

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: EIR-17-1867 - Inspection - Virginia Street
Date: 05 January 2018 14:27:37
Attachments: [Further Information - Right to Review & Appeal.pdf](#)
[EIR-17-1867 - Virginia Street reports 1.pdf](#)
[EIR-17-1867 - Virginia Street reports 2 Redacted.pdf](#)

Dear [REDACTED]

Thank you for your information request of 4 December 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

We are instructed to claim damages in connection with a tripping accident on 20 November 2017 at Virginia Street, Aberdeen.

Documents from the Highway Authority or local authority for a period of 12 months prior to the accident

(i) Records of inspection for the relevant stretch of road/footway

Please see attached under 'condition survey'.

(ii) Maintenance records including records of independent contractors working in relevant area

Please see attached under 'Maintenance Management'

The assumption is taken that as this is a tripping incident, the accident occurred on the footway. Having checked the records for the twelve months prior to the 20 November 2017, we can confirm that no works were undertaken on the footway.

(iii) Statement of the Roads Authority's policy under the Code of Practice for Highway Maintenance Management (2005) or alternatively records of the Minutes of Highway Authority or Local Authority meetings where maintenance or repair policy has been discussed or decided.

Please see link below to the Road Safety Inspection Manual.

<https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/Roads%20Safety%20Inspection%20Manual.pdf>

As **Statement of the Roads Authority's policy under the Code of Practice for Highway Maintenance Management (2005) or alternatively records of the Minutes of Highway Authority or Local Authority meetings where maintenance or repair policy has been discussed or decided** is otherwise accessible on our website at the link provided above, it is exempt from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 6(1)(b) - Information Already Publicly Available - of the EIRs.

(iv) Records of complaints about the state of the roads/footways at the accident locus for a 12 month period prior to the accident

Aberdeen City Council have received no official complaints for this location during the given

timescale.

(v) Records of other accidents which have occurred on the relevant stretch of road/footway within 12 months of the accident.

Please see attached under 'customer services', Aberdeen City Council have received no claims, or intimations of claims for this location in the given timescale.

Please note that third party names and personal details, as well as the names of ACC Officers who are below Head of Service level have been redacted (blacked out) from the attached Site History Report. This is because ACC considers that this information is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby give notice that we are refusing your request under the terms of Regulation 11(2) in conjunction with 11(3)(a)(i) – Personal Information - of the EIRs.

In making this decision ACC considered the following points:

ACC is of the opinion that Section 38(1)(b) applies to the information specified above as the information in question is personal information relating to living individual(s), of which the applicant is not the data subject.

ACC is of the opinion that Section 38(2)(a)(i) applies, as we consider that disclosure of this information would be a breach of the first Data Protection Principle (that personal information must be processed fairly and lawfully). The individual(s) have not consented to the disclosure of their information, and ACC does not consider that they would expect ACC to release this information about them into the public domain under the FOISA.

We hope this helps with your request.

Yours sincerely,

Information Compliance Team

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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Customer Service
Corporate Governance
Aberdeen City Council
3rd Floor North

Business Hub 17
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Broad Street
ABERDEEN AB10 1AQ

foienquiries@aberdeencity.gov.uk

Tel 03000 200 292

*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.
Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).

www.aberdeencity.gov.uk

Effective: 20/11/2016 to 05/12/2017

Contract: Roads Contract (General Maint) (RD01)

Site: VIRGINIA STREET (7601440)

Service: Footways

Display Action Officer: No

Site: VIRGINIA STREET (7601440)

Locality: ABERDEEN, ABERDEEN CITY

Area: Aberdeen Central

Condition Survey

| Defect No: | Description | Log Date | Location | Defect Type | Class. | Organisation | Status | Job No. |
|---------------|-----------------------------|-----------------------|-----------------------------|---------------------------------------|---------------------|-------------------------------|--------------|------------|
| Asset: | 1,000.00 | Asset - Locn.: | S/30/2389 - VIRGINIA STREET | Feature Type: RDS Road Section | | Area: Aberdeen Central | | |
| Batch: | 536600 - Inspection Batch | | | Route: | Week: 18 - Area: 18 | | Date: | 27/07/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 534954 - Inspection Batch | | | Route: | Week: 14 - Area: 18 | | Date: | 30/06/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 533737 - Inspection Batch | | | Route: | Week: 10 - Area: 18 | | Date: | 09/06/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 531386 - Inspection Batch | | | Route: | Week: 06 - Area: 18 | | Date: | 04/05/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 529466 - Inspection Batch | | | Route: | Week: 02 - Area: 18 | | Date: | 07/04/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 527334 - Inspection Batch | | | Route: | Week: 46 - Area: 18 | | Date: | 10/03/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 525886 - Inspection Batch | | | Route: | Week: 42 - Area: 18 | | Date: | 14/02/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 524239 - Inspection Batch | | | Route: | Week: 38 - Area: 18 | | Date: | 21/01/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 522188 - Inspection Batch | | | Route: | Week: 34 - Area: 18 | | Date: | 15/12/2016 |
| | No actionable defects found | | | | | | | |
| Asset: | 1,001.00 | Asset - Locn.: | 1 - Grass verge | Feature Type: RDS Verge | | Area: Aberdeen Central | | |
| Batch: | 536601 - Inspection Batch | | | Route: | Week: 18 - Area: 18 | | Date: | 27/07/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 534955 - Inspection Batch | | | Route: | Week: 14 - Area: 18 | | Date: | 30/06/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 533738 - Inspection Batch | | | Route: | Week: 10 - Area: 18 | | Date: | 09/06/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 531387 - Inspection Batch | | | Route: | Week: 06 - Area: 18 | | Date: | 04/05/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 529473 - Inspection Batch | | | Route: | Week: 02 - Area: 18 | | Date: | 07/04/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 527335 - Inspection Batch | | | Route: | Week: 46 - Area: 18 | | Date: | 10/03/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 525887 - Inspection Batch | | | Route: | Week: 42 - Area: 18 | | Date: | 14/02/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 524240 - Inspection Batch | | | Route: | Week: 38 - Area: 18 | | Date: | 21/01/2017 |
| | No actionable defects found | | | | | | | |

