

London Borough of Barnet  
2 Bristol Avenue,  
Colindale,  
NW9 4EW  
17 August 2022  
Our ref: 8341924

Thank you for your request received on 19 July 2022, for the following information:

**This request is made under the provisions of the Freedom of Information Act and Environmental Information Regulations and is submitted on behalf of Friern Barnet & Whetstone Residents' Association.**

**The term 'documents' used below includes documents whether in written or in electronic formats and includes reports, papers, notes, emails, letters and memoranda.**

**Appendix A to the Highway Network Recovery and Community Infrastructure Levy Programme 2022/23 Report presented to the Environment Committee on 13 January 2022 identified programmed carriageway patching programme, including the following-**

**1. 40 m in Gresham Avenue, Coppetts Ward and 2. 80 m in Park Way, Coppetts Ward.**

**The work in Park Way was carried out on 13 July.**

**Paragraph 2.1 of the Report states 'The Work Programme is developed using an independent condition assessment survey company, Xais, who undertake a visual survey of every public highway footway and carriageway in the borough and record the data to a defined national standard. This data is added to that of the defects scores, scoring to indicate the relative position on the operational network hierarchy and location in relation to places of education and worship.' FBWRA wishes to understand the basis on which the works in Gresham Avenue and Park Way were programmed, whereas other local roads were excluded.**

**1. Please provide copies of the documents forming the 'paper trail' for the decision to programme the works in Gresham Avenue and Park Way and to exclude other local roads.**

**2. The documents provided as above should include copies of the Xais reports and the Councils own defects surveys and their scores for the whole of Gresham Avenue, Park Way, Bethune Avenue and The Ridgeway N11, Manor Drive and York Way.**

**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 believe that the exceptions detailed below apply to some/all of this information and this is withheld. Please see the Refusal Notice below.

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All network sections are assessed for treatment based upon a visual condition survey plus a validation exercise taking into account network hierarchy and other factors such as footfall

***1. Please provide copies of the documents forming the 'paper trail' for the decision to programme the works in Gresham Avenue and Park Way and to exclude other local roads.***

These are commercially sensitive so cannot be provided, see refusal notice below, Part of the assessment undertaken is the estimated cost of each scheme by condition rating against the annual budget available. This analysis includes the cost of treatment by TKJV which is sensitive

***2. The documents provided as above should include copies of the Xais reports and the Councils own defects surveys and their scores for the whole of Gresham Avenue, Park Way, Bethune Avenue and The Ridgeway N11, Manor Drive and York Way.***

The request is to provide all the borough wide condition scores for footway and carriageway. This is a vast amount of data as the Borough is surveyed in 20m sections

Regulation 12(4)(b) of the Environmental Information Regulations 2004 provides an exception to the disclosure of information in situations where the request is manifestly unreasonable. This exception may be invoked where the request places a substantial and unreasonable cost or burden of dealing with it. The purpose of the exception is to protect public authorities from exposure to a disproportionate burden or an unjustified level of distress, disruption or irritation, in handling information requests.

This is a qualified exception under EIR which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than

the public interest in maintaining the exemption. The public interest means what is in the best interests to the public.

The information was prepared for internal circulation and its release may affect our ability to effectively share information of this kind internally. This is a qualified exception under the EIR which means that consideration must also be given to whether in all the circumstances of the case the public interest favouring disclosure is greater than the public interest in maintaining the exemption. These factors are that the decision making processes of public functions should be transparent and open to scrutiny in order to inform the public debate. The case against is the burden on the public authority and diversion away from its core business.

#### **R12(5)(e) Confidential commercial information**

We consider that regulation 12 (5) (e) (Confidentiality of commercial or industrial information) applies to the information requested because we consider that disclosure of the information requested would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Therefore, we have decided to withhold the information.

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

In all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the 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](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 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](http://www.ico.org.uk)). There is no charge for making an appeal.