

London Borough of Barnet  
2 Bristol Avenue,  
Colindale,  
London, NW9 4EW  
30 January 2023  
Our ref: 9003894

Thank you for your request received on 26 January 2023, for the following information:

**There exists a legal agreement dated 2019 between LBB and Tesco that specifies the entry restrictions into the Tesco site via Colney Hatch Lane. Tesco wish to vary the set out but Highways have reservations. Please provide the variation and the reason why Highways object. Please note that planning applications are always in the public domain so this should be no different. Also please do not try to pull R12(5) 6 course of justice stunt as that isn't relevant. in this matter.**

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/all of this information and this is withheld. Please see the Refusal Notice below.

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## **R12(4)(e) - Internal communications**

We consider that regulation 12(4)(e) (Internal communications) applies to the information requested because we consider that the request involves the disclosure of internal communications. Therefore, we have decided to withhold the information.

The information held is an exchange between Planning Enforcement and Highways officers for the purposes of determining the way forward in relation to the access at Colney Hatch Lane.

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 exception. 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.

If officials feel restricted in their ability to deliver this kind of feedback due to concerns that it may be disclosed under a future EIR request, it may affect our ability to resolve the matter with the site owner, which in turn would impact on our efficiency, with no clear benefit to the public good. The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information. 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**

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 exception. 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.

### **Factors in favour of withholding**

There is a live planning enforcement investigation. Discussions with the owner of the site at Colney Hatch Lane are currently ongoing. If officials feel restricted in their ability to discuss internal deliberations that it may be disclosed under a future EIR request, it may affect their ability to resolve the matter with the site owner, compromise negotiations, and which in turn would impact on our efficiency, with no clear benefit to the public good. The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information. The Council meets its transparency obligations by keeping interested parties updated once key decisions are agreed. 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.