

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:

May I request any information you hold in respect of any claim over the last 30 years for subsidence to properties on Welford Road under the Freedom of Information Act.

ANSWER:

In respect of the properties owned by Leicester City Council I confirm that there have been no recorded instances of subsidence damage to our properties situated on Welford Road. Our computerised claims recording system dates back to 1998 so we can only unfortunately check that far back, so anything before this date is information not held. Therefore this letter acts as a refusal notice under section 17.1 of the Freedom of Information Act 2000 because, in accordance with section 1.1 of the Act, this information is not held by Leicester City Council.

In respect of the private properties situated on Welford Road I confirm that it is not a requirement to inform Leicester City Council when making a subsidence claim upon the individuals own insurance policy, so again, this letter acts as a refusal notice under section 17.1 of the Freedom of Information Act 2000 because, in accordance with section 1.1 of the Act, this information is not held by Leicester City Council.

We are, however, able to advise you that we are aware of 3 cases in the past 14 years where the insurers of the private property owners have informed Leicester City Council of subsidence damage where they consider that that damage was caused by the Council's negligence or nuisance. Only 1 of these cases we hold details for, which has been attached. However we are withholding the personal 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.

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.

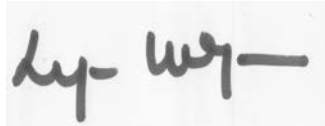
If you are dissatisfied with the handling of your request please write to:
Information Governance Manager
Information and Support
Leicester City Council
FREEPOST (LE985/33)
New Walk Centre
LEICESTER LE1 6ZG
e-mail: FOIA@leicester.gov.uk

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

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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lynn Wyeth', is written on a light-colored rectangular background.

Lynn Wyeth
Information Governance Manager