

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-17-1440 - Kingsford Stadium  
**Date:** 15 November 2017 15:12:07  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)  
[EIR-17-1440 - 20171003 Can u 2 talk Redacted.pdf](#)  
[EIR-17-1440 - 20171005 Withdrawal of Agenda Item Redacted.pdf](#)  
[EIR-17-1440 - OCE Emails Redacted.pdf](#)

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Dear [REDACTED],

Thank you for your information request of 18 October 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**Please provide copies of all correspondence, notes, preparatory papers and briefings, email and all other written materials relating to the meeting between Angela Scott, Eric Owens and representatives of Aberdeen Football club during the week beginning Monday 2nd October.**

Please see attached.

This was an informal meeting held between the above parties and a representative from Burness Paull LLP offices in Aberdeen from 10.30am on 3rd October 2017. No agenda was produced and no minutes were taken.

The purpose of the meeting was to inform the applicants of the status of the application in the lead up to the publication of the report. It was noted that the report was still in the process of drafting, including legal review so the discussion was undertaken on that basis.

Matters discussed covered the broad information submitted and assessed by the Planning Authority as part of the assessment process and the drafting of the report. The draft recommendations of the Planning Authority also were discussed with it being confirmed that these were still to be finalised.

After the meeting a number of telephone discussions took place with the above, which lead to legal advice being sought on the matters raised.

Please note ACC also holds correspondence relating to the formulation of the press statement issued following withdrawal of the application. However, ACC feels that this information is excepted from release as it contains internal discussions between officers about the proposed wording of the press statement. ACC considers this information excepted from release under Regulation 10(4)(e) – Internal Communications - of the EIRs.

ACC is unable to provide you with information on some internal correspondence as it is excepted 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 10(4)(e) – Internal Communications - of the EIRs.

In making this decision ACC considered the following points:

The correspondence relates to internal discussions regarding a live planning application that remains under consideration. The statements contained within this communication could be

interpreted in a number of different ways. This presents a real risk of undue confusion, impacting on the decision-making process. Release of this information at this time will inhibit internal exchange of views that can be required when local authorities are formulating a decision.

ACC also holds correspondence relating to legal advice provide by our legal representatives which we also consider to be excepted from release under Regulation 10(5)(d) – Confidentiality of Proceeding – of the EIRs.

ACC is unable to provide you with information on legal advice contained within correspondence as it is excepted 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 10(5)(d) – Confidentiality of Proceedings - of the EIRs.

In making this decision ACC considered the following points:

The information held relates to correspondence from ACC's legal department to external Counsel. The confidentiality of proceedings is protected by the common law of confidence which embraces the rules and principles applying to legal professional privilege. Legal advice is an aspect of this. The legal advice meets the necessary criteria:

- The information is not generally accessible to the public; and
- The information is not communicated in circumstances importing an obligation of confidentiality in the nature of the relationship between solicitor and client.

Disclosure of the requested information will harm the solicitor/Counsel and client relationship and the importance placed on the duty of confidentiality. The release of this information will reveal the content of the advice received which was provided in the context of a professional relationship with the Council. The regulatory and administrative functions of ACC would be harmed by releasing this information and affect the confidentiality of proceedings. Clients should be able to communicate freely and frankly in communication with legal advisors in confidence and this communication applies to Solicitor/Counsel relationships.

Whilst ACC considers that releasing the information would allow members of the public to understand the mechanics behind a decision, we also consider that releasing the information would be contrary to the strong public interest in maintaining the right to confidentiality of communication between legal advisor and clients on administration of justice grounds. There is an inherent public interest in maintaining this confidentiality.

**Please also provide details of all internal emails and written reports between the Chief Executive and her office and Planning relating to the Kingsford Stadium Application during the week beginning Monday 2 October.**

Please see attached.

Please note that any reference to agendas within the attached OCE correspondence is in relation to a different meeting and not the one referenced in Q1 above.

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 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 Regulation 11(3)(a)(i) – Personal Information - of the EIRs.

In making this decision ACC considered the following points:

ACC is of the opinion that Regulation 11(2) applies to the information specified above as the information in question is personal information relating to living individuals, and the applicant is not the data subject.

