

17 July 2020  
Our ref: 6370552

Thank you for your request received on 15 June 2020, for the following information:

**Under the Freedom of information act 2000, please can you provide a breakdown of all S106 agreements with a clawback obligation that have been agreed between January 2010 and January 2020.**

**Please include the dates of the agreements, and either copies of the agreements or live links to where the agreements can be found.**

**Please include detailed information regarding when the funds for each S106 was**

- A) Received**
- B) Spent and evidence of expenditure**
- C) Allocated**
- D) Any amounts unspent**
- E) Any unspent amount/s that have been repaid and when**
- F) Parties named in the S106 agreements**
- G) Clawback periods**

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.

### ***A) Received -***

See attached spreadsheet

### ***B) Spent and evidence of expenditure -***

See attached spreadsheet

### ***C) Allocated -***

See attached spreadsheet

### ***D) Any amounts unspent -***

See attached spreadsheet

***E) Any unspent amount/s that have been repaid and when -***

See attached image

***F) Parties named in the S106 agreements -***

Please see refusal notice below

We consider that Regulation 6(1)(b) applies to some of the information requested because the information requested is already publicly available and easily accessible.

Individual agreements should be accessible on the Barnet Planning website - <https://www.barnet.gov.uk/planning-and-building/planning/find-and-comment-planning-applications> by searching by planning application reference number provided in the attached spreadsheet. Historic s106 agreements aren't consistently on website. The planning service is gradually adding the historic agreements to all planning files online but this will take some time to complete. If you cannot locate a S106 agreement through the website then these are accessible through Local Land Charges, but please be aware there is a fee if you wish to purchase <https://www.barnet.gov.uk/planning-and-building/local-land-charges>

***G) Clawback periods - Please include the dates of the agreements, and either copies of the agreements or live links to where the agreements can be found -***

We consider that Regulation 6(1)(b) applies to some of the information requested because the information requested is already publicly available and easily accessible.

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## **Refusal Notice**

We consider that regulation 12 (4) (b) (Manifestly unreasonable) applies to the information requested because we consider that the request is manifestly unreasonable.

### **R12(4) (b) the request for information is manifestly unreasonable**

Regulation 12(4)(b) of the Environmental Information Regulations 2004 provides an exception to the disclosure of information in situations where the request is manifestly unreasonable. This exception may be invoked where the request places a substantial and unreasonable cost or burden of dealing with it. Information. The purpose of the exception is to protect public authorities from exposure to a

disproportionate burden or an unjustified level of distress, disruption or irritation, in handling information requests.

This is a qualified exception under EIR which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than the public interest in maintaining the exemption. The public interest means what is in the best interests to the public.

#### Public interest test considerations

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information requested. 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 to which the EIR and the Council aspire ;
- The benefits of ensuring transparent and accountable government

However, there are also public interest arguments against disclosure:

- It does not represent a cost effective use of the Council's resources. It is estimated that to determine, locate, retrieve and extract the information from the S106 Agreements will take 15 minutes times and there are 109 S106 agreements to consider = 27 hrs)
- The diversion of resources that will be necessary in providing the information requested negatively impact on its ability to deliver its core functions

The Council considers that the public interest in withholding the requested information outweighs the public interest test in disclosure of the requested 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](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.