

London Borough of Barnet
2 Bristol Avenue,
Colindale NW9 4EW
26 May 2022
Our ref: 8242596

Thank you for your request received on 27 April 2022, for the following information:

A copy of the lease agreement with Department of Health and Social Care for the Watling Community Centre, specifically I am interested in clauses about the treatment of the building and protections for neighbour amenity, protection of land from gallons of liquid being discharged on my allotment killing my plants, including noise and night time movements You can redact out commercial numbers.

Has the lease been continued and if so what does the new lease agreement cover.

Also a copy of the Local Authority Engagement Pack for COVID-19 Local Test Sites provided by the Department of Health and Social Care was requested and refused on the grounds of commercial sensitivity. Now the building is no longer being used as a testing centre please can you reconsider whether this EIR Exception still applies.

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

Response

The council holds the information requested and it is attached/ the answers to your questions are below.

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Extracted non-commercial elements of the Lease Agreement are attached. Exit clauses and termination remain commercially sensitive.

Has the lease been continued and if so what does the new lease agreement cover.

Yes, see attached extension letters dated 6 September 2021 and 24 March 2022. The lease was extended to 2 May 2022.

Also a copy of the Local Authority Engagement Pack for COVID-19 Local Test Sites provided by the Department of Health and Social Care was requested and refused on the grounds of commercial sensitivity. Now the building is no longer being used as a testing centre please can you reconsider whether this EIR Exception still applies.

The Lease Agreement was undertaken between Department of Health and Social Care (DHSC) and Watling Residents Association and contains the protective marking – “Protect”. It is confidential and contains the criteria and specifications of how Testing Centres are selected and operate.

R12 (5) (d) the confidentiality of the proceedings of that or any other public authority where such confidentiality is provided by law

The Council has determined that the information being withheld relates to confidential communications.

This is a qualified exception under the 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. We have considered the public interest the disclosure of this information. These factors are that the decision-making processes of public functions should be transparent and open to scrutiny in order to inform the public debate. The information contained within the document remains confidential and may be needed at a future date. The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information.

You will need to resubmit their request to freedomofinformation@dhsc.gov.uk

Refusal Notice

R13 – Personal data

We have also redacted the names of individuals and signatures by virtue of Regulation 13 of the Environmental Information regulations 2004, as disclosure of this information to the public generally, in the Council’s view, would not be consistent with the data protection principle found in Article 5.1(a) of the General Data Protection Regulation (GDPR) lawfully, transparently and fairly. We have considered whether disclosure is lawful and fair and whilst it may be lawful under Article 6.1(f)

GDPR (legitimate interests) it would not be fair to the individuals concerned who would not expect the names of junior employees to be disclosed as part of such a request. We consider that regulation 13 (Personal information) applies to the information requested. Therefore, we have decided to withhold 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 Records & Information Management Service, Assurance Group, 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.