



**Information and Data protection Team**

Chief Executive's Department  
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Our Ref: **FOI 7343418**

6 November 2020

Send by e-mail to: [request-697417-b63bd4f6@whatdotheyknow.com](mailto:request-697417-b63bd4f6@whatdotheyknow.com)

Dear Ms Sanachan

**REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

Thank you for the Freedom of Information request you sent us on 9 October 2020 regarding the GlasGLOW events held in the Botanic Gardens.

Glasgow City Council ("the Council") is treating your request for this information as a request under the Freedom of Information (Scotland) Act 2002 ("the Act").

The Council's response is set out beneath each of your questions in the Annex to this letter.

Right of Review

If you are dissatisfied with the way in which Glasgow City Council has dealt with your request for information, you can ask us to formally review this response. Please note that for a review to take place you must lodge a written request for a review within 40 working days of the date of this letter. Please include the following information:

- A correspondence address;
- The reference quoted at the top of this letter; and
- The reason(s) why you are dissatisfied with the Council's response.

Please address your request to the Director of Governance and Solicitor to the Council:

Director of Governance and Solicitor to the Council  
Glasgow City Council  
City Chambers  
George Square  
Glasgow G2 1DU

Email: [FOIReviews@glasgow.gov.uk](mailto:FOIReviews@glasgow.gov.uk)

You will receive notice of the results of the review within 20 working days of receipt of your request.

The notice will state the decision reached by the reviewing officer as well as details of how to appeal to the Scottish Information Commissioner if you are still dissatisfied with the Council's response. You must request an internal review by the Council before a complaint can be directed to the Scottish Information Commissioner.

For your information at this stage, if you do remain dissatisfied with the outcome of the Council's review decision, an appeal can be made to the Scottish Information Commissioner by contacting his office as follows -

Address: Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS.

Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Telephone: 01334 464610

You can also use the Scottish Information Commissioner's online appeal service to make an application for a decision: [www.itspublicknowledge.info/appeal](http://www.itspublicknowledge.info/appeal)

If you wish to submit a complaint to the Council in relation to the manner in which it has handled your request for information, you can do so by requesting that the Council reviews its response. Details of how to request a review are set out above.

Yours sincerely

Information and Data Protection Team  
Chief Executive's Department

## ANNEX

### **“Freedom of Information request – Income & Risk assessment for ItIsOn events in public spaces (GlasGlow)”**

**I am seeking information about (3) GlasGlow events hosted by ItIsOn in the Botanic Gardens in 2018, 2019 and 2020.**

**In each of the three years GlasGlow has been permitted to operate:**

- 1) Was a risk assessment carried out regarding impact if loud noise and artificial light to wildlife in the park and along the Kelvin Walkway? If so, please provide these assessments.”**

Risk assessments are the responsibility of the event organiser. However, we understand that no specific risk assessments were carried out in relation to wildlife in the Botanic Gardens and along the Kelvin Walkway. Accordingly, in terms of section 17(1) of the Act, the Council is unable to provide copy risk assessments in regard to wildlife.

- 2) “Was a risk assessment carried out regarding the environmental impact on residents surrounding the Botanic Gardens, including repetitive loud noise, artificial light, and increased air pollution due to generators running within the park from the event itself, as well as from food truck and other vendors situated within the park? If so, please provide these assessments.”**

As indicated above, risk assessments are the responsibility of the event organiser. These should include the impact of noise and other factors on the local community.

GlasGLOW risk assessments are contained within the event manual produced each year by Itison. While the Council holds copies of these event manuals, we consider this information to be exempt from a request under section 1 of the Act because of the exemption contained in section 33(1)(b) of the Act. In other words, we believe that disclosure of the information would, or would be likely to, substantially prejudice the commercial interests of Itison.

Illuminated trails are staged by various event organisers, and we take the view that Itison’s commercial interests could be prejudiced substantially by releasing the planning and operational details of their events into the public domain.

While we believe the exemption contained in section 33(1)(b) of the Act applies in this case, we would still be obliged to release the information in response to your request unless the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Council acknowledges the significant public interest in openness and transparency and therefore recognises that any request under section 1 of the Act is potentially in the public interest. However in the circumstances, the Council considers that the information should be withheld.

