

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-17-0649 - Wellington Brae  
**Date:** 26 May 2017 10:56:41  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)

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Dear [REDACTED],

Thank you for your information request of 27 April 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**On the Application for Tree Work form signed and dated by Aberdeen City employee Kamila Zakrzewska of Structures etc, Aberdeen City Council 2nd Floor West, Marischal College, Aberdeen, on 28/09/2016 with respect to Wellington Brae, the applicant declared that the owner of the trees was aware that the application was being made. Could you demonstrate, by copy of email, letter or correspondence log, by what means the applicant was able to declare that the owner was aware of the application on the date of the application's signature and subsequent submission. There must be some evidence for the owner being aware of the application being made by the applicant, to allow the applicant to declare that that the owner was aware. Could you please provide the evidence that the owner was aware that the application was being made on the date of the application.**

ACC is unable to provide you with information on **by what means the applicant was able to declare that the owner was aware of the application on the date of the application's signature and subsequent submission** 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)(b) – The Course of Justice - of the EIRs.

In making this decision ACC considered the following points:

ACC is of the view that providing this information would or would be likely to prejudice substantially the ability of individual(s) to receive a fair trial or the ability of ACC to conduct an inquiry of a criminal or disciplinary nature.

There is an investigation currently ongoing into this matter and any disclosure of this information may impact upon the administration of justice.

Whilst ACC recognises that there is a public interest in the release of this information as it would allow ensuring transparency and accountability of ACC's functions, it considers that it is not in the public interest for ACC to release information before investigations are concluded. To do so at this time would significantly impede the ongoing investigation.

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.

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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).

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