ACC is of the opinion that Regulation 11(3)(a)(i) applies, as ACC considers that disclosure of this information would be a breach of the first Data Protection Principle (that personal information must be processed fairly and lawfully) and second Data Protection Principle (personal information must only be processed for a specific and lawful purpose). ACC Officers who are below Head of Service level and third parties named within the attached document would not expect ACC to release this information about them into the public domain under the EIRs (or the Freedom of Information (Scotland) Act 2002 (FOISA)).

We hope this helps with your request.

Yours sincerely,

Grant Webster  
Information Compliance Officer

### **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.

Information Compliance Team  
Customer Service  
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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).

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**From:** [Angela Scott](#)  
**To:** [REDACTED]; [Eric Owens](#)  
**Subject:** Can u 2 talk  
**Date:** 03 October 2017 13:32:22

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Eric - can u update [REDACTED] on where we're at with afc..understand BBC have been advised they will get report by 3pm.

A

Sent from my Samsung Galaxy smartphone.

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**From:** [REDACTED]  
**To:** [DL-Councillors](#)  
**Cc:** [Eric Owens](#); [Bernadette Marjoram](#); [Fraser Bell](#); [Angela Scott](#); [Ciaran Monaghan](#)  
**Subject:** FW: Item 9(h) Full Council: Kingsford Stadium Application: Withdrawal of Agenda Item  
**Date:** 05 October 2017 16:37:18  
**Importance:** High

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Dear Councillors,

For your information I enclose the approved press statement with respect to the Kingsford Stadium planning application that was due to be presented to Council next week.

“A spokesperson for Aberdeen City Council said: "We can confirm that item 9(h), in relation to the application for planning consent for proposed community and sports facilities at West Kingsford, has been withdrawn from the agenda for the meeting of full Council on 11 October 2017 at the request of the applicant, Aberdeen Football Club.

“Having regard to the nature of the application and the associated complexities, and in light of the public interest, the Planning Authority has acceded to the request on this occasion.

“The request has been made to enable the applicant to seek further discussions and clarification to take place with the Planning Authority. If necessary, further planning consultation will follow.”

I would remind members that this remains a live planning application, so discussions around the technical planning matters of this case are of course limited and the usual rules under the Councillors' Code of Conduct in respect of planning applications and relative obligations on members detailed in the Code apply. A meeting is being convened with the Football Club next week covering various matters including next steps and programme and a further update will follow thereafter.

Kind regards,

Eric

Eric Owens  
Head of Planning and Sustainable Development (Interim)

Planning and Sustainable Development  
Communities, Housing and Infrastructure Aberdeen City Council Business  
Hub 4 Ground Floor North Marischal College Aberdeen  
AB10 1AB

Email: [eowens@aberdeencity.gov.uk](mailto:eowens@aberdeencity.gov.uk)  
Direct Dail: 01224 523133  
Mobile: 07827 987 534”

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**From:** Angela Scott  
**Sent:** 03 October 2017 14:38  
**To:** Eric Owens  
**Subject:** Re: report

OK, just need speed obviously

A

Sent from my Samsung Galaxy smartphone.

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

**From:** Eric Owens <[EOwens@aberdeencity.gov.uk](mailto:EOwens@aberdeencity.gov.uk)>  
**Date:** 03/10/2017 14:36 (GMT+00:00)  
**To:** Angela Scott <[AnScott@aberdeencity.gov.uk](mailto:AnScott@aberdeencity.gov.uk)>  
**Subject:** RE: report

Hi,

[REDACTED] has advised that we take [REDACTED]

[REDACTED]. Just arranging a conference call ....

[REDACTED] We should have answers on these points later

today....

