

London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
4 October 2021
Our ref: 7550372

Thank you for your request received on 6 August 2021, for the following information:

I read about last month's decision to defer a ruling the Markaz application and am keen to understand the process that led to the decision.

To wit, please see the FOI requests below.

1. Please provide the following information

All correspondence and records of communication including but not limited to: email, text, WhatsApp messages and written notes of conversations, since 1 July 2020, between officers of the Council and Cllr Shimon Ryde and/or Cllr Peter Zinkin relating to or containing reference to the planning application 20/2988/FUL by Markaz El Tathgheef el-Eslami Islamic Centre (The Markaz) at the Hippodrome in Golders Green.

2. Please provide the following information

All correspondence and records of communication, including but not limited to: email, text, WhatsApp messages and written notes of conversations, held by Cllr Peter Zinkin containing reference to the Golders Green Hippodrome.

3. Please provide the following information:

All correspondence and records of communication, including but not limited to: email, text, WhatsApp messages and written notes of conversations, since 1 July 2020, between council officers and Cllr Peter Zinkin containing the following key word search terms: 'Hippodrome', 'Markaz', 'mosque' and 'Islamic centre'.

Please send responses to each request as soon as they become available rather than waiting to complete all three requests before responding.

Please acknowledge receipt of this FOI request when you receive it.

You can send all responses to me at this email address.

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.

The Markaz application to which you refer relates to the Golders Green Hippodrome.

The Council has already placed the following information into the public domain.

- Enforcement Notice issued: 24.04.2019
- Enforcement Notice Appeal submitted: 05.2019 **ref: Planning Inspectorate APP/N5090/C/19/3229937: Hippodrome, NW11 7RP**
- Planning Application submitted: 07.2020 **ref: 20/2988/FUL**
- The planning application will be determined by Committee at a date to be confirmed but likely to be later this year

R6(1)(b) – Material already published

Under Regulation 6(1)(b) of EIR, we are not required to provide information in response to a request if it is already reasonably accessible to you by other means.

The information relevant to your request is published online at the following link:

[Find and comment on planning applications | Barnet Council](#)

Please also see attached information

However, we believe that the exceptions detailed below apply to some of this information and this is withheld. Please see the Refusal Notice below.

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Please see attached

Refusal Notice

R13 – Personal data

We have also redacted the names of junior individuals working in the Council or for other organisations involved and telephone contact and email details from members of the public making formal representations to planning application and planning enforcement notice appeal by virtue of Regulation 13 of the Environmental Information regulations 2004, as disclosure of this information to the public generally, in the Council's view, would not be consistent with the data protection principle found in Article 5.1(a) of the General Data Protection Regulation (GDPR) lawfully, transparently and fairly. We have considered whether disclosure is lawful and fair and whilst it may be lawful under Article 6.1(f) GDPR (legitimate interests) it would not be fair to the individuals concerned who would not expect the names of junior employees to be disclosed as part of such a request.

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

Therefore, we have decided to withhold the information.

R12(5)(a) - International relations, defence, national security or public safety

The Council has determined that releasing information about the individual representation made in response to the planning application and planning enforcement notice appeal might endanger public safety and result in the individual becoming targeted in future. The Council respects the individuals wish to remain anonymous.

This is a qualified exception under the 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 exception. The public interest means what is in the best interests of the public, not what is of interest to the public. We have considered the public interest the disclosure of this information. These factors are that the decision making processes of public functions should be transparent and open to scrutiny in order to inform the public debate. The disclosure of information in relation to the individuals name might result in them become targeted for abuse. The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information. Therefore, we have decided to withhold the information.

R12(5)(b) The course of justice, fair trial or inquiry of a criminal or disciplinary nature

The information requested forms part of an enforcement case as it concerns matters of enforcement and investigations into an alleged breach of planning control. In addition legal advice has been sought and the associated planning application to regularise the breach of planning control. Disclosure could prejudice the way the London Borough of Barnet conducts investigations and any other matter it has a duty to investigate.

This is a qualified exception under the 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 exception. The public

interest means what is in the best interests of the public, not what is of interest to the public.

We have considered the public interest the disclosure of this information. These factors are that the decision making processes of public functions should be transparent and open to scrutiny in order to inform the public debate. The disclosure of information in relation to enforcement and investigations, would compromise proceedings. In these circumstances of the case it is our view that the public interest in maintaining the exception outweighs the public interest in disclosing the information. Therefore we have decided to withhold the 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

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 Records & Information Management Service, Assurance Group, 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.