

19 April 2021  
Our ref: 7211153

Thank you for your request received on 12 April 2021, for the following information:

**Under the Freedom of Information Act I would like to know the following, all in relation to a dropped kerb outside 16 Derby Avenue, London N12:**

- 1) The date of application for the dropped kerb outside no.16 Derby Avenue, N12.**
- 2) The name of the original applicant, who I believe died over 11 years ago.**
- 3) Confirmation that council tax was being paid by said applicant.**
- 4) When did you receive notification of the death of the applicant and when did council tax stop being paid by said applicant.**
- 5) the cost of installation and who paid it? And the cost of removal and who is expected to pay for it if the original applicant is deceased.**
- 6) How many fines have been issued relating to the dropped kerb at 16 Derby Avenue, N12 since 2000.**

**I would also be keen to know from a legal perspective who becomes responsible for a drop kerb once the applicant leaves a property or passes away? A house cannot take ownership, it is not something that should be inherited without full knowledge, the council surely cannot assume that a new owner is liable for a dropped kerb? Are dropped kerbs mentioned in property deeds? Is it the councils responsibility to check with a new owner whether the dropped kerb is still required? I understood that the council should be informed of a death, therefore Barnet Council would presumably have known that the dropped kerb would not then be required. What checks are made to ascertain ownership of Barnet's 1,000s of dropped kerbs?**

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

## **Response**

The council holds the information requested and the answers to your questions are below.

- 1) The date of application for the dropped kerb outside no.16 Derby Avenue, N12.***

No application has been made at this address.

**2) The name of the original applicant, who I believe died over 11 years ago.**

N/A as no application was made.

**3) Confirmation that council tax was being paid by said applicant.**

N/A as no application was made.

**4) When did you receive notification of the death of the applicant and when did council tax stop being paid by said applicant.**

N/A as no application was made.

**5) the cost of installation and who paid it? And the cost of removal and who is expected to pay for it if the original applicant is deceased.**

N/A as no application was made.

**6) How many fines have been issued relating to the dropped kerb at 16 Derby Avenue, N12 since 2000.**

For the period 01/01/2000 to 13/04/2021 (21 years) Civil Enforcement Officers (CEO) have issued 218 Penalty Charge Notices (PCN) to vehicles having been parked adjacent to dropped kerbs (code 27) on Derby Avenue N12. Please note that this covers the whole of Derby Avenue N12 and not specific the specific location indicated 'outside 16'.

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Once a crossover is constructed the property owner (as stated with Land Registry) completes a legal agreement with The London Borough of Barnet that the crossover will be used in line with the Highways Act 1980 and crossover policy.

The paperwork is sealed and attached to the property as a local land charge record. When a property is sold the crossover entitlement and conditions of use pass on with the property. If the new owner of the property wishes to have the crossover removed we would require written instruction and the local land charge record would be amended.

**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.