

London Borough of Barnet,
2 Bristol Avenue, Colindale,
London NW9 4EW
13 July 2022
Our ref: 8321233

Thank you for your request received on 1 July 2022, for the following information:

I am aware that legal advice was sought via Harrow legal with regard to the land status.

I would like copies of all correspondence with regard to the removal of the piece of land to include the scope of the works. If the removal of any of the three trees would have been considered being reduced or removed.

I cannot accept that officers did not discuss or correspond with regard for the need to remove land and I was also informed that Barnet had got permission to remove a section of green.

We have processed this request under the Environmental Information Regulations 2004.

Response

I can confirm that London Borough of Barnet holds some of 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.

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A feasibility study was recommended to Area Committee (June 2021).

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=717&MIId=10817&Ver=4>

A decision has been made on the scheme and this will be published shortly. In the case of the draft, the document is an unfinished, unofficial, and unsigned version of

the same document which does not fully represent the originating authority's views. Release could give a misleading and inaccurate picture.

We consider that regulation 12(4)(d) - Material which is still in the course of completion, unfinished documents or incomplete data applies to the information requested because we consider that the request involves information that is in draft form. Following the public consultation, all comments were analysed and considered, and a decision was made in conjunction with ward councillors to withdraw the scheme, however this recommendation must be documented in the Chief Officers Decision Report which is still in the course of completion.

R12(4)(d) - Material which is still in the course of completion, unfinished documents or incomplete data

We consider that regulation 12(4)(d) - Material which is still in the course of completion, unfinished documents or incomplete data applies to the information requested because we consider that the request involves information that is in draft form.

Therefore, we have decided to withhold the information.

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

Factors in favour of disclosure

- The council's commitment to transparency
- There is a public interest in being able to scrutinise aspects of the Local Authorities where that information might be easy to access and will not prejudice the London Borough of Barnet.

Factors in favour of withholding

- The public interest in permitting public authorities to publish information in a manner and form and at a time of their own choosing. It is a part of the effective conduct of public affairs that the general publication of information is a conveniently planned and managed activity within the reasonable control of public authorities. Where the decision has been made in principle to publish, there is a reasonable entitlement to make arrangements to do so. Therefore, we have decided to withhold the information.

In all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

We consider that regulation 12(4)(d) - Material which is still in the course of completion, unfinished documents or incomplete data applies to the information requested because we consider that the request involves information that is in draft form.

Some preliminary discussions with the Lord Lieutenant by the council's Legal services (HBPL) in 2014 have been identified and these were reported to officers in the form of legal advice which is exempt from disclosure- see formal refusal notice below.

R12(5)(d) confidential communications which is protected by legal privilege

We consider that regulation 12 (5) (d) (Confidentiality of proceedings) applies to the information requested because we consider that disclosure of the information requested would adversely affect the confidentiality of the proceedings of that or any other public authority where such confidentiality is provided by law.

Therefore, we have decided to withhold the information.

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

Factors in favour of disclosure

- The decision-making processes of public functions should be transparent and open to scrutiny in order to inform the public debate.

Factors in favour of withholding

- Releasing the requested information could prejudice the Council's future deliberations, staff would be reluctant to request and provide advice if all that is discussed is subject to scrutiny with no safe space for considering issues, the requested information may prejudice pending or future decisions which would be detrimental to the Council.

In all the circumstances of the case, the public interest in maintaining the exception 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 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.