

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
25 November 2022
Our ref: 8595540

Thank you for your request received on 2 November 2022, for the following information:

-The number of noise complaints received that could be classified as a 'statutory nuisance' under the Environmental Protection Act 1990, made during the years 2019,2020,2021 and 2022 calendar year.

-The type of complaint received, for example, noise from intruder alarms, noise from construction work etc.

-How many complaints were further investigated and resulted in police action?

-How many construction projects were recorded during the years 2019,2020 and 2021?

-How many active construction projects are currently underway this year?

Please provide the information in a Microsoft Excel and Word File.

I look forward to receiving your response within 20 working days. If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits, please provide advice and assistance, under your Section 16/Section 15 obligations, as to how I can refine my request to be included in the scope of the Act. If you can identify other ways in which my request could be refined please provide further advice and assistance to indicate this.

If you have any queries please don't hesitate to contact me and I will be happy to clarify what I am asking for.

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 some of this information and this is withheld. Please see the Refusal Notice below.

-The number of noise complaints received that could be classified as a 'statutory nuisance' under the Environmental Protection Act 1990, made during the years 2019,2020,2021 and 2022 calendar year.

-The type of complaint received, for example, noise from intruder alarms, noise from construction work etc.

Please see attached

-How many complaints were further investigated and resulted in police action?

Please see attached

-How many construction projects were recorded during the years 2019,2020 and 2021?

-How many active construction projects are currently underway this year?

Please see attached for all commencement dates after 1 Jan 2019 where the Council has been notified of a start in building works. Please note this is only required where payment of Community Infrastructure Levy is required.

Refusal Notice

R12(4) (b) the request for information is manifestly unreasonable

Regulation 12(4)(b) of the Environmental Information Regulations 2004 provides an exception to the disclosure of information in situations where the request is manifestly unreasonable. This exception may be invoked where the request places a substantial and unreasonable cost or burden of dealing with it.

This is a qualified exception under 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 exemption. The public interest means what is in the best interests to the public.

Public interest test considerations

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information requested. 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 to which the EIR and the Council aspire ;
- The benefits of ensuring transparent and accountable government

However, there are also public interest arguments against disclosure:

Each record would need to be accessed individually and data collated and this would take well in excess of 18 hours to complete

(15 minutes per case, 4706 cases in total divided by 60 minutes = 1176hrs)

- The diversion of resources that will be necessary in providing the information requested negatively impact on its ability to deliver its core functions

The Council considers that the public interest in withholding the requested information outweighs the public interest test in disclosure of the requested information.

Advice and Assistance. We are unable to offer any advice and assistance as to how the request could be narrowed and brought within 18 hours.

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.