



London Borough of Barnet,
2 Bristol Avenue, Colindale,
London NW9 4EW
15 July 2021
Our ref: 7484796

Thank you for your request received on 13 July 2021, for the following information:

I submit a completely new EIR information request to obtain two items:

- a) The Public Interest Test document that Barnet should have generated as part of their decision to invoke Schedule 12A of LGA for Agenda item #15.**
- b) All information withheld under Agenda item #15 of the P&RC meeting of 20th July 2021 (i.e. information claimed as exempt related to the Hendon Hub Full Business Case).**

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 attached.

I submit a completely new EIR information request to obtain two items:

- a) The Public Interest Test document that Barnet should have generated as part of their decision to invoke Schedule 12A of LGA for Agenda item #15.***

Please see attached. As it is a background paper to the R and R report we will also publish it on the website so that those attending the meeting will know where to find it.

- b) All information withheld under Agenda item #15 of the P&RC meeting of 20th July 2021 (i.e. information claimed as exempt related to the Hendon Hub Full Business Case).***

We consider that regulation 12 (5) (e) (Confidentiality of commercial or industrial information) applies to the information requested because we consider that disclosure of the information requested would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

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

- Disclosure help people to understand and participate in public debate about current issues
- The council's commitment to transparency

Factors in favour of withholding

- The exempt information is limited to financial details of the funding decisions, including sensitivities, and the construction budgets. Release of these could prejudice the Council significantly in commercial negotiations.
- The public reports provide the business cases that back up the recommendations upon which the Council's decisions have been based.
- Disclosing the financial information would risk weakening the council's negotiating position leading to worst value for money with regard to the deal with MDX, the proposed deal with funders and in commercial discussions with main contractors.
- The exempt information is limited to financial detail only and does not impact health and public safety.
- Due diligence processes are identified within the main FBC report which is to be made public. The public paper details the legal basis for the decisions that are to be made. The financial annex provides back up only and has been validated by independent consultants.
- Disclosure of the financial annex would release commercially sensitive information into the public realm that could prejudice the negotiating position of LBB in the financial market. The financial annex also discloses costs associated with appropriation and third party acquisitions, placing LBB at risk of a breach of data protection and the duties owed to third parties. The disclosure of said information may impair the council's ability to negotiate the best value deal from the financial market.
- Others' interests could be damaged in the process of disclosure due to their financial position and interest in the deal are jeopardised.
- All costs, values, and soft market testing offers presented within the financial annex have been independently validated so would not give an unfair or inaccurate view of the position. All 'subjective' discussion is disclosed within the main body of the FBC report.
- Disclosure could prejudice the negotiations in this project. In addition, a funding partner may not be prepared to proceed with financing the development if their rates and other commercially sensitive information are in the public domain.

The financial annex contains sensitive information regarding the potential funding deal with an investor, and other parties. Revealing this information jeopardises LBB's position in the market, preventing them from achieving best offers from funding partners.

Following appointment of a funding partner, and completion of third-party acquisitions and transactions, details presented in the financial annex will be made available to the public, at which stage it will not prejudice the council's proposals.

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.