

London Borough of Barnet  
2 Bristol Avenue,  
Colindale NW9 4EW  
18 March 2024  
Our ref: 11413884

Thank you for your request received on 22 January 2024, for the following information:

**In accordance with the provisions specified within the above Act we request the following information to be provided:**

**Excluding any personal information, please can a copy of any S.215 notices which have been served by Barnet Council since the 01st April 2017 (Land adversely affecting the amenity of the area) be provided?**

**Please can the response include confirmation of the company served on, the land to which the notice relates, what the occupier is required to do, time for compliance and when the notice takes effect.**

**We look forward to receiving your response.**

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

***In accordance with the provisions specified within the above Act we request the following information to be provided:***

***Excluding any personal information, please can a copy of any S.215 notices which have been served by Barnet Council since the 01st April 2017 (Land adversely affecting the amenity of the area) be provided?***

***Please can the response include confirmation of the company served on, the land to which the notice relates, what the occupier is required to do, time for compliance and when the notice takes effect.***

Since 1 April 2017, 180 Untidy Site Notices have been served, of which 74 remain cases open.

Please find attached.

No personal data is provided as requested.

### **Refusal Notice**

#### **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.

Where the S215 Notice has not yet been complied with information is not provided to you as this is a live investigation.

The information requested forms part of an enforcement case as it concerns matters of enforcement and investigations into an alleged untidy site notice breach. 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](http://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](mailto: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](http://www.ico.org.uk)). There is no charge for making an appeal.