



Assurance Group
London Borough of Barnet,
2 Bristol Avenue, Colindale,
London NW9 4EW
29 October 2019
Our ref: 5666360

Thank you for your request received on 1 October 2019, for the following information:

Hi, I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000.

Please send me:

- 1. Records pertaining to how many buildings and which buildings above 18 meters in the borough have combustible cladding, combustible filler materials, or combustible insulation products.**
- 2. Any emails or correspondence between the council and building owners/residents relating to combustible cladding, filler materials or insulation products.**
- 3. Any plans or timelines the council has developed regarding how to comply with the November 2018 legislation outlawing bans combustible materials on high-rise buildings.**

I would like the above information to be provided to me as electronic copies.

If this request is too wide or unclear, I would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed.

I understand that you are required to respond to my request within the 20 working days after you receive this email. I would be grateful if you could confirm in writing that you have received this request.

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 exceptions apply to some of the information requested. The remaining information is not withheld and is below.

Please send me: 1. Records pertaining to how many buildings and which buildings above 18 meters in the borough have combustible cladding, combustible filler materials, or combustible insulation products.

The information is currently being collated for future publication in March 2020. Please see exemption notice below.

We consider that regulation 12 (4) (d) (In course of completion, unfinished or incomplete) applies to the information requested because we consider that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data.

Therefore, we have decided to withhold the information.

In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

Factors in favour of disclosure

- The council's commitment to transparency
- Legitimate public interest in the safety of residents

Factors in favour of withholding

- The information is incomplete and in the course of publication in March 2020.
- Inefficient use of council resources by releasing information in an unfinished ad-hoc way
- Duplication of effort

2. Any emails or correspondence between the council and building owners/residents relating to combustible cladding, filler materials or insulation products.

This information will not be available until the information being collated referred to in Question 1 is collated and completed. However we consider that regulation 12 (5) (a) (International relations, defence, national security or public safety) applies to the information requested because we consider that disclosure of the information requested would adversely affect public safety.

Refusal Notice

Factors in favour of disclosure

- Furthering the understanding and participation in the public debate of issues of the day.
- Promoting accountability and transparency by public authorities for decisions taken by them.
- Promoting accountability and transparency in the spending of public money.
- Allowing individuals, companies and other bodies to understand decisions made by public authorities affecting their lives.
- Bringing to light information affecting public health and safety

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Factors in favour of withholding

- It is vital that residents are kept fully informed about the safety of their own buildings and this commitment will continue to be met through the appropriate channels
- However we believe there are public safety risks associated with releasing comprehensive lists, that allows buildings with cladding likely to present a hazard to be easily identified. We have decided it is appropriate to withhold information that could lead to the identification of affected buildings.
- In the absence of evidence, other than MHCLG advice from Cabinet Office, we cannot be certain arson will occur, only that it is likely.

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

3. Any plans or timelines the council has developed regarding how to comply with the November 2018 legislation outlawing bans combustible materials on high-rise buildings. I would like the above information to be provided to me as electronic copies.

The responsibility for ensuring compliance with the Building (Amendment) Regulations 2018 – November 2018 rests with the person carrying out the work, and we can confirm that the council is not itself directly involved in any projects that would be affected by the changes.

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.