

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
2 April 2024
Our ref: 11715024

Thank you for your request received on 5 March 2024, for the following information:

Pothole on Rowley Green Road, Barnet.

I would be interested in reading a copy of the order and report I'm a surveyor and take interest was it a failed repair or just the weather please advise

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

S31 – Law Enforcement

The information held is currently subject to Civil Procedure Rules. This applies to all such claims in breach of the Highways Act 1980, including pothole-related claims.

We consider that the qualified exemption set out in Section 31 (Law enforcement) subsection 31(1)(g). Disclosure of the information will prejudice civil proceedings in relation to an ongoing legal claim of the council, and forms part of the disclosure and will be released once the claim has been concluded.

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

Factors in favour of disclosure

- Openness and Transparency in decision making process
- Accountability of public money being spent

Factors in favour of withholding

- There are civil proceedings in relation to an ongoing legal claim of the council, and forms part of the disclosure and will be released once the claim has been concluded
- It is our view that the greater public interest in maintaining the exemption outweighs the minor public interest in disclosing the information.
- There are civil proceedings in relation to an ongoing legal claim of the council, and forms part of the disclosure and will be released once the claim has been concluded

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.