Effective: 20/11/2016 to 05/12/2017

Contract: Roads Contract (General Maint) (RD01)

Site: VIRGINIA STREET (7601440)

Service: Footways

Display Action Officer: No

Condition Survey

| Defect No: | Description | Log Date | Location | Defect Type | Class. | Organisation | Status | Job No. |
|---------------|-----------------------------|-----------------------|-----------------------------------|----------------------|----------------------|--------------|--------------|-------------------------|
| Asset: | 1,001.00 | Asset - Locn.: | 1 - Grass verge | Feature Type: | RDS Verge | | Area: | Aberdeen Central |
| Batch: | 522189 - Inspection Batch | | | Route: | Week: 34 - Area: 18 | | | Date: 15/12/2016 |
| | No actionable defects found | | | | | | | |
| Asset: | 1,002.00 | Asset - Locn.: | 1 - Footway | Feature Type: | RDS Footway | | Area: | Aberdeen Central |
| Batch: | 536603 - Inspection Batch | | | Route: | Week: 18 - Area: 18 | | | Date: 27/07/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 534956 - Inspection Batch | | | Route: | Week: 14 - Area: 18 | | | Date: 30/06/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 533739 - Inspection Batch | | | Route: | Week: 10 - Area: 18 | | | Date: 09/06/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 531388 - Inspection Batch | | | Route: | Week: 06 - Area: 18 | | | Date: 04/05/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 529474 - Inspection Batch | | | Route: | Week: 02 - Area: 18 | | | Date: 07/04/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 527341 - Inspection Batch | | | Route: | Week: 46 - Area: 18 | | | Date: 10/03/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 525888 - Inspection Batch | | | Route: | Week: 42 - Area: 18 | | | Date: 14/02/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 524241 - Inspection Batch | | | Route: | Week: 38 - Area: 18 | | | Date: 21/01/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 522190 - Inspection Batch | | | Route: | Week: 34 - Area: 18 | | | Date: 15/12/2016 |
| | No actionable defects found | | | | | | | |
| Asset: | 1,006.00 | Asset - Locn.: | 1 - Central reservation (settled) | Feature Type: | RDS Hard Landscaping | | Area: | Aberdeen Central |
| Batch: | 536602 - Inspection Batch | | | Route: | Week: 18 - Area: 18 | | | Date: 27/07/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 534957 - Inspection Batch | | | Route: | Week: 14 - Area: 18 | | | Date: 30/06/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 533740 - Inspection Batch | | | Route: | Week: 10 - Area: 18 | | | Date: 09/06/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 531389 - Inspection Batch | | | Route: | Week: 06 - Area: 18 | | | Date: 04/05/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 529475 - Inspection Batch | | | Route: | Week: 02 - Area: 18 | | | Date: 07/04/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 527336 - Inspection Batch | | | Route: | Week: 46 - Area: 18 | | | Date: 10/03/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 525889 - Inspection Batch | | | Route: | Week: 42 - Area: 18 | | | Date: 14/02/2017 |
| | No actionable defects found | | | | | | | |

Effective: 20/11/2016 to 05/12/2017

Contract: Roads Contract (General Maint) (RD01)

Site: VIRGINIA STREET (7601440)

Service: Footways

Display Action Officer: No

Condition Survey

| Defect No: | Description | Log Date | Location | Defect Type | Class. | Organisation | Status | Job No. |
|---------------|-----------------------------|-----------------------|----------------------------------|----------------------|----------------------|--------------|--------------|------------------|
| Asset: | 1,006.00 | Asset - Locn.: | 1 - Central reservation (setted) | Feature Type: | RDS Hard Landscaping | | Area: | Aberdeen Central |
| Batch: | 524242 - Inspection Batch | | | Route: | Week: 38 - Area: 18 | | Date: | 21/01/2017 |
| | No actionable defects found | | | | | | | |
| Batch: | 522195 - Inspection Batch | | | Route: | Week: 34 - Area: 18 | | Date: | 15/12/2016 |
| | No actionable defects found | | | | | | | |

