

Was the Eastwood Park Leisure New Build Decision based on evidence ' in draft form, in the course of completion and on an unfinished document.' ?

Posted by RM64 - 19 Aug 2019 13:37

I know it was the decision ALL wanted, BUT.....

The Director of Environment stated in his response of Wednesday, 26 Jun, 2019 At 16:46 -

'However, in terms of paragraph 10 (4) (d) of the Environmental Information (Scotland) Regulations 2004 I consider this information is exempt because it is in draft form, in the course of completion and is an unfinished document.'

The Full Council Meeting was held on Wednesday, 26 Jun, 2019 At 07:00pm.

The Director of Environment was seeking recommendation for his report based on evidence that was -

'in draft form, in the course of completion and is an unfinished document.'

????

Unfortunately ERC still seek to hide the information !!!

----- Original Message -----

To:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Cc:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

;

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Tuesday, 9 Jul, 2019 At 22:15

Subject: REQUEST FOR FREEDOM OF INFORMATION(FOI) REVIEW - Freedom Of Information
Request: 101001980106 Eastwood Park Leisure New Build

Chief Officer (Legal and Procurement)

Council Headquarters

Rouken Glen Road

Giffnock

G46 6UG

REQUEST FOR FREEDOM OF INFORMATION(FOI) REVIEW

As instructed by Andrew Cahill, ERC Director of Environment in their attached email dated 26 June 2019 (response to my FOI request dated 29 May 2019) and as Gerry Mahon, The Chief Officer Legal & Procurement, has previously stated that FoI is normally a 2 stage process -

'As you will be aware the Council's response to an FOI request does not merely revolve around the initial request but also the review process. It is hoped that any human error in relation to the 1st part of the process is properly remedied at the 2nd stage.'

I wish to request said FOI review.

I completely disagree with Mr Cahills reasons for withholding the requested documents/reports/information.

At the Full Council meeting on 26 June 2019(Agenda Item 11) a recommendation that the Council 'Approves Eastwood Park as the preferred site for a new Eastwood Leisure Centre and theatre;'

was approved.

It seems unbelievable that the Director of Environment would make such an important recommendation based on evidence

' in draft form, in the course of completion and is an unfinished document.'

It is imperative that East Renfrewshire Council Tax Payers have access to the evidence that the Director of Environment had when coming to their recommendation.

As the decision has been made there is now no reason to withhold any of the requested Information/Reports/Documentation.

It seems incredible that the Director of Environment can make a recommendation to Full Council but not publish the documentation/reports that their decision was based on.

As East Renfrewshire Council Tax Payers paid £49,000.00 for this work surely they should be able to read these reports to scrutinise the evidence that the Director has based their recommendation on.

It appears the information has been published to Councillors.

My Councillor Stewart Miller has replied -

'----- Original Message -----

From: "Miller, Stewart (Cllr)";

Sent: Thursday, 4 Jul, 2019 At 23:02

Subject: Re: Urgent - Eastwood Park Reports by Peter Brett Associates

I am sure you are well aware that Cllrs can ask to see any report they wish

Regards

Stewart'

to my question - 'Have Councillors seen/read had access to any of these reports?'

regarding Eastwood Park Reports by Peter Brett Associates.

The Director should publish all below Information/Reports/Documents from the Peter Brett Associates revised Project Plan -

28 January 2019 - Start

25 February 2019 - Visioning Report Draft

18 March 2019 - Visioning Report Final

1 April 2019 - Masterplan Draft

22 April 2019 - Masterplan Final

22 April 2019 - Action Plan / Road Map

The outputs for the project will include the following:

a. A Visioning report for the Campus – which outlines proof on concept – present & future uses,

landscaping (hard & soft) and building enhancement potential.

b. Masterplan layout options for the site & presentation

c. Action plans/implementation road map/phasing with cost implications

d. Access and Transport review (including junction modelling & case for 2nd access and improved connections)

e. Community Benefits - details of how the new buildings will derive benefits for the Council and the wider community.

