



Your reference:

Our reference: FOI_24_0224

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 14/03/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0224

On 19/02/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

- How many arrests has your force made of individuals in possession of Nitrous oxide since the 8th of November?
- How many charges has your force made of individuals in possession of Nitrous oxide since the 8th of November?
- How many prosecutions has your force pursued of individuals in possession of Nitrous oxide since the 8th of November?
- How many arrests has your force made of individuals in possession of Nitrous oxide with intent to supply for recreational use since the 8th of November?
- How many charges has your force made of individuals in possession of Nitrous oxide with intent to supply for recreational use since the 8th of November?
- How many prosecutions has your force pursued of individuals in possession of Nitrous oxide with intent to supply for recreational use since the 8th of November?
- How many arrests has your force made of individuals selling/who have sold Nitrous oxide for recreational use since the 8th of November?
- How many charges has your force made of individuals selling/who have sold Nitrous oxide for recreational use since the 8th of November?
- How many prosecutions has your force pursued of individuals selling/who have sold Nitrous oxide for recreational use since the 8th of November?
- How many nitrous oxide oxide cannisters have you confiscated in total since the 8th of November?
- Where do you dispose of nitrous oxide oxide cannisters that have been confiscated?
- How much has your police force spent on the collection and disposal of nitrous oxide oxide canisters?

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary may hold some relevant information.

Unfortunately there is no central register for this information and no way to retrieve the information by way of electronic searches. The Constabulary records arrests under specific reason for arrest codes and can only search against the specific codes. Whilst there are arrest codes for Manufacture, Possession and Supply of drugs, these are only separated by "Class A" or "Class B". There is no code relating specifically to Nitrous Oxide. The only way of trying to determine whether any relevant information is held and to retrieve that information would be to manually review each arrest in all possible arrest codes. This would involve the review of hundreds of records and would therefore take longer than the 18 hours prescribed by the Freedom of Information Act.

Please see below for suggestions on how you can refine your request to come within the cost constraints of section 12 of the Act.

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1)– Fee Regulations states:

Section 1(1) of the Act 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. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

Section 16 of the Freedom of Information Act, provides the opportunity to assist the applicant with any suggestions or variation that may allow a search to be undertaken within the cost constraints of Section 12 of the Act.

I confirm that the Constabulary could provide the following:

The Crime Recording System follows the Home Office Counting Rules for Recorded Crime and as such we are able to electronically retrieve the number of substantiated crimes recorded where the outcome is Charge. If this would be of use to you, you can submit a new request on this basis.

Information provided outside of the Act:

By way of assistance and although excess cost removes the Force's obligations under the Freedom of Information Act, I have supplied the information relevant to your request which has already been retrieved. I trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

From a separate search of the property seizure recording system, I can confirm that between 08/11/2023 and 18/02/2024, 42 individual property items have been logged where the term "Nitrous" is included in the description.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary