

**Freedom of Information Act 2000 (FOIA)  
Environmental Information Regulations 2004 (EIR)**

**Decision notice**

**Date:** 11 December 2013

**Public Authority:** Leeds City Council (Formerly West North West Homes Leeds)

**Address:** Housing Leeds  
Westfield Chambers  
Lower Wortley Road  
Wortley  
Leeds  
LS12 4PX

**Decision (including any steps ordered)**

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1. The complainant requested information from West North West Homes Leeds (WNWHL) for varied information with regards to damage caused to his roof tiles. The information requested was refused under section 14(1) of the FOIA as vexatious. During the Commissioner's investigation in this case WNWHL became part of Leeds City Council (the council) within the Environment and Housing Directorate. The council provided the Commissioner with its submissions for the application of section 14(1) of the FOIA. It also considered that regulation 12(4)(b) of the EIR was engaged (manifestly unreasonable). Therefore the Commissioner has considered whether the council is correct to rely on section 14(1) of the FOIA and 12(4)(b) of the EIR.
2. The Commissioner's decision is that the council has breached regulation 14(5)(a) or the EIR by not advising the complainant of his right to request an internal review under regulation 11 of the EIR for environmental information requests. He does not require any steps to be taken in this case, but the council should ensure there is no repetition of this breach. The Commissioner has gone on to determine that the council are correct to rely on section 14(1) of the FOIA and that regulation 12(4)(b) of the EIR is also engaged.
3. The Commissioner requires no steps to be taken.

## Request and response

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4. On 21 December 2012, the complainant made a request for information and WNWLH provided its response on the 31 January 2013.
5. On 17 May 2013, the complainant wrote to query whether that was all the information held and within the body of this correspondence requested further information:

*See Annex 1 at the end of the decision notice for the 17 May 2013 correspondence which contains the requests for new information.*

6. WNWLH responded on 17 June 2013. It stated that a review had been carried out for the 21 December 2012 request and concluded that it had responded fully to that request.
7. It then advised that the new information requested on the 17 May 2013 was being refused under section 14(1) of the FOIA as it deemed the request to be vexatious.

## Scope of the case

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8. The complainant contacted the Commissioner on 15 July 2013 to complain that his request of 17 May 2013 had been refused under section 14(1) of the FOIA.
9. The Commissioner wrote to the council and asked it to provide an internal review to the complainant and at the same time, provide its reasons for relying on section 14(1) of the FOIA to the Commissioner. He also asked the council to consider whether the information requested fell under the EIR.
10. The council provided the Commissioner with its reasons as to why it considered the request to be vexatious and also advised that it does not consider that providing an internal review would serve any purpose as it will be maintaining its position. The council also advised that if the request is for environmental information, then it considers that the request is manifestly unreasonable under regulation 12(4)(b) of the EIR.
11. The Commissioner has considered this and noted that under EIR the council has to provide an internal review if requested by the complainant.

Regulation 11(1) states that:

*"...an applicant may make representations to a public authority in relation to an applicant's request for environmental information if it appears to the applicant that the authority has failed to comply with a requirement of these Regulations in relation to the request".*

And Regulation 11(2) states:

*"Representation under paragraph (1) shall be made in writing to the public authority no later than 40 working days after the date on which the applicant believes that the public authority has failed to comply with the requirement."*

12. The complainant did not request an internal review in this case and is outside the 40 working days to do so. Under normal circumstances this would conclude the EIR part of the case. However the council did not advise the complainant that he was entitled to request an internal review which it is required to do for requests for environmental information under regulation 14(5)(a) of the EIR.
13. This may not have been helped by the fact that the council did not consider the new request of 17 May 2013 under the EIR when it issued its section 14 FOIA refusal. The EIR was only considered when the Commissioner became involved with the case.
14. The Commissioner considers the scope of the case is to firstly determine if any of the request falls under the EIR. If so, he will then determine whether the council has breached regulation 14(5)(a) of the EIR in not advising the complainant of his right to request an internal review. If this is the case, the Commissioner will then go on to consider whether regulation 12(4)(b) of the EIR alongside section 14 of the FOIA is engaged.