To enable delivery of above, PBA will utilise their multi-disciplinary team to provide planning, transport and economic inputs to the study.

This will be supplemented by Stallan Brand architects who will bring their significant architectural experience to assist in the design and visualisation of the masterplan options and the preparation of the visioning report and 3D images.

Thanks

----- Original Message -----

From: "Cahill, Andrew"

Sent: Wednesday, 26 Jun, 2019 At 16:46

Subject: Freedom Of Information Request: 101001980106

I refer to your FOI request of 29th May 2019 in relation to Master Planning of Eastwood Park and the feasibility of a new build leisure centre within Eastwood Park.

The Council does hold further information received within the timescale stated in your request.

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However, in terms of paragraph 10 (4) (d) of the Environmental Information (Scotland) Regulations 2004 I consider this information is exempt because it is in draft form, in the course of completion and is an unfinished document.

+++++++

In terms of regulation 10 (1) (b) I am also satisfied that the public interest in making the information available is outweighed by the proposal to make the exemption.

East Renfrewshire Council offers the opportunity to apply for a review of how we have dealt with your enquiry. If you wish to proceed to review, please apply in writing within 40 working days to: Chief Solicitor, Council Headquarters, Rouken Glen Road, Giffnock, G46 6UG, marking your letter "Freedom of Information, request for review", and stating the exact nature of the matter you wish to be reviewed.

The review will be carried out within 20 working days of receipt. If you are dissatisfied with the outcome of the review, you have the right to then appeal to the Scottish Information Commissioner who has extensive powers to investigate such matters. His address is:

The Scottish Information Commissioner

Kilburn Castle

St Andrews

Fife

KY16 9DS

Yours sincerely

Andrew Cahill

Director of Environment

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Re: Was the Eastwood Park Leisure New Build Decision based on evidence 'in draft form, in the course of completion and on an unfinished document.' ?

Posted by RM64 - 19 Aug 2019 13:45

----- Original Message -----

From: "Mahon, Gerry";

Cc: "Maxwell, Graeme";

Sent: Wednesday, 7 Aug, 2019 At 22:16

Subject: freedom of information review - Eastwood Park masterplanning

I refer to the above, to your request regarding information pertaining to Eastwood Park masterplanning and to your request for review received on 9th July following the Council's initial response of 26th June.

As you are aware, I have responsibility for dealing with reviews under the Freedom of Information and Environmental Information regimes on behalf of the Council and can advise that I have now concluded consideration of this case.

Information has been withheld on the basis that it falls within the exception set out in reg10(4)(d) of the Environmental Information (Scotland) Regulations 2004, namely that it is material in the course of completion.

I understand that you take exception to this information being categorised in this fashion on the basis that a report which you believe was ostensibly based on the material, has already been made to the Council for consideration.

In the first instance I would note that the information in question is, in my view, appropriately dealt with under the regime set out in the Environmental Information (Scotland) Regulations.

It quite clearly reflects issues pertaining to the built and natural environment, namely the proposed use of the ground forming the current Eastwood Park.

I appreciate you have not taken issue with this approach but felt it worthwhile to clarify this matter given that the decision letter does not explicitly indicate that section 39 of the Freedom of Information (Scotland) Act 2002 applies and that the alternative regime under the 2004 regulations is relevant.

Having considered the terms of the report in question I am satisfied that its categorisation as information in draft form and not yet complete is accurate.

I understand from discussion with the relevant director that the document is currently being sense checked and assessed for factual accuracy and consistency before being signed off as concluded by the Council.

I am advised, and accept, that given the entire background to this matter, there was a desire on the director's part to report to the Council as soon as possible even if it was just a high level report establishing the broad principle of whether the development could go ahead in Eastwood Park.

The fact of that report is not therefore inconsistent with the information currently remaining in draft form.

I do however accept that the earlier decision letter does not advise you of the likely date of completion as is required under Regulation 13(d).

It is now envisaged that the process of review, assuming it is finalised without the need to return to the authors, will be concluded within the next 6-8 weeks.

I also understand that it is the Director's intention thereafter to put a further report to Council with the concluded report annexed.

