

## **FREEDOM OF INFORMATION ACT 2000**

Your request for information has now been considered and the Council's response to your questions is shown below.

### **You asked:**

- 1. Details of TPO applications where subsidence has been cited as the reason for the application to include date, road name and/or full postcode.**

### **ANSWER:**

In order to provide you with the information that you have requested would require checking every TPO application made between 1 April 2008 and 1 April 2013 to establish whether subsidence damage was cited as the reasons for the work. This would involve examining 263 cases at approximately 10 minutes per case = approximately 44 hours.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

This part of the letter is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

All TPO applications are available to view on the Council's website planning applications database. The link to the planning applications database is: <http://www.leicester.gov.uk/planning> .

- 2. Subsidence claims involving your authority whereby LA owned trees are implicated in the damage to include date, road name and/or full postcode. In addition please advise the value of payment made or whether a claim was successfully defended.**

Please see attached document.

I can confirm that we have withheld the full post code for some of the areas as certain houses may be identified. Therefore we are withholding that information since we consider that to be an absolute exemption under section 40(2) (personal data), and this therefore constitutes a refusal under section 17 of the Freedom of information Act 2000.

**3. We request a hard copy and an electronic copy.**

A hard copy is being sent to you.

**4. In the event you do not have this information please confirm this.**

See above.

**5. We believe that by providing this information, you will not be in breach of the terms of the Data Protection Act 1998.**

See above.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager**  
**Information and Support**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**  
e-mail: [FOIA@leicester.gov.uk](mailto:FOIA@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow SK9 5AF**  
**Telephone: 01625 545 700**  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.