

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 December 2022

Public Authority: Darlington Borough Council

Address: freedomofinformation@darlington.gov.uk

Decision

1. The complainant requested video footage of a specific road. Darlington Borough Council (the "council") confirmed that it did not hold the requested information.
2. The Commissioner's decision is that, on the balance of probabilities, the council does not hold the requested information and that it complied with section 1(1) of the FOIA. He does not require the council to take any steps.

Request and response

3. On 25 June 2022 the complainant made the following information request to Darlington Borough Council (the "council"):

"Today(25th June 2022) at approximately 10.30am to 10.55am,a Darlington Borough Council(Civic Enforcement)van was driving down Victoria Road from the direction of the train station and despite it being blatantly obvious that there were cars parked on double yellow lines just around the corner from the Chinese takeaway(Hargreave Terrace)they failed to stop and issue parking fines - Please send me a copy of the CCTV from the Victoria Road area (there's a camera very near to Rowlands Pharmacy) AND copies of the bodycam footage from the two Darlington Borough Council employees. This is most definitely "in the public interest",as "the public" MUST have confidence that Darlington Borough Council employees are providing value for money AND more importantly, NOT being selective or showing favouritism,when it comes to who they prosecute/serve a FPN on. My best friend,who like me,is a member of "the public",is fuming after I told him about today and other blatant motoring offences in my area,because in his words, "How come they didn't waste time in giving me parking tickets,yet when there's all of these motorists committing offences, where you(meaning me) live,they do absolutely nothing?!!!" I couldn't have put it better myself! I look forward to your compliance with my FOI request(on DVD please)"

4. The final position of the council is that it does not hold the requested footage.

Reasons for decision

5. This reasoning covers whether the council is correct when it says that it does not hold the information the complainant requested.
6. The council has confirmed that it does not hold the requested information. It explained that the complainant requested CCTV footage of a specific event at a specific date and time but that the event in question was not captured via CCTV.
7. The council explained that, at the time of the request, it checked and was able to establish that it held no relevant CCTV or body-worn camera footage. It clarified that relevant officers were consulted and confirmed that their checks at the time established that no footage was held at the time the request was received.

8. The council has further explained that, whilst open space CCTV does record continuously, the circumstances described in the request were not captured. It explained that this is because the location and span of the camera does not cover the location for which footage was requested. In relation to body-worn camera footage, the council confirmed that this is not recorded continuously, but that it is activated manually at the point of dealing with an enforcement matter. As not enforcement action was in progress in this situation, footage was not taken and is not held.
9. Having considered the searches carried out for relevant information and its explanation of the situations in which video footage is recorded, the Commissioner is satisfied that, on the balance of probabilities, the council does not hold the requested information. He has, therefore, concluded that, in confirming that the information is not held, the council complied with section 1(1) of the FOIA.

Right of appeal

10. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
12. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Christopher Williams
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