

9 December 2019

Our ref: 5746972

Thank you for your request received on 28 October 2019, for the following information:

How many complaints / concerns to the Planning Service in 2016 / 17 about errors made by the Local Planning Authority in granting a Certificate of Lawfulness under Section 192 of the Town & Country Planning Act 1990, which were initially sent to the Development Management Teams were subsequently referred to the Planning Enforcement Team?

How many complaints / concerns in 2016 / 17 about errors made by the Local Planning Authority in granting a Certificate of Lawfulness under Section 192 of the Town & Country Planning Act 1990, which were recorded in the Enforcement Register were subsequently deleted from the register?

How many of the 103 Planning complaints submitted in 2016 / 17 under the Council's Corporate Complaints Procedure relate to errors made by the Local Planning Authority in granting a Certificate of Lawfulness under Section 192 of the Town & Country Planning Act 1990?

How many of the complaints submitted in 2016 / 17 under the Council's Corporate Complaints Procedure which relate to errors made by the Local Planning Authority in granting a Certificate of Lawfulness under Section 192 of the Town & Country Planning Act 1990 resulted in the Council acknowledging that a mistake had been made?

How many of the complaints submitted in 2016 / 17 under the Council's Corporate Complaints Procedure which relate to errors made by the Local Planning Authority in granting a Certificate of Lawfulness under Section 192 of the Town & Country Planning Act 1990 resulted in the Council acknowledging that a mistake had been made and apologising for it?

How many of the complaints submitted in 2016 / 17 under the Council's Corporate Complaints Procedure which relate to errors made by the Local Planning Authority in granting a Certificate of Lawfulness under Section 192 of the Town & Country Planning Act 1990 resulted in the Council acknowledging that a mistake had been made, apologising for it, and explaining why things went wrong?

How many of the complaints submitted in 2016 / 17 under the Council's Corporate Complaints Procedure which relate to errors made by the Local Planning Authority in granting a Certificate of Lawfulness under Section 192 of

the Town & Country Planning Act 1990 resulted in the Council acknowledging that a mistake had been made, apologising for it, and explaining why things went wrong and what the Council would do to prevent the same mistake happening again?

How many of the 103 Planning complaints submitted in 2016 / 17 under the Council's Corporate Complaints Procedure, where it was acknowledged that a mistake had been made, resulted in the customer being put back in the position they would have been in if there had been no fault?

How many of the 103 Planning complaints submitted in 2016 / 17 under the Council's Corporate Complaints Procedure, where it was acknowledged that a mistake had been made, resulted in 'compensation' being paid?

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.

How many complaints / concerns to the Planning Service in 2016 / 17 about errors made by the Local Planning Authority in granting a Certificate of Lawfulness under Section 192 of the Town & Country Planning Act 1990, which were initially sent to the Development Management Teams were subsequently referred to the Planning Enforcement Team?

Please see refusal notice below. As a general point, Lawful development certificates are granted by the LPA following an assessment against the General Permitted Development Order. If a subsequent service request is made to the Planning Enforcement Team about a development granted a lawful development certificate, it would not be about any error made by the LPA, but it would generally be regarding the development not being built in accordance with the approved plans and therefore not meeting permitted development.

How many complaints / concerns in 2016 / 17 about errors made by the Local Planning Authority in granting a Certificate of Lawfulness under Section 192 of the Town & Country Planning Act 1990, which were recorded in the Enforcement Register were subsequently deleted from the register?

Please see refusal notice below. As a general point, no planning enforcement service requests are deleted from the Enforcement register. If no action is taken regarding an enforcement matter, the case will be closed and kept on record marked as "no further action".

How many of the 103 Planning complaints submitted in 2016 / 17 under the Council's Corporate Complaints Procedure relate to errors made by the Local Planning Authority in granting a Certificate of Lawfulness under Section 192 of the Town & Country Planning Act 1990?

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Refusal Notice

We may hold some of the information requested.

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:

- It does not represent a cost effective use of the Council's resources, we received 104 complaints and it would take approximately 15 minutes per complaint so therefore this would equate over 26 Hours

(15 minutes times 104 cases divided by 60 minutes = 26 hrs)

- 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

Outcome of complaints and, where applicable any compensation awarded on planning complaints by the Local Government Ombudsman in relation to Barnet Council can be found at the following link

<https://www.lgo.org.uk/Decisions/SearchResults?t=both&fd=2016-04-01&td=2017-03-31&c=8&dc=c%2Bnu%2Bu%2B&aname=barnet&sortOrder=descending>

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.