



Information Governance Team

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Dear Sir/Madam

Freedom of Information Act 2000 (FOIA)

Request ID: FOI672714201

Thank you for your request for information relating to Expenditure, Strategies, and Enforcement on Illicit Tobacco.

You have requested the following information:

Under the Freedom of Information Act 2000, I am requesting information regarding the council's activities, spending, and strategies related to tackling the illicit tobacco market, as well as its preparations for implementing the licensing system for tobacco retailers proposed under the Tobacco and Vapes Bill which is currently going through parliament.

Please provide responses to the following:

1. Preparation for the Licensing System in the Tobacco and Vapes Bill

- **The draft Tobacco and Vapes Bill suggests that councils will likely be responsible for overseeing the issuance and enforcement of licenses for tobacco retailers, similar to alcohol licensing. Are the local authorities and relevant licencing departments and councillors aware of this?**
- **What discussions or plans has the council (and relevant departments) had about how it will resource, fund, and staff the implementation of this new licensing system?**
- **Please share any initial assessments or preparations regarding this responsibility.**

In response to the questions above, we can advise that whilst we are aware there are proposals for

a licensing regime, we are presently awaiting further details. We therefore advise you as per Section 1(1) of the Act that the requested information is not held.

2. Annual Expenditure on Tackling Illicit Tobacco

• Provide a breakdown of the council's annual activity and spending in each of the past five years on activities to combat the illicit tobacco market. This can include but is not limited to, inspecting businesses, investigating reports of illicit sales, and seizing illegal products.

We do not hold this specific information and are advising you as per Section 1(1) of the Act. Illicit tobacco is only one part of an Officer's job role; they cover many other areas of enforcement (such as doorstep crime, product safety, animal health, metrology etc) hence, this level of spend is not separated and recorded.

• Provide a breakdown of the council's annual activity and spending over each of the past five years on alcohol licencing.

We do not hold this specific information and are advising you as per Section 1(1) of the Act. Officers cover several other areas of licensing (such as scrap metal, street trading, gambling, sexual entertainment, late night refreshment etc) hence, this level of spend is not separated and recorded.

3. Policy Discussions and Strategies

• Provide copies of any records, meeting minutes, or strategy documents from the past five years that discuss policies or approaches to tackling illicit tobacco within the council's jurisdiction.

Illicit tobacco remains one of the Trading Standards teams priorities. We do not have a specific policy with regard to illicit tobacco, but refer to the Governments strategy document which is accessible using the link below:

<https://www.gov.uk/government/publications/stubbing-out-the-problem-a-new-strategy-to-tackle-illicit-tobacco/stubbing-out-the-problem-a-new-strategy-to-tackle-illicit-tobacco>

We also work in collaboration with other departments such as Public Health:

<https://www.coventry.gov.uk/downloads/file/41443/coventry-drug-and-alcohol-strategy-summary>

We are unable to share minutes of meetings, as they contain confidential material relating to ongoing investigations. This is exempt under Section 30(1) (a) (i) - this provides the exemption from disclosure of information which has been held at any time by a public authority for the purpose of any investigation which the authority has a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.

The Section 30 exemption applies to information that is held at any time, whether or not the investigation is on-going.

The Council considers that disclosure of the information you have requested would prejudice the exercise of the Council's statutory functions and its ability to conduct investigations such as in this

matter.

Applications of the Section 30 is subject to the public interest test. There are a number of factors that must be considered and weighed in the balance. These factors are that the public interest lies in enabling the Council to undertake inquiries as part of its investigation powers so that it can make regulatory decisions based on a firm factual basis and to gather such evidence and facts on a confidential basis.

It is in the public interest to maintain this confidentiality, as it encourages the free and frank exchange of information from third parties to the Council without which the Council could not perform its statutory functions.

Having carefully weighed the public interest relating to possible disclosure of the information requested, under Sections 30(1) we are satisfied that it is not appropriate at this time to disclose the information which the Council holds in relation to this part of your request. The Council is satisfied that maintaining the exemption outweighs the public interest in disclosure.

4. Budgets and Resources for Enforcement Agencies

• Share details of any budgets and resources allocated to enforcement agencies over each of the past five years specifically for addressing illicit tobacco.

Central Government are responsible for allocating funding for addressing illicit tobacco. We would advise you to submit a request to Central Government for this information.

5. Metrics for Enforcement Effectiveness

• What metrics or performance indicators does the council use to measure enforcement effectiveness?

We are advising you as per Section 1(1) of the Act that we do not hold this information.

We do not set targets on investigations as this is based on evidence, public interest, risk and threat. We have several enforcement options such as warning letters, simple cautions, closure orders and prosecution in relation to illicit tobacco, in line with our enforcement policy.

• Include data on inspections, seizures, and prosecutions related to illicit tobacco over each of the past five years.

We hold some of the information which you have asked for, but we have estimated that the cost of meeting your request would exceed the cost limit of £450 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees Regulations 2004). This represents the estimated cost of one person spending 18 hours or more, in determining whether the information is held, locating, retrieving and extracting it.

We have currently moved to a new database but advise that historic data is not held in a reportable format. To answer this part of your request, we have estimated that it would take over 18 hours of officer time to review at each individual record. This part of your request has therefore been refused under section 12(2) of the Act.

• **How many referrals under the provisions of Article 24A of The Tobacco Products (Traceability and Security Features) Regulations 2019 has the council made to HMRC and how many of these referrals have been acted on? (The provisions states that a “local enforcement authority may investigate compliance with regulation 6(1), and for this purpose it may carry out inspections of tobacco products... Where a local enforcement authority considers there is evidence of contravention of regulation 6(1), it may pass that evidence to the Commissioners.” See here: <https://www.legislation.gov.uk/ukxi/2019/594>)**

None.

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance