

London Borough of Barnet  
2 Bristol Avenue,  
Colindale,  
London, NW9 4EW  
11 November 2021  
Our ref: 7745296

Thank you for your request received on 18 October 2021, for the following information:

**Please provide-**

**1. copies of the documents-**

**1.1 setting out the policies of the Council with regard to the disclosure of such 'pre-application advice' in response to requests for it to be disclosed made under the provisions of the Freedom of Information Act and Environmental Information Regulations**

**1.2 considering what those policies should, or could, be and prepared in connection with the formulation of those policies and their approval.**

**1.3 considering whether the policies are in compliance with the requirements of the Freedom of Information Act and Environmental Information Regulations (but not responses to other requests made to the Council under the provisions of the Freedom of Information Act and Environmental Information Regulations in relation to this subject).**

**2. details of the relevant Committee or Council meeting at which those policies were adopted.**

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

**Response**

I am writing to inform you that we have searched our records and although we hold some of the information requested, some of the information you requested is not held by London Borough of Barnet.

We have provided our response below

**Questions 1**

**Please provide**

## **1. copies of the documents-**

**1.1 setting out the policies of the Council with regard to the disclosure of such 'pre-application advice' in response to requests for it to be disclosed made under the provisions of the Freedom of Information Act and Environmental Information Regulations**

**1.2 considering what those policies should, or could, be and prepared in connection with the formulation of those policies and their approval.**

**1.3 considering whether the policies are in compliance with the requirements of the Freedom of Information Act and Environmental Information Regulations (but not responses to other requests made to the Council under the provisions of the Freedom of Information Act and Environmental Information Regulations in relation to this subject).**

### **Disclosure of Pre-Application Policy**

Although the Council does not automatically publicise the details of pre-application discussions with potential developers and treats them as commercially sensitive, under the Environmental Information Regulations 2004 we may from time to time receive a request from a member of the public to provide information regarding enquiries that we have received for pre-application advice and of any advice given. Subject to certain exemptions, we are obliged to provide this information, although personal data is protected from disclosure under the General Data Protection Regulation (GDPR).

The exemptions relate to commercially sensitive and confidential information. It is, therefore, important that developers bring to the Council's attention in writing at the outset any information they consider may, if disclosed, prejudice their commercial interests or which they consider would breach confidentiality.

Developers should also set out the reasons why, and for what period they consider the information falls into these categories. It is then for the Council to decide whether it believes the information falls into these exempt categories, if a Freedom of Information request is subsequently received.

We may also treat as exempt from disclosure information which, if disclosed, may prejudice the effective conduct of public affairs. This can be particularly relevant at the outset of major applications where a lot of exploratory discussion are taking place. If the disclosure of this exploratory information is likely to prejudice the process of leading to a proper determination of the subsequent planning application, then it may not be disclosable.

Apart from these exemptions any other recorded information resulting from these pre-application discussions is likely to be disclosable once a planning application for a similar scheme on the site has been submitted the pre-application advice will be disclosable.

## **Question 2**

**2. details of the relevant Committee or Council meeting at which those policies were adopted.**

This policy is approved by the Senior Management Team for Barnet Council and the Chair of the Councils Strategic Planning Committee but not at a Committee meeting.

## **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.