Having undertaken investigation into the matter I can confirm that no other documentation falling within the terms of your request is held.

The exception under regulation 10(4)(d) is subject to the public interest test.

I am satisfied that the balance in retention outweighs the public interest in disclosure at the present time

insofar as the unfinished document may misrepresent the finalised position, a situation which can be avoided if release is delayed until the terms are sense checked.

Public interest in transparency is ensured as the finalised report is intended for publication in association with any future Council report addressing the proposals for the park.

Such a report and the associated information will, in the normal course of events, be published in advance of the relevant meeting and allow the public, if they see fit, to make views known to elected representatives.

I trust this fully satisfies your request for review. However, if you are dissatisfied with the outcome of this review, you have the right to appeal to the Scottish Information Commissioner. His address is: Scottish Information Commissioner, Kinburn Castle, St Andrews, Fife KY16 9DS.

Yours sincerely

Gerry Mahon

Chief Officer - Legal & Procurement

Chief Executive Department

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Re: Was the Eastwood Park Leisure New Build Decision based on evidence 'in draft form, in the course of completion and on an unfinished document.' ?

Posted by RM64 - 19 Aug 2019 13:57

----- Original Message -----

To: "Mahon, Gerry";

Cc: "Maxwell, Graeme";

Sent: Thursday, 8 Aug, 2019 At 11:12

Subject: Re: freedom of information review - Eastwood Park masterplanning

Hi Gerry

As you will no doubt be aware I do not agree.

However, I would appreciate some clarification.

You say there is only 1 document/report being withheld?

What is the current position regarding the reports/documents below?

What state are they in?

When can they be expected to be published?

'28 January 2019 - Start

25 February 2019 - Visioning Report Draft

18 March 2019 - Visioning Report Final

1 April 2019 - Masterplan Draft

22 April 2019 - Masterplan Final

22 April 2019 - Action Plan / Road Map

The outputs for the project will include the following:

a. A Visioning report for the Campus – which outlines proof of concept – present & future uses, landscaping (hard & soft) and building enhancement potential.

b. Masterplan layout options for the site & presentation

c. Action plans/implementation road map/phasing with cost implications

d. Access and Transport review (including junction modelling & case for 2nd access and improved connections)

e. Community Benefits - details of how the new buildings will derive benefits for the Council and the wider community.

To enable delivery of above, PBA will utilise their multi-disciplinary team to provide planning, transport and economic inputs to the study.

This will be supplemented by Stellan Brand architects who will bring their significant architectural experience to assist in the design and visualisation of the masterplan options and the preparation of the visioning report and 3D images.'

As you will appreciate East Renfrewshire Council tax payers have given at least £49,0000.00 of Council Tax for these promised Documents/reports.

I think it is in their interests and therefore the public interest that after this time Council Tax payers know what is being done with this money.

I would further make the case that The Director of Environment did not make it clear in their report to the Council that their report was based on evidence ' in draft form, in the course of completion and is an unfinished document.'

Again, your help is appreciated.

Thanks

----- Original Message -----

To: "Mahon, Gerry";

Cc: "Maxwell, Graeme"; ;

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Thursday, 8 Aug, 2019 At 12:06

Subject: Re: freedom of information review - Eastwood Park masterplanning

Hi Gerry

sorry typo - £49,0000.00 should of course be £49,000.00 - even ERC are not that daft !

Thanks

----- Original Message -----

To: "Mahon, Gerry"; ;

Cc: "Maxwell, Graeme"; ;

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Sunday, 18 Aug, 2019 At 13:03

Subject: Re: freedom of information review - Eastwood Park masterplanning

Hi Gerry

Would appreciate reply giving requested clarification.

