

24 May 2019
Our ref: 5275328

Thank you for your request received on 25 April 2019, for the following information:

Planning enforcement action against short-term lets

I'm seeking details of enforcement action taken by your authority's planning team in relation to properties offered for short-term lets via platforms such as Airbnb.

Please could you provide the following under the Freedom of Information Act:

The number of planning enforcement notices issued by your authority in relation to short-term lets in each financial year from 2011/12 to 2018/19.

The number of planning contravention notices issued by your authority in relation to short-term lets in each financial year from 2011/12 to 2018/19.

If available, please also provide the number of informal warnings issued by your authority's planning team in relation to short-term lets in each financial year from 2011/12 to 2018/19.

We have processed this request under the Environmental Information Regulations 2004.

Response

I can confirm that London Borough of Barnet holds the information you requested. However, we consider that the following exceptions apply to some of the information requested.

The Council do not record complaints in a manner that would allow to easily draw the information requested out.

Cases involving Air BnB in any form are still very rare within this borough. The Council hold information on planning enforcement cases between 2011 to present but it is in a free text field and cannot be searched without entering the exact wording of each case description. Identifying whether a PCN has been served or a warning issued would require going through each enforcement case and in our view this would be manifestly unreasonable as this would amount to checking thousands of enforcement cases.

The number of planning enforcement notices issued by your authority in relation to short-term lets in each financial year from 2011/12 to 2018/19.

One Enforcement Notice has been served.

The number of planning contravention notices issued by your authority in relation to short-term lets in each financial year from 2011/12 to 2018/19.

Information not held in the format requested. Each individual enforcement case file would need to be searched in order to locate this information and counted. See Refusal Notice below.

If available, please also provide the number of informal warnings issued by your authority's planning team in relation to short-term lets in each financial year from 2011/12 to 2018/19.

Information not held in the format requested. Each individual enforcement case file would need to be searched in order to locate this information and counted. See Refusal Notice below.

Refusal Notice

We consider that Regulation 6(1)(b) applies to some of the information requested because the information requested is already publicly available and easily accessible.

You can carry out a search using the database by clicking on the link below, where key words/phrases such as "short", "letting", "lets", "BnB" and "breakfast" can be searched for under the descriptive keyword field:

<https://publicaccess.barnet.gov.uk/online-applications/search.do?action=advanced&searchType=Enforcement>

- For example, Reference ENF/01439/17, enforcement notice was served on 30.01.2018, and complied with and closed on 22.08.2018, for: Without planning permission the change of use of the existing dwelling to a house in multiple occupation (HMO) to provide six separate letting rooms

We consider that regulation 12 (4) (a) (Information not held) applies to the information requested because we do not hold the information requested. We do not hold centralised records of the numbers of PCNs and warnings issued. The ICO have stated that they do not expect a public authority to undertake a public interest test where they do not hold the information.

We consider that regulation 12 (4) (b) (Manifestly unreasonable) applies to the information requested because we consider that the request is manifestly unreasonable.

Information not held in the format requested. Each individual enforcement case file would need to be searched in order to locate this information and counted.

In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

Factors in favour of disclosure

Promoting accountability and transparency by public authorities for decisions taken by them.

- Promoting accountability and transparency in the spending of public money.

- Allowing individuals, companies and other bodies to understand decisions made by public authorities affecting their lives.
- Furthering the understanding and participation in the public debate of issues of the day.

Factors in favour of withholding

- Complying with the request is unreasonable because the inconvenience, disruption and burden on the council is too high. Compliance will distract officers from their other jobs, will take up too much council resource and is disproportionate effort for the benefits given.

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) The London Borough of Barnet, North London Business Park, Oakleigh Road South, London, N11 1NP

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.

