

Freedom of Information Act 2000 (FOIA)

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 16 April 2024

Public Authority: London Borough of Barnet
Address: Hendon Town Hall
The Burroughs
Hendon
London NW4 4BGX

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Barnet (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under the EIR.¹

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format;
[Information Commissioner's Office - Advisory note to public authorities | ICO](#)

4. The public authority must take this step within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 7 November 2023, the complainant wrote to the public authority and requested information in the following terms:

"I refer to the below email and its content.

The bay in question is in fact outside XXX and not XXX. There is no such charging point or bay outside XXX.

The EV Only bay referred to below is XXX.

As you will not doubt be aware, the charging point that was installed on the lamp post next to the bay has been removed and is no longer in place. Therefore, no one can charge from the non-existent charging point when parked in the marked bay.

Please consider this my Freedom of Information request and provide the following information including full supporting documents and consultations. This email is being copied to Ms Theresa Villiers, local MP for the area for full disclosure, transparency and to monitor the response.

1. please provide details of the consultation carried out prior to installation of the lamp post based charging point including details of the consultees;
2. please provide details of the responses from all residents and consultees;
3. please confirm the cost of the installation of the lamp post based charging point;
4. why was that particular lamp post selected to install the charging point on XXX out of all of the other lamp posts? what criteria was used to make the selection of the lamp post?
5. please provide the details of the consultation carried out prior to marking out the parking bay for EV charging including details of the consultees;

6. please provide details of the responses from all residents and consultees in relation to the marking of the bay;
7. what was the cost of marking the bay?
8. the charging point was in place for a relatively short period of time. why was it decided to remove that, particularly after spending the money on marking the parking bay?
9. please provide details of the consultation to remove the charging point.
10. what was the cost of removal of the point?
11. how many people actually used the charging point whilst it was in place?
12. how much income was generated for the Council from the charging point when actually used?
13. what appear to be some kind of monitoring cameras have been installed on the lamp post where the charging point was installed and covering the marked EV bay. what is this equipment for?
14. please provide details of the consultation carried out prior to installation of the said equipment including details of the consultees;
15. please provide details of the responses from all residents and consultees;
16. please confirm the cost of the installation of the said equipment;
17. why was that particular lamp post selected to install the equipment on XXX out of all of the other lamp posts? what criteria was used to make the selection of the lamp post?
18. how many such charging points are installed across Barnet?
19. how many EV parking bays have been marked across the Borough?
20. how many chargers and parking bays are in actual use across the Borough?
21. please provide any other relevant information pertaining to the lamp post based charging points across the Borough

Additionally, around 20 or so pavement charging points have been installed at the bottom end of XXX going up the hill from the junction with XXX on both sides of the road. These are almost one point outside

each property and the points require special connecting posts to connect to the charger which the user has to supply and pay for before they can use the charger. No details about what equipment is necessary or the cost, or where the equipment is available from have been provided to the residents so far as I am aware. Certainly I have not received any such information.

Please consider this my Freedom of Information request in respect of the pavement installed charging points and provide the following information including full supporting documents and consultations.

23. please provide details of the consultation carried out prior to installation of the charging points including details of the consultees;

24. please provide details of the responses from all residents and consultees;

25. please confirm the cost of the installation of the charging points;

26. how many charging points have been installed and how many of those are actually in working order as at today;

27. why was the particular location on XXX selected to install the charging points to such a density and not have them spread out along the whole road? what criteria was used to make the selection of the location?

28. how many people have actually used the charging points since installation?

29. which points specifically have been used to charge from?

30. how much income has been generated for the Council from the charging points when actually used?

31. what equipment is required to use the charging points?

32. where is the equipment available from?

33. is the particular type of charging point installed elsewhere in London and England? In other words, once someone buys the connecting post, will they be able to use that elsewhere to charge with or can that only be used on XXX?

34. how many such charging points have been installed in the Borough of Barnet and in which locations?

35. how many more are projected to be installed across the Borough and the time frame for the installations to be completed?

36. what is the overall cost of the installations?
37. are the installations by the Council or independent contractors who derive their own income from the use of the charging points?
38. what was the projected income for the Council from the charging points and are the targets being met?
39. please provide any other relevant information pertaining to the pavement mounted charging points across the Borough."

Reasons for decision

6. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."
7. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."
8. On 25 March 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
9. Despite this intervention the public authority has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with the EIR. The Commissioner finds that the public authority has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

Right of appeal

11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Michael Lea
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