved and affect future procurement for the Force as the information is of a commercially sensitive nature. Disclosure is also likely to damage the relationship between West Midlands Police (WMP) and the supplier involved. This may in the future reduce the number of companies tendering therefore reducing the opportunities to purchase the best services from suppliers.

Releasing the contract structure would be a competitive advantage for other companies. We do not want to encourage companies to compete solely on what is currently being offered by existing companies. Upholding the quality of the service is not only beneficial to the West Midlands Police, but to the wider public.

Disclosure of the contract may cause a breach of the confidence surrounding the current contracts. Although not sufficient at present for the confidential information exemptions to be engaged, there is still risk that disclosure could leave an authority at risk of civil proceedings.

S31: Disclosure would provide those intent on disrupting police activities with enough information about the products we use to disrupt our systems or even to plan and execute a targeted attack. This would be detrimental to the effective operation of police activities. Additional resources would be required to counter the attack and this would also have financial implications.

Where the current or future law enforcement role of the force may be compromised by the release of information, then this is unlikely to be in the interest of the public. In this case to provide specific contract details of the services and storage of vehicles seized by officers in relation to criminal activity within West Midlands Police area. This would allow criminals to judge the specific ability of the force and thereby change their tactics to avoid detection. This would compromise the future prevention and detection of crime.

In addition, the public has a reasonable expectation that the police service will investigate the reported crime to its fullest, and any weakening of the security in place to protect this information could undermine the public's confidence in the police service. This could, in turn, reduce the public's willingness to engage with police agencies.

Ultimately any disclosure that would have a negative effect on our core functions of law enforcement would not be in the best interests of the public.

Balance Test.

For a public interest test, issues that favour release need to be measured against issues that favour non-disclosure. The public interest is not what interests the public, or a particular individual, but what will be the greater good, if released, to the community as a whole.

S43: The issues supporting disclosure have been considered however, on balance, it is considered that the public interest lies in not disclosing the information. This is due to the harm it would cause in any future tendering processes, and the ongoing relationship between West Midlands Police and the current suppliers of the service.

WMP want to maintain the quality of the service provided. The high quality of service provided is obviously in the interest of the wider public.

S31: The issue of awareness is noted. However, on balance it is considered that the public interest in providing the information is outweighed by the potential impact release would have on future law enforcement activities.

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity.

Weakening the mechanisms used to protect this activity, or providing information that would allow criminals to disrupt the use of this service provided by recovery companies, would not be in the public interest.

The public interest is not what interests the public or a particular individual, but what will be for the greater good if released to the community as a whole.

Having considered the arguments for and against, the public interest test favours non-disclosure of this information. West Midlands Police will not disclose information that could compromise the future law enforcement role of the force.

Therefore, it is my opinion that the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

Internal Review Request

I am writing to request an internal review of West Midlands Police's handling of my FOI request 'WMP Vehicle Storage Costs'.

I note that you state the questions have been coordinated between West Midlands Police (WMP) and the Office of the Police and Crime Commissioner (OPCC), with different parts answered by each organisation.

While I appreciate the intention to provide a streamlined response, under the Freedom of Information Act 2000 each authority is a separate legal entity with its own statutory duty. Section 1(1)(a) requires each authority that receives a request to confirm or deny whether it holds the requested information.

It is not sufficient for one authority to rely on the other's answer or for a joint/coordinated reply to be given without each issuing its own determination.

Accordingly, I ask that both WMP issue their own formal FOIA responses, clearly stating:

1. Whether or not the information is held by that authority; and
2. If held, whether any exemptions are relied upon.

This ensures transparency and preserves my statutory rights of appeal against each body separately. Unfortunately, the appearance of collusion or an attempt to control the narrative, rather than objectively assessing what is held, the joint response may give, remains. Your response and that of the OPCC are 3 minutes apart.

The use of the following exemptions appears onerous:

S43

I believe redactions, if necessary could be made. WMP has disclosed a storage cost and other constabularies have not baulked when asked to provide more.

How would disclosure be likely to prejudice the commercial interests of the company involved and affect future procurement for the Force?

