

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
9 November 2021
Our ref: 7725572

Thank you for your request received on 13 October 2021, for the following information:

have read the council's published formal delegated report for planning application ref: 17/5234/HSE and this states in the ninth paragraph of section 3 the following:

"This application would be largely retrospective, works appear to have been complete at the site."

The report confirms the planning officer (Name of officer redacted) visited the site on 21st September 2017, and as stated in her report she witnessed the development was complete at the time of her visit.

It is usual for planning officers to take photographs when they undertake site visits so I would ask that all photographs taken of the property by officers are forwarded onto me - I make this request under the Freedom of Information Act.

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 believe that the exceptions detailed below apply to all of this information and this is withheld. Please see the Refusal Notice below

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

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.

The information requested forms part of an enforcement appeal and the disclosure could prejudice the investigations

There is an open Enforcement appeal at this site and therefore the photos cannot be released because these proceedings are still ongoing, however the photos can be released at a later date, approximately by the end of March 2022, Therefore, we have decided to withhold the information.

In applying this exception, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

Factors in favour of disclosure

To promote openness and transparency

The decision making processes of public functions should be transparent and open to scrutiny in order to inform the public debate.

Factors in favour of withholding

The disclosure of information in relation to enforcement and investigations, would compromise proceedings. In these circumstances of this 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.