

FOI Ref
10340

Response sent
16 Feb 2022

(CCC) pre action letter and FOI request for 107 Darwin Drive Cambridge

Please see letter attached.

1. Any communication between Cambs City Council Planning Enforcement and Mr. R.Kerr, 106 Darwin Drive, Cambridge regarding the property at 107 Darwin Drive. I understand Mr.R.Kerr has recently (23rd December 2021) made the same request himself, but he has yet to receive a reply.
2. Any communication between Cambs City Council Planning Enforcement and 107 Darwin Drive Cambridge. Once again, I understand that Mr.R Kerr has previously made a request, but the response he received was risible. I would request a comprehensive history of any communications between the two parties.
3. The diaries of any Councillors on the Planning Committee at the meeting dated 1st December 2021 including those who visited 107 Darwin Drive Cambs prior to the planning meeting taking place. I request any emails, letters and other communications pertaining to the application including, but not restricted to, any lobbying done by any other Cambridge City Councillors, by any Cambridge County Councillors, by the applicants or by anyone else. I would request any invitations received to visit the premises, whether the Councilor visited or not.

Response:

Thank you for your request above which we have handled under the Environmental Information Regulations 2004. (EIR) Requests concerning elements of the environment are exempt under the Freedom of Information Act (FOI) under section 39 – Environmental information. Environmental Information Regulations (2004) – EIR – covers information held by organisations that relates to any part or state of the environment, flora and fauna. Most planning information requests will fall under this Act, as well as site monitoring, air quality, water course etc., you can find out more about EIR here: [What are the Environmental Information Regulations? | ICO https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/what-are-the-eir/](https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/what-are-the-eir/)

1. Any communication between Cambs City Council Planning Enforcement and Mr. R.Kerr, 106 Darwin Drive, Cambridge regarding the property at 107 Darwin Drive. I understand Mr.R.Kerr has recently (23rd December 2021) made the same request himself, but he has yet to receive a reply.

2. Any communication between Cambs City Council Planning Enforcement and 107 Darwin Drive Cambridge. Once again, I understand that Mr.R Kerr has previously made a request, but the response he received was risible. I would request a comprehensive history of any communications between the two parties.

As regards 1, and 2 above, we note you have requested detail that will be contained within enforcement files. We can advise that we do hold 8 enforcement files concerning 107 Darwin Road all of which have been closed. We find that exception 12(5)(b) – law enforcement of the

EIR will apply to 1 and 2. This exception under EIR is subject to a public interest test, this means assessment must be made as to whether there is any material that can be disclosed. Any consideration of information being disclosed must be considered to be into the wider public domain. Whilst it is in the public interest to show transparency in decision making and process. By their very nature of being investigations that the authority has a duty to undertake to see whether planning rules and regulations have been breached, and whether further formal action may be required, enforcement files and any communications relevant to an investigation are confidential and not disclosed to the public. It would not be in the public interest to disclose material that could disrupt an investigation prior to its conclusion. Even once concluded, apart from the outcome, it would not be in the public interest to disclose material that could be used for fraudulent or criminal activity and undermine future investigations. There is a significant public interest in allowing investigations to progress unhindered to their conclusion and to prevent disruption of any future investigations the authority may need to conduct. In addition, exception 13(1) – personal data – will also apply, under 13(5) we are unable to confirm or deny that any material concerning the individual you have named is held. 3. The diaries of any Councillors on the Planning Committee at the meeting dated 1st December 2021 including those who visited 107 Darwin Drive Cambs prior to the planning meeting taking place. I request any emails, letters and other communications pertaining to the application including, but not restricted to, any lobbying done by any other Cambridge City Councillors, by any Cambridge County Councillors, by the applicants or by anyone else. I would request any invitations received to visit the premises, whether the Councillor visited or not. In response to this question As regards: 3. The diaries of any Councillors – we find this information to be exempt under exception 13(1) – personal data. Whilst we may have facility for Councillors to use an electronic diary provided by Council systems, they are not obliged to use it, and where used, this is considered personal to the individual. Whilst there may be a public interest in awareness of the actions and whereabouts of those representing the public it is not in the public interest to have access to information that may be considered intrusive to the life of any individual and we decline to provide it to you. You can find out more about Councillors, the areas they represent and the committees they participate on here: <https://www.cambridge.gov.uk/councillors-and-committees> We are able to provide you with the following: Those attended Planning Committee on 1st December 2021: Councillors M Smart (Chair) D Baigent (Vice-Chair) R Dryden J Gawthrope Wood K Porrer K Thornburrow You can also find details of the meeting on our website here: Agenda for Planning on Wednesday, 1st December, 2021, 10.00 am - Cambridge Council <https://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=181&MId=4018> Those invited by Shah Jalal Islamic Centre on 19 November 2021 to site visit (please see email attached): Dave Baigent – did not attend Martin Smart – did attend Robert Dryden – did attend Ingrid Flaubert – did not attend Jenny Gawthrope Wood – did attend Katie Porrer – did not attend Katie Thornburrow – did not attend Please note that due to our obligations regarding personal data a small amount of redaction has been applied to the document. Cllr Mike Todd-

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Jones, Cllr O'Reilly, and Cllr Sheil (Arbury Cllrs) attended a zoom meeting with the applicants to discuss the application on 11 June 2021 with case officer Lewis Tomlinson to progress application following an informal complaint from the applicant regarding delays. This meeting was not recorded. Whilst we can confirm that we do hold communications concerning application 19/1453/FUL that span from 2017 we find that exception 12(4)(b) – manifestly unreasonable – applies, the work required to search for, check and supply any further emails, letters and other communications pertaining to the application is considerably excessive. A public interest test is required for the application of this exception. We have ascertained that so far, we have in excess of 1600 items that will require checking individually for their relevance. Using the FOI cost limit of £450 or 18 hours of officer time at £25 per hour, assuming a minimum of 2 minutes to check each item, at a minimum of 53 hours required, this significantly exceeds a reasonable cost and time burden to the organisation and would require officers to be diverted from normal duties. Given that the application is decided, and such a search could indeed be futile we consider the public interest is served in not diverting resources and officers away from normal duties and we decline to provide this material to you. We appreciate you may be disappointed in this response; however, we hope our explanations and the information we have been able to provide is useful to you

We aim to provide a high-quality service to you and hope that you are satisfied with this response. If you have any further questions, please do not hesitate to contact us.

Further queries on this matter should be directed to foi@cambridge.gov.uk