

5 September 2019

Our ref: 5538149

Thank you for your request received on 7 August 2019, for the following information:

I would like to please request the following information under the FOI act. My request concerns any breaches or suspected breaches of the following legislation within your local authority:

*** The Tobacco Advertising and Promotion (Display) (England) Regulations 2010**

*** The Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010**

I am interested in finding out:

(a) the total annual number of reported instances of a suspected breach in the two regulations listed above, for each year since the regulation came into force for all outlets in April 2015.

In addition, where possible please also provide the following for each year:

b) The total annual number of fines and/or sentences issued following a reported instance of a suspected breach

c) The total number of warnings issued following a reported instance of a suspected breach

d) A percentage breakdown of the varying reasons why a store is found to be in breach

e) The total annual number of cases found not to be in breach

f) The total annual number of cases pending further investigation

We have processed this request under the Freedom of Information Act 2000.

Response

I can confirm that London Borough of Barnet holds some of the information you have requested.

(a) the total annual number of reported instances of a suspected breach in the two regulations listed above, for each year since the regulation came into force for all outlets in April 2015.

We are unable to easily search for this information, as we have no way of easily identifying these cases. There are 5844 cases in this period and we would have to search each case at a approx. time of 5 minutes per case.

In addition, where possible please also provide the following for each year:

b) The total annual number of fines and/or sentences issued following a reported instance of a suspected breach

I can confirm that this is a zero

c) The total number of warnings issued following a reported instance of a suspected breach

There are no records of any formal written warning

d) A percentage breakdown of the varying reasons why a store is found to be in breach

We are unable to easily search for this information,as we have no way of easily identifying these cases. There are 5844 cases in this period and we would have to search each case at a approx. time of 5 minutes per case. - Please see refusal notice below

e) The total annual number of cases found not to be in breach

We are unable to easily search for this information,as we have no way of easily identifying these cases. There are 5844 cases in this period and we would have to search each case at a approx. time of 5 minutes per case. - Please see refusal notice below

f) The total annual number of cases pending further investigation

We are unable to easily search for this information, as we have no way of easily identifying these cases. However all officers report that they are not aware of any active on going investigations in relation to this matter

Refusal Notice

We are refusing your request under section 12 because we estimate that compliance with your request will exceed the "appropriate limit" under section 12. The appropriate limit is £450 which is equivalent to 18 hours at £25 per hour. The per hour figure is set by Regulations rather than actual salary paid to any officers handling requests. The appropriate limit includes the time it will take the council to discover if it holds the information requested, to locate it, extract it and collate it as well as putting it into any particular format requested by the requester.

Our calculation is as follows:

5 minutes times 5844 cases divided by 60 minutes = 487 hrs

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.