



London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
9 December 2019
Our ref: 5773068

Thank you for your request received on 7 November 2019, for the following information:

Freedom of Information request in respect of use of land at 'Rear Of, 112 - 120 Cricklewood Lane, London, NW2 2DP' as a mosque - Markaz El Tathgeef El Islami

- 1. Could you please supply me with dates and reference details of all and any Enforcement Notices served in relation to the use of land at 'Rear Of, 112 - 120 Cricklewood Lane, London, NW2 2DP' as a mosque (Markaz El Tathgeef El Islami), dating from 1990 to 2017.**
- 2. Could you please supply me with all and any enforcement letters sent by the Council in relation to the use of land at 'Rear Of, 112 - 120 Cricklewood Lane, London, NW22DP' as a mosque (Markaz El Tathgeef El Islami), dating from 1990 to 2017.**
- 3. Could you please let me know how many complaints (including letters and emails) were sent to the Council by members of the public in respect of the use of land at 'Rear Of, 112 - 120 Cricklewood Lane, London, NW2 2DP' as a mosque (Markaz El Tathgeef El Islami), dating from 1990 to 2017.**
- 4. Could you please supply me with dates and reference details for any Certificate of Lawfulness applications made to the Council in respect of the use of land at 'Rear Of, 112 - 120 Cricklewood Lane, London, NW2 2DP' as a mosque, during the period 1990 to 2017.**
- 5. Could you please supply me with dates and reference details for any planning applications made to the Council in respect of the use of land at 'Rear Of, 112 - 120 Cricklewood Lane, London, NW2 2DP' as a mosque, during the period 1990 to 2017.**

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

Response

The council holds the information requested and it is attached/ the answers to your questions are below

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There have been two cases recorded for the site Rear of 112-120 Cricklewood Lane between 1990-2017:

- ENF/01156/06/C ' Breach: 'Building under development, Used as a Mosque.' Markaz El Tathgeef El Islami, R/O 112-120 Cricklewood Lane, London, NW2 2DP This is closed case. There are no letters in connection with this case on the Council's record.

- ENF/01680/09/F ' The following condition has not been complied with; Condition 3 of planning permission C02550AJ/00 which says; The use hereby permitted shall only be open between 9:00am to 10:30pm on any day and shall not be occupied by any more than 100 persons at any time. Reason: To safeguard the amenities of neighbouring residents. | Markaz El Tathgeef El Islami, R/O 112-120 Cricklewood Lane, London, NW2 2DP This is a live case, see refusal notice below.

Updates on Planning Enforcement cases are available by selecting the enforcement tab

<https://www.barnet.gov.uk/planning-and-building/planning/find-and-comment-planning-applications>

Corporate Complaints has confirmed no corporate complaints received since records are held, from 2014 onwards.

Parking Services has confirmed that there are no complaints recorded since records are held, from 2014 onwards.

Esates have had no complaints regarding Land R/O 112-120 Cricklewood Lane.

Community Safety have searched address and have been unable to locate any details.

4. Could you please supply me with dates and reference details for any Certificate of Lawfulness applications made to the Council in respect of the use of land at 'Rear Of, 112 - 120 Cricklewood Lane, London, NW2 2DP' as a mosque, during the period 1990 to 2017.

This information is readily available at the following link

<https://www.barnet.gov.uk/planning-and-building/planning/find-and-comment-planning-applications>

5. Could you please supply me with dates and reference details for any planning applications made to the Council in respect of the use of land at 'Rear Of, 112 - 120 Cricklewood Lane, London, NW2 2DP' as a mosque, during the period 1990 to 2017.

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Refusal Notice

Regulation 12 (5) (b) (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 there is a live planning enforcement case and because it would be premature to do so ahead of the set down process for consider the appeal of the Enforcement Notice served. 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.

Regulation 13 (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.