

Sycamore House, Town Hall Complex, Forest Road, Walthamstow, E17 4JF

Mr Akhtar

Ask for: Mandy Thompson

Email: Mandy.thompson@walthamforest.gov.uk

Via email

Direct line: 8496 2246

Date: 12-09-2011

Dear Mr Akhtar

Re: Request for Information FOI 2011-00405

I am writing in response to your request for information under the Freedom of Information Act 2000 ('FOIA') which we received on 16 August 2011.

A copy of your request is enclosed for ease of reference.

I can confirm the following in response to points A & B;

Noise Complaints 01/01/2010 - 31/12/2010 The number of complaints received for Amplified Music & Speech (or your equivalent)		
	Domestic - music	Industrial/commercial noise source
Number of complaints received	3748	770
Noise Visit No Nuisance Witnessed	359	59
Noise Visit Stat Nuisance Witnessed/Warning Issued	172	43
Statutory Notices Served	58	17

- C) Please provide all information held or used for the guidance or applicable criteria used in the assessment of the above which shows the levels at which you would deem a statutory nuisance to have arisen; for example frequency of occurrence i.e. X times per Week/month/annum.

Please see attached

- D) Please provide details of information held/used in court cases used to support the serving or breaches of noise abatement notices.

The Act does not require the creation of information and the Council does not hold a list of information as you have requested. Please see the

attached documents referred to in C above by way of provision of advice and assistance.

- E) Please provide all information held on any professional opinions in relation to the serving of a noise abatement notice for amplified music and speech or your equivalent(s).

The Council does not hold information falling within this description.

- F) Please could you provide any documentation held for noise abatement notices served for the above and redacting any information deemed necessary by the council.

Please see attached;

- H) Please provide any information held or used which shows that a single incident may be classed as statutory nuisance including the relevant legislation and court cases.

Please see attached;

- I) A noise abatement notice was issued to the Immanuel International Christian Centre which was subsequently appealed. At the appeal Rishi Nathwani (prosecuting) said "The council is legally obliged to serve an abatement notice on the first visit.". Please provide all information held in support of this argument including legislation and relevant court cases.

This is not a request for information held by the Council. Please refer to the enclosed information for advice and assistance in relation to the procedures regarding abatement notices. Relevant legislation as referred to in the attached is available from websites such as www.legislation.gov.uk.

- J) Please provide all information held in relation to the serving and appeal of the noise abatement notice for the Immanuel International Christian Centre.

This information is exempt from disclosure under section 31 of FOIA. This is known as the law enforcement exemption. The information held, if disclosed, would or would be likely to prejudice the exercise of the authority of its functions carried out as set out in Section 31(g), the purposes referred to in this subsection are the function of ascertaining whether any person has failed to comply with the law, and the purpose of ascertaining whether circumstances would justify regulatory action in pursuance of any enactment. The Council considers that disclosing the information requested would prejudice this function.

This exemption is subject to the public interest test. The Council has given consideration to the factors weighing in favour of disclosure and those weighing against. The Council recognises that disclosure may enhance public confidence that the Council acts appropriately in taking enforcement

action where necessary. However, there are stronger public interest considerations in favour of withholding this information, including human rights issues, and it's assessment of the impact of disclosure on the success of particular investigations, and more generally on investigative procedures, both related to this specific case and others.

I trust that this satisfies your request sufficiently. Under the Freedom of Information Act 2000, you have the right to complain about the Council's response to your request for information. If you wish to pursue such a complaint, please do so within 28 days from the date of this letter and ask for a review of the Council's decision. Please write to: The Information Officer, Learning from Complaints Team, Room 104, Waltham Forest Town Hall, Walthamstow E17 4JF, or email information.officer@walthamforest.gov.uk. Please mark your request clearly as "Request for Review".

If after receiving a response to the review, you remain dissatisfied with the Council's response, you have the right to complain to the Information Commissioner. Further information can be obtained via the Information Commissioner's helpline 0303 123 1113 or their website at: http://www.ico.gov.uk/complaints/freedom_of_information.aspx

Yours sincerely

A handwritten signature in black ink, appearing to be 'MT' with a long horizontal stroke extending to the right.

Mandy Thompson
Response Team Section Manager