

26 September 2019

Our ref: 5583876

Thank you for your request received on 28 August 2019, for the following information:

**THIS IS A FREEDOM OF INFORMATION REQUEST MADE TO THE LONDON BOROUGH OF BARNET MADE PURSUANT TO AND IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT 2000**

**As part of LBB's decision making process it apparently sought the views of residents of adjoining/nearby roads.**

- 1. Please provide written justification for the consultations with residents of adjoining/nearby roads in relation to possible Oakleigh RPZ ie statutory, regulatory, standing orders etc. requiring such consultation.**
- 2. Please indicate in writing with reasons the evidential weight given by LBB to the views of the residents referred to in 1 above when deciding to refuse the creation of the Oakleigh RPZ.**
- 3. Please provide in writing reason(s) for not consulting Oakleigh Gardens residents in relation to the creation of RPZs in 3rd para above.**
- 4. If such consultations in 3 above should have taken place is LBB now required to remove the RPZs referred to in the 3rd para above? Please provide reasons in writing for your response.**
- 5. Please provide copies of all meeting minutes of Cllrs and officers at which the creation, possibility of creation and refusal of all the RPZs referred to in this FOI request were discussed including copies of all documents the contents of which were referred to at such meetings.**

## **Response**

I can confirm that London Borough of Barnet holds the information you requested.

However, we believe that the exceptions detailed below apply to some of the information you requested and so we are withholding that information. Please see the Refusal Notice below.

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## **THE FREEDOM OF INFORMATION ACT 2000**

***As part of LBB's decision making process it apparently sought the views of residents of adjoining/nearby roads.***

***1. Please provide written justification for the consultations with residents of adjoining/nearby roads in relation to possible Oakleigh RPZ ie statutory, regulatory, standing orders etc. requiring such consultation.***

Legislation suggests that in proposing a change which requires a Traffic Management Order, the local authority should write to those properties likely to be affected by any proposal. Officers would then consider this on a case by case basis

<http://www.legislation.gov.uk/uksi/1996/2489/regulation/7/made>

***2. Please indicate in writing with reasons the evidential weight given by LBB to the views of the residents referred to in 1 above when deciding to refuse the creation of the Oakleigh RPZ.***

The issue of parking in Oakleigh Gardens and environs was considered by the Hendon Area Committee in October 2016. The relevant report which can be found at:

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=717&MId=8657&Ver=4>

(item 9 applies) outlines the findings of the consultation and Officer recommendations.

***3. Please provide in writing reason(s) for not consulting Oakleigh Gardens residents in relation to the creation of RPZs in 3rd para above.***

It appears that consultation in respect of CPZs were sent to Oakleigh Gardens residents as per the attached draft of a Report outlining the results of consultation undertaken in 2001 in respect of extending the CPZ. For the record, the CPZ was extended further up Green Lane, beyond its junction with Oakleigh Gardens in 2002 following this consultation.

Records also exist on letters being planned for delivery to Oakleigh Gardens to advise of the decisions made post-Sub Committee decision.

***4. If such consultations in 3 above should have taken place is LBB now required to remove the RPZs referred to in the 3rd para above? Please provide reasons in writing for your response.***

N/A.

It should be noted also that legislation states that, upon making/finalising the relevant Traffic Management Order in respect of a scheme, if anyone feels that the Council has not undertaken its legal processes properly, they can make an application to the High Court within 6 weeks of the date of the relevant notice.

Because significantly more time than 6 weeks has passed since the making of the Traffic Management Order, and with no High Court Order to do so, the Council is not obliged to remove the CPZs.

***5. Please provide copies of all meeting minutes of Cllrs and officers at which the creation, possibility of creation and refusal of all the RPZs referred to in this FOI request were discussed including copies of all documents the contents of which were referred to at such meetings.***

See link provided in response to 2 above. The 2001 report referred to in the response to 3 above appears to have been reported to the Hendon Area Environment Sub-Committee – certainly it was planned to be. Unfortunately the Council's records on their website only go back to 2004, so no details are on record within the Highways Department in relation to the minutes etc.

We consider that Regulation 6(1)(b) applies to the information requested because the information requested is already publicly available and easily accessible.

### **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.