Eric

Eric Owens  
Head of Planning and Sustainable Development (Interim)  
Planning and Sustainable Development  
Communities, Housing and Infrastructure Aberdeen City Council Business  
Hub 4 Ground Floor North Marischal College Aberdeen  
AB10 1AB  
Email: [ewens@aberdeencity.gov.uk](mailto:ewens@aberdeencity.gov.uk)  
Direct Dail: 01224 523133  
Mobile: 07827 987 534

**From:** Angela Scott  
**Sent:** 03 October 2017 14:04  
**To:** Eric Owens  
**Subject:** RE: report

Make sure you call her then. [REDACTED]

A



**From:** Eric Owens  
**Sent:** 03 October 2017 13:47  
**To:** Angela Scott  
**Subject:** RE: report  
**Importance:** High

Hi,

I've had some informal advise from legal [REDACTED] on lunch and I'm looking to discuss asap.

I'll call [REDACTED] to discuss.... In any event I've discussed with the Planning Team that we'll discuss the report and the key elements in it.

Co-leaders and Cllr Boulton briefed on the proposed recommendation and this afternoons work. [REDACTED]

Kind regards,

Eric

Eric Owens  
Head of Planning and Sustainable Development (Interim)

Planning and Sustainable Development  
Communities, Housing and Infrastructure Aberdeen City Council Business  
Hub 4 Ground Floor North Marischal College Aberdeen  
AB10 1AB

Email: [eowens@aberdeencity.gov.uk](mailto:eowens@aberdeencity.gov.uk)  
Direct Dail: 01224 523133  
Mobile: 07827 987 534

**From:** Bernadette Marjoram  
**Sent:** 05 October 2017 08:46  
**To:** Angela Scott  
**Subject:** Re: Meeting next week

Definitely

Sent from my iPhone

On 5 Oct 2017, at 08:18, Angela Scott <[AnScott@aberdeencity.gov.uk](mailto:AnScott@aberdeencity.gov.uk)> wrote:

Can you ensure [REDACTED] is in attendance too  
A

**From:** Bernadette Marjoram  
**Sent:** 05 October 2017 08:05  
**To:** Angela Scott  
**Subject:** Fwd: Meeting next week

FYI

Sent from my iPhone

Begin forwarded message:

**From:** Bernadette Marjoram <[BMarjoram@aberdeencity.gov.uk](mailto:BMarjoram@aberdeencity.gov.uk)>  
**Date:** 5 October 2017 at 07:50:20 BST  
**To:** [REDACTED] <[REDACTED]@aberdeencity.gov.uk>, Fraser Bell  
<[FrBell@aberdeencity.gov.uk](mailto:FrBell@aberdeencity.gov.uk)>  
**Cc:** Eric Owens <[EOwens@aberdeencity.gov.uk](mailto:EOwens@aberdeencity.gov.uk)>  
**Subject:** Fwd: Meeting next week

Hi Fraser/[REDACTED]

See below - FYI

Eric is confirming ACC attendees and preparing the draft agenda/ timeline

Thanks

B

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED] <[REDACTED]@burnesspaull.com>  
**Date:** 5 October 2017 at 07:01:20 BST  
**To:** Bernadette Marjoram <[BMarjoram@aberdeencity.gov.uk](mailto:BMarjoram@aberdeencity.gov.uk)>  
**Cc:** Eric Owens <[EOwens@aberdeencity.gov.uk](mailto:EOwens@aberdeencity.gov.uk)>, [REDACTED] <[REDACTED]@aberdeencity.gov.uk>  
**Subject:** Re: Meeting next week

Bernadette, thank you for your email. I look forward to hearing from [REDACTED] with the suggested meeting time and draft agenda.

Regards

[REDACTED]

[REDACTED]

Partner  
Planning Division  
Burness Paull LLP

On 4 Oct 2017, at 23:29, Bernadette Marjoram <[BMarjoram@aberdeencity.gov.uk](mailto:BMarjoram@aberdeencity.gov.uk)> wrote:

Hi [REDACTED]

I have asked [REDACTED] to find a diary slot next Monday/ Tuesday

I shall prepare a draft agenda for our meeting for your review, and hopefully, this will assist you to consider who should attend

It would not be my intention to have the detailed discussions at the meeting but agree which colleagues will take forward each item and agree a timeline for those discussions, which I shall monitor and regularly review progress

In the meantime, I have asked for an indicative overall timeline to be prepared to share with you, next week

Please do not hesitate to come back to me with any queries about next week

Kind regards

Bernadette

Sent from my iPhone

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