What information is considered to be of a commercially sensitive nature?

How is disclosure likely to damage the relationship between West Midlands Police (WMP) and the supplier involved?

What information is held within the contract that relates to disclosure, whether in the usual course of business or as a result of an FOIA request; how is your sub-contractor to address such requests, or is there no restriction?

Why would disclosure reduce the number of companies tendering therefore reducing the opportunities to purchase the best services from suppliers? The disclosure would simply apply to another, there would exist a level playing field, all would be aware.

What 'competitive advantage' is achieved. The principle advantage is likely to be cost. This has already been disclosed.

Disclosure would not to encourage companies to compete solely on what is currently being offered by existing companies; there would be no meaningful competition if another could not better the existing provider – this would cause the issue to fall to price – as above, disclosed without concern.

You state 'Disclosure of the contract may cause a breach of the confidence surrounding the current contracts'. Would it, or would it not? The use of 'may' is unhelpful and suggests the exemption is cited as 'padding', in turn causes the use of other exemption support to be similarly questioned – included for effect rather than having any value. Why has this not been confirmed pre-response?

s.31

I note your reliance on Section 31 FOIA in refusing to disclose the contract for vehicle storage services. With respect, I believe this application of the exemption is unsound:

The prejudice cited is speculative and lacks a demonstrable causal link between disclosure of a commercial storage contract and any genuine risk of disrupting law enforcement. The FOIA requires prejudice to be real and likely, not hypothetical.

Your response appears to be a generic, boilerplate argument with no clear link to the actual information requested.

The information sought concerns a procurement contract, not sensitive operational capability. Similar contracts for recovery and storage services are routinely published by other forces and public authorities without risk to law enforcement.

The public interest in transparency of police spending and procurement is strong, ensuring accountability, value for money, and public confidence in policing. Under the Local Government Transparency Code 2015, contracts over £5,000 are usually subject to publication obligations. By refusing, WMP appear inconsistent and risk undermining the principle of open contracting:

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Flocal-government-transparency-code-2015&data=05%7C02%7Cfoi%40westmidlands.police.uk%7Cfe3fca92f3224eb11c0108ddf534483f%7C2b0f1af29e024cfb982fc61fd716ee98%7C0%7C0%7C638936327096743285%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIIAiOiJXaW4zMilslkFOljoITWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=A602lo5Bj7I9LYoKoSD%2BFnVwGy66LV5hCImJmcwKleo%3D&reserved=0>

The argument that disclosure could reduce public confidence is inverted. Secrecy over basic commercial contracts risks reducing trust, whereas openness promotes confidence.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fwmp_vehicle_storage_costs&data=05%7C02%7Cfoi%40westmidlands.police.uk%7Cfe3fca92f3224eb11c0108ddf534483f%7C2b0f1af29e024cfb982fc61fd716ee98%7C0%7C0%7C638936327096763515%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIIAiOiJXaW4zMilslkFOljoITWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=COMFE0Ap5PUMt8Tif9ruwtpXiWxyb9lgcmUPob3piSU%3D&reserved=0

Internal Review Response

I have reviewed the original decision. I have broken down your concerns into points and answered them individually:

1. WMP to provide a separate response to all questions
 - a. The information requested in your original Question 7 is supplied in the attached document. Redacted information is withheld under Section 40 Personal Information.
2. Use of Section 43
 - a. I have reviewed the public interest test (PIT) and am satisfied that a fair balanced consideration has been made. I do not propose any amendments to the PIT and believe it articulates the rationale for withholding the information.
3. Use of Section 31

- a. I have reviewed the PIT for the use of Section 31 and am satisfied that the risk of harm has been articulated effectively. The PIT refers to the harm that could come where individuals may use the published information to retrieve the items that have been seized from them, which is the primary concern we have with releasing this contract.

I note you refer to other forces making these disclosures, but each force makes their own independent decisions and other force decisions are not a factor in our assessments for disclosure.

I apologise for the significant length of time it has taken to respond to you.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

Rachel Parsons
Force Information Management Lead and Data Protection Officer

