

20 January 2020

Our ref: 5890432

Thank you for your request received on 17 December 2019, for the following information:

By way of an FOI request will you please respond to the following:-

1) The number of prosecutions carried by your council out over the past six years involving offences under section 179 of The Town and Country Planning Act 1990.

2) The number of prosecutions under the said section disposed of in the Magistrates Courts

3) The number of prosecutions under the said section disposed of in the Crown Court either by election or through referral from the Magistrates Court.

4) The details of the enforcement notice and or stop notice giving rise to the prosecution in question.

4A) Details of the Enforcement Reference Number, details of the breach alleged, details of the effective date and details of the date for compliance.

5) The name address and reference of the agent, if any, representing the alleged transgressor of the council planning policies etc.

6) Details of the PINS reference number in the event of an appeal being filed against the enforcement notice in question.

7) Details of the outcome of the section 179 Prosecution. Whether the defendant pleaded guilty/not guilty or was found guilty/not guilty or other outcome as the case may be.

7) Details of the fine or other sentence passed on the defendant

8) Whether an order was made under Part 2 of the Proceeds of Crime Act 2002 (POCA).

9) Details of the POCA order made, ie, what was the monetary or other extent of the POCA order.

I look forward to hearing from you as soon as possible

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 6(1)(b) applies to the information requested because the information requested is already publicly available and easily accessible.

1) The number of prosecutions carried by your council out over the past six years involving offences under section 179 of The Town and Country Planning Act 1990.

2) The number of prosecutions under the said section disposed of in the Magistrates Courts

3) The number of prosecutions under the said section disposed of in the Crown Court either by election or through referral from the Magistrates Court.

In all instances bar one (97 Hendon Way) the defendant was found guilty in a criminal court. In the exception no conviction was possible as the defendant did not attend. Nevertheless the judge was satisfied that a crime has taken place and the defendant was responsible.

Please see attached spreadsheet.

4) The details of the enforcement notice and or stop notice giving rise to the prosecution in question.

4A) Details of the Enforcement Reference Number, details of the breach alleged, details of the effective date and details of the date for compliance.

Where an Enforcement Notice has been served e.g. 7 The Drive, London, NW11 9ST this can be located by selecting the Enforcement Tabs, inserting the address and <https://publicaccess.barnet.gov.uk/online-applications/>

Please note the public Enforcement register holds details of Planning Enforcement Notices and Stop Notices.

Please see attached spreadsheet.

5) The name address and reference of the agent, if any, representing the alleged transgressor of the council planning policies etc.

This information be made available on the PINS Planning Appeals database <https://acp.planninginspectorate.gov.uk/CaseSearch.aspx> if the matter went to Appeal

Select London Borough of Barnet

Under Advanced select 'Procedure Type', choose from

- Hearing
- Inquiry
- Written Representations

Then select Search

6) Details of the PINS reference number in the event of an appeal being filed against the enforcement notice in question.

Further details on the notices and appeal can be found on the PINS website - <https://acp.planninginspectorate.gov.uk/CaseSearch.aspx>

7) Details of the outcome of the section 179 Prosecution. Whether the defendant pleaded guilty/not guilty or was found guilty/not guilty or other outcome as the case may be.

Please see attached spreadsheet

7) Details of the fine or other sentence passed on the defendant

Please see attached spreadsheet

8) Whether an order was made under Part 2 of the Proceeds of Crime Act 2002 (POCA).

Please see attached spreadsheet

9) Details of the POCA order made, ie, what was the monetary or other extent of the POCA order.

Please see attached spreadsheet

We consider that regulation 13 (Personal information) applies to the information requested.

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

Refusal Notice

[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.