17 October 2019
Our ref: 5692261

Thank you for your request received on 30 September 2019, for the following information:

I regularly eat at Giovannina Italian Deli: 44 Vivian Avenue London NW4 3XP.

I recently noticed they had a very low food safety rating, and I was wondering why, in line with my public interest in food hygiene.

Please could you provide me with the inspection report in accordance with the Freedom of Information Act.

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

Response

I can confirm that London Borough of Barnet holds the information you requested. However, we consider that the following exceptions apply to some of the information requested.

We consider that regulation 12 (4) (d) (In course of completion, unfinished or incomplete) applies to the information requested because we consider that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data.

Therefore, we have decided to withhold the information.

Refusal Notice - Regulation 12 (4) (d)

We consider that regulation 12 (4) (d) (In course of completion, unfinished or incomplete) applies to the information requested because we consider that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data.

Therefore, we have decided to withhold the information. In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

R14(4) (d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data

Regulation 12(4)(d) Material still in the course of completion has been applied. As such the Council argues that the internal communications should be withheld to maintain “a safe, internal, confidential, private space (away from the public and hence external scrutiny) in which it is able to discuss and determine such issues affecting it, in order to facilitate full and frank deliberation and debate and permit high quality decision making which is required for the sound performance of the Council as a whole”.

Public interest test considerations

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information. There are a number of public interest arguments that weigh in favour of disclosing the information you have sought:

• The general proposition of maximising openness that the EIR and the Council aspire to;

• The benefits of ensuring transparent and accountable government by disclosing how the Council receives and spends public money;

However, there are also public interest arguments against disclosure:

• We have checked our records and can see that the last food hygiene inspection was carried out on 24 September 2019. The rating for the inspection is not yet showing on the Food Standards Agency website as there is an appeal period after our inspection.

Please see https://ratings.food.gov.uk/enhanced-search/en-GB/Giovannina/%5E/Relevance/0/502/%5E/0/1/10 which states that a new rating is to be published soon.

The rating will show 28 days after our inspection.

• Transparency and public scrutiny of decision making objectives will be met by making the details held on the database available on request

The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information.

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 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). There is no charge for making an appeal.