

Date: 08/03/19
Our Ref: RFI2625
Your Ref: FOI Request – Local Listed Building Consent Orders
Tel: 0300 1234 500
Email: foi@homesengland.gov.uk



Homes
England

[REDACTED]
By Email Only

Windsor House
50 Victoria Street
London
SW1H 0TL

Dear [REDACTED]

RE: Request for Information – RFI2625

Thank you for your recent email, which was processed under the Freedom of Information Act 2000 (FOIA). For clarification, you requested the following information:

I am writing from the Listed Property Owners' Club Campaign For Owners. We are contacting you regarding the Planning (Local Listed Building Consent Orders) (Procedure) Regulations 2014, which made provision for allowing local planning authorities to issue general consent for specific types of work to listed buildings within their authority. These regulations make reference to planning authorities notifying "the Commission" of their use of an LLBCO (part 5 of the regulations), which the Ministry of Housing, Communities and Local Government informs us refers to Homes England. As a result we believe that monitoring data regarding the use of LLBCOs must be held by Homes England as a statutory provision of the regulations.

As a result we are requesting the following data under the Freedom of Information Act:

- 1. Any and all data held by Homes England regarding the number of local listed building consent orders that have been made since the 2014 regulations came into effect, including which planning authorities have used LLBCOs.*
- 2. Any data held by Homes England regarding cost or resource savings that have been realised as a result of LLBCOs being used.*
- 3. Any studies undertaken regarding the effectiveness of LLBCOs as an instrument.*

If this data is not held by Homes England we request to know which public body does receive notifications regarding LLBCO's from local authorities, pursuant to the 2014 regulations. If Homes England is not "the Commission" as referenced in the regulations, then which body does this make reference to? As a matter of law, some central body must be in receipt of the data involved and must be holding it in accordance with transparency regulations; we would find it distressing to discover that no-one within central government knows which body this is or if this is being carried out.

Response

I am able to confirm that Homes England does not hold the information detailed in your request. This is because there is no legal or business reason for Homes England to do so.

In order to conclude that the information is not held, we have searched with our Valuations and Disposal team who would have the information requested if held.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

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Advice and Assistance

Homes England has a duty to provide advice and assistance in accordance with section 16 of the FOIA. To comply with this duty we are able to confirm that “the Commission” as referred to in The Planning (Local Listed Building Consent Orders) (Procedure) Regulations 2014 actually means Historic England.

I therefore suggest that you submit this request to Historic England as they may hold the information that falls within the scope of your request.

Please find the link to their freedom of information web address below:

<https://historicensland.org.uk/about/what-we-do/access-to-information/placing-a-request/>

Right to Appeal

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review by writing to;

The Information Access Team
Windsor House
50 Victoria Street
London
SW1H 0TL

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

Information Access Team
For Homes England