



London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
23 March 2020
Our ref: 6041688

Thank you for your request received on 29 January 2020, for the following information:

1. Regardless of when he was first aware of the case and became involved, can you confirm specifically that the then Leader (Councillor Cornelius) officially referred this case, or re- referred it to the Monitoring Officer shortly after the 14th December 2017 and that he provided the Monitoring Officer with all the paperwork which I and a witness gave to the then Leader on the 14th December 2017, during our meeting with the then Leader at Hendon Town Hall?

2 Can you please confirm that the Monitoring Officer then thoroughly investigated the case HIMSELF , and studied the evidence and documentation provided to him?

3 Can you please confirm that as part of this investigation, the following people were among those communicated with and questioned:

- A The main case officer and any other officers involved**
- B The applicant who posted the fraudulent application**
- C The applicant's agent**

4. Why did the Council conclude that: the case officer's failure to invoke the Fraud Policy, to show due diligence, to contain and address the contents of the solicitor's representation received in his report to the Planning Committee and to regard the solicitor's letter as putting the Council on notice that the application was unsound, did not constitute wrongdoing? Please refer to each of the 4 elements above in this response.

5. Following investigation, why did the case Officer accept the word, ' in good faith,' of the applicant, who had already breached planning control, over the word, in a formal letter, of a solicitor, which was corroborated by the other owner?

6. Why did the case Officer, following the Planning Committee meeting, write formally to the solicitor and tell him that his comments had received ' careful consideration' by the Planning Committee, when he knew that not to be possible?

After thorough investigation, why did the Council conclude that this action was NOT wrongdoing?

7. In a response to me of March 2018 from the Monitoring Officer and more recently in the poorly detailed FOI response, I was told that , in reference to the conduct of planning officers in this case, including their failure to apply safeguards:

' Council officers acted lawfully and correctly in causing a decision to be made by the Council.'

What does the Council mean by this sentence, with particular reference to the verb ' causing'?

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

Response

I am writing to inform you that we have searched our records and the information you requested is not held by London Borough of Barnet.

1. Regardless of when he was first aware of the case and became involved, can you confirm specifically that the then Leader (Councillor Cornelius) officially referred this case, or re- referred it to the Monitoring Officer shortly after the 14th December 2017 and that he provided the Monitoring Officer with all the paperwork which I and a witness gave to the then Leader on the 14th December 2017, during our meeting with the then Leader at Hendon Town Hall?

The Monitoring Officer no longer works for the council so I am not able to confirm

2 Can you please confirm that the Monitoring Officer then thoroughly investigated the case HIMSELF , and studied the evidence and documentation provided to him?

The Monitoring Officer no longer works for the Council so I am not able to comment on this.

3 Can you please confirm that as part of this investigation, the following people were among those communicated with and questioned:

A The main case officer and any other officers involved

B The applicant who posted the fraudulent application

C The applicant's agent

The Monitoring Officer no longer works for the Council so I am not able to comment on this.

4. Why did the Council conclude that: the case officer's failure to invoke the Fraud Policy, to show due diligence, to contain and address the contents of the solicitor's representation received in his report to the Planning Committee and to regard the solicitor's letter as putting the Council on notice that the application was unsound, did not constitute wrongdoing? Please refer to each of the 4 elements above in this response.

The wider context and history relates to a case that dates from 2011 and has already been through the Council's complaints procedure concerning an allegation that the

Local Planning Authority did not follow due process during the determination of a planning application.

The grievance with London Borough of Barnet regarding this matter has been through the Council's corporate complaints procedure, Stage 1, Stage 2 and Stage 3 and the Local Government Ombudsman decided that no investigation was required as there was no evidence of maladministration. In 2016 the then Chief Executive Andrew Travers asked a principal lawyer to review the complaint, but the findings were that it was unlikely to be in the public interest to pursue this matter further. The Council's Corporate Anti-Fraud Team have also considered and they also concluded it would not be in the public interest to pursue the matter further.

As the Monitoring Officer no longer works for the Council so I am not able to comment further on this

5. Following investigation, why did the case Officer accept the word, 'in good faith,' of the applicant, who had already breached planning control, over the word, in a formal letter, of a solicitor, which was corroborated by the other owner?

The case officer no longer works for the Council so I am not able to comment on this, there is nothing held on the planning file to assist with a response.

6. Why did the case Officer, following the Planning Committee meeting, write formally to the solicitor and tell him that his comments had received 'careful consideration' by the Planning Committee, when he knew that not to be possible?

The case officer no longer works for the Council so I am not able to comment on this, there is nothing held on the planning file to assist with a response.

7. In a response to me of March 2018 from the Monitoring Officer and more recently in the poorly detailed FOI response, I was told that , in reference to the conduct of planning officers in this case, including their failure to apply safeguards: ' Council officers acted lawfully and correctly in causing a decision to be made by the Council.' What does the Council mean by this sentence, with particular reference to the verb 'causing'?

The Monitoring Officer no longer works for the Council so I am not able to answer.

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.