By way of advice and assistance, we can advise that Officers from Glasgow City Council monitor the event to ensure that any potential impacts are mitigated against during the operation of the event. Conditions are set on the event licence regarding noise, which the operator must take cognisance of. In addition, the Council liaises with the event organiser on any complaints that are received from local residents.

We can further advise that the majority of noise complaints received in 2019 related to the Kibble Palace. The Kibble Palace has been removed from this year's route.

There is a reduced audience capacity for this year's event, with staggered arrival times, in accordance with Scottish Government guidance on Lumiere Trails, which should help to lessen the impact on residents in the vicinity of the Botanic Gardens.

**3) "Please provide contract details between Glasgow Life and/or Glasgow City Council and ItIsOn for the GlasGlow events."**

The Botanic Gardens are managed by Glasgow City Council. Itison's contract to stage the GlasGLOW events is with Glasgow City Council.

We are of the view the contractual details between Glasgow City Council and Itison for their use of the Botanic Gardens in 2018, 2019 and 2020 are exempt from a request under Section 1 of the Freedom of Information (Scotland) Act 2002 because of the exemption contained in Section 33(1)(b) of the Act, which states that information may be withheld if its disclosure would, or would be likely to, prejudice substantially the commercial interests of any person.

Illuminated trails are staged throughout the country and we take the view that it could substantially prejudice the commercial interests of Glasgow City Council and Itison to release into the public domain contractual details of the GlasGLOW events which have potential benefit to other event organisers and venue providers.

Whilst recognising that any request under Section 1 of the Act is potentially in the public interest, we have taken into consideration whether the public interest is best served by disclosing or withholding the information. In the circumstances we feel that the specific public interest in safeguarding the legitimate commercial interests of the Council and the event organiser outweighs the general public interest in openness and transparency.

**4) "How much has Glasgow Life and/or Glasgow City Council been paid to permit ItIsOn to host GlasGlow events since 2018?"**

The Botanic Gardens are managed by Glasgow City Council. It is Glasgow City Council and not Glasgow Life which receives payment for commercial use of the Botanic Gardens.

We consider information about the amounts paid to Glasgow City Council by Itison for use of the Botanic Gardens to be exempt from a request under Section 1 of the Freedom of Information (Scotland) Act 2002 because of the exemption contained in Section 33(1)(b) of the Act.

This is because, for commercial events such as 'GlasGLOW', the Council sets site letting fees, and bond payments against damage reinstatement, on an event by event basis, taking into account the nature and scale of the event, and considering in particular factors such as the area of the park to be used, the event duration, the audience capacity and audience profile, and the nature and scale of infrastructure proposed.

If other event organisers were to have knowledge of this information, it could potentially weaken the Council's negotiation position in relation to future events.

While we believe that the exemption contained within section 33(1)(b) of the Act applies in this case, the Council would still be required to release the information in response to your request unless the public interest in maintaining the exemption outweighs the public interest in disclosing the information. However, in this case, we believe there is significant public interest in authorities such as the Council being able to conduct their business in a competitive manner.

By way of advice and assistance, we can advise that income received by Glasgow City Council is combined to support delivery of Council services which includes maintenance and improvements to parks across the city.

### Copyright Notice

Please note that the information provided in response to your request is, unless otherwise indicated, copyright © Glasgow City Council 2020. It is supplied to you in terms of the Freedom of Information (Scotland) Act 2002. Any further use by you of this information must comply with the terms of the Copyright, Designs and Patents Act 1988 as amended and/or the Copyright and Rights in Databases Regulations 1997.

In particular, *any commercial use or re-use of the information provided* requires the prior written consent of the Council. Requests for such consent should be addressed to:

Colin Edgar  
Head of Communication and Strategic Partnerships  
Glasgow City Council  
City Chambers  
Glasgow G2 1DU

Email: [Colin.Edgar@glasgow.gov.uk](mailto:Colin.Edgar@glasgow.gov.uk)