

## 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:**

**I am writing, on behalf of the Electrical Safety Roundtable Group (ESR) to formally request certain specific information on the enforcement of Approved Document P of the Building Regulations by the Local Authority Building Control Department of your council.**

**Please could you tell me how many breaches have been identified and how many enforcement actions or prosecutions made, by this council, due to non-compliance with Approved Document P (Part P) of the Building Regulations in the last three years?**

**Provision of this information in the table below would be preferred and will make this data easier to process.**

**ANSWER**

<b>Leicester City Council</b>			
<b>Year</b>	<b>Number of occasions where breaches of Part P of the Building Regulations were identified</b>	<b>Number of Enforcement Actions due to non-compliance with Part P of the Building Regulations*</b> <i>See 2 below</i>	<b>Number of prosecutions due to non-compliance with Part P of the Building Regulations**</b> <i>See 4 below</i>
<b>2011</b>	<i>See 1 below</i>	<b>0</b> <i>See 3 below</i>	<b>0</b>
<b>2012</b>	<i>See 1 below</i>	<b>1</b> <i>See 3 below</i>	<b>0</b>
<b>2013</b>	<i>See 1 below</i>	<b>3</b> <i>See 3 below</i>	<b>0</b>

\* Defined as any formal or informal actions taken to order or encourage compliance

\*\*Defined as any legal action, successful or unsuccessful, taken as a result of non-compliance

### **Note 1**

Breaches of Part P are generally picked up at site inspection stage. However, incorrect or no 'Part P' specifications are picked up at plan appraisal stage, which are then notified to the architect/client as requiring amendment. We have no method of tracking these without opening each and every file, some of which are scanned and some still in hardcopy format.

Similarly breaches on site that are noticed, are recorded in our database but there is no way to track these separately from other inspections etc.

Whilst Part P is applicable to most domestic work, the majority of these applications state they are using CPS Registered Electricians. Therefore we do not check this work. There is no way we can check this per application retrospectively unless each application notice is checked against site records.

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.

We estimate that to obtain the requested information would take at least 15 minutes per application. There are generally over 1500 applications per year so this would total 1500 applications x over 15 minutes which equals over 375 hours.

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.

### **Note 2**

Enforcement Action can be simple advice/agreement to alter the requisite work or a letter threatening to commence enforcement action as suggested. However the most useful method is generally withholding the Building Regulation Completion Certificate until compliance.

### **Note 3**

Though we cannot trawl all our records for all the requested information, we have searched our database for applications made solely for Part P Electrical work and these are the relative results.

### **Note 4**

As mentioned above we try to achieve compliance by persuasion and retention of documentation rather than formal prosecution if at all possible, - so far there have not been any prosecutions.

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 Customer Access**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**

e-mail: [info.requests@leicester.gov.uk](mailto:info.requests@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.