



Request

We write to request inspection records for outside Old Road, Ashton-in-Makerfield, Wigan, Greater Manchester, WN4 9QN and the immediate surrounding area from 01/01/2018 to present since we have recently received notification of a personal injury claim arising from alleged defective apparatus situated at the above location.

We require street inspection records to include, driven surveys, walk- about surveys and any other general maintenance records.

For the sake of completeness, we should appreciate confirmation as to whether a s81 notice was issued in relation to the subject defect.

We have searched our database and have been unable to locate a s81 notice. Please confirm if such notice exists and if so, please provide a copy. Please also advise how often inspections are undertaken along with the method of inspection and a copy of your inspection policy.

Response

Thank you for your request made under the Freedom of Information Act 2000 (FOIA). After careful consideration, the Council is refusing this request under the following exemption:

Section 21 – Information Accessible by Other Means

Section 21 of the FOIA applies where the information requested is reasonably accessible to the applicant by means other than a FOI request.

The information you have requested relates to an insurance claim for property damage. This information is not appropriately obtained via the FOI process and is instead available through the established Pre-Action Protocol (PR) for property damage claims or directly through the Council's insurers.

FOI is not intended to replace formal legal or claims-handling routes, nor to be used as a means of gathering information for the purpose of pursuing or supporting a claim. Accordingly, the Council will not provide the requested information under FOIA.

Advice and Assistance (Section 16 FOIA)

In line with our duty to advise and assist, you are advised to contact the Council's insurers directly, providing full details of the alleged incident and claim, including:

- o Date, time and location of the incident
- o Nature of the property damage
- o Any reference numbers already provided
- o Supporting evidence (photographs, invoices, repair estimates)

This will ensure your request is handled through the correct legal and procedural framework.