## **Reasons for decision**

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### **Are the EIR relevant?**

15. The appropriate regime for information that is "environmental" is the EIR. Environmental information is defined by regulation 2 of the EIR. Regulation 2(1)(c) of the EIR provides that any information affecting or likely to affect the elements and factors of the environment will be environmental.
16. It is apparent to the Commissioner that some of the request dated 17 May 2013 should have been considered under the EIR, as it relates to the Party Wall Act, matters that affect the environment. Without the

Commissioner seeing all of the information it is not possible to determine exactly which parts of the request should be considered as EIR and which parts as FOIA. The Commissioner recognises that there are circumstances where the arguments used by an authority in support of section 14(1) of the FOIA might also be applicable to the application of 12(4)(b) of the EIR and this is one such example.

17. As the Commissioner has determined that some of the request is EIR, he will now go on to consider if the council breached regulation 14(5)(a) of the EIR.

### **Regulation 14(5)(a) of the EIR**

18. Regulation 14 of EIR states that:

*"If a request for environmental information is refused by a public authority under regulation 12(1) or 13(1), the refusal shall be made in writing and comply with the following provisions of this regulation"*

Regulation 14(5)(a) of EIR states:

*"The refusal shall inform the applicant – that he may make representations to the public authority under regulation 11..."*

19. As the refusal notice did not advise the complainant of his right to request an internal review of its decision under the EIR the Commissioner finds that the council has breached regulation 14(5)(a) of the EIR.
20. With that, the complainant would not be expected to know that he would have to request an internal review inside 40 working days of the refusal notice.
21. Because of this breach of regulation 14(5)(a) of the EIR by the council, the Commissioner is of the opinion that he is able to go on to investigate whether the council are able to rely on regulation 12(4)(b) of the EIR alongside section 14(1) of the FOIA.

### **Regulation 12(4)(b) and section 14 – vexatious and manifestly unreasonable requests.**

22. Regulation 12(4)(b) of the EIR states that:

*"12(4)... a public authority may refuse to disclose information to the extent that –*

*(b) the request for information is manifestly unreasonable”.*

23. Section 14(1) of the FOIA states that:

*“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.”*

24. For clarity, the Commissioner’s general approach to considering vexatious requests is broadly the same under both the FOIA and the EIR.

25. The term ‘vexatious’ is not defined in the legislation. In *Information vs Devon County Council & Dransfield*<sup>1</sup> the Upper Tribunal took the view that the ordinary dictionary definition of the word vexatious ultimately depends upon the circumstances surrounding that request. The Tribunal concluded that ‘vexatious’ could be defined as the “... *manifestly unjustified, inappropriate or improper use of a formal procedure*” (paragraph 27). The decision clearly establishes that the concepts of ‘proportionality’ and ‘justification’ are central to any consideration of whether a request is vexatious.

26. In the *Dransfield* case, the Upper Tribunal also found it instructive to assess the question of whether a request is truly vexatious by considering four broad issues; (1) the burden imposed by the request (on the public authority and its staff); (2) the motive of the requester; (3) the value or serious purpose of the request; and (4) harassment or distress caused to staff. The Upper Tribunal did, however, also caution that these considerations were not meant to be exhaustive. Rather, it stressed the:

*“importance of adopting a holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and, especially where there is a previous course of dealings, the lack of proportionality that typically characterise vexatious requests”* (paragraph 45)

27. The Commissioner has therefore considered whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress in relation to the serious purpose and value of the request.

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<sup>1</sup> UKUT 440 (AAC) (28 January 2013)

28. The Commissioner has issued a number of “indicators” which may be useful in identifying vexatious requests. These are set out in his published guidance on vexatious requests<sup>2</sup>. The fact that a request contains one or more of these indicators will not necessarily mean that it must be vexatious. All the circumstances of a case will need to be considered in reaching a judgement as to whether a request is vexatious.

### **Background**

29. The council and complainant have provided background information to add context to the request.
30. In September 2008, WHWHL carried out a roof renewal programme which saw work to a roof that abutted onto the complainant’s privately owned property. The complainant’s property is jointly owned with [joint home owner]. This work was carried out under the Party Wall Act (PWA).
31. Both the complainant and council have advised that damage was caused to the complainant’s roof; however there appears to be differences of opinion to the repair work carried out and solutions and procedures undertaken by the council.

### **The council’s reasons for applying regulation 12(4)(b) of the EIR and section 14(1) of the FOIA**

32. The council state that throughout the period of dispute there has been a considerable volume of correspondence going back and forth with the complainant and [joint home owner]. This has been made up of four subject access requests, five FOIA requests and 447 email exchanges.

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[http://www.ico.org.uk/for\\_organisations/guidance\\_index/~/media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/dealing-with-vexatious-requests.ashx](http://www.ico.org.uk/for_organisations/guidance_index/~/media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx)

33. The council state that the volume of information supplied in response to these requests runs into thousands of pages and is contained in five large lever arch files and that each request has generated further email correspondence and additional requests for information. The council state that the 21 December 2012 request response included over 750 pages of information and it is the council's response to this request that led to the complainant's request for further information on the 17 May 2013 which has been refused under section 14(1) of the FOIA.
34. The council state that the request is vexatious both in isolation and in terms of the aggregated burden being placed on it.
35. The council states that email correspondence received from the complainant and [joint home owner] have sought to call into question the competence, qualifications and truthfulness of officers and contractors. The council has supplied examples to the Commissioner. The council advise that this has caused considerable distress to those who have been singled out.
36. The council advise that the 17 May 2013 request also provides clear examples of the complainant asking for full legal and building qualifications of [names redacted], that [names redacted] are accused of misrepresentation, [name redacted] has carried out covert surveillance and [name redacted] has adopted bullying tactics.
37. The council state that the complainant and [joint home owner] are pursuing a highly personalised matter of little if any benefit to the wider public and that this dispute about the roof has been on-going for five years, to which the council states, WNWHL made strenuous efforts to resolve.
38. The council state that the Local Government Ombudsman (LGO) has reviewed the initial complaint and found no case for mal-administration and felt that WNWHL had offered reasonable terms and proposals to resolve the matter. The council advise that the complainant and [joint home owner's] continued pursuit of the matter through email and information requests shows that they are ignoring the findings of the LGO.
39. The council maintain that throughout the dispute, it has sought to find a resolution to this case which has included accepting the need to complete remedial work to the roof and chimney stack, seeking to complete and remedy defects using contractors who had carried out the work, offering reimbursement for the work to be completed by roofing contractors of the complainant's and [joint home owner's] choice or providing them with a choice of contractors other than those who originally completed the work.



40. The council state that from considering the above, it is difficult for it to see how the information requested would allow a resolution of the issue and will only serve for further requests to be made and that there is little benefit if any to the wider public.

### **The complainant's reasons for requesting information**

41. The complainant states that the council were advised of the damage to the property immediately and a council operative visited the property concluding that the repairs had been completed. The complainant states that this was untrue proven by the council surveyor visiting and noting a number of defects and that the list was not comprehensive and did not accord with the PWA.
42. The complainant has advised that their own surveyor provided two fully detailed reports which did not accord with the council surveyors findings.
43. The complainant states that there were numerous delays in the councils handling of this matter and during which, his surveyor retired.
44. The complainant has provided a copy of a letter from his surveyor dated 5 October 2012, which the complainant states it intimates negligence regarding WNWHL employees and the original council surveyor.
45. The complainant states that he believes any organisation who receives such complaints particularly from professionally qualified people or bodies must have set procedures or guidelines for investigation, and it is clear to him that no investigation was carried out. This is the reason why a further FOIA request was made regarding the surveyor's complaint and the council's/ WNWHLs shortcomings, negligence and misrepresentation.
46. The complainant has stated such failings include telling the Information Commissioner's Office (ICO) that all works had been carried out and defective works rectified, and losing the documentation to support this. The complainant states that there must surely be an act for public authorities maintaining and recording financial records.
47. The complainant states that he needs the procedures and information available to WNWHL employees to show that they did not follow them and that unqualified staff were left handling matters, breaching duty of care and his human rights when it decided to put his property under surveillance. The complainant states this information is required as he is considering issuing proceedings against the council.
48. The complainant states that other than his property being damaged, he also knows of others which were also damaged where the contractors were paid in full for each property and the contractors were overpaid by



over £2m during the year 2008/2009 he says is evidenced in the council's audit.

**Conclusion for the application of regulation 12(4)(b) and section 14(1)**

49. The Commissioner on considering the above must determine whether the information request is vexatious under section 14(1) of the FOIA and manifestly unreasonable under regulation 12(4)(b) of the EIR.
50. The Commissioner recognises that both parties agree that damage was caused to the complainant's property. However there is conflicting views as to whether correct procedures were followed and whether a fair resolution has been sought.
51. The Commissioner understands the complainant's reasons for making requests and sending correspondence to the council and WNWLH during this period of dispute. However he has to balance this with the impact that the correspondence is having on the council's resources.
52. The complainant believes that the council has not carried out surveys correctly or remedied the damage caused in line with the PWA. He has sought 2 independent surveyors on this matter and supplied the Commissioner with a letter from one of them dated 5 October 2012. It confirms that in the surveyor's opinion the council have not adhered to parts of the PWA.
53. The Commissioner has viewed the 5 February 2009 provisional view of the LGO dated 5 February 2009 in which it states that it is not able to investigate the damage caused to the property and that if the complainant considers the PWA was breached then it is for the complainant to take his own proceedings against the council.
54. The LGO also states in its preliminary view that it considers the council has proposed action which would provide a reasonable remedy in the circumstances. It subsequently closed its case.
55. Having viewed the request of 17 May 2013 and examples of previous correspondence provided by the council showing the complainant asking for qualifications of council employees, there does seem to be a pattern with the complainant not being satisfied with the council's actions and subsequently asking for its employee's qualifications who dealt with the matter.
56. The LGO is of the view that the council has offered reasonable actions to remedy damage, and further pursuit of these matters outside of the relevant appellate bodies would be likely to cause unjustified distress to the employees in question.

57. The Commissioner has published guidance on vexatious requests and in assessing the purpose and value of the request, it gives an example of where the value of the request might be limited as:

*"...pursuing a ... highly personalised matter of little if any benefit to the wider public".* <sup>3</sup> (Paragraph 47)

The Commissioner considers that this request has spawned from a very personal matter, in that the complainant's property was damaged and he is not satisfied with the council's remedies at this point. There is a serious motivation for the complainant to try and find a resolution acceptable to him, however it is a much personalised matter that has little if any benefit to the wider public for the council to continue to use its resources answering these lines of enquires. This is reinforced again with the LGO determining reasonable actions have already been offered by the council.

58. Requesting individual employee's qualifications under the FOIA or EIR to pursue a personal matter shows that these employees are being targeted by the complainant. The Commissioner considers that this could cause unjustified distress on the employee's concerned. This goes towards demonstrating that the request is vexatious.
59. Even though the complainant has requested other types of information within the request, the Commissioner concludes that the requesting of individual employees qualifications and making accusations against them after the LGO decided not to investigate the case, demonstrates that this request is vexatious, and the Commissioner is of the view that the complainant would not be satisfied with any response the council gives and subsequent requests are likely to follow.
60. This type of request would place an unjustified level of distress onto the individual employees and the council would have a duty to protect them from such scrutiny. The Commissioner considers that the impact placed on the council resources to respond to this sort of request is disproportionate to the wider public interest, which the Commissioner considers there to be little if any.

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[http://www.ico.org.uk/for\\_organisations/guidance\\_index/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/dealing-with-vexatious-requests.ashx](http://www.ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/dealing-with-vexatious-requests.ashx)

61. Therefore the Commissioner finds that the council are correct to rely on section 14(1) of the FOIA to refuse the request and that regulation 12(4)(b) of the EIR is also engaged.

### **Public Interest test**

62. Regulation 12(4)(b) is a qualified exemption and is therefore subject to the public interest test at regulation 12(1)(b) which states that information can only be withheld if in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosure.

### **Public interest arguments in favour of disclosure**

63. The council have stated that disclosure of environmental information allows for a greater awareness of environmental matters, free exchange of views and a more effective participation by the public in environmental decision-making.
64. The complainant is of the opinion that the council should have procedures or guidelines for investigating complaints made by professionally qualified people and has not been satisfied with the council's handling of repairing his damaged property and the way it has handled the complaint as a whole. Therefore the complainant states that he needs the information to show that there have been numerous breaches of duty, breaches of the PWA and negligent misrepresentation and also to show that the procedures were not followed and that unqualified staff members were left to deal with these matters.

### **Public interest test in maintaining the exemption**

65. The council have stated that this complaint has been ongoing for 5 years and the LGO has not seen reason to carry out an investigation on this complaint and has stated that the council have offered reasonable remedies to resolve the issue.

The council state that to answer this request will only lead to further requests and that this is a highly personal matter with little wider public interest and so the public interest in protecting its resources, such as staff time and distress, in dealing with the request is of no benefit to the wider public.

### **Conclusion**

66. The Commissioner accepts that there is a strong interest in disclosure of environmental information in general as it promotes transparency and accountability for the decisions taken by public authorities relating to environmental matters and public expenditure.

67. The Commissioner recognises the complainant's reasons for making the requests as being legitimate, in terms of ensuring the council is conducting correct processes and that it is transparent and open about how it has dealt with the complainant's complaint as a whole. These sorts of actions would be in the public's interest in knowing whether a council is conducting itself within procedures that are in place.
68. The fact that the LGO decided it was not going to investigate the case and considered the council had offered sufficient remedies to rectify damage caused, shows that a regulatory mechanism has been used. In cases where existing mechanisms for scrutiny or regulation have actually been utilised, then the Commissioner may accept, depending on the circumstances of the case, that to some extent this goes to reduce or satisfy the public interest in disclosure.
69. Other legal remedies also exist that the complainant may use to pursue the council if he believes detriment or malpractice has taken place. The Commissioner is of the view that both the EIR and FOIA are not the mechanisms through which to conduct such campaigns. The existence of these other legal remedies lessens the weight placed on the public interest to disclose the information in this case.
70. The Commissioner has to also consider the burden placed on the council to deal with the requests for information. He is of the opinion that for the complainant to continue to request information around these issues and the fact that he is requesting employee's qualifications is demonstrating that he is targeting individuals and causing them unjustified distress. This is not serving the wider public in continuing to pursue a personal matter through the FOIA and EIR. The Commissioner also considers that no response the council gives would be satisfactory and further requests would continue to be made increasing the burden on the council.
71. So in balance of the above the Commissioner has concluded that the public interest in maintaining the exception outweighs the public interest in disclosure of the information for this request as he considers the burden and distress being placed on the council and its named employees outweighs the public interest in disclosure of information. Therefore regulation 12(4)(b) is still engaged.

## Right of appeal

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72. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

73. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
74. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Andrew White**  
**Group Manager – Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**

Annex 1: 17 May 2013 request.

*"Following [name redacted] alleged fully substantive response to our previous FOI request we make a further formal request commencing with copies of your complaints procedure when there is a complaint made regarding one of your service providers.*

*The complaint we refer to is that of [name redacted] and [name redacted].*

*[Name redacted] states "We do not believe that [name redacted] or [name redacted] are either conflicted or negligent and therefore there has not been an investigation."*

*With the greatest of respect a formal complaint was made to your office regarding this matter by a fully qualified surveyor, [name redacted]. This followed West North West Homes being in receipt of another surveyors report which was even more damning of [name redacted] handling of the matter. With this in mind please provide details of whom decided [name redacted] was neither conflicted nor negligent. This information should include that person professional qualifications relating to building and legal along with written notes to justify their decision.*

*We would suggest that where an allegation is made regarding one of your service providers by a fellow professional there should have been a full investigation. Do you not agree?*

*If you have not followed your own procedure please advise why you have failed to do so and we expect a full investigation to be undertaken within the next five working days.*

*Similarly, we seek all correspondence including telephone notes between yourselves, West North West Homes and [name redacted] regarding the party wall and subsequent problems.*

*Why has your organisation failed to provide this? Why have we not been provided with the instruction letter from West North West Homes to [name redacted] nor telephone notes between [name redacted] and [name redacted] and copy correspondence from your organisation to [name redacted], whom [name redacted] alleged we refused to allow them to complete the work. We have photographs of them working on our property all of which are timed and dated and include their alleged Part 8 repair works.*

*We therefore also expect your organisation to provide your organisations training manual and procedural guide relating to Party Wall works along with confirmation and details of training courses that your staff who have dealt with this matter have attended. We expect the full investigation reports relating to the lost financial/signing off sheets relating to our property along with procedural guides relating to signing off and paying invoices, particularly when the work was known to be defective. Also who entered the cheque on your system for payment and who authorised. We also expect the full investigation papers relating to the loss of the financial paperwork along with methods to be implemented to ensure that it did not happen again. It has been alleged that the agency worker was responsible for losing the paperwork but as we have pointed out previously [name redacted] did not sign off the work and the agency worker would certainly not have been able to input the cheque or authorise it. Is this once more a case of negligent misrepresentation?*

*For the avoidance of doubt we also expect your organisation to provide the full building and legal qualifications held by the following West North West Homes employees who have been tasked with dealing with this matter. Namely, [name redacted], the person who drafted the initial letter stating we would be responsible for the costs of the surveyor. This is clear misrepresentation.*

*[name redacted] the person responsible for undertaking covert surveillance of our property on a Sunday afternoon.*

*[name redacted] the person allegedly resolving this matter.*

*[name redacted] CEO the person charged with heading up this organisation.*

*Following on from this we expect all the investigation reports along with copies of your procedural guides for handling certain matters and recording and investigating complaints.*

*This information should include but is not restricted to [name redacted] initial misrepresentation pertaining who is responsible for the surveyors costs.*

*[name redacted] misrepresentation pertaining her alleging all the work had been rectified and the repairs had been carried out yet she had not undertaken a survey nor was she qualified to do so.*



*[name redacted] covert surveillance of our property this should include all investigation of this matter including telephone notes relating to Councillor [name redacted] enquiries, all guides relating to RIPA and the use of surveillance including what is needed for authorisation of such surveillance and the full investigation pertaining to why the story changed from the person who undertook it was not known to the further stories provided to ourselves and the Freedom of Information Commission. Also the full investigation reports regarding why the FOI Commission were told the repairs had been completed and when we challenged this and asked for documentary evidence and signing off sheets your FOI Officer changed her story again.*

*Please include also your Compliance and Governance Manual pertaining to disclosure under the FOI Act.*

*Referring to Compliance and Governance [name redacted] your Contract Compliance Officer advised that you were bound under contractual terms to use [company name redacted]. We therefore requested substantive case law pertaining to the Party Wall Act regarding binding contractual obligations to use certain contractors. Your organisation failed to provide said case law. Whilst [name redacted] under the disclosure was adamant he was correct. Please therefore provide [name redacted] legal qualifications and the full investigation report pertaining to privity and consideration under Contract Law along with past consideration.*

*It is obvious to us under both Common Law and Contract Law for a contract to be binding there must be privity and consideration perhaps you can therefore provide via your disclosure how privity and consideration have been seen to have been met. Once more it appears [name redacted] is another who adopts the bullying tactic.*

*We also expect your organisation to provide the procedural and training guide he has used when coming up with his assertion. Also please provide information pertaining to [company name redacted] asking to relinquish some of the work load which predated [name redacted] statement.*

*We expect full disclosure relating to enquiries made regarding your tenant's status under the Party Wall Act which treats them as if they were owners. We would expect this to include [name*

*redacted] investigation into this back in November/December 2011 and further investigations following [name redacted] correspondence with [name redacted] December 2012 onwards.*

*We also expect copies of all correspondence including file notes, telephone notes, internal memos and texts relating to enquiries and subsequent answers from [name redacted] to yourselves regarding matters, and issues under the Party Wall Act throughout 2013. This will also include any internal investigations your organisation has undertaken relating to [name redacted] fees being met and appointment of our own builders.*

*Lastly, whilst [name redacted] has stated that we would not allow [company name redacted] to undertake repairs please provide documentation pertaining recoveries of money relating to number [address redacted] for further defective work undertaken by [company name redacted] under the Party Wall Act which your organisation paid in full. Also please advise exactly how much of the overpayment to [company name redacted] of approximately £2m your organisation has recovered to date and what steps were taken to recover such monies."*