

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
19 July 2022
Our ref: 8317613

Thank you for your request received on 20 June 2022, for the following information:

Subject : 110 Erskine Hill, Golders Green, London NW11 6HT

Date of Incident : July 2018

We are instructed by our above named client in relation to subsidence damage at their property. A tree/vegetation under your ownership and or control is implicated in the damage and we therefore require certain information from you.

Pursuant to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, we request the following information and documentation:

- 1. Copies of your tree policies within the period 01 January 2008 and 31 December 2018 or where to locate said policies if readily accessible in electronic format;**
- 2. A copy of your tree maintenance works carried out to the Oak tree under your ownership and control, located to the front of the above Property (T1 on the attached site plan), between 01 January 2008 and 31 December 2018, pertaining to but not restricted to recommended works, extent of works completed and inspections;**
- 3. A copy of your risk analysis in respect of the aforementioned vegetation, between 01 January 2008 and 31 December 2018, to include any maintenance regimes, if any, also carried out within this period;**
- 4. Details of the information retained by and/or accessible to you in respect of the soil types in:**
 - 4.1 The Erskine Hill area**
 - 4.2 The NW11 6 postcode area**
- 5. The number of tree related subsidence claims that have been brought against you within the Page 2 of 2 NW11 6 postcode area and Erskine Hill area between 01 January 2008 and 31 December 2018. For each claim please confirm:**
 - 5.1 Location of the tree (by house number)**
 - 5.2 Species of the implicated tree**
 - 5.3 The date of the claim**

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/all of this information and this is withheld. Please see the Refusal Notice below.

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Pursuant to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, we request the following information and documentation:

1. Copies of your tree policies within the period 01 January 2008 and 31 December 2018 or where to locate said policies if readily accessible in electronic format;

Please see the attached Barnet Tree Policy 2017.

2. A copy of your tree maintenance works carried out to the Oak tree under your ownership and control, located to the front of the above Property (T1 on the attached site plan), between 01 January 2008 and 31 December 2018, pertaining to but not restricted to recommended works, extent of works completed and inspections;

We do not have a copy of the tree maintenance works in 2011, however we can confirm that the tree was inspected in 2011 and confirmed that works were completed.

3. A copy of your risk analysis in respect of the aforementioned vegetation, between 01 January 2008 and 31 December 2018, to include any maintenance regimes, if any, also carried out within this period;

Please see the attached works history.

4. Details of the information retained by and/or accessible to you in respect of the soil types in:

4.1 The Erskine Hill area

4.2 The NW11 6 postcode area

Geological drift data is accessible to us in respect of the soil types via <https://mapapps.bgs.ac.uk/geologyofbritain/home.html>

***5. The number of tree related subsidence claims that have been brought against you within the Page 2 of 2
NW11 6 postcode area and Erskine Hill area between 01 January 2008 and 31 December 2018. For each claim please confirm:***

5.1 Location of the tree (by house number)

5.2 Species of the implicated tree

5.3 The date of the claim

Please see the table below. Please note, we do not provide information as to where the tree is located, as invariably the implicated tree is located outside the claimants property, therefore identifying the claimant. See Refusal Notice below.

Our Data Retention Policy is 10 years from date of closure (before Anonymisation), therefore the Data for other cases that predate this criteria period would no longer be held.

Incident Date	Species of tree
26/06/2009	Oak
24/08/2010	Maple
20/09/2010	Oak
30/10/2010	Oak
14/10/2010	Oak
12/10/2010	Unknown
08/12/2010	Oak
18/07/2011	Unknown
04/09/2011	Oak
09/12/2011	Oak
17/12/2013	Acer
28/02/2014	Alder
15/12/2014	Prunus
09/03/2015	Oak
14/05/2015	Oak
24/09/2016	Unknown
01/09/2016	Oak
01/05/201	False

7 Acacia
19/12/201 Hornbeam
7
12/11/201 Oak
8

Refusal Notice Section 40(2)

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exemption under section 40 of the Freedom of Information Act 2000(FOI). These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an FOI request.

Personal Information is governed by the Data Protection Act legislation and is defined as any information relating to an identified or identifiable natural person ('data subject')". It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness.

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.