



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Fleet and Environmental Services

Mr Peter Murtagh

[request-740837-
b0fe902c@whatdotheyknow.com](mailto:b0fe902c@whatdotheyknow.com)

Our ref: DD/A3630509/AMcD
Your ref: -
If calling ask for: David Duffy
Phone: 01698 454464
Date: 4 June 2021

Dear Mr Murtagh

Freedom of Information (Scotland) Act 2002 (FOISA)
Request for Information
UK General Data Protection Regulations as supplemented by the Data Protection Act 2018
Article 15 of the GDPR - Right of Access

I refer to your information request received by the Council on 29 April 2021 in which you ask for the following information in relation to telephone calls made by you to the Out of Hours Service on 30 January 2021 and 21 February 2021 respectively and subsequent visits to your property at 50 Luss Brae Hamilton ML3 9UT:

1. How many officer(s) attended the reported incident on 30.01.2021?
2. (a) At what time did the officer(s) attend the location and (b) how much time was spent assessing the incident?
3. What methodology was used to reach an assessment of any possible environmental issue?
4. What information is recorded on files at the Out of Hours /Environmental Health Service concerning this incident?
5. How many officer(s) attended the reported incident on 21.02.2021?
6. (a) At what time did the officer(s) attend the location and (b) how much time was spent assessing the incident?
7. What methodology was used to reach an assessment of any possible environmental issue?
8. What information is recorded on files at the Out of Hours /Environmental Health Service concerning this incident?

Response to Request

The Council has searched its records and can give you the information that it has in relation to your request. This information is as follows:

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 0303 123 1015
Email: david.duffy@southlanarkshire.gov.uk

In relation to the incident reported to the Out of Hours Service on 30 January 2021

1. Two Officers attended the reported incident.
2. (a) The Officers arrived at 21:47 (b) There is no record of how long they stayed at the locality, however there was sufficient time spent to come to the conclusion that in their opinion there was not a public health nuisance to pursue.
3. The Officers had no reply from yourself (Mr Murtagh) when you were called back. A subjective assessment of whether any smell or smoke would be experienced within your property was made from out with the property at various locations in the locality.
4. The details of the action taken at that time as described above.

In relation to the incident reported to the Out of Hours Service on 21 February 2021

5. Two Officers attended the reported incident.
6. (a) The officers arrived at 19:00 (b) There is no record of how long the Officers stayed at the locality, however there was sufficient time spent to come to the conclusion that in their opinion there was not a public health nuisance to pursue.
7. An assessment was made, on this occasion predominantly from Wellhall Road as had previously agreed with our Team that this locality would be representative of the conditions experienced within your curtilage and could be used when you could or would not provide access to make an assessment from within your property. Therefore, a subjective assessment of whether any smell or smoke would be experienced within your property was made from outwith the property at various locations in the locality.
8. The details of the actions taken at that time, as described above.

Please note that some of the information requested is considered to be your own personal data as defined by the GDPR and as such is exempt from disclosure under FOISA, Section 38(1)(a), the information amounts to personal information which relates to you as an individual. However, the information has been provided above and where this relates to you as an individual it is released under the UK GDPR, Article 15 – right of access.

Request for Review (under FOISA)

The Council has a Review Panel to deal with complaints from people who are not happy about the way that it has handled their request. Staff not involved in the original decision will handle any review. If you want to complain, you can ask the Review Panel to look at the way that we have dealt with your request. It will consider whether we have complied with the requirements of FOISA. Please note that if you wish to complain, you must do so by 1 August 2021. You must explain why you are not happy when requesting a review.

Please note that the Review Panel cannot look at any decisions taken by the Council or actions of the Council or any of its employees or a service provided by it that are not connected to the handling for request for information.

You should send your request for a review to:

Mr. W. Dunn
Information Compliance Manager
Finance and Corporate Resources
Floor 11, Council Offices
Almada Street
Hamilton ML3 0AA

Alternatively, you can request a review at foi.reviews@southlanarkshire.gov.uk.

Appeal to the Scottish Information Commissioner

If you are not happy with the outcome of the review, you can appeal to the Scottish Information Commissioner. The Commissioner will decide whether the Council has dealt with your request properly. Please see the Commissioner's website at www.itspublicknowledge.info for further details.

Complaints (under the GDPR/DPA)

If you want to complain about the way we have handled your request, you can

- ask the Council's Data Protection Officer to assess and advise on whether the Council has complied with its obligations or
- contact the Information Commissioner and request her to investigate the position.

If you want the Council's Data Protection Officer to investigate, please send your complaint to: The Data Protection Officer, Finance and Corporate Resources, South Lanarkshire Council, Floor 11, Council Offices, Almada Street, Hamilton, ML3 0AA. Alternatively, you can complain by email to dp@southlanarkshire.gov.uk.

If you want to complain to the Information Commissioner, there are more details on how to do so at the Commissioner's website at www.ico.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Duffy', with a stylized flourish at the end.

David Duffy
Divisional Environmental Health Officer