

**Private & Confidential**

G Allans

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Information Governance  
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Our ref: FOI20282/ar  
Date: 9 February 2018

Dear Sir/Madam,

I am writing this letter in response to your request for information regarding; **'When maintenance work on a council dwelling requires access to a neighboring property (e.g. Scaffolding needs to cross a boundary).'**' that we received on 2017.

You requested:

**Could you please tell me:****1. How it is established whether the property requiring access is council or private?**

This is established by checking addresses in the Council's housing management systems. If the property is private then it would not be on the system or if it was a former Leeds City Council property it would show as a sold property.

**2. If it is established that the property is private - then what procedure is followed to contact the owner?**

If the private property was impacting on the condition of an LCC property then we would usually door knock the private property initially to make contact and establish ownership. If contact was not established or if we were trying to contact the owner in relation to planned type works, a letter would be sent requesting the home owner make contact with LCC and state the reasons why. In certain circumstances we will follow the Party Wall Act procedure if contact cannot be made. The government's information booklet for the Party Wall Act 1996 can be found at

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/523010/Party\\_Wall\\_act\\_1996\\_-\\_Explanatory\\_Booklet.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_act_1996_-_Explanatory_Booklet.pdf)

**3. If there are any circumstances where you access private property without seeking consent from the owner?**

Leeds City Council's standard procedures require consent is always sought. In the terms of a leasehold property, the terms of the lease will set out access procedures for emergency circumstances.

**4. Who is ultimately responsible for obtaining correct permission - the council or your contractors?**

It is Leeds City Council's responsibility to obtain permission.

**5. If there is no established procedure to contact the owner or no records kept - how disputes are resolved?**

There is an established procedure for making contacts and obtaining consent. If this is not successful the Party Wall Act procedure is followed

I trust that this response is satisfactory; however, if you are dissatisfied with this response then you have a right to appeal to an independent officer within the Directorate of Resources and Housing. On appeal, your request will be re-examined and an assessment made as to whether the requirements of the Act have been adhered to. Should you wish to follow this course of action then please address your concerns in writing to:

Information Governance  
Floor 3, St George House  
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You can also email me directly or use the on-line form on our website. When you contact us, please use the reference number at the top of this letter. If you are unhappy with the outcome of your complaint, you can contact the Information Commissioner and ask them to investigate. Normally they will not make a decision if you have not made full use of our complaints procedure. The address of The Information Commissioner is:

The Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF

Yours sincerely

Amanda Rudd  
**Data Practitioner**