

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 November 2024

Public Authority: Warwick District Council
Address: Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Decision (including any steps ordered)

1. The complainant has requested various information about CCTV cameras. Warwick District Council ("the Council") disclosed information in response.
2. The Commissioner's decision is that no further information is held.
3. The Commissioner does not require further steps but refers the Council to the observations contained in 'Other matters'.

Request and response

4. On 11 December 2023, the complainant wrote to the Council and requested information in the following terms (numbering added by Commissioner):

"I request under the Freedom of Information Act/Environmental Regulations to know details of the proposed additional 18 cameras to be installed by Warwick District Council, as quoted by Councillor Sinnott in the *Courier* newspaper dated Friday, November 24th 2023, below.

"The Council is installing an additional 18 cameras over the next two years in locations where the need for cameras has been identified and requirements of the Surveillance Commissioner met."

The details I wish to know are as follows.

1. The site and location of each camera.
 2. How each camera is to be installed, e.g. on lighting columns, on poles or other.
 3. The total cost for installing each camera, including a breakdown of costs for each camera.
 4. How the need for installing each camera has been determined.
 5. Who are the members of the multi-agency who carried out the problem-solving plan?
 6. The need identified for installing each camera.
 7. What measure is used to determine the need for cameras, eg. number of incidents, severity of incidents or other?
 8. What incidents were assessed in Myton Fields (which includes the Kingfisher Pools area) when deciding whether there is a need for cameras there?
 9. I request a copy of the Surveillance Commissioner's requirements relating to CCTV cameras.
 10. I also request to know if the CCTV cameras at the Leisure Centre, Warwick Boats, Wheatley's Amusements and the Sea Scouts buildings in St. Nicholas Park are private and not operated by Warwick District Council. If these cameras are private, I request to know the names of the CCTV companies who installed and operate these cameras. I also request to know if these companies meet the requirements of the Surveillance Commissioner.
 11. What awards have the WDC CCTV Team won?"
5. The Council responded on 4 January 2024. It disclosed information in respect of each of the requests.
 6. On 12 January 2024, the complainant asked for an internal review, on the basis that they considered further information was held.

Scope of the case

7. The complainant contacted the Commissioner on 15 April 2024 to complain about the way their request for information had been handled, and specifically that the Council had not disclosed all held information in respect of those requests numbered 3, 4, 5, 6, 7, 8 and 10.
8. By this date, the complainant had not received an internal review outcome from the Council. The Commissioner therefore accepted the complaint without this.
9. The Commissioner considers that the scope of his investigation is whether the Council has disclosed all relevant held information to the requests.

Reasons for decision

Section 1 – General right of access to information

10. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
11. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.
12. In other words, in order to determine such complaints, the Commissioner must decide whether on the balance of probabilities a public authority holds any - or additional - information which falls within the scope of the request (or was held at the time of the request).

The Commissioner's investigation

13. The Commissioner wrote to the Council on 31 July 2024, asking it to explain on what basis it was satisfied that all relevant held information had been disclosed to requests.
14. The Council provided the following explanations to the Commissioner:
 - **Request 3:** This request asked for a breakdown of cost for each camera. The Council responded to the complainant that this was

£16,772 (although this was written as “£16.772” in error). The Council has explained to the Commissioner that costs for CCTV are not broken down into individual spend items. Instead, pricing is compiled as part of a wider project, which includes project management, commissioning costs, wider infrastructure support, and other associated costs. As such, the Council’s position is that it is only able to provide an average cost for each camera, which is £16,772.

- **Requests 4 and 6:** These requests asked how the need to installing each camera had been determined. The Council responded to the complainant that installation was determined based on data analysis and incidents records. The Council also provided statistical about incident/crime reports. The Council has explained to the Commissioner that as well as providing an answer to the question (how the need had been determined), it has also provided that statistical data which it had received from Warwickshire Police. The Council has explained to the Commissioner that any other data would be held by Warwickshire Police.
- **Request 5:** This request asked for the members of the multi-agency that carried out the problem-solving plan. The Council responded with a list of the public authorities who were members. The Council has explained to the Commissioner that the members of the multi-agency are the public authorities, who send representatives to meetings.
- **Request 7:** This request asked for what measure is used to determine the need for cameras. The Council responded that the main measure used was that data provided by Warwickshire Police over a 12-month period. The Council has explained to the Commissioner, that beyond the information already provided in response to these requests, any other data would be held by Warwickshire Police.
- **Request 8:** This request asked for what incidents had occurred at a specific location (Myton Fields). The Council responded that two incidents had occurred (1 ASB incident, and 1 public order incident). The Council has explained to the Commissioner that this is the information that it has been provided by Warwickshire Police.
- **Request 10:** This request asked for information about CCTV cameras at specific sites. The Council responded that the CCTV at these sites is operated by private organisations, and not the Council. The Council explained to the Commissioner that it is not

responsible for these CCTV systems, and therefore does not hold recorded information about them or their operation.

The Commissioner's conclusion

15. The Commissioner has considered the request, in conjunction with the Council's position.
16. The Commissioner notes, for the benefit of the complainant, that the Council is only required to provide that information which it holds or can otherwise summarise or extract from that information. The Council is not required to access and provide information held by other public authorities, such as Warwickshire Police or the Biometrics and Surveillance Camera Commissioner. The Council is also not required to create new information in order to respond to the request, such as by writing a statement to answer a question.
17. Having considered the Council's position, there is no evidence available to the Commissioner to suggest that it has not provided that information which has been requested. In particular, the Commissioner observes that:
 - In respect of incident data, the Council can only provide that data which it holds, and which has been provided to it by Warwickshire Police.
 - In respect of the costs of cameras, the Council has explained that it does not hold an individual breakdown of costs for each camera and is only able to provide an 'average figure' from the total overall cost of the project.
 - In respect of the members of the multi-agency, these members are public authorities, and not individuals. The Council has therefore disclosed which public authorities form the multi-agency.
 - The Council will only hold recorded information about the CCTV systems it operates, and not private operators.
18. The Commissioner is therefore satisfied, on the balance of probabilities, that no further information is held.
19. As such, the Commissioner has decided that the Council has complied with section 1 of FOIA.

Other matters

20. In this case, the Council did not provide an internal review when requested. The Commissioner notes that, having considered the grounds of this complaint, it is reasonably likely that the provision of an internal review may have prevented this matter from being escalated.
21. Under the Act, there is no obligation for an authority to provide a complaints process. However, it is good practice (under the section 45 code of practice), and most public authorities choose to do so.

Right of appeal

22. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

23. 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.
24. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Daniel Perry
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