

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: FOI-17-1469 - Muse Development
Date: 03 November 2017 14:04:00
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED]

Thank you for your information request of 12 October 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

I wish to know how much of the total floor area of office space has been either formally leased or is in the process of legal missives

19,000 sq/ft is in the process of legal missive.

and what is the minimum percentage of floor space which requires to be leased before the city council has to meet the shortfall in revenue in terms of the lease terms .

ACC is unable to provide you with information on **the minimum percentage of floor space which requires to be leased before the city council has to meet the shortfall in revenue in terms of the lease terms** as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing your request under the terms of Section 33(1)(b) – Commercial Interests - of the FOISA.

In making this decision ACC considered the following points:

Do commercial interests exist in relation to the information?

Yes. The information requested comprises detailed financial information in relation to the commercial deal between the Council and Aviva. The information was created when the deal between the Council and Aviva/Muse was completed and the release of this information would damage the commercial interests of the Council.

How would disclosure of the requested information cause the level of harm required for this exemption?

The information is not available to the public through any other source. The information is part of a commercial deal between the City Council and Aviva/Muse. If the information was released it would provide parties interested in leasing space at Marischal Square detail which would enable them to understand what the minimum income the Council requires from the development and potentially put them in a commercially advantageous position.

The harm would be to the Council, as all parties looking to take space from the Council would be able to establish the minimum income level the Council could accept and would therefore likely artificially adjust the rents which parties would be prepared to pay for the space, based on the deal between the Council and Aviva and not on normal market forces.

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What are the public interest arguments?

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ACC recognises that there is public interest in the requested information as its disclosure would allow the public to be aware of when the Marischal Square Development would be generating income. However, ACC is of the view that there is a stronger public interest in protecting the

negotiating position of the Council. The public interest lies in withholding the information as this enables the Council to ensure the best possible deals for the space at Marischal Square, which would ensure the maximum income to the Council from the development.

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Thirdly, how many of the retail units have been formally leased?

5 of 7 units have been formally leased.

We hope this helps with your request.

Yours sincerely,

Anna Buchan
Information Compliance Officer

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

ACC handled your request for information in accordance with the provisions of the Freedom of Information (Scotland) Act 2002. Please refer to the attached PDF for more information about your rights under FOISA.

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