

10 March 2020
Our ref: 6070388

Thank you for your request received on 11 February 2020, for the following information:

I would like to know the dates and number of meetings that have occurred between Barnet Council Planning Department and the construction company Taylor Wimpey, or their representatives, that concern the proposed development by Taylor Wimpey of the land around High Barnet Station.

I would also like copies of the minutes of these meetings.

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 the information requested.

While the local authority has been involved in discussions with the applicant and I confirm that the applicant has entered into a Planning Performance Agreement (PPA) similar to other similarly scaled projects, The content of the discussions cannot be shared as they are subject to confidentiality. However the Council meets its transparency requirements by providing a summary of such in any future planning submission.

Refusal Notice

R12(5)(f) Interests of the person who supplied information

The information being withheld relates to sensitive commercial information that has been submitted to the Council on a confidential and voluntary basis. The party who submitted that information to the Council has not consented to its disclosure. The Council considers that disclosure of the withheld information would, or would be likely to, adversely affect legitimate economic interests of third parties. As such, the Council considers that the exception R12(5)(f) applies to the withheld information. I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Factors in favour of disclosure

- There is a clear public interest in the work of local government being closely examined to encourage the discharging of public functions in the most efficient and effective way
- There is an important public interest in the work of public bodies being transparent and open to scrutiny to increase diligence and to protect the public purse
- There is a public interest in public authorities being accountable for their decision making.
- The Council is mindful of its responsibilities to be open with information on the development scheme and will publish details of formal planning application scheme on its website.

Factors in favour of withholding

- Releasing the requested information could prejudice the Council's future negotiation capabilities and reduce the confidence third parties have with the Council in order to facilitate the decision making process. Both the Council and any third party contractor would be reluctant to have free and frank discussions if all that is discussed is subject to scrutiny with no safe space for 'confidential communications', the requested information may prejudice pending or future decisions which would be detrimental to the Council and or third parties.
- Preventing others obtaining our contractors and the Council's expertise for free when we have invested significant resources, time, expertise and intellectual property on the same
- Disclosure would erode trust in the Council's ability to protect the confidentiality of information prior to the determination of any future planning application.

The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information and this information cannot be supplied to you.

Once the planning application has been determined the Council will be able to disclose further information held.

Regulation 13 (Personal information)

We consider that regulation 13 (Personal information) applies to the information requested. Therefore, we have decided to withhold the information.

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exception Regulation 13 of the Environmental Information Regulations 2004. These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an EIR request.

We consider the information is subject to Regulation 13 because to release it would be a breach of the Data Protection Act 2018.

Personal Information is governed by the Data Protection legislation and is defined as any information relating to an identified or identifiable natural person ('data subject').

It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness.

Advice and Assistance:

A planning application is expected from Taylor Wimpey for the site at High Barnet in Spring 2020 and will be widely publicised at that time.

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.