

London Borough of Barnet  
2 Bristol Avenue  
Colindale NW9 4EW  
17 June 2022  
Our ref: 8239997

Thank you for your request received on 22 April 2022, for the following information:

**51st State Festival risk assessment**

The above event is advertised as taking place on Copthall Playing Fields on 20 August 2022.

<https://www.51stfestival.com/>

**Please provide a copy of the risk assessment as it existed on the date that the right to stage the event there was agreed in principle (and tell me what that date was).**

**Please provide a copy of all updated risk assessments carried out since the first one.**

**Did Barnet Council obtain from Enfield Council any documentation which set out the remedial problems required at Trent Park after the last two festivals which took place there and provide copies of such documentation**

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 believe that the exceptions detailed below apply to some of this information and this is withheld. Please see the Refusal Notice below

***Please provide a copy of the risk assessment as it existed on the date that the right to stage the event there was agreed in principle (and tell me what that date was).***

Any request to host a festival event in a Council owned park, open space or street must be approved by the Council who are responsible for issuing permits and licences to enable activities to successful applicants.

As part of this process, event organisers are responsible for applying for a licence at their own expense and details of licenses applied for are publicised via the Council's website which can be found here [Licensing register | Barnet Council](#)

Any organisation or individual seeking to book an event, be it for commercial, charitable, or private use must adhere to the requirements of the Councils Events in Parks Policy and the completion of supporting documentation (such as Risk Assessments, Event Management Plans (EMP) which details liaising with third party organisations). The terms and conditions of hire are detailed in a separate document alongside the bookings process which includes a contract of hire.

With any event of this scale there is a requirement for the organisers to attend and work with the Council's Safety Advisory Group (SAG) to ensure adequate measures are in place for security and health and safety of any event, the costs of which are paid for by the organiser. The Police are an integral stakeholder on the SAG.

The original application and information was received in August 2021, the updated EMP in April 2022

- The document contains lots of information about security & counter terror, again it forms the backbone of how the Festival Event Organisers will ensure the event is run safely and how they will mitigate any behaviour that may endanger the safety of our stakeholders (guests, staff, public, etc). They have advised that the risk assessment can only be shared, with written permission, to members of the emergency services and the council. It would not be safe for this document to be made public as it could potentially leave attendees at the festival open to any kind of security threat of worst, terror attack.

- Furthermore, the document is the Intellectual Property of the Event Organiser and has been given in confidence to enable the festival to be licensed

The entire risk assessment is withheld. See Refusal Notice below, on the grounds of Public Safety, Intellectual Property and Commercial Sensitivity.

***Please provide a copy of all updated risk assessments carried out since the first one.***

No further risk assessments held

***Did Barnet Council obtain from Enfield Council any documentation which set out the remedial problems required at Trent Park after the last two festivals which took place there and provide copies of such documentation***

Please see attached, personal data relating to names and contact details of London Borough of Barnet and London Borough of Enfield junior officers has been removed.

## **Refusal Notice**

### **R12(5)(a) - International relations, defence, national security or public safety**

The Council has determined that releasing information about the risk assessment within the Event Management Plan comprising information on security and counter terrorism and public safety measures may lead to the festival becoming a target for criminal or terrorist activity and could compromise public safety through policies and

mitigation measures becoming more widely known and the potential for these to be targeted and exploited.

Disclosure could prejudice the way the London Borough of Barnet operates with its partners.

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. The public interest means what is in the best interests of the public, not what is of interest to the public. 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 disclosure of information in relation to security, counter terrorism and public safety, would compromise activities in this area. The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information.

Release of the information would have a detrimental effect on the council's exercise of its licensing functions. In particular

- The festival organiser would no longer feel able to have honest and frank discussions with council officers for fear that confidential information relating to or pointing to security, counter terrorism, public safety risks may be published.
- Officers would feel reluctant to share confidential advice about the event for fear it would be published.
- Publication of this information would inhibit future discussion between the Licensing team, festival organisers and Council's Safety Advisory Group about any weaknesses identified within risk assessment and the possible solutions to those weaknesses (e.g. capability procedures).
- Festival Organisers would stop sharing their assessments of their own weaknesses (their self-evaluation) with the LA for fear of publication.
- The exchanges of views between the festival organisers and council officers and between council officers over the options for dealing with identified weaknesses is an ongoing Licensing process and involvement of the Council's Safety Advisory Group. The honest and frank exchange of views and advice in all aspects of this process is essential to enable proper and effective deliberation of the best possible options/solutions for each school.
- By inhibiting the provision of advice and the exchange of views the publication of these documents would impair the quality of decision making by the local authority.
- It is essential for council officers to have a 'safe space' to develop ideas, discuss options and different potential solutions and reach decisions away from the external interference and distraction that would be caused by publication.

## **Public Interest Test**

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 disclosing the information**
- The council has a corporate commitment to openness and transparency
- The public have an interest in the Festival Events in the Borough being well run, with proper security and safe.

- Participants at festival events have a right to know information suitable and sufficient security and safety measures are in place
- Knowing areas of concern about festival risks enables attendees to ask the right questions of Licensing arrangements and to be warned of issues that may affect them and well-being at the event

### **Factors in favour of maintaining the exception**

- The council's ability effectively to license the event would be hampered, which would impact negatively on the event.
- Lack of openness and honesty from festival event organisers would negatively impact upon the effectiveness of assessing and monitoring risks

Lack of documentation from Festival Event Organisers would reduce the quality of decision making in the authority which will have a negative knock on impact on the security and public safety of the event

The licensing of the event would become less effective.

### **R12(5)(c) – Intellectual Property Rights**

### **R12(5)(e) – Confidential Commercial Information**

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

For the purposes of licensing the festival, this risk assessment has been provided to us in confidence as a public body for the purpose of exercising out duty of care to residents. It remains the intellectual property of the festival event organisers and its entire content is of a sensitive nature.

We are therefore withholding under the exception in Regulation 12(5)(e) as it was received in confidence as a public body for the purpose of exercising out duty of care to residents, it remains the intellectual property of the festival event organisers and its entire content is of a sensitive nature. The potential for economic harm to the contractor and risk of related legal action against the Council outweighs the public interest in release of this information.

Accordingly the information requested falls within Regulation 12(5)(e) as it is commercial information. The question arises as to whether in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

### **Public Interest Test**

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 disclosing the information**

The general proposition of maximising openness that the EIR and the Council aspire to and the benefits of ensuring transparent and accountable government by disclosing how the Council receives and spends public money;

- **Factors in favour of maintaining the exception**

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 Event organiser 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. Any release of this data without the consent of the owner is likely to open the council up to a substantial claim of damages.

The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information.

### **R13 – Personal data**

We have also redacted the names of individuals 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](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 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](http://www.ico.org.uk)). There is no charge for making an appeal.