

4 October 2019  
Our ref: 5497695

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

**Some Barnet council residents are running illegal car repair business in the residential area from there private land without planning permission and breaking laws of Noise Nuisance, Smell/Fumes, Abusive Behavior, repairing car in public roads, Planning Law and Trading standards.**

Could you kindly provide me with following information please.

- 1.Date of complaint received.
- 2.Date of investigation started.
- 3.How the complaint received.
- 4.Departments handled the investigation.
- 5.Action taken.
- 6.If the resident disobey any legal action taken by 7.Barnet council.
- 8.Is the problem resolved.
- 9.Is the problem repeated.
- 10.Date of problem resolved.

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

## **Response**

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

***Noise Nuisance, Smell/Fumes, Abusive Behavior, repairing car in public roads, planning law and Trading standards.***

I have attached a list of planning enforcement cases with the information you have requested following a search of the Planning Enforcement Register using the search key word "car repair", for the last 10 years. Using the Enforcement Tab under the following link <https://publicaccess.barnet.gov.uk/online-applications/> all enforcement cases can be searched on for any given property address in the Brough.

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

unreasonable. The rest of the information you have requested is not held in the format you have requested and is not readily extractable, see refusal notice below.

Therefore, we have decided to withhold some of the information.

## **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:

Each record would need to be accessed individually and data collated and this would take well in excess of 18 hours to complete

Trading Standards - 5 minutes times 14816 divided by 60 minutes = 1234.6 hrs

Nuisance complaints - 5 minutes times 9713 divided by 60 minutes = 809.4 hrs

- 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.

## **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.