Foi Enquiries

From: Foi Enquiries
Sent: 07 September 2018 12:09
To: [redacted]
Subject: EIR-18-1217 - Traveller Evictions
Attachments: V2 - Further Information - Right to Review & Appeal.pdf

Dear [redacted]

Thank you for your information request of 14 August 2018. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

Please tell me the total amount of money the council has spent on legal fees for evicting travellers from encampments since the start of 2014.
Please break down your answer by how much cash has been spent by the council's own in-house legal team, and how much has been spent on external legal firms for this course of action.
In addition, please break down your answer by calendar year (for 2018, all costs up to and including the date of the receipt of this email).
2014: Court Fees £5,000 - Sheriff Officer fees £1,955
2015: Court fees £652 - Sheriff Officer fees £1,662
2016: Court fees £457 - Sheriff Officer fees £603
2017: Court fees £0 - Sheriff Officer fees £548
2018: Court fees £300 - Sheriff Officer fees £265 (approx. amount)

ACC is unable to provide you with information on **how much cash has been spent by the council's own in-house legal team** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

If possible, please also tell me how many times notices were served either directly or indirectly by the council for the same time frame to travellers to make them move on.
2014: ACC 3 - Private 17
2015: ACC 1 - Private 5
2016: ACC 11 - Private 5
2017: ACC 5 - Private unknown
2018: ACC 3 - Private 2

ACC is unable to provide you with information on **how many times notices were served either directly or indirectly by the council for the same time frame to travellers to make them move on in 2017** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

And finally, please provide details on where each encampment was, the issues reported to the council which resulted in notices being served, and whether or not each evictions was successful in removing the travellers within the standard time frame (Please also tell me the standard time frame the council has for notices being served/further legal action being pursued due to inaction from travellers)
ACC is unable to provide you the required details.

ACC is unable to provide you with information on **details on where each encampment was, the issues reported to the council which resulted in notices being served, and whether or not each evictions was successful in removing the travellers within the standard time frame** 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)(b) – Manifestly Unreasonable – of the EIRs.

In making this decision ACC considered the following points:

An officer has to check the records back to 2014 and retrieve the required details by looking into each unauthorised encampment. This would take approximately 15 minutes for each case resulting in 30 hours work. Just to highlight that there is only one officer who would be able to carry out this search. By doing this, the relevant officer would be unable to visit any encampments in the city, in addition, all the other tasks including the day to day ones would have to be put on hold. Considering the level of work required, your request is seen as manifestly unreasonable.

ACC would be happy to discuss ways in which you may refine your request, so we can provide some information of interest to you. Please do contact the Information Compliance team, who will be happy to advise you, if this is something you would like to pursue.

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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*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).