



Response to Request for Information

Reference FOI 001264
Date 26 June 2017

Fence and Movement Sensor Flood Lights

Request:

Fence

1. If you get enquiries or complaints about what to do about fences and walls between residential properties located in back gardens, where one resident believes a fence or wall belonging to the neighbouring resident is danger to health and safety, does the council have a policy for inspecting the fence or wall?

Reports of dangerous structures including fences and walls are normally followed up within 24 hours. Where a dangerous structure is identified this section endeavours to notify all responsible parties and make them aware of their responsibilities and the Local Authorities powers in relation to dangerous structures.

2. Could you supply me a copy of the policy for inspecting the fence or wall?
In respect of question 2, it has been established after careful consideration that the Council does not have a specific policy for dealing with dangerous fences and walls. However, we aim to inspect any notification within 24 hours of the initial report.

Consequently, we are unable to provide any information relating to the above, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

3. How many complaints or enquiries have you received in last 5 years about fences or walls between residential properties?

With reference to question 3, following careful consideration, the Council regrets to inform you that it has decided not to disclose this information.

Information you have requested has been withheld from disclosure. The exemption engaged is Section 12 of the Freedom of Information Act 2000 (FOI).

Section 12 of the FOI exempts Public Authorities from providing information where the estimated cost of compliance exceeds the appropriate limit. Any estimate must be undertaken in accordance with the limits set in fees regulations made under Section 12 (5) of the FOI.

These Fees Regulations (SI 2004/3244 Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations) allow for a refusal where the cost of compliance, for local authorities such as the Council, would exceed £450. As a guide, staff time to identify and extract this information is charged at a rate of £25 per hour.

In summary to provide the information you have requested it would take us at least 18 hours to compile as we do not log complaints under the specific headings you have quoted above and we would therefore have to carry out a manual trawl (to produce the detailed analysis you require) of each and every dangerous structure record over the last five years and then investigate if there are any dangerous fences/walls and if they are situated between two residential properties.

4. Which department gets involved in these residential fence and wall matters?
Planning/Building Control
5. Is there a particular law the policy is under?
The Local Authorities powers in relation to dangerous structures are contained within the Building Act 1984.

Movement sensor lights

6. If you get enquiries or complaints about what to do about movement sensor flood light being installed in back gardens of residential properties gardens which triggers when a different neighbour on other side goes to their garden to hang their clothes or do gardening or to sit in the garden, does the council have a policy to prevent this trespass by sensor, nuisance by flood light illuminating which stops them from enjoying the garden?
No the Council does not have a specific policy for this type of enquiry or complaint.

Upon receiving a complaint that artificial light is being emitted from premises so as to be prejudicial to health or a nuisance, we would take such steps as are reasonably practicable to investigate the complaint.

7. Could you supply me a copy of the policy?
Please see response to question 6 above.
8. How many complaints or enquiries have you received in last 5 years about movement sensor flood lights in residential properties?

[NOT PROTECTIVELY MARKED]

9. Which department gets involved in these residential fence and wall matters?
This would be a private matter therefore the Council would not be involved.
10. Is there a particular law the policy is under?
The Environmental Protection Act 1990 s79 relates to statutory nuisance.