

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 24 January 2023

Public Authority: Harrow Council
Address: Civic Centre
Station Road
Harrow
HA1 2XF

Decision (including any steps ordered)

1. The complainant has requested information regarding planning complaints.
2. The Commissioner is satisfied that Harrow Council has provided the complainant with all the requested information it holds.
3. The Commissioner does not require Harrow Council to take any steps.

Request and response

4. On 19 April 2021, the complainant wrote to Harrow Council and requested information in the following terms:

"Please can you provide a list of ALL PLANNING COMPLAINTS between 16th September and 4th October 2019, which resulted in Planning Enforcement being engaged. I want to know the following:
 1. date/time the complaint was raised

2. the title and description
 3. date/time it was reviewed and prioritised by Harrow Council
 4. the heading/classification given
 5. the date/time assigned to a Planning Officer
 6. the date/time of initial visit to site by Planning Enforcement
 7. date/time registered on Council's system
 8. dates /times of subsequent visits to site
 9. dates when any communication and notice issued".
5. The public authority responded on 7 May 2021. It refused his request as it considered it to be vexatious.
 6. Following an internal review the public authority wrote to the complainant on 22 September 2021. It revised its position and stated that

"Information is under TAB 6195476 on the attached spreadsheet – Please note that the information is only Planning Enforcement Complaints which have been made into formal cases on our system. There is no facility available to view all "planning complaints received" and this information is not available."

Scope of the case

7. The complainant contacted the Commissioner on 10 October 2021 to complain about the way his request for information had been handled.

Reasons for decision

8. The requested information concerns planning matters. As such the Commissioner is satisfied that the information sought is environmental information under regulation 2(1)(a) and 2(1)(c) of the EIR.

Regulation 5 – duty to make environmental information available on request.

9. Under regulation 5(1) of the EIR, a public authority must make environmental information available on request if it holds the information and it is not subject to an exception.
10. Where there is a dispute between a public authority and a complainant as to whether all requested information falling within the scope of a request has been provided to the complainant, the Commissioner, following the lead of a number of First-tier Tribunal decisions, must decide the matter based on the civil standard of on the balance of probabilities.
11. In order to determine this matter, the Commissioner asked a series of questions of the public authority regarding whether it had disclosed all the requested information it holds to the complainant. The salient questions and answers thereto are replicated below.

What searches have been carried out to check no further information was held within the scope of the request and why would these searches have been likely to retrieve any relevant information?

- A search has been carried out on the Planning Enforcement database and a screen shot of what is recorded in a typical case has been attached. The screenshot confirms that the system does not record the times that this request was seeking.

Please describe thoroughly any searches of relevant paper/electronic records and include details of any staff consultations.

- Consultations were held with the Planning Enforcement team and searches were undertaken on the database.

If searches included electronic data, which search terms were used and please explain whether the search included information held locally on personal computers used by key officials (including laptop computers) and on networked resources and emails.

- Searches were conducted on the planning enforcement database and on Officer's laptops.

If no or inadequate searches were done at the time, please rectify this now and let me know what you have done.

- N/A

If the information were held, would it be held as manual or electronic records?

- Electronic

Was any recorded information ever held relevant to the scope of the complainant's request but deleted/destroyed?

- No

If recorded information was held but is no longer held, when did Harrow Council cease to retain this information?

- N/A

Does Harrow Council have a record of the document's destruction?

- N/A

What does Harrow Council formal records management policy say about the retention and deletion of records of this type? If there is no relevant policy, can the council describe the way in which it has handled comparable records of a similar age?

- No records have been deleted but privacy notice attached [gdpr-privacy-notice-council-wide-updated-16th-december-2019.pdf](#) ([harrow.gov.uk](#))

If the information is electronic data which has been deleted, might copies have been made and held in other locations?

- N/A

Is there a business purpose for which the requested information should be held? If so, what is this purpose?

- No

Are there any statutory requirements upon Harrow Council to retain the requested information?

- No

12. Having regard to the above, the Commissioner is satisfied that any requested information is held electronically by the public authority and the searches undertaken were sufficient to identify the totality of information requested. In particular the Commissioner notes that the complainant was seeking information where planning complaints had resulted in "Planning Enforcement being engaged". This indicates a degree of formality in the registering of complaints by the public authority. Consequently, the Commissioner cannot discern evidence that the public authority has not discharged its obligations under the EIR to provide requested information. Therefore having regard to the nature of the information requested, the information provided, and the searches

undertaken the Commissioner is satisfied that on the balance of probabilities the public authority has provided the complainant with all the requested information it holds.

Right of appeal

13. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Gerrard Tracey
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Wycliffe House
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SK9 5AF