

10 July 2019
Our ref: 5422728

Thank you for your request received on 27 June 2019, for the following information:

I would like copies of your policies in relation to the prosecution of tree preservation orders.

1) Does the Council have a policy on when it undertakes to prosecute?

2) Does the policy differentiate between felling a tree completely and lopping without consent?

3) The CPS code for crown prosecutors requires consideration of alternatives to prosecution - how does the Council adopt this in practice?

4) Does the Council have a policy for dealing with people who make mistakes but are willing to pay a financial penalty to avoid prosecution?

5) What public interest factors does the Council policy require is taken into account for one time offenders who are simply ignorant of the laws?

I await the information requested above.

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

Response

The council holds the information requested and the answers to your questions are below

I would like copies of your policies in relation to the prosecution of tree preservation orders.

1) Does the Council have a policy on when it undertakes to prosecute?

See attached

2) Does the policy differentiate between felling a tree completely and lopping without consent?

Section 210 of the Town and Country Planning Act 1990 (as amended) itself differentiates – essentially creating two types of offence

3) The CPS code for crown prosecutors requires consideration of alternatives to prosecution - how does the Council adopt this in practice?

See attached – and also Para.141 of National Planning Practice Guidance, read more at <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

4) Does the Council have a policy for dealing with people who make mistakes but are willing to pay a financial penalty to avoid prosecution?

A decision as to whether justice would best be served by prosecution or some out of court disposal in any particular case would be made on the basis of the CPS two-stage tests and the above national guidance. Any financial penalty for unauthorised TPO works would be a matter for the Courts to determine.

5) What public interest factors does the Council policy require is taken into account for one time offenders who are simply ignorant of the laws?

See attached and above – each case would be treated on its own merits taking account of the particular circumstances and impact on public amenity

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

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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) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

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.