

Reference: 24588160  
Date: 22 April 2022

Dear Jamie Dixon

**RE: Freedom of Information Act 2000**

I write with reference to your Freedom of Information request.

Section 1 of the Freedom of Information Act 2000 provides two distinct but related rights of access to information which impose corresponding duties on public authorities. These are:

- The duty to inform the applicant whether or not information is held by the authority and, if so,
- The duty to communicate that information to the applicant

Section 17 of the Freedom of Information Act 2000 requires the London Borough of Barking and Dagenham, when refusing to provide such information (because the information is exempt within the provisions of the Act) to provide you, the applicant, with a Notice which:

- a) states the fact that an exemption has been applied
- b) specifies the exemption in question, and
- c) states why the exemption applies (if that would not otherwise be apparent)

The exemption applicable to the information you have requested is as follows;

*Under the Freedom of Information Act, I would like to request the number of nuisance smell complaints received by the council in the 2021 calendar year.*

*To be clear, I am referring to complaints made about nuisance smells that could be a 'statutory nuisance' (covered by the Environmental Protection Act 1990) as defined in this guidance from the Department for Environment, Food & Rural Affairs: <https://www.gov.uk/guidance/nuisance-smells-how-councils-deal-with-complaints>*

Section 21 - Information reasonably accessible to the applicant by other means. This is an absolute exemption.

Please see the link below;

<https://www.lbbd.gov.uk/freedom-of-information> type in 'smell' into the search box.

**Internal Review Procedure**

If you are dissatisfied with the handling of your request then you have a right under Section 50 of the Act to request an internal review. All such requests must be sent to us within 8 weeks and must clearly state your reference number and your reason for your request for an internal review.

We will respond to your request for an internal review within 20 working days of receipt. Your request for an internal review should be sent by email to [foi@lbbd.gov.uk](mailto:foi@lbbd.gov.uk) quoting your FOI reference number.

### **Information Commissioners Office**

Should you remain dissatisfied with the final outcome of the internal review then you may apply directly to the Information Commissioner (the "ICO") for an independent review. The ICO is the Government's Independent Body responsible for overseeing the Freedom of Information Act 2000, the Data Protection Act 1998 and The Environmental Information Regulations 2004. Please note the ICO will only review cases that have exhausted the council's internal review procedure. All correspondence to the ICO must quote the council's reference number and your reasons for your appeal. The ICO's contact details are as follows;

The Information Commissioners Office,  
Wycliffe House,  
Water Lane, Wilmslow,  
Cheshire,  
SK9 5AF.

More information can be found at the ICO's website at <http://www.ico.org.uk> If you have any further enquiries about this matter, please do not hesitate to contact us by emailing [foi@lbbd.gov.uk](mailto:foi@lbbd.gov.uk)

I trust you find the above to be satisfactory. Should you have any queries please do not hesitate to contact us.

Yours sincerely

FOI Team