Maintenance Management

| Job No. | Description | Location | Priority | Job Status | Entered | Completion | Works Order |
|---------|---------------------------------------------|---------------------------------------------------------------|----------------------|---------------------------------------|------------|-------------------------------|-------------|
| | Asset: 1,000.00 | Asset - Locn.: S/30/2389 - VIRGINIA STREET | | Feature Type: RDS Road Section | | Area: Aberdeen Central | |
| 50049 | wearing coat coming off. (Blocked Gully) | Barratt Flats to lights commerce street. | SL 07-Day | Job Closed | 29/04/2008 | 07/05/2008 | Est. |
| | Asset: 1,009.00 | Asset - Locn.: 10 - No 7 to Mearns Gate-Footway | | Feature Type: RDS Footway | | Area: Aberdeen Central | |
| 10112 | | 0 | .Routine Maintenance | Job Closed | 05/12/2006 | | |
| | Asset: 1,010.00 | Asset - Locn.: 11 - Theatre Lane to Shore Lane-Footway | | Feature Type: RDS Footway | | Area: Aberdeen Central | |
| 10109 | | 98 | .Routine Maintenance | Job Closed | 05/12/2006 | | |

Effective: 20/11/2016 to 05/12/2017

Display Action Officer: Yes

Service: Roads

Site: VIRGINIA STREET (7601440)

Site: VIRGINIA STREET (7601440)

Locality: ABERDEEN, ABERDEEN CITY

Area: Aberdeen Central

Customer Services

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------|----------------------------|
| Enquiry No.: 724474 | Logged by: Contact Centre | on: 16/11/2017 09:11 | Officer: [REDACTED] |
| Service: Roads | Subject: General Enquiry | Classification: Defect Report | Enquiry Ref: |
| Desc.: METAL BOLLARD TYPE ITEM MUST HAVE FALLEN OFF OF VEHICLE. CALLER HAS MANAGED TO PULL IT TO THE SIDE OF THE ROAD TO THE LAY BY BEFORE THE NCP CAR PARK ON VIRGINIA STREET- PHONED THROUGH [REDACTED] | | | |
| Location: VIRGINIA STREET | Contact: [REDACTED] | | |
| Enquiry No.: 715948 | Logged by: Contact Centre | on: 18/08/2017 13:16 | Officer: [REDACTED] |
| Service: Roads | Subject: General Enquiry | Classification: Defect Report | Enquiry Ref: |
| Desc.: broken manhole cover - causing issues for traffic --- already phoned through to roads reception to confirm the issue | | | |
| Location: VIRGINIA STREET - just up from Market street - sfc | Contact: [REDACTED] | | |
| Enquiry No.: 687646 | Logged by: Contact Centre | on: 04/02/2017 00:24 | Officer: [REDACTED] |
| Service: Roads | Subject: General Enquiry | Classification: Defect Report | Enquiry Ref: |
| Desc.: ROADS29064 Site (Street/Park/etc) : A956 northbound after Marischal St bridge Location : Aberdeen city Locational Details : In front of house First Type of Fault : Rocking/Noisy/Low Manhole Cover First Fault Details : Pothole at edge, noise increasing daily Additional Information : Problem noted last week or so, drastic worsening last few days, we travel by road but residents must find noise non stop | | | |
| Location: A956 northbound after Marischal St bridge Aberdeen city | Contact: [REDACTED] | | |
| Enquiry No.: 684756 | Logged by: Contact Centre | on: 09/01/2017 10:20 | Officer: [REDACTED] |
| Service: Roads | Subject: General Enquiry | Classification: Defect Report | Enquiry Ref: |
| Desc.: DRAIN COVER LOOSE AND ROCKING APPROX OPPOSITE NO 109 - HAS BEEN LIKE THIS SINCE DECEMBER - [REDACTED] | | | |
| Location: approx at 109 VIRGINIA STREET | Contact: [REDACTED] | | |
| Enquiry No.: 681620 | Logged by: Contact Centre | on: 30/11/2016 21:58 | Officer: [REDACTED] |
| Service: Roads | Subject: General Enquiry | Classification: Defect Report | Enquiry Ref: |
| Desc.: Reference No : ROADS28837 Site (Street/Park/etc) : Virginia street Location : Outside 109 Virginia street beside one way sign Locational Details : In front of house First Type of Fault : Rocking/Noisy/Low Manhole Cover Additional Information : The manhole cover on the road is loose and extremely loud when cars drive over it. | | | |
| Location: Virginia street | Contact: [REDACTED] | | |