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## Corporate Services

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[www.northlanarkshire.gov.uk](http://www.northlanarkshire.gov.uk)

Mr James McKay  
by e-mail

Dear Mr. McKay,

### Freedom of Information Request – Request for Review

I refer to your e-mail of 13 June 2015 requesting a review of the decision of the Freedom of Information Co-ordinator issued to you on 11 June 2015.

I note from your request for review that you clarified that your initial request for information was not limited to information on employees *solely* employed for the purpose of carrying out criminal investigations, and should include any officers who would undertake any enquiries, at any stage of their employment, that could result in submission of a report to the Crown Office and Procurator Fiscal Service. Subsequent to this clarification, I am now able to provide you with the following additional information:-

(1) **The number of employees in your authority that are employed to undertake criminal investigations**

Service	No. of Employees
Trading Standards	16
Business Regulation	23.5
Environmental Health	40
Planning	22
Building Standards	22

Please note that even on the infrequent occasions when criminal investigations are undertaken, this duty is only a sub-set of an officer's wider range of duties.

(2) **Details of the designation of all of the above employees**

Employee Designation	No. of Employees
Trading Standards Manager	1
Assistant Manager (Trading Standards)/Senior Trading Standards Officer/Fair Trading Officer	8
Trading Standards Officer	6
Animal Health Officer	*
Assistant Business Regulation Manager	*

*June Murray, Executive Director, Corporate Services, Civic Centre, Windmillhill Street, Motherwell ML1 1AB*

<b>Employee Designation</b>	<b>No. of Employees</b>
Senior Environmental Health Officer/ Environmental Health Officer (Business Regulation)	19
Food Safety Officer	*
Environmental Health Manager	1
Assistant Business Manager/Senior Officer – Environmental Health	8
Environmental Health Officer	13
Contaminated Land/Air Quality/Pollution Control/Animal Welfare Officer	8
Environmental Protection Officer	10
Planning Manager	1
Assistant Planning Manager/Senior Planning Officer	10
Planning Officer/Planning Assistant	11
Building Standards Manager	1
Assistant Building Standards Manager/Senior Building Standards Surveyor	7
Building Standards Officer/Assistant Building Standards Officer	14

Please note that where an asterisk (\*) appears in the table above, this indicates that the number of employees in the role are five or fewer. This is done to prevent personal data being indirectly disclosed because of the small number of individuals involved. Disclosure of personal data which contravenes the Data Protection principles is a ground of absolute exemption from disclosure in terms of Section 38 of the Freedom of Information (Scotland) Act 2002. Managers are excluded from this practice due to the seniority of their role, in accordance with guidance issued by the Scottish Information Commissioner. Where appropriate, some roles have been combined so as to bring the total number of employees in those roles to a number greater than five, and thereby allow for that number to be provided.

**(3) The number of the above employees who have undertaken training in respect of Part 6 of the Criminal Justice and Licensing (Scotland) Act 2010**

Of the above employees, 23 have undertaken said training. It should be noted that a number of the Services cited are rarely involved in matters which ultimately result in such criminal proceedings.

**(4) If any of the above employees have not undertaken training in respect of Part 6 of the Criminal Justice and Licensing (Scotland) Act 2010 please provide details with the procedures in place to reduce the risk of miscarriages of justice occurring**

During any criminal investigation/prosecution, officers receive the necessary support and supervision from line managers/senior members of staff conversant with disclosure obligations. Where necessary, advice is sought from the Council's own legal services staff and, on occasion, external legal advice may be sought. In addition, all prosecutions in Scotland are passed to the Crown Office and Procurator Fiscal Service (COPFS) and it is the Procurator Fiscal who determines whether the prosecution is fit to proceed. This process provides a further check and balance, subject to the public interest, to prevent any miscarriages of justice.

- (5) **The number of employees who are trained to perform the role of Senior Investigating Officer, Reviewing Officer and Reporting Officer**

<b>Role</b>	<b>No. of Employees</b>
Senior Investigating Officer	35
Reviewing Officer	16
Reporting Officer	77

I must advise you that in terms of Section 47 of the Freedom of Information (Scotland) Act 2002 a person who is dissatisfied with a Notice given by a local authority under Section 21 of the Act – ie. a Notice following a review of a decision by a local authority, may make application to the Scottish Information Commissioner for a decision as to whether, in any respect specified in that application, the request for information to which the requirement relates has been dealt with in accordance with Act. This letter does constitute a Notice given by North Lanarkshire Council under Section 21 of the Act, and the Scottish Information Commissioner can be contacted as follows:-

The Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrew's  
Fife  
KY16 9DS

I must advise also that Section 56 of the Freedom of Information (Scotland) Act 2002 makes provision for an appeal, on point of law, to the Court of Session against the decision made by the Scottish Information Commissioner under Section 49(2) by the person who applied for that decision – and against the decision by the Commissioner under Section 49(3)(b) by the person who applied for that decision.

Yours sincerely,



**Gerard Gardiner**  
**Principal Solicitor**