

Freedom of Information Request



Freedom of Information Request ACEX 929718

Received 10 April 2021

You requested:

Please may you provide me with the following information covering the period Jan 2018 - Apr 2021:

Q1.

ALL communications inc. ALL emails, meeting minutes, hand written and type notes, memos, where Councillor Sue Dann is an author, recipient (including blind copies), or is mentioned, relating to the redevelopment of the Barn Park drainage scheme.

A1.

Please see attached scanned copy of emails, which match your criteria based on the dates January 2018-April 2021. A search has been conducted regards meeting minutes, hand written and typed notes, memos, none of which provide any information within your search criteria.

Please note, the document has been redacted to remove contact details of staff, which are outside the scope of, and not relevant to your request.

You will note that there are emails from 3rd parties in the email trail that have been redacted entirely as under section 40(2) of the Act, the personal information of a person who is not the requestor is exempt from disclosure if releasing it would contravene any of the Data Protection principles in Article 5 of the GDPR. The Council has concluded that it has no lawful basis for the disclosure to you, which would also be disclosure into the public domain, and therefore is obliged to withhold this information.

The notes from the meeting that took place on 27 May 2020 (Document 3a) are unreleased , undistributed notes taken within this meeting by a member of Council staff.

An email has been included from Tony Carson, (Document 5). We have been asked to submit the following statement from Tony Carson to provide you with some context to this email.

"The flood prevention proposal at the Barn Park entrance to Central Park was submitted by PCC for planning. I asked for it to be called to committee as it was a scheme that had little amenity value, which was the view of the Friends of Central Park (FoCP).

I was approached during lockdown to attend a Microsoft Teams meeting with Cllrs Sue Dan, Jeremy Gosling and Sarah Allen, along with officers of PCC.

It was advised that the Council had every sympathy with FoCP and could see merit in a much larger scheme that involved a model boating lake and a grand vista towards Pound House. However I was told it was completely impractical at this stage to look at these ideas as funding for such a scheme was not available and with the pandemic the likelihood of any future funding from any source was very low and a long way off.

I was led to understand the current scheme was joint funded by the Council, SWW and the EA as it was classified as a flood hazard and the money is in place.

My view is the residents of Barn Park Rd, Trelawney Rd and Inverdene deserve to have the flooding resolved asap as they have put up with it for long enough.

I was assured the scheme would start in early 2021, and be finished by the summer of 2021.

I was also told that if the FoCP could come up with a bid that had funding such as the National Lottery the Council would support such a grand scheme, but was not in a position to promise it themselves at this stage.

With this evidence I agreed to withdraw the call in, on the assurance the scheme would be delivered so the winter of 2021 would not cause further flooding.

We are now in May 2021 and the scheme has not been started which is disappointing."

Q2.

The executive decision for the redevelopment of the Barn Park drainage scheme.

A.2.

Please find attached the Executive Decision as requested. (Marked 1a,1b,1c)

Section 43(2) of the Freedom of Information Act 2000 enables a public authority to withhold information, the disclosure of which would be likely to prejudice the commercial interests of any person (i.e. an individual, a company, the public authority itself or any other legal entity). In responding to Q2, the Council has considered whether the public interest in disclosing the withheld information outweighs the public interest in maintaining the exemption. The following points were considered when conducting the Public Interest Test:

- There is a general public interest in how the Council spends its money
- The disclosure of the companies' fees could result in commercial harm for said companies
- The disclosure of the companies' fees could cause commercial harm to the current working supplier relationship between the Council and the companies.
- The disclosure of the companies' fees could result in commercial harm to future plans regarding further projects which the companies have not yet been formally engaged in.

In order to apply section 43(2), the public authority must satisfy itself that disclosure of the information would, or would be likely to prejudice or harm the commercial interests of any person (this can include the public authority holding it). This is known as the prejudice test. A public authority can, therefore, withhold information that has been provided to it by a third party on the basis of prejudice to the commercial interests of that party.

Result of Public Interest Test

On balance, and taking into account the particular details of this request, the Council feels that the public interest is best served by maintaining the exemption and not releasing the withheld information. The following document is being withheld: **Central Park Business Case Phase 2. (Document 1D)**