



Dear

Environmental Information Regulations 2004 - Request for Information

I am writing in respect of your enquiry dated 17th August 2017 for information held by the Council. Your enquiry is being dealt with under the provisions of the Environmental Information Regulations 2004. This is because the information you require is more relevant to be processed under this legislation rather than the Freedom of Information Act.

Under regulation 5(1), the Council is required to make environmental information available on request. However, that requirement is subject to **Regulation 12(4)(b)** which provides that a public authority may refuse to disclose information to the extent that the request for information is manifestly unreasonable.

Your request for the full list of noise complaints made to the Council from 1st January 2015 up to and including, August 2017 broken down into the following categories:

- Number of complaints during the specified time period, broken down by category and month e.g 60x Out of Hours- noise from club/ pub/ restaurant in July 2016
- List of and quantity of all action that has been taken as a result of the noise complaint e.g. 10x warning, 5x noise abatement order issued, 20x no action taken
- Full list of fines issued due to breaks of a 'noise abatement order' (broken down by number of fines and monetary value of each fine)

This enquiry would require the Council to search circa 2049 noise service request files to ascertain the information requested. This would incur significant unreasonable costs for the Council estimated to be:

2049 files @ 10 minutes per file = 341.5 hours
341.5 hours @ £15 per hour = £5122.50

The request would also incur an unreasonable diversion of staff resources in a team comprising 8 of staff. Considered in light of the appropriate limit of 18 hours (x £25 per hour) under the FOI fees regulations, such a large search would seriously disrupt the everyday work of the Environmental Health Section.

Although the release of information would promote accountability and transparency in public services, the time it would take in responding to the request would divert a disproportionate amount of the Council's resources



from its core functions. I am of the view that the cost of complying with this part of the request is manifestly unreasonable.

Having considered the specific presumption in favour of disclosure at regulation 2(2) of the EIR, in light of the arguments for the above factors, I am satisfied that in all the circumstances of the case that the public interest in maintaining the exception under regulation 12(4)(b) outweighs the public interest in disclosing the information.

The Council is under a duty to offer you advice and assistance and suggests that you may wish to narrow your request so that it would no longer be manifestly unreasonable. I should therefore like to explore with you how Dartford Borough Council may best assist you to request relevant information which it holds and would therefore be grateful if you could contact me.

The complaint logging system used by the Council is not sufficiently sophisticated to automatically derive statistics for informal actions taken by officers nor is it able to categorise noise complaints in the manner requested. I am however able to confirm that during the requested period the Council received 2049 noise complaints, served 16 Noise Abatement Notices none of which resulted in a prosecution (or subsequent fine).

If you wish to object to my decision in the first instance, or if you are unhappy with the way in which your enquiry has been dealt with, you may ask for an internal review by initiating the Council's Corporate Complaints Procedure, details of which may be obtained by logging onto the Council's website <http://www.dartford.gov.uk> or telephoning or emailing me. Should you remain dissatisfied with the decision on internal review, you may appeal to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF. There is no charge for making an appeal.

I would be grateful if you would address any future correspondence you may have in relation to this matter, to me, quoting the reference number *EIR1 (2017)*.

Yours sincerely

Annie Sargent
Environmental Health Manager