

12 November 2024
Our ref: 13195216

Thank you for your request received on 17 October 2024, for the following information:

Please could you provide me with the following information:

- 1. How many pubs have been subject to noise complaints in each of the past five financial years?**
- 2. If possible, please could you provide the location of each pub and the number of noise complaints received relating to each establishment.**
- 3. What action was taken in relation to each pub that was subject to a complaint/s? This might include restrictions on licencing hours, enforcement action, legal action, closure order.**

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.

Please could you provide me with the following information:

- 1. How many pubs have been subject to noise complaints in each of the past five financial years? (regulation 12(4)(b) applied thus the rest of the EIR is not answerable)***
- 2. If possible, please could you provide the location of each pub and the number of noise complaints received relating to each establishment.***
- 3. What action was taken in relation to each pub that was subject to a complaint/s? This might include restrictions on licencing hours, enforcement action, legal action, closure order.***

R12(4)(b) - Manifestly unreasonable

We consider that regulation 12(4)(b) (Manifestly unreasonable) applies to the information requested because we consider that the request is manifestly unreasonable.

This is because: **Although we may hold the data**, our database systems do not capture noise complaint information in a way that makes the premise easily identifiable as a Pub. We are therefore not able to interrogate it to the level of detail you require without checking each individual record, and then cross-checking business types with addresses, which would require an excessive amount of officer time, removing them from their core duties.

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

Furthering the understanding and participation in the public debate of issues of the day. Promoting accountability and transparency by public authorities for decisions taken by them. Promoting accountability and transparency in the spending of public money. Allowing individuals, companies and other bodies to understand decisions made by public authorities affecting their lives. Bringing to light information affecting public health and safety.

Factors in favour of withholding

The case management system used to log noise complaints only allows searches under the registered names of commercial premises only.

As such, as of April 1st 2019, there were a total of 11,679 possible noise complaints pertaining to pubs received.

Given an estimate of 1 minute to determine whether the establishment is a pub/whether the case is referring to a noise complaint, it would take an officer 194 hours to go through all 11679 cases.

We believe that the time spent on properly providing a response for this information request will significantly hinder the ability of officers to carry out their day-to-day duties.

To refine this request in order for us to provide a response, you could provide specific names of pubs and reduce timescale of the last five financial years.

In all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Worked example - R12(4)(b) - Manifestly unreasonable (Council resources)

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. The purpose of the exception is to protect public authorities from exposure to a disproportionate burden or an unjustified level of distress, disruption or irritation, in handling information requests.

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 exception. The public interest means what is in the best interests to the public.

The information was prepared for internal circulation and its release may affect our ability to effectively share information of this kind internally. 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. 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 case against is the burden on the public authority and diversion away from its core business.

I am not able to confirm whether the Council holds the information that you have requested because it would mean locating and retrieving 11679 cases and would take 1 minutes to look at each individual file, a total of 194 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.