

## 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

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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:

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Cc:

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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: &quot;Miller, Stewart (Cllr)&quot;;

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.

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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 - 10 Sep 2019 08:41

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Extract of email received from Cllr MacDonald -

From: Cahill, Andrew

Sent: 04 September 2019 18:08

To: Macdonald, D (Cllr)

Subject: Eastwood leisure centre

Dear David

I refer to your email of 7 August 2019 regarding the above.

I apologise for being unable to respond to you sooner.

In your email of 6th July you asked whether I could produce particular information for you with regard to Peter Brett Associates.

You advised you were acting on behalf of a constituent .....

Having discussed the matter further with the Chief Officer – Legal and Procurement he has advised that

provided it was relevant to your remit and Council business I could let you see the document.

However, that would be on a confidential basis and you would not be allowed to take it away or release it.

That is the legal position.

However, perhaps it would be useful to you if I explained some of the general background.

The important document is the final version of the master plan and action plan/roadmap.

All of the stages referred to by [name] such as the visioning report draft and the visioning report final were just stages in reaching the master plan and action plan.

They were not retained as documents.

However, the key elements relevant to all of those stages including for example the access and transport review and the community benefits details are all reflected in the master plan and action plan/roadmap report.

As you will be aware the Council agreed at its meeting in June 2019 that Eastwood Park was the preferred location and I should report back to the Council with options and costs with regard to the new leisure centre and theatre and the master plan

In due course therefore I will be reporting to the Council on the various options available to them including costs in relation to the proposed Eastwood Park leisure centre and the master plan in general.

I am sure you will appreciate that given the various opportunities which might be available within the park this is quite an onerous task and I cannot at this time predict when this might be.



When I do report back to the Council it would be by intention to attach the consultant's final report.

This would be in the interests of transparency and would allow all elected members to scrutinise the consultant's report and any recommendations I might make.

I have to say that I do not see what public interest could be served by releasing the consultant's report to an individual before elected members have seen it through the channels I propose.

The previous consultant's reports relating to the leisure centre were handled in this manner and full public access to those reports was provided through that mechanism at the appropriate time.

I hope this explains the situation.

However, please do not hesitate to contact me or call me should you wish to discuss the matter further.

Regards

Andy

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 - 10 Sep 2019 09:05

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

To: &quot;Macdonald, D (Cllr)&quot;

Sent: Thursday, 5 Sep, 2019 At 13:36

Subject: Re: FW: Eastwood leisure centre

Hi David

Thanks for this.

Just a few points.

Mr Cahill says -

'You advised you were acting on behalf of a constituent which I presume means your constituent was asking to see if you could get a copy for him. '

I did not ask you to get me a copy. What I did say was -

'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 -'

I was also interested to know if Councillors had been given a copy and/or read the 'document'.

I am aware of my rights under the FOI legislation.

However, it can take from 6 months to a year to get a decision from the Scottish Information Commissioner regarding an appeal.

Mr Cahill and Mr Mahon(Chief Officer - Legal & Procurement) are well aware of this timescale for appeals.

It would appear Mr Cahill and Mr Mahon(Chief Officer - Legal & Procurement) think they have found a way around disclosure -

- Claim a work in progress.
- The documents when finalized for the end report are then destroyed.
- The final report is never finished until he publishes it.

Mr Cahill says -

'I have to say that I do not see what public interest could be served by releasing the consultant's report to an individual before elected members have seen it through the channels I propose. The previous consultant's reports relating to the leisure centre were handled in this manner and full public access to those reports was provided through that mechanism at the appropriate time.'

In this case there is a major difference -

At the last Council meeting Councillors made a decision based on the current information available to Mr Cahill.

Again -

It seems unbelievable that the Director of Environment would make such an important recommendation and Councillors would accept and approve this recommendation without reading any of the evidence?

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.

Will you be taking up Mr Cahill's offer to let you see the document?

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 - 10 Sep 2019 09:17

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We are paying at least £49,000.00 to Peter Brett Associates for Reports/Documents.

But we never see these Reports/Documents.

Mr Cahill says -

'They were not retained as documents. '

Is this a form of censorship ?

These Reports/Documents did exist.

Why are they destroyed if not to hide the contents?

It would appear Mr Cahill and Mr Mahon(Chief Officer - Legal & Procurement) think they have found a way around Freedom of Information disclosure -

- Claim a work in progress.

- The documents when finalized for the end report are then destroyed.

- The final report is never finished until they publish it.

Mr Cahill says -

'I have to say that I do not see what public interest could be served by releasing the consultant's report

to an individual before elected members have seen it through the channels I propose. The previous consultant's reports relating to the leisure centre were handled in this manner and full public access to those reports was provided through that mechanism at the appropriate time.'

In this case there is a major difference -

At the last Council meeting Councillors made a decision based on the current information available to Mr Cahill.

THE REPORTS WERE NOT PUBLISHED AT THE TIME OF THE COUNCIL MEETING.

THE REPORTS WERE NOT PUBLISHED WHEN THE COUNCIL DECISION WAS MADE.

THIS IS THE DIFFERENCE IN THIS CASE.

Again -

It seems unbelievable that the Director of Environment would make such an important recommendation and Councillors would accept and approve this recommendation without reading any of the evidence?

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.

This should not be allowed.

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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 - 24 Sep 2019 21:26

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

To:

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

Sent: Tuesday, 24 Sep, 2019 At 16:57

Subject: Audit & Scrutiny Committee meeting on Thursday 26 September 2019

Dear Cllr Miller - Chair of the Audit & Scrutiny Committee.