Thanks

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**Re: Was the Eastwood Park Leisure New Build Decision based on evidence
'in draft form, in the course of completion and on an unfinished document.' ?**

Posted by RM64 - 19 Aug 2019 14:38

Some further helpful? info from my Cllr -

----- Original Message -----

From: "Miller, Stewart (Cllr)";

Sent: Friday, 5 Jul, 2019 At 20:44

Subject: Re: Urgent - Eastwood Park Reports by Peter Brett Associates

Thank you for your interest

I will not be responding further

Regards

Stewart

----- Original message -----

Date: 05/07/2019 18:53 (GMT+00:00)

To: "Miller, Stewart (Cllr)"

Subject: Re: Urgent - Eastwood Park Reports by Peter Brett Associates

Hi Stewart

We have moved on.

What's the secrecy?

I can't see the problem in you letting your constituents know if you have read reports/documents?

Again, would appreciate if you could let me know which reports you have read/seen

- regarding the Eastwood Park Reports by Peter Brett Associates and

- Master Planning of Eastwood Park and

- the feasibility of a new build leisure centre within Eastwood Park.

I don't think that's much to ask.

Thanks

----- Original Message -----

From: "Miller, Stewart (Cllr)";

Sent: Friday, 5 Jul, 2019 At 18:40

Subject: Re: Urgent - Eastwood Park Reports by Peter Brett Associates

As always it is a pleasure conversing with you

This is the third time I have responded on this issue and if you refer back to my first response, my advice was if you have a problem with Mr Cahill's reply to you, all the information is there to take it further

Kind regards

Stewart

----- Original message -----

Date:05/07/2019 16:55 (GMT+00:00)

To: "Miller, Stewart (Cllr)";

Subject: Re: Urgent - Eastwood Park Reports by Peter Brett Associates

Hi Stewart

Thanks for this.

Presume it's not a state secret, so would appreciate if you could let me know which reports you have read/seen.

Again, your help is much appreciated.

Thanks

----- Original Message -----

From: "Miller, Stewart (Cllr)";

Sent: Thursday, 4 Jul, 2019 At 23:02

Subject: Re: Urgent - Eastwood Park Reports by Peter Brett Associates

I am sure you are well aware that Cllrs can ask to see any report they wish

Regards

Stewart

----- Original message -----

Date:04/07/2019 20:47 (GMT+00:00)

To: "Miller, Stewart (Cllr)";

Subject: Re: Urgent - Eastwood Park Reports by Peter Brett Associates

Hi Stewart

Would appreciate answer to -

Have Councillors seen/read had access to any of these reports?

Thanks

----- Original Message -----

To: "Miller, Stewart (Cllr)";

Sent: Friday, 28 Jun, 2019 At 17:34

Subject: Re: Urgent - Eastwood Park Reports by Peter Brett Associates

Hi

Thanks for this.

Have Councillors seen/read had access to any of these reports?

Thanks

----- Original Message -----

From: "Miller, Stewart (Cllr)";

Sent: Friday, 28 Jun, 2019 At 17:25

Subject: Re: Urgent - Eastwood Park Reports by Peter Brett Associates

Many thanks for the enclosed email and it would appear to me that Mr Cahill has both replied to your FOI and has furnished you with the information needed to appeal should you not be happy with his reply

I'm afraid I have no power to demand he complies with your request and respectfully suggest that if indeed you do not agree, then you follow Mr Cahill's advice

Kind regards

Stewart

----- Original message -----

Date: 28/06/2019 16:39 (GMT+00:00)

To: "Miller, Stewart (Cllr)"

Subject: Urgent - Eastwood Park Reports by Peter Brett Associates

Hi Stewart

As my Councillor and as Chairperson of Audit & Scrutiny committee would appreciate your help in getting all these documents published asap.

I refer to email below from Andrew Cahill, ERC Director of Environment in relation to Master Planning of Eastwood Park and the feasibility of a new build leisure centre within Eastwood Park.

It seems incredible that the Director of Environment can make a recommendation to Full Council but not publish the documentation/reports that their decision was based on.

As we paid £49,000.00 for this work surely we should be able to read these reports to scrutinise the evidence that the Director has based their recommendation on.

