

20 August 2019  
Our ref: 5497694

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

**I am writing to make a request under the Freedom of Information Act for information regarding Prohibition Orders under the Housing Act 2004.**

**Specifically, I would like the following information:**

**1. The details of all Prohibition Orders served within the council area since 2013. Please include the date issued, the date completed, whether the work was carried out by the council or by the owner, the building's usage (residential, industrial, business, etc), the nature and seriousness of the disrepair, the nature of remedial action.**

**2. Details of all civil penalties given out relating to Prohibition Orders each year since 2013, including the nature of the disrepair and the amount requested.**

**3. Details of all rent repayment orders given out relating to prohibition orders each year since 2013, including the nature of the disrepair and the amount requested.**

**4. Details of all banning orders given out relating to prohibition orders each year since 2013, including the nature of the disrepair and the amount requested.**

**If this information could be broken down by request that would be very much appreciated. I would like this information in electronic form, preferably as a CSV file or word document.**

**If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act.**

**Please let me know you have received this. If there are any problems or you need more information please get in touch.**

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.

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

**1. The details of all Prohibition Orders served within the council area since 2013. Please include the date issued, the date completed, whether the work was carried out by the council or by the owner, the building's usage (residential, industrial, business, etc), the nature and seriousness of the disrepair, the nature of remedial action.**

Number of Prohibition Orders served:

2013 – 1

2014 – 3

2015 – 11

2016 – 8

2017 – 14

2018 – 14

2019 – 7 up to 8/8/19

## Refusal Notice

### **R12(4) (b) the request for information is manifestly unreasonable**

Regulation 12(4)(b) of the Environmental Information Regulations 2004 provides an exception to the disclosure of information in situations where the request is manifestly unreasonable. This exception may be invoked where the request places a substantial and unreasonable cost or burden of dealing with it. Information. The purpose of the exception is to protect public authorities from exposure to a disproportionate burden or an unjustified level of distress, disruption or irritation, in handling information requests.

This is a qualified exception under EIR which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than the public interest in maintaining the exemption. The public interest means what is in the best interests to the public.

Public interest test considerations

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information requested. 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 to which the EIR and the Council aspire ;
- The benefits of ensuring transparent and accountable government

However, there are also public interest arguments against disclosure:

The information that you have requested regarding each separate Prohibition Order is not held in an easily accessible format by the Council and the cost of the compliance with the request is too great in that it will exceed 18 hours, therefore this part of your request is therefore refused under Section 12 (4) (b) because:

- It does not represent a cost effective use of the Council's resources.
- The diversion of resources that will be necessary in providing the information requested negatively impact on its ability to deliver its core functions

The Council considers that the public interest in withholding the requested information outweighs the public interest test in disclosure of the requested information.

***2. Details of all civil penalties given out relating to Prohibition Orders each year since 2013, including the nature of the disrepair and the amount requested.***

None

***3. Details of all rent repayment orders given out relating to prohibition orders each year since 2013, including the nature of the disrepair and the amount requested.***

None

***4. Details of all banning orders given out relating to prohibition orders each year since 2013, including the nature of the disrepair and the amount requested.***

None

## **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](http://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](mailto: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](http://www.ico.org.uk)). There is no charge for making an appeal.