I would request that these matters are raised at the Audit & Scrutiny Committee meeting on Thursday 26 September 2019.

If this is not possible, I would appreciate if you would let me know how these matters should be raised for investigation by the Audit & Scrutiny Committee or others.

Peter Brett Associates were given at least £49,000.00 of Council Tax Payers money and confirmed, to ERC, that for this £49,000.00 contract, they would produce Reports/Documents in regard to the Visioning & Masterplanning of Eastwood Park.

However, Andrew Cahill, the Director of Environment has said in a reply to Cllr David MacDonald - 'They were not retained as documents.'

I wish to register my great concern over the deletion of reports/documents and request that you investigate the reasons for the deletion of these reports/documents.

I would also register my concern that indeed East Renfrewshire Council Tax Payers are not getting value for money for this contract and this should be investigated by the Audit & Scrutiny Committee..

I am concerned that the deletion of these reports/documents goes against the Councils Record Management Policy.

I would appreciate if you and/or the Committee will address and answer my questions and/or points made below.

Peter Brett Associates were given at least £49,000.00 and confirmed, to ERC, that for this £49,000.00 contract, they would produce the following Reports/Documents in regard to the Visioning & Masterplanning of Eastwood Park -

'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.'

However, Andrew Cahill, the Director of Environment has said in a reply to Cllr David MacDonald - 'They were not retained as documents.'

This is of extreme concern to East Renfrewshire Council Tax Payers.

As said Peter Brett Associates have been paid £49,000.00 for these Reports/Documents and are under contract to provide these reports/documents.

However, Andrew Cahill, the Director of Environment would appear to have got rid of these reports/documents on a whim.

How do ERC Audit and the Audit & Scrutiny Committee ensure East Renfrewshire Council Tax Payers are not being defrauded, if they cannot access reports/documents that they have paid £49,000.00 for?

How do ERC Audit and the Audit & Scrutiny Committee ensure East Renfrewshire Council Tax Payers are getting value for money if they cannot access reports/documents that they have paid for?

If we cannot access the actual reports/documents produced by Peter Brett Associates, how can we properly Audit and Scrutinise the Director of Environment on the conclusions they have reached?

If we cannot access the actual reports/documents produced by Peter Brett Associates, how do we know the Director of Environment has not made the whole thing up?

Is the Director of Environment not retaining/destroying these Reports/Documents because they don't like what is written in them?

If we cannot access them, how would we ever know?

How can the contract with Peter Brett Associates be audited if all the reports/documents are destroyed?

Why should it not be concluded that the only reason Andrew Cahill, the Director of Environment is taking this course of action is to avoid Freedom of Information disclosure? -

- Receive reports/documents from company/consultants
- Claim a work in progress.
- The documents when finalized for the end report are then destroyed.
- The final report is never finished until the Director of Environment publishes it.

Yes a 'final report' can be produced, but the original documents that are used to compile this 'final report' are still valid and relevant and must be retained for the reasons indicated above.

Please confirm these reports/documents are not the property of Andrew Cahill, the Director of Environment.

Please confirm that these reports/documents should be an asset and used in the future if required, to look at one specific subject(as they have not been copied in their entirety).

Please confirm that it is not convention to delete source documents - they are usually referenced in the final report.

Please confirm that destroying reports/documents has the effect of making the public suspicious as to the motive behind destruction - not in keeping with an open and transparent Council.

These reports/documents should be retained.

There is no reason why these reports/documents should be destroyed.

I would also appreciate that as Chair you also raise -

I am asking that 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 24 September 2019 and it would appear only 1 Document (unfinished) has been produced(but not published).

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 nearly 10 months since the start of the project and nearly 7 months since the dates quoted by PBA for the completion of the documents, and only 1 unfinished document has been produced(but not published).

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 7 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 10 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

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

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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.'

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 - 08 Oct 2019 15:12

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Cllr Stewart Miller did not even have the courtesy to acknowledge and/or reply.

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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 - 08 Oct 2019 15:35

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FOI submitted via ERC Website On Line.

Sent: Tuesday, 3 Sep, 2019 At 13:07

Andrew Cahill

Director of Environment

Freedom of Information Request

This FOI refers to Correspondence/Emails/Letters/Contact/documents/reports etc between/to and from

East Renfrewshire Council (ERC)( Employees/Officers/Officials) and ERC( Employees/Officers/Officials)

ERC( Employees/Officers/Officials) and ERC Councillors

ERC( Employees/Officers/Officials) and Peter Brett Associates

ERC( Employees/Officers/Officials) and Others

in regard to the Visioning & Masterplanning of Eastwood Park by East

Renfrewshire Council and Peter Brett Associates and any others, in regard to these documents and reports etc -

(which has cost ERC Taxpayers at least £49,000.00 and although promised in April 2019 as yet no details have been produced/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 on concept – present & future uses, landscaping (hard & soft) and buildingenhancement potential.
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- 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.

It specifically concerns the Correspondence/Emails/Letters/Contact/documents/reports/payment requests and payment invoices from 1 January 2019.

Please note -

At this time, I am not requesting publication of these specific actual documents above, but publication of ALL Correspondence/Emails/Letters/Contact/documents/reports/payment requests and payment invoices from 1 January 2019 concerning these documents/reports.

Please provide copies of all recorded information of above between -

ERC( Employees/Officers/Officials) and ERC( Employees/Officers/Officials)

ERC( Employees/Officers/Officials) and Councillors

ERC( Employees/Officers/Officials) and Peter Brett Associates

ERC( Employees/Officers/Officials) and Others

for

conversations,

telephone calls,

discussions,

emails,



correspondence,

letters,

reports

Documents etc.

Thanks

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