

Ms Diana Cairns,

Date 30 November 2012

Your ref

Our RFI ref 473381/SD.32/RLW

Dear Ms Cairns

**Freedom of Information (Scotland) Act 2002 – Partial Release of Information**  
**Subject: Common good issues/Portobello Park**

Thank you for your request for information which has been dealt with under the terms of the Freedom of Information (Scotland) Act 2002. As your request is in several parts, each part is re-stated below, in italics, with the relevant response then following immediately after.

*“I believe that Andy Wightman, the journalist, has done some work for the council on common good issues.*

*“I would like to know about any advice he has give the council on any common good issue.”*

The Council ‘papers-on-line’ facility at <http://www.edinburgh.gov.uk/cpol> contain reports and minutes when particular policies are brought before Councillors for approval. Item 7.3 of the City of Edinburgh Council meeting on 18 September 2008 contained a report on the Council’s management of the ‘Common Good Fund’. If you provide the Committee name and the meeting date to the Committee papers-on-line web page you should be able to retrieve this report.

If you do not have access to the Internet at home, you may be able to use facilities at your local public library or access a hardcopy version in your local council office.

In the attachment to that report you will see that it refers to a paper prepared by Mr Wightman and a Mr Perman and published by the Caledonian Centre for Social Development. The Council was not involved in the preparation of this paper and as far as can be ascertained Mr Wightman has not carried out any work for the Council on Common Good issues.

**ALASTAIR MACLEAN**

DIRECTOR

Freedom of Information Unit, Waverley Court Business Centre 3-1 (Legal),  
4 East Market Street, Edinburgh, EH8 8BG, E-mail: [foi@edinburgh.gov.uk](mailto:foi@edinburgh.gov.uk)



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There was cognisance of Mr Wightman's independently prepared paper when the Scrutiny Panel called for a report on the Common Good Fund, but this was not 'work' or 'advice' given to the Council. There were several Committee reports by Council officers between April 2006 and September 2008 which detailed the work being undertaken in respect of a review of the Common Good Fund.

Under the terms of the Act, a request for information can be refused where one or more of the exemptions listed in the Act apply. In this instance, the Council is claiming an exemption under section 25 of the Act because the information as to how the said paper by Mr Wightman and Mr Perman was utilised is 'otherwise accessible'.

*"How much has he been paid for this service?"*

Mr Wightman was not paid by the Council to produce this report or any other research on this topic.

*"I would also like copies of any e-mails or other correspondence between Andy Wightman and any council officers or councillors in relation to common good and/or Portobello Park."*

Correspondence to and from Councillors is outside the scope of the Freedom of Information legislation.

General correspondence over the past six years between Mr Wightman and the Council on Common Good issues could lie in the files of several services of the Council including Legal, Finance and Corporate Property. Staff have been asked to locate correspondence and two main threads of correspondence have been located:

Mr Wightman has been associated with three information requests:

- 2006 Our ref 1-25617731 Common Good and East Market Street/Cranston Street
- 2009 Our ref IN367877-4615 Common Good assets of the former Burghs of Edinburgh and Queensferry.
- 2012 Our Ref 384801 [Communications with Council Officials]

Mr Wightman has had recent exchanges with the Council's Legal Services:

- September and October 2012 in connection with the Portobello High School project.
- March 2012 in connection with the Council's ownership of the ground upon which Waverley Market has been built, and the passage of the Long Leases (Scotland) Bill through the Scottish Parliament.

An extract of some of these communications is enclosed. Please note that under the terms of the legislation, a request for information can be refused where one or more exemptions listed in the legislation apply. In this instance, the Council is claiming the following exemptions to the information that you have requested:

- Section 38 (1) (b) and Section 38 (2)(a)(i) which relate to the processing of personal data about people other than yourself.

This is an absolute exemption. Personal details of some of the people involved in the exchange of communications have therefore been with-held.

I am advised that there may have been some discussions with Mr Wightman when the Scottish Parliament was considering 'long leases' in 2011 and 2012. It is assumed that this is outside the scope of your request. If this is not the case please could you clarify your intentions with a more specifically framed request. Section 1(3) of the Freedom of Information (Scotland) Act 2002 permits the Council to ask you to clarify your request. Your attention is drawn to the report to the Council's Finance and Resources Committee on 31 July 2012.

/Your right

## **Your right to seek a review**

If you are unhappy with the way we have dealt with your request, you can ask us to review our actions and decisions by writing to the:

Head of Legal, Risk & Compliance,  
The City of Edinburgh Council,  
Waverley Court Business Centre 3:1,  
4, East Market Street,  
Edinburgh, EH8 8BG  
or email: [legal.foi@edinburgh.gov.uk](mailto:legal.foi@edinburgh.gov.uk).

Please note that your request must be in a recordable format (email, letter, audio tape etc), and that you have 40 working days upon receipt of this letter to ask for a review. You will receive a full response to your review request within 20 working days of its receipt. Please remember to quote the RFI reference number above in any future communications.

If you are not content with the outcome of the review, you can ask the Scottish Information Commissioner to review our decision. You must submit your complaint to the Commissioner within six months of receiving our review response. The Commissioner can be contacted at:

The Office of the Scottish Information Commissioner  
Kinburn Castle, Doubledykes Road  
St Andrews  
Fife KY16 9DS  
Telephone: 01334 464610; Fax: 01334 464611  
Website [www.itspublicknowledge.info](http://www.itspublicknowledge.info)  
E-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Yours sincerely,

**R L WILLIAMS**  
**FREEDOM OF INFORMATION UNIT**