

WILTSHIRE POLICE



XXXX -By email

**Force Disclosure Unit
Police Headquarters**
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 11th March 2024

Our Ref FOI 2024-227

Dear XXXXX,

I write in connection with your request for information dated 23rd January 2024, concerning the sale of nicotine products to individuals under the age of 18.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Following receipt of your request, research was conducted by Business Intelligence at Wiltshire Police. Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

Under the Freedom of Information Act, I would like to request the following information related to the enforcement of the Children and Families Act 2014, as amended by The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015.

Specifically, please provide me with:

1. The number of individuals who have been prosecuted in the last 12 months within your organisation's jurisdiction for the sale of nicotine inhaling products (sometimes known as "e-cigarettes", "vapes", or "vapour products") to individuals aged under 18, due to investigations conducted by the Wiltshire Police Federation.
2. The number of businesses and sole traders subject to any penalty in the last 12 months (including but not limited to fine, opening restrictions, removal of premises license) for the sale of nicotine inhaling products (sometimes known as "e-cigarettes", "vapes", or "vapour products") to individuals aged under 18, due to investigations conducted by the Wiltshire Police Federation.
3. The number of shops, and other places of business (including but not limited to market stalls, 'car-boot sales' and other point of sale locations) that officers have visited in the last 12 months for the purposes of detection and disruption of the sale of nicotine inhaling products to individuals aged under 18.

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Our response:

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Whilst I can confirm Wiltshire Police do hold the requested information, section 12(1) of the FOIA states:-

Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

The type of information you require is not stored in a way which allows for easy retrieval. There is no tag for us to be able to search on our systems for vapes, e-cigarettes etc., therefore, in order to find the information that you have requested, we would need to manually peruse all crime reports and pocket notebooks within the timeframe given to determine whether or not they are relevant to your request.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it. Therefore the whole of the request should fall under the exemption of section 12 of the Freedom of Information Act 2000.

Please note:

If one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Forces may use different recording systems, therefore it may be possible some Forces can provide this information where others cannot.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, 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.

The exemption applicable to the information requested is:

Section 12 - Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

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Please contact me if you would like to discuss the withheld information.

Yours sincerely,

Force Disclosure Decision Maker