



London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
18 July 2019
Our ref: 5408128

Thank you for your request received on 18 June 2019, for the following information:

Relating to the enforcement Appeal served to the owners of the Hippodrome.

I am emailing you on behalf of GGREG, the local residents' association set up to ensure a fair hearing for both sides with regard to the current proposal at Golders Green Hippodrome.

1. Please supply a copy of

- * the Appellants' Appeal form,**
 - * their Grounds of Appeal,**
 - * any Appeal Statement that they have submitted, with supporting documents.**
- These documents have been supplied to you as public representatives and are not subject to legal privilege or any other form of confidentiality.**

2. Please confirm that the Council will send notice of this Appeal to every person who made written representations to the Council in respect of the planning application 17/5846/S73 ('Variation of conditions 1 (Hours of Opening) and 2 (Use) of planning permission reference C00222W/07 dated 16/03/2007 for 'To use building as a church to enrich community with schemes for children, unemployed, elderly etc. To hold concerts, conferences, drama and dance festivals.')) This Appeal has the power to grant the permission sought in that application, and that is the reason for the Appellants submitting this Appeal. It is, therefore, vital that all the arguments for and against the granting of this permission be aired at this Appeal. This Appeal should not be treated by the Appellants or by the Council as a way to slip through planning permission unnoticed, or without full and open debate.

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 remaining information is not withheld and is below.

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Refusal Notice

The course of justice

We consider that regulation 12 (5) (b) (The course of justice) applies to the information requested because we consider that disclosure of the information requested would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.

We are withholding the documents requested as a) we are holding the documents on behalf of the Planning Inspectorate (PINS) and b) because it would be premature to do so ahead of the set down process for consideration of the appeal of the Enforcement Notice served. As and when PINS confirm that the appeal will go ahead in the form of a Start letter we will consult in accordance with established policies and according to the timetable prescribed by PINS. At this point the appeal documents will be made available to all interested parties. Pending the outcome of the appeal, and without prejudice to any future action the council decides to take after the outcome of the appeal is known we do not consider early release of information to be in the public interest.

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

Public interest test considerations

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information. There are a number of public interest arguments that weigh in favour of disclosing the information you have sought:

- The general proposition of maximising openness that the EIR and the Council aspire to;
- The benefits of ensuring transparent and accountable government

However, there are also public interest arguments against disclosure:

- Any information provided by the Planning Inspectorate or the appellant should be treated in confidence and only used for the purposes for which it was provided.
- There is an initial weighting in favour of maintaining the exception due to releasing information held ahead of the formal appeal process is likely to confuse the public consultation exercise that forms part of the appeal process and gives all interested parties the opportunity to comment on the merits of the planning enforcement notice in order for the Planning Inspectorate to come to a formal decision and rule as to whether the appeal should be upheld or not.
- The Planning Inspectorate will publish appeal information (statements, representations, etc, whilst the appeal is live and for a period of 6 weeks from the date of decision. The six weeks corresponds to the period during which people have the opportunity to make a legal challenge.

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

Personal data

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exception Regulation 13 of the Environmental Information Regulations 2004. These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an EIR request.

We consider the information is subject to Regulation 13 because to release it would be a breach of the Data Protection Act 2018.

Personal Information is governed by the Data Protection legislation and is defined as any information relating to an identified or identifiable natural person ('data subject'). It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness.

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) 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.