

Decisions of the North London Boroughs on the Memorandum of Understanding (MoU)

Recommendation of Policy and Resources Committee

Barnet Policy and Resources Committee 9 July 2015 agreed to recommend to full Council the approval of the revised Memorandum of Understanding, subject to a change to Clause 12. This should be in consultation with HB Public Law, and on the basis of reporting all the amendments made by the other North London Boroughs (as set out below), this would serve as the formal arrangement for Barnet's continued involvement in the NLWP.

Actions of other North London Boroughs

With the exception of Barnet six North London Boroughs have agreed the MoU and have set out arrangements for agreeing any further changes.

- Camden noted the MoU and will agree final version under delegated authority
- Enfield, Hackney, Haringey, Islington and Waltham Forest agreed the MoU subject to further changes being agreed under delegated power

Pinkham Way Alliance

The **Pinkham Way Alliance** made representations to Camden, Barnet and Enfield about the MoU.

- Removal of secrecy clause 12 because of its excessive nature (clause 12.1) and because it is not justified
- Project manager (sic) to put minutes of meetings on website by reasonable time (suggested addition to clause 8.3)
- Organisational Arrangements chart: add "NLWP Principal Planning Officer"

Clause 12

Clause 12 in the MoU relates to confidentiality. Some Boroughs considered the MoU with clause 12.1 in and some without. On receipt of the legal advice suggesting the removal of 12.1 and the apparent agreement from other boroughs to do so, some boroughs considered an amended version of the MoU:

- LBs Camden, Enfield and Islington considered an unamended MoU with the original clause 12.1
- LBs Barnet, Hackney, Haringey and Waltham Forest considered an amended MoU with 12.1 taken out

This is not an issue because the recommendation is to remove 12.1 and boroughs have delegated power to agree changes or the final form of the MoU.

In line with legal advice the proposal is to

- Delete clause 12.1
- Insert new clause (as proposed by LB Enfield) which states that Boroughs are bound by Freedom of Information Act and Environmental Information Regulations.
- Consequent renumbering of clauses

The proposed revised text is set out below.

Key: ~~Deleted text~~ and New text

12 Confidentiality

~~12.1 The North London Boroughs shall keep confidential any information obtained by reason of this Agreement and shall not without the consent of all of the other North London Boroughs during the period of the agreement or any time thereafter make use of for its own purposes (except for the purposes of carrying out any obligations under this Agreement), or disclose to any person (except as may be required by law including without limitation pursuant to the Freedom of Information Act 2000), the Agreement or any information contained therein or any material provided pursuant to the Agreement, all of which information shall be deemed to be confidential.~~

12.12 The North London Boroughs shall not divulge or dispose of or part with possession, custody or control of any confidential material or information provided to the North London Boroughs pursuant to this Agreement or obtained by the North London Boroughs pursuant to the Agreement, other than in accordance with the express written instructions of the other North London Boroughs.

12.23. The North London Boroughs shall take all reasonable steps as from time to time shall be necessary to ensure compliance with the provisions of Clause 12 by its employees and agents.

12.3 Nothing in this Clause 12 shall prevent the North London Boroughs from disclosing confidential material or information where they are required to do so by judicial, administrative, governmental or regulatory process or by the application of any applicable law including but not limited to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

12.4 Clause 12 shall survive any termination of the Agreement.