Will you ask the Director to publish or give details of when they will be publishing all the reports below -

* From the revised Project Plan -

28 January 2019 - Start

25 February 2019 - Visioning Report Draft

18 March 2019 - Visioning Report Final

1 April 2019 - Masterplan Draft

22 April 2019 - Masterplan Final

22 April 2019 - Action Plan / Road Map

The outputs for the project will include the following:

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To enable delivery of above, PBA will utilise their multi-disciplinary team to provide planning, transport and economic inputs to the study. This will be supplemented by Stallan Brand architects who will bring their significant architectural experience to assist in the design and visualisation of the masterplan options and the preparation of the visioning report and 3D images.

Your help in this matter will be appreciated.

Thanks

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Re: Was the Eastwood Park Leisure New Build Decision based on evidence

' in draft form, in the course of completion and on an unfinished document.' ?

Posted by RM64 - 20 Aug 2019 09:57

----- Original Message -----

To:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Tuesday, 20 Aug, 2019 At 11:22

Subject: Eastwood Park Masterplan - Documents/Reports £49,000.00 spend

Hi Stewart

I am asking that as my Councillor and in your position of Chair of the Audit & Scrutiny Committee you establish the current situation regarding documents/reports to be supplied by Peter Brett Associates(PBA) under the £49,000.00 tender/contract for the Eastwood Park Masterplan etc.

It is now 20 August 2019 and it would appear only 1 Document (unfinished) has been produced.

As you can see from the below Project Plan produced by PBA these Documents/reports were due to be produced before the end of April 2019.

As at the Full Council meeting on 26 June 2019 only 1 Document had been produced and the Director of Environment stated that this was 'in draft form, in the course of completion and is an unfinished document.'

As at 7 August 2019 Gerry Mahon, the Chief Officer, Legal & Procurement stated - ' the document is currently being sense checked and assessed for factual accuracy and consistency' and that it was still in draft form.

It is now 8 months since the start of the project and 4 months since the dates quoted by PBA for the completion of the documents, and only 1 unfinished document has been produced.

I would appreciate that you ask the Director of Environment to give an urgent update on the current situation regarding the 'masterplan' and the expected Documentation/Reports listed by PBA below -

- Have any of these Documents/Reports been received?

- If so, which ones, and when were they received?

- If not, when will they be received?

- The current position with the 'masterplan' project?

- Why the 4 months delay?

- Current cost of the Project?

- When the project is expected to conclude?

It seems East Renfrewshire Council Tax Payers are not getting value for their £49,000.00 spend if PBA have only produced 1 unfinished document in 8 months from from January 2019.

From the revised PBA Project Plan -

'28 January 2019 - Start

25 February 2019 - Visioning Report Draft

18 March 2019 - Visioning Report Final

1 April 2019 - Masterplan Draft

22 April 2019 - Masterplan Final

22 April 2019 - Action Plan / Road Map

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As you will appreciate East Renfrewshire Council tax payers have given at least £49,0000.00 of Council Tax for these promised Documents/reports.

I think it is in their interests and therefore the public interest that after 8 months, you as the Audit & Scrutiny Chair establish the current situation and let Council Tax payers know what is being done for this £49,000.00 spend.

Again, your help is appreciated.

Thanks

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Re: Was the Eastwood Park Leisure New Build Decision based on evidence 'in draft form, in the course of completion and on an unfinished document.' ?

Posted by RM64 - 03 Sep 2019 11:25

Still awaiting response from Cllr Stewart Miller !

----- Original Message -----

To:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Monday, 2 Sep, 2019 At 16:11

Subject: Re: Eastwood Park Masterplan - Documents/Reports £49,000.00 spend - Please reply

Hi Stewart

Would appreciate reply.

Thanks

----- Original Message -----

To:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Wednesday, 28 Aug, 2019 At 12:30

Subject: Re: Eastwood Park Masterplan - Documents/Reports £49,000.00 spend

Hi Stewart

Again, would appreciate a prompt reply.

Thanks

----- Original Message -----

To:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Sunday, 25 Aug, 2019 At 20:20

Subject: Re: Eastwood Park Masterplan - Documents/Reports £49,000.00 spend

Hi Stewart

Would appreciate reply.

Thanks

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