Dear A Watts,

Re: Your request for information: 566945

Thank you for your request for information that was received on 6 October 2015.

I can confirm that this request has been dealt with under the Freedom of Information Act 2000.

Your Questions:

1- Please forward me copies of your procedure on dealing with sewage and water leaks into local authority residential property from neighbouring properties?

2- Please forward me copies of your policies and procedures for who is responsible for the maintenance of pipes for the removal of sewage and domestic services and the structure of the building in a local authority residential building including leasehold properties?

3- Please provide the number of residents in the Borough who reported a leak into their property from neighbouring properties since 2011 and give
   a) a full breakdown of whether the leak was sewage, mains water or another ingress
   b) whether the leak was tracked and traced to the source and the length of time each report took to be resolved
   c) The breakdown of whether those reporting the leak were local authority leaseholders or tenants
   d) A breakdown by areas of the Boroughs
e) A full breakdown of how many of those residents claimed of the buildings insurance or Southwarks public liability insurance and what number were leaseholders and tenants and the outcome

f) The number of Legal Actions taken by Southwark Council against residents for damage to neighbouring properties caused by leaks / anti social behaviour/nuisance and the amount the Council were able to recharge back to the resident

g) The policy and procedure of the Environmental Health Officer in dealing with such cases in local authority residential properties.

Our Response:

1. We do not have a specific policy that deals with sewage and water leaks into a local authority residential property from neighbouring properties. We have a general policy/process for dealing with repairs and a specific policy/process for dealing with leaks from above (which may include leaks from neighbouring properties). Any repairs that involve leaks from neighbouring properties that do not fall into the category of leaks from above would be dealt with on an ad-hoc basis drawing on the specific guidance in the leaks from above process if and when required.

The general policy on repairs is set out in the Tenants’ Handbook, Repairs Guide, Homeowners’ Guide and on the repairs section of the Southwark website. This includes who is responsible for carrying out repairs, how to report a repair, the timescale in which they will be carried out etc.

Please find attached copies of the Homeowners’ Guide and the policy/process on dealing with leaks from above.

The Tenants’ Handbook is available via the link below.

http://www.southwark.gov.uk/info/200517/tenants_handbook

See the section entitled Looking After Your Home or Estate (pages 59 to 83) and in particular the section on repairs (from page 65)

The Repairs Guide is available via the link below.

http://www.southwark.gov.uk/downloads/download/3851/repairs_guide

See pages 4 to 16

The Homeowners’ Guide/Leasehold pages of the Southwark website are available via the link below.

http://www.southwark.gov.uk/info/200522/who_is_responsible_for_my_repair/3514/leaseholders
Where the Council is responsible for a repair, once reported, a works order will be raised to the appropriate contractor who will appoint an operative to attend to carry out the works on a date in accordance with the relevant priority and resident/operative availability. If access to a neighbouring property is needed this will be arranged by the contractor with the assistance of the relevant Resident Services Officer if necessary, including arranging a forced entry if required.

2. Please see question 1 - the Tenants’ Handbook, Repairs Guide and Homeowners’ Guide. Individual leases will specify exactly which repairs a leaseholder is responsible for.

3.

a) – e) Having considered your request in relation to this query we have estimated that it will cost more than the appropriate limit to consider your request as it is currently worded. Your request would breach the appropriate limit to answer as we do not hold this information as statistical data and in order to collate this data from 2011 to date we would need to manually interrogate over 5,600 complaints from private residents and over 171,000 reports of leaks to Council stock in order to identify if we hold any information for this request.

The appropriate limit is specified in regulations and for local government is set at £450. This represents the estimated cost of one person spending 18 hours in determining whether we hold the information, and locating, retrieving and extracting the information. Consequently, we are not obliged by the Freedom of Information Act 2000 to respond to your request (see section 12(1)).

While we are conscious of our duty to advise and assist under section 16 of the Freedom of Information Act, due to large amount of information that we would need to collate even for just one financial year, we do not see a way to narrow the scope so that we could respond to a new query. However, should you wish to narrow the scope of your request, for example by refining the time period, we would be happy to consider this as a fresh request.

However, I cannot guarantee that section 12 or any other exemption will not apply to any new request you may wish to make

f) Having considered your request in relation to this query we have estimated that it will cost more than the appropriate limit to consider your request as it is currently worded. Your request would breach the appropriate limit to answer as we do not hold this information as statistical data and in order to collate this data we would need to manually interrogate over 37,000 housing files at a minimum of five minutes per file.

The appropriate limit is specified in regulations and for local government is set at £450. This represents the estimated cost of one person spending 18 hours in determining whether we hold the information, and locating, retrieving and extracting the information. Consequently, we are not obliged by the Freedom of Information Act 2000 to respond to your request (see section 12(1)).

While we are conscious of our duty to advise and assist under section 16 of the Freedom of Information Act, due to large number of files in this case, we do not see a way to narrow the scope so that we could respond to a new query.
g) We do not have a policy that specifically deals these types of issues.

The Private Sector Housing Enforcement Team has a generic policy for dealing with complaints, please see below.

- In terms of taking enforcement action, this applies only to privately owned property, we have no enforcement powers in relation to Council owned property.

- On receipt of a complaint we will respond within 2 working days. In an emergency a case officer will respond as soon as possible depending on the nature of the case. Any emergency action will be taken within 24 hours of the initial inspection. Non emergency action will be taken within 2 weeks of the initial inspection. Action would usually involve the service of a notice.

- In cases where the Council are responsible for the problem a referral will be made to the relevant housing office. If a complaint concerned two Council owned properties we would refer it to the relevant housing office on receipt of the complaint.

- We would only take enforcement action in relation to owner occupied leasehold properties if there is a statutory nuisance or a category 1 hazard (under the Housing Health & Safety Rating System).

This letter acts as a refusal notice pursuant to section 17 of the Freedom of Information Act for the information which we are saying is exempt.

If you are unhappy with the service you have received in relation to your request and wish to make an appeal for a review of our decision, you should write to the Corporate Freedom of Information Officer at:

Corporate Freedom of Information Officer
The Governance team
2nd Floor
PO Box 64529
London. SE1 5LX

or Email: accessinfo@southwark.gov.uk

If you are not content with the outcome your appeal, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have first exhausted our internal appeal procedure and you should contact him within 2 months of the outcome of your internal appeal.

Information Commissioner at the: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Telephone: 0303 123 1113, Internet: www.ico.org.uk

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If you wish to re-use the information provided, for example in commercial publication, this will require the permission of the copyright holder. You may apply for permission to re-use this information by submitting a request to accessinfo@southwark.gov.uk; you can find details on these arrangements at: http://www.southwark.gov.uk/YourCouncil/Copyright

Detailed advice about the Reuse of Public Sector Information Regulations (PSI) 2005 is available from the Office of Public Sector Information at: http://www.opsi.gov.uk/advice/index.html

Yours faithfully,

Elizabeth Murray
Investigator
accessinfo@southwark.gov.uk