

6 August 2019  
Our ref: 5480028

Thank you for your request received on 9 July 2019, for the following information:

***Under the Freedom of Information Act I am requesting the following information regarding section 106 developer contributions:***

***1. Section 106 payments, expenditure and balances at March 2019 (see excel doc, tab 1)***

***2. 2018/19 section 106 expenditure by category (see excel doc, tab 2)***

***3. A copy of the council report for 2018/19 s106 allocated expenditure by category.***

***Please provide the response to questions 1 and 2 in the table attached.***

***If you need further clarification, please contact me on this email or the number below.***

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 consider that the following exception applies to some of the information requested - see Refusal Notice.

**Under the Freedom of Information Act I am requesting the following information regarding section 106 developer contributions:**

**1. Section 106 payments, expenditure and balances at March 2019 (see excel doc, tab 1)**

Table attached

**2. 2018/19 section 106 expenditure by category (see excel doc, tab 2)**

Table attached

**3. A copy of the council report for 2018/19 s106 allocated expenditure by category.**

## **Refusal Notice**

### **R12(4)(d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data**

#### **Public interest test considerations**

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information. There are a number of public interest arguments that weigh in favour of disclosing the information you have sought:

- The general proposition of maximising openness that the EIR and the Council aspire to;
- The benefits of ensuring transparent and accountable government by disclosing how the Council receives and spends public money when it concerns the amount of s106 monies received and paid out.;

However, there are also public interest arguments against disclosure:

There is a set down process by which the 2018/2019 annual monitoring report is published

The Council is currently undertaking a reconciliation between s106 records and finance records.

To protect public funds and obtain value for money to avoid public resources being expended in explaining or disclosing interim data.

In conclusion, we believe if the requested information is disclosed now, it could inhibit the Council's ability to progress this matter and future similar matters in an efficient and timely manner.

For these reasons we believe Regulation 12 (4) (d) applies and the reasons against disclosure outweigh the public interest in releasing these information ahead of the scheduled timetable for the production of the report.

#### **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 Information Management Team (FOI) 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.