

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
31 January 2023
Our ref: 8776580

Thank you for your request received on 29 November 2022, for the following information:

I am wishing to contact the council, but I have been unable to find the correct individual/s to address my email to. Therefore, I am left with no choice other than to make a request under the Freedom of Information Act 2000. Please can you provide me with the following information with regards to Licensing:

1. The name, job title and contact details including email address and telephone number for the person responsible for Premises & TENs licensing.

2. Details of your current licensing platform including expiry date, contract cost and duration of the contract. The licensing platform is the software you use to manage customers applications, e.g. IDOX, Verso, Civica, Jadu, unless of course you use Word or PDF.

We have processed this request under the Freedom of Information Act 2000.

Response

I can confirm that London Borough of Barnet holds the information you requested. However, we believe that the exemptions detailed below apply to some of this information and this is withheld. Please see the Refusal Notice below.

1. The name, job title and contact details including email address and telephone number for the person responsible for Premises & TENs licensing.

A. Shah
Commercial Premises Group Manager
licensingadmin@barnet.gov.uk
020 8359 7443

2. Details of your current licensing platform including expiry date, contract cost and duration of the contract. The licensing platform is the software you use to manage customers applications, e.g. IDOX, Verso, Civica, Jadu, unless of course you use Word or PDF.

The Council has a contract with Capita to deliver Regulatory services and they hold

[Regional Enterprise Ltd \(Re\) contract | Barnet Open Data](#)

The contract commenced in September 2013 and ends 31 March 2023.

I can confirm IDOX is used but the licensing terms are commercially sensitive and we are unable to provide these details. Please refusal notice below

Refusal Notice

S41 - Information Provided in Confidence

Section 41(1) of the Freedom of Information Act 2000 (FOIA) provides that information is exempt if it was obtained by a public authority from any other person and that disclosure to the public by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

We consider that unauthorised disclosure of this information would amount to an actionable breach of confidence, therefore this information is withheld.

The information provided to the Council was explicitly provided in confidence with the express understanding that it will be held in strict confidence and will not be disclosed, reproduced, stored in a retrieval system or used, in whole or in part and will not be released, in whole or in part, to any third party without prior consultation with, and the written consent of the third party.

The third party had a legitimate expectation that this confidence will be upheld and the information that they provided (which is also commercially sensitive) remain confidential. Clearly this information would be of interest to competitors and potentially harmful if disclosed.

I am satisfied that the information is not trivial, nor is it available by other means. It therefore has the necessary quality of confidence.

The duty of confidence is not absolute and the courts recognise circumstances under which such information may be disclosed

- Where the person to whom the duty is owed consents
- Where disclosure is required by law
- Where there is an overriding public interest in disclosure

In this case we consider that the public interest in favour of maintaining the confidence outweighs the public interest in disclosing this information.

S43 - Commercial interests

We consider that section 43 (Commercial Interests) applies which sets out an exemption from the right to know if:

(2) Disclosure would or would be likely to prejudice the commercial interests of any person (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption applies because the release of these details would/ are likely to prejudice the commercial interests of the Council and its contractors.

This is a qualified exemption under the Freedom of Information Act 2000 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 exemption.

The public interest means what is in the best interests of the public not what is of interest to the public.

Factors in favour of disclosure

- furthering the understanding, and participation in the public debate of issues
- facilitate the accountability and transparency of public authorities for decisions taken facilitate accountability and transparency in the spending of public money
- Allowing individuals to understand decisions made by public authorities affecting their lives and, in some cases, assist individuals in challenging those decisions

Factors in favour of maintaining the exemption:

- Adverse impact on Council and its contractors due to detail on costs;
- Council and contractors position in a competitive environment, market sensitivity of information and potential usefulness to competitors;
- Negative effect on competitiveness if competitors were to have access to information;
- Need to obtain value for money.

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information until the scheduled publication date. Therefore, the information is not provided to you.

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.