

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: EIR-17-0690 - Wellington Brae
Date: 05 June 2017 15:45:46
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED],

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

Which ACC officer signed off on the decision to go ahead with the works on Wellington Brae, Aberdeen?

Head of Planning and Sustainable Development.

a) Did Cllr Young ever own the wall at Wellington Brae?

b) If yes, when did he own the wall?

This information is otherwise accessible via Land Registry.

Registers of Scotland, Edinburgh Customer Service Centre
Meadowbank House,
153 London Road
Edinburgh
EH8 7AU

Tel: 0800 169 9391

<https://www.ros.gov.uk/>

As Did Cllr Young ever own the wall at Wellington Brae and If yes, when did he own the wall

is otherwise accessible at the link provided above, it is exempt 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 6(1)(b) - Information Already Publicly Available - of the EIRs.

c) If no, why was it assumed he did and what information led to that assumption?

d) Which officer made that assumption?

ACC is unable to provide you with information on **why was it assumed he did, what information led to that assumption and which officer made that assumption** 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.

Please provide a breakdown of costs associated with the wall (which may be owned by Mr Young, Cllr Young's father) work undertaken in the Wellington Brae project? I'm interested only in the costs identified directly with the wall rather than the £200k project for all works

This information is otherwise accessible in response to a previous information request, EIR-17-0469.

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=75834&SID=28615>

As **a breakdown of costs associated with the wall** is otherwise accessible on our website at the link provided above, it is exempt 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 6(1)(b) - Information Already Publicly Available - of the EIRs.

Please provide information on any discussions undertaken by ACC officers with Cllr Dickson, Cllr Flynn or Cllr Alex Nicol in relation to the Wellington Brae project?

ACC is unable to provide you with information on **any discussions undertaken by ACC officers with Cllr Dickson, Cllr Flynn or Cllr Alex Nicol** in relation to the Wellington Brae project as it is exempted 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.

a) Has any investigation been undertaken into whether ACC officers acted contrary to their code of practice?

Yes, an investigation is currently taking place. The full scope of the investigation is to be determined.

b) If no investigation has taken place, will an investigation take place into data protection breach?

Not applicable.

c) Will Chief Executive mount an investigation into conduct of civil servants including any connections with SNP and Cllr Flynn, Nicol and former Cllr Dickson in this matter? I am speaking about both officers at ACC and/or employees at Scottish or UK parliaments

The Chief Executive has commissioned an investigation into the circumstances of the Wellington Brae matter. By its nature, the investigation will cover all persons involved in the matter.

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
Communications and Promotion
Office of Chief Executive
Aberdeen City Council
3rd Floor North
Business Hub 17
Marischal College
Broad Street
ABERDEEN AB10 1AQ

foienquiries@aberdeencity.gov.uk

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).

www.aberdeencity.gov.uk