



London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
6 August 2019
Our ref: 5442728

Thank you for your request received on 5 July 2019, for the following information:

In relation to my Complaint Reference: Withdrawal of the refused decision for retrospective planning application 19/0581/RCU.

I would like to make a official request under the Freedom of Information Act 2000 for full disclosure of the advice that lead to the overturning of the refusal of planning application 19/0581/RCU.

We have processed this request under the Freedom of Information Act 2000.

Response

I can confirm that London Borough of Barnet holds the information you requested which relates to advice the Monitoring Officer has given.

However, we believe that the exemptions detailed below apply to all the information you requested and so we are withholding that information. Please see the Refusal Notice below.

Refusal Notice S42 - Legal Professional Privilege

We consider that exemption Section 42(1) (Legal Professional Privilege) applies to this request on the basis that some of the requested information is subject to legal professional privilege as it is communication which contains legal advice for the authority and the communication is made for the sole or dominant purpose of obtaining legal advice.

Factors in favour of disclosing

- Facilitate the accountability and transparency of public authorities for decisions taken
- Facilitate accountability and transparency in the spending of public money
- Interest in the Authority's ability to represent the wider interests in an appropriate manner.

Factors in favour of withholding

There is an initial weighting in favour of maintaining the exception due to the importance of the concept behind Legal Professional Privilege, namely safeguarding the right of any person to obtain free and frank advice which goes to serve the wider administration of justice. It is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion except in the clearest case. Having weighed the factors both for and against disclosure it is my judgment that the public interest will not be served by disclosing the information requested as detailed above.

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

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 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). There is no charge for making an appeal.