

16 August 2018

Freedom of Information Request - Reference No: 20181529

REQUEST

I am currently working on a project about the law that was introduced across England and Wales on October 1st 2015 that makes it illegal for people to smoke in a vehicle that has anyone under 18 present.

As part of this, and if possible, could you please provide me with information about the number of fines which have been made by your police force against those who have flouted this law — divided into the following sections:

- ***2015 from October 1st to the end of the calendar year***
- ***The entire calendar year of 2016***
- ***The entire calendar year of 2017***
- ***The entire calendar year of 2018 up until the most recent possible opportunity***

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire 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 following exemption applies to the disclosure of the information:

Section 12(2) – Exemption where cost of compliance exceeds appropriate limit

We have received a number of very similar requests relating to your first question. Our Central Ticket Office Manager has provided the following commentary which, I regret to advise, still applies:

“The stance is still the Police cannot issue tickets for these offences as it is a directive from the Health Authority if we give warnings it will be noted in police pocket books not on a ticket. Police are able to give a Traffic Offence Report if they feel a fine is necessary but this will be handed to the Council for the fine to be enforced”

She advised that if an individual has been warned in respect of smoking in a vehicle carrying an under 18 this may be recorded in an Officers pocket book. To ask every Officer to check his/her locally held records would exceed the Appropriate Limit.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This

must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours. If you feel your endeavours can be achieved within the appropriate limit by refining your request, South Yorkshire Police would be more than happy to consider any further request.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf