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**Derry City & Strabane**  
District Council

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Comhairle  
**Chathair Dhoire &  
Cheantar an tSratha Báin**

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**Derry Cittie & Stràbane**  
Destrict Cooncil

Ref: FOI / 1354

08 August 2017

Ms  
Campaign Consultant  
Dogs Trust

Email: @dogstrust.org.uk

Dear Ms

### **Freedom of Information Act 2000 Request Dogs Trust**

I refer to your FOI request as above and respond as follows:

Council has given consideration to your request and can confirm that it holds some relevant recorded information. Council notes that some of the questions are unclear where various interpretations could be applied. There are also some instances where council does not hold such information or records in a format that could be easily sourced or would have difficulty apportioning time or costs to activities; especially if they are multifunctional i.e.

Q6. Estimated cost to council per stray dog. The council holds no such records and possible information sources to calculate this are likely to be incomplete or extremely difficult to accurately cost. Does this "cost" only relate to 'kennelling costs' or does it include staff time in collecting stray dogs or investigating complaints of stray dogs? Another difficulty is attempting to apportion costs in the collection of stray dogs is that there are occasions when no stray dogs are collected and other occasions where more than one dog is collected. Vehicular transportation costs and officer time will also vary according to whether the stray dog is within the city or at the furthest rural parts of the council area. Stray dog collection may also occur when officers are undertaking other activities such as dog fouling patrols, or form part of a

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combination of enforcement activities. It should be noted that if the number of stray dogs being kennelled is reduced through education and enforcement activities the unit cost of kennelling stray dogs appears to go up. This however does consider the cost savings due to reduced service complaints regarding straying and dog attacks on people, livestock and other domestic animals; as well as a reduction in dog fouling costs.

Q13. Recording of calls for service in this Council Area, relating to dog fouling/ bin emptying – are you seeking a copy of the recording or are you seeking information relating to number of requests for service? Further, does the wording relate to the emptying of dog bins or all types of bins?

Q16. Number of Out of hours or Daytime noise nuisance complaints in this Council Area, from 2015 to present, by year – does this relate to dog related noise nuisance or all noise nuisance complaint to Council?

It is with regret however that Council must issue a further Refusal Notice as it is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000.

Section 17(5) of the Freedom of Information Act 2000 requires the Council when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact. It is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The ‘appropriate limit’ is currently £450 for Council. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the ‘Fees Regulations’ for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

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Under those regulations Council can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours Council will be in excess of the 'appropriate limit').

This is based on the work required to answer the following two questions only:

15	Number of Out of Hours Dog related noise nuisance complaints in this Council Area, from 2015 to present, by year
16	Number of Daytime noise nuisance complaints in this Council Area, from 2015 to present, by year

In relation to Q16, Council has assumed that you are seeking info relating to Daytime dog related noise nuisance complaints. There is no breakdown on such complaints and it should be noted that some dogs bark throughout the day and night. To determine the number of noise complaints according to "the time of day" would require each file to be opened and the information manually extracted. There would be insufficient time under the 'appropriate cost limit' to determine, locate, retrieve and extract the other relevant information which is held across two business units of Council.

As previously advised, some of the information requested relates to locational and personal data and Council would have to ensure any response was in compliance with the Data Protection Act and any other legislation e.g. The Dogs (NI) Order 1983 and The Dogs (Licensing and Identification) Regs (NI) 2012.

In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit. Due to the multi-faceted nature of your request, and that some questions are unclear in their wording, it is difficult to provide clear guidance. If you removed Q15 and 16 it would reduce the time required to retrieve the information significantly however it would not be possible to confirm that this would be within the legislative cost limit due to the amount of detail sought. Similarly Q6 could also be refined to ask the unit cost of kennelling stray kennelled dogs. In this instance that it should be remembered that the kennel supervisors time is also shared with looking after "unwanted dogs".

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

If you are dissatisfied with our response you have rights of review and appeal; these rights consist of two review processes.

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Firstly our internal review procedure is available by contacting:

John Kelpie  
Chief Executive  
Derry City and Strabane District Council  
98 Strand Road  
Derry BT48 7NN  
Tel 028 71253253 or email [john.kelpie@derrystrabane.com](mailto:john.kelpie@derrystrabane.com)

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
CHESHIRE SK9 5AF  
Tel: 0303 123 1113 (local rate) or email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Yours sincerely

**Head of Health & Community Wellbeing**



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