Dear Mr Messingham

Freedom of Information (Scotland) Act 2002 (FOISA)
Request for Information

I refer to your information request received by the Council on 25 April 2015 in which you ask for the following information:-

- In 2012/2013 South Lanarkshire Council embarked on the 'Housing Investment Programme - External Fabric Upgrade' throughout East Kilbride. Private residents in blocks of flats where South Lanarkshire Council provides factoring services, where asked if they agreed to the work being carried out on their property. Where more than fifty percent of residents agreed to the work being carried out those who disagreed were overruled.

Can you please supply me with details of the legislative powers that enabled South Lanarkshire council to make the decision whether to proceed with the renovation work, or not, in this manner.

I have been advised that the Council does not consider your request as valid under Freedom of Information (Scotland) Act as it is a request for "legal advice".

I can however confirm that works of this nature are progressed in terms of the Tenement (Scotland) Act 2004, or as detailed within your deeds of conditions.

Request for Review

The Council has a Review Panel to deal with complaints from people who are not happy about the way that it has handled their request. Staff not involved in the original decision will handle any review.

If you want to complain, you can ask the Review Panel to look at the way that we have dealt with your request. It will consider whether we have complied with the requirements of FOISA. Please note that if you wish to complain, you must do so by 21 July 2015. You must explain why you are not happy when requesting a review.
Please note that the Review Panel cannot look at any decisions taken by the Council or actions of the Council or any of its employees or a service provided by it that are not connected to the handling for request for information.

You should send your request for a review to:-

Mr. W. Dunn
Information Compliance Manager
Finance and Corporate Resources
Floor 13
Council Offices
Almada Street
Hamilton
ML3 0AA

Alternatively, you can request a review at foi.reviews@southlanarkshire.gov.uk.

Appeal to the Scottish Information Commissioner

If you are not happy with the outcome of the review, you can appeal to the Scottish Information Commissioner. The Commissioner will decide whether the Council has dealt with your request properly. Please see the Commissioner’s website at www.itstopublicknowledge.info for further details.

Yours sincerely

Frank McCafferty
Property Manager (Design Programme)