



18 July 2023
Our ref: IRN18301200

Dear Sir / Madam

Environmental Information Regulations 2004

I can confirm that the information requested is held by Lambeth Council. I have detailed below the information that is being released to you.

Your Request

For each of the financial years 2017/18, 2018/19, 2019/20, 2020/21, 2021/22, 2022/23 please provide me with the following:

- 1. The total number of staff employed (directly or indirectly) by the local authority to inspect residential properties for category 1 or 2 hazards.*
- 2. Of (1), the total number who were qualified Environmental Health Officers.*
- 3. The total number of inspections carried out by either (1) or (2) to see whether category 1 or 2 hazards exist in residential properties which are owned by the council or social housing providers, or privately rented. (Please refer to section four of the Housing Act 2004 if in doubt about the nature of the inspections.)*
- 4. The total number of complaints that the local authority has received about hazards or poor conditions in residential properties which are owned by the council or social housing providers, or privately rented.*

Our Response

Please see Table below.

Request	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
(1) Staff Employed to Inspect Private Residential properties for Category 1 & 2 Hazards	7	11	12	11	11	11
(2) Total Number who were Qualified Environmental Health Officers	7	8	10	10	9	8
(3) The total number of inspections carried out by either (1) or (2) to see whether Category 1 or 2 hazards exist in privately rented properties	<i>The information was previously grouped with other issues and to access, filter and provide the data we have assessed it will take in excess of 18hrs</i>					136
(4) The total number of complaints that the local authority has received about hazards or poor conditions in residential properties which are privately rented.	810	1167	839	813	693	491

For Q3 years 2017 – 2022, we are citing cost refusal as obtaining this information will take in excess of 18 hours.

We consider that the EIR is the correct legislation for this response.

We note that Section 2(EIR) defines Environmental Information as follows:-

Environmental Information has the same meaning as in Article 2(1) of the Directive, namely any information in written, visual, aural, electronic or any other material form on—

a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;

(d) reports on the implementation of environmental legislation;

(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

(f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c);

We consider that this will fall within subsections D & E of the EIR.

Regulation 12 (4)(b): Manifestly Unreasonable

We cannot comply with this request as we consider that it is manifestly unreasonable in accordance with Regulation 12 (4) (b) EIR.

We consider that this Regulation applies due to the amount of time it would take us to collate information to respond to the request and the burden the request places on our authority.

We note the Commissioner's position, as explained by the [East Devon District Council case](#) at paragraph 17:-

The EIR differ from the FOIA in that no specific limit is set on the amount of work required by an authority to respond to a request as provided by section 12 of the FOIA. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the fees regulations) which apply in relation to section 12 of the FOIA are not directly relevant to the EIR - the cost limit and hourly rate set by the fees regulations do not apply in relation to environmental information. However, the Commissioner accepts that the fees regulations provide a useful starting point where the reason for citing regulation 12(4)(b) is the time and cost of a request but they are not a determining factor in assessing whether the exception applies.

The Fees Regulations used by FOIA explains that the Council can refuse to comply with a request if the cost of compliance will exceed the Appropriate Limit under section 12. The limit is currently set at £450 which is the equivalent to 18 hours at £25 per hour.

We can also consider the time it would take our team to review the information and apply any relevant exceptions.

Public Interest in Disclosure

We note that Regulation 12 (2) has a presumption of disclosure.

We also note that this matter is likely to be of interest to the local community.

Public Interest in maintaining the exception

We consider that compiling a response to this request would be a significant diversion of resources which would not be in the public interest as it may disrupt other decision-making or other workloads. It is not in the public interest to divert officer's attention from

their core work in order that we respond to a request made by one individual which may have limited wider public interest.

We consider overall that the public interest in maintaining the exception outweighs the public interest in disclosure.

Should you wish to redefine or shorten your request then please resubmit another request to us and we will consider if we can respond.

Right to review

If you are dissatisfied with the way in which your Freedom of Information request has been dealt with you can request an internal review. Tell us why you are unhappy with our response within 40 working days, and it will be looked at afresh. We will aim to provide you with our review response within 20 working days.

By email: foi@lambeth.gov.uk (Please quote the reference number above) or by writing to:

London Borough of Lambeth
Freedom of Information
P.O. Box 734
Winchester
S023 5DG

If you remain dissatisfied with the outcome of the review you have a further right to appeal to the Information Commissioner, who regulates the implementation of the Freedom of Information Act. The Commissioner can be contacted at the following address:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF.
Telephone: 0330 123 1113
Website: www.ico.org.uk

I will now close your request as of this date.

Yours faithfully

FOI Team
London Borough of Lambeth
Website: www.lambeth.gov.uk
Lambeth - a Co-operative Council