

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 January 2023

Public Authority: Chief Constable of Avon and Somerset Police

Address: Force Headquarters
PO Box 37
Valley Road
Portishead
Bristol
BS20 8QJ

Decision (including any steps ordered)

1. The complainant has requested information from Avon and Somerset Police ("the Police") regarding guidance in respect of police officers who attend properties with bailiffs. The Police stated that they did not hold the requested information.
2. The Commissioner's decision is that the Police, on the balance of probabilities, do not hold any recorded information within the scope of the complainant's request.
3. The Commissioner therefore requires no steps to be taken.

Request and response

4. On 7 June 2022 the complainant wrote to the Police and requested information in the following terms:

- “1. The regulations/Guidance regarding police officers who attend a property with a bailiff.
 2. The legal guidance of the police officers who attend with bailiff present and how they determine criminal liability.”
5. The Police responded on 30 June 2022. They stated that they did not hold any recorded information which specifically addressed the complainant's questions.
 6. Following an internal review the Police wrote to the complainant on 2 August 2022. The reviewer upheld the original decision.

Scope of the case

7. The complainant contacted the Commissioner on 18 August 2022 to complain about the way their request for information had been handled.
8. The Commissioner has considered the way in which the Police handled the complainant's request, in particular whether or not, on the balance of probabilities, he considers that it holds information within the scope of the complainant's request.

Reasons for decision

Section 1 of FOIA

9. 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.
10. The Police have advised that they are satisfied that they do not hold any information within the scope of the complainant's request and that they have provided the complainant with general advice and assistance regarding procedures involving police attending at a property with a bailiff.
11. In its submission to the Commissioner, the Police confirmed that they had contacted all the relevant departments and conducted a thorough search for police bailiff guidance.
12. They also confirmed that all relevant departments searched all their folders using appropriate keywords. No guidance regarding police and

bailiffs is held by the Police, who have explained to the complainant that there is no specific guidance document or training course for police attending properties with bailiffs. Such guidance is likely to be given on case-by-case basis, via discussions between police officers and their line managers. There is no statutory requirement for the Police to hold such information.

13. Having considered all of the available information, the Commissioner is satisfied that, on the balance of probabilities, the Police do not hold recorded information within the scope of the complainant's request. They have provided the complainant with information regarding how to access the relevant government webpage regarding people's rights in respect of bailiffs and the powers of bailiffs when attending at a property. The Commissioner has therefore decided that the Police have complied with their obligations under section 1(1) of FOIA in this case.

Right of appeal

14. 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

15. 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.
16. 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

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF