

17 October 2019

Our ref: 5690828

Thank you for your request received on 4 October 2019, for the following information:

**According to Barnet Council, the following is the case:**

**'The council has two major contracts with the private contractor Capita and this consultation is seeking your views on a review of these two contracts.**

**The first contract, known as the CSG (Customer and Support Group) contract, is for the delivery of the council's 'back office' functions, including finance, human resources, customer services and information technology. The CSG contract is between the council and Capita.**

**The second contract, known as the RE (Regional Enterprise) contract, relates to the provision of development and regulatory services. These include planning, regeneration, highways, environmental health and cemeteries/crematorium. This contract is between the council and a joint venture company that is jointly owned by Capita and the council, known as Regional Enterprise Limited, or RE.**

**The contracts started in 2013 and are both due to run for 10 years.'**

**The above quote is from: <https://engage.barnet.gov.uk/strategic-contract-review>**

**In this context, and in relation to planning, the following are the questions I ask:**

**Question 1:**

**When a planning application is submitted to Barnet Council, who considers and determines the application, Barnet Council or RE?**

**Question 2:**

**Applicants for planning permission or permitted development are led to believe that they submit their applications to Barnet Council. However, it is not Barnet Council that considers and determines the applications. It is RE that considers and determines the planning applications, in line with contractual agreement. Is this correct?**

**Question 3:**

**If the answer to question 2 is 'yes', does Barnet Council inform the applicants**

that information relating to their planning applications would be passed to RE? In other words, is there any way in which applicants could be aware that their application would not be considered by Barnet (the body to which they have, in accordance with law, submitted the application)?

**Question 4:**

If RE holds a contract to assess the planning applications that applicants submit to Barnet Council, does it mean that Barnet Council (in line with the contract) passes all the information (which in some cases includes personal details) to RE?

**Question 5:**

Are applicants for planning permission informed of the fact that their applications are not considered by Barnet Council but instead by RE anywhere or at any point of the application process?

**Question 6:**

Are Planning Officers who are listed as officers in charge of planning applications employees of RE or employees of Barnet Council?

**Question 7:**

What role does Barnet Council play in respect of planning applications? It appears that it plays no role as it passes the function of consideration and determination of applications to RE: is this correct?

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

**Response**

**Question 1:**

***When a planning application is submitted to Barnet Council, who considers and determines the application, Barnet Council or RE?***

Regional Enterprise is a joint venture company between Capita and Barnet, so Barnet Council is part of Regional Enterprise. RE officers process the application and Barnet Council officers authorise/determine the application in accordance with the Council's Scheme of delegation.

**Question 2:**

***Applicants for planning permission or permitted development are led to believe that they submit their applications to Barnet Council. However, it is not Barnet Council that considers and determines the applications. It is RE that considers and determines the planning applications, in line with contractual agreement. Is this correct?***

See response to Q1.

**Question 3:**

***If the answer to question 2 is 'yes', does Barnet Council inform the applicants that information relating to their planning applications would be passed to RE? In other words, is there any way in which applicants could be aware that their application would not be considered by Barnet (the body to which they have, in accordance with law, submitted the application)?***

This is made clear on the privacy statement, referred to in registration letters and available on the internet, and on all electronic communication from the planning team.

**Question 4:**

***If RE holds a contract to assess the planning applications that applicants submit to Barnet Council, does it mean that Barnet Council (in line with the contract) passes all the information (which in some cases includes personal details) to RE?***

Barnet Council is part of RE, and does share personal information within RE, see extract from the privacy statement below:

“Barnet Council will collect and use the information you give us to undertake our functions as a local authority and deliver services to you. It is our responsibility to ensure that your information is kept safe. Where necessary and legally allowed, we will share your information with trusted external organisations, commissioned partners and contracted service providers in order to deliver services and support to you.”

**Question 5:**

***Are applicants for planning permission informed of the fact that their applications are not considered by Barnet Council but instead by RE anywhere or at any point of the application process?***

See response to Q3.

**Question 6:**

***Are Planning Officers who are listed as officers in charge of planning applications employees of RE or employees of Barnet Council?***

Re employee

**Question 7:**

***What role does Barnet Council play in respect of planning applications?***

Authorised Employees of Barnet council authorise decisions in accordance with the Council's Scheme of delegation

***It appears that it plays no role as it passes the function of consideration and determination of applications to RE: is this correct?***

No

**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 Information Management Team (FOI) 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.