

Our Ref RQST4216827
Your Ref
Date: 13 March 2013

By e-mail: xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxx.xxx

Dear Mr Hughes

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

Thank you for your e-mail received by Glasgow City Council ("the Council") requesting that the Council reviews its response to your Freedom of Information request contained within its letter dated 14 February 2013 ("the Decision Letter").

Your Request

You submitted the following request for information:

"Can you provide me with a complete list of all public land sold by Glasgow City Council to private companies, organisations and private individuals since May 2005 until the present day?

For the same time period, can you provide a complete list of all other public property sold by Glasgow City Council to private companies, organisations and private individuals?

In each instance, can you provide details of the price that each piece of land/ item of property was sold to the company, organisation or individual for?

Can you confirm which Council Department was responsible for setting the valuation of these items of land and property?

Can you confirm if the decision regarding valuation was taken by a single individual in a Department; for example, the Director of that Department?

In all instances, can you confirm that some of these properties were purchased by (at that time)serving members of Glasgow City Council, serving Westminster MPs and Holyrood MSPs? Can you confirm if any individual purchaser was an employee of Glasgow City Council?."

The Decision

The Council's Decision Letter provided that the information which you have requested is covered by exemptions contained within the Act. Firstly, it advised that information relating to certain property transactions is exempt from a request under the Act because of the exemption contained in section 25(1) of the Act. This was because the information is "reasonably accessible" to you without having to make a section 1 request under the Act. The Decision Letter provided a link to the Committees section of the Council's website and advised you that information held by the Council relating to property transactions is contained in the reports submitted to Committee.

Furthermore, the Decision Letter provided that, aside from the information contained within committee reports relating to the sale of land and buildings, the Council does not hold any other information requested by you, nor does anyone hold it on the Council's behalf. You were advised that City Property (Glasgow) LLP, one of the Council's arms length external organisations, now deals with disposals of the Council's land and buildings. The Decision Letter provided a contact address for making enquiries to City Property (Glasgow) LLP.

The Review Decision

In your request for review you advise that you are dissatisfied with the response contained in the Council's Decision Letter because, in your view, the information held by the Council is not "reasonably accessible" to you and, accordingly, falls outside of the application of the exemption set out in section 25(1) of the Act. Additionally, you state that the Council failed to provide its initial response within the timescale set out in the Act.

Firstly, I am satisfied that, on the basis of information held on the Council's records management system, the Decision Letter was issued within the timescale provided under section 10 of the Act for an authority to respond to a request for information. This provision stipulates that an authority shall provide a response within 20 working days from receipt of the request. The term "working day" is defined in section 73 of the Act. The Council's records show that your request was received on 17 January 2013. The Decision Letter was issued on 14 February, the twentieth working day from receipt of your request.

Secondly, I have given consideration to the application of section 25(1) of the Act. I would advise that, in doing so, I have interpreted the first and second parts of your request, which refer to the sale of "public land" and "public property" respectively, as applying to property sales in the context of land and buildings. If your intention is for your request to cover moveable property I should be grateful if you could advise the Council of this in order that a response can be considered accordingly. For the purposes of my review, I would respond to your request for information as follows:

(1) *"Can you provide me with a complete list of all public land sold by Glasgow City Council to private companies, organisations and private individuals since May 2005 until the present day?"*

(2) For the same time period, can you provide a complete list of all other public property sold by Glasgow City Council to private companies, organisations and private individuals?

(3) In each instance, can you provide details of the price that each piece of land/ item of property was sold to the company, organisation or individual for?

(6) In all instances, can you confirm that some of these properties were purchased by (at that time)serving members of Glasgow City Council, serving Westminster MPs and Holyrood MSPs? Can you confirm if any individual purchaser was an employee of Glasgow City Council?."

In response to parts one to three and part six of your request, I would advise that this information is exempt from the scope of a request made under section 1 of the Act by virtue of the application of section 25(1) of the Act. In other words, this information can reasonably be obtained other than by making a request under the Act. Section 25(2)(a) of the Act provides that information may be reasonably obtainable by an applicant even if payment is required to access it. The information which you have requested in parts one to three of your request is otherwise obtainable on request from both the Land and Sasine Registers (both of which are public registers) for a reasonable fee.

For the information sought here, a request can be made to the Registers of Scotland asking that a search is done in order to disclose all property transactions where Glasgow City Council is the grantor under a Land Registration application or a party to a deed submitted for recording in the Sasine Register. I have been advised that, where requests for bulk information of this type are received by the Registers of Scotland, the request will be directed to the Land Register's Business Development Land & Property Data department to compile the information required to respond (requests of an individual nature are directed to Customer Business Centre). This information will also include details of the purchasing party. The Council does not hold recorded information detailing the professional capacity of a purchaser in each particular disposal of land or buildings.

(4) Can you confirm which Council Department was responsible for setting the valuation of these items of land and property?

(5) Can you confirm if the decision regarding valuation was taken by a single individual in a Department; for example, the Director of that Department?

In response to parts four and five of your request, it is advised that valuations of properties are carried out by a surveyor as part of the disposal process. If the property has been marketed, then the purchase price may be determined by the marketing process. If the sale is off market, for example, to a neighbouring proprietor, or to a housing association, then the District Valuer will normally be involved in setting the price.

It is further advised that, until October 2009, disposals of land and buildings were dealt with by the Council's Development and Regeneration Services ("DRS") department. As advised in the Decision Letter, City Property (Glasgow) LLP now manages disposals of the Council's surplus property. It markets properties and carries out negotiations on the Council's behalf. City Property (Glasgow) LLP is a separate legal entity from the Council. It does not, however, have the legal power to

give final authorisation to complete proposed disposals of the Council's land or buildings.

Prior to completion of a proposed sale, approval of the sale is required by way of either the submission of a report to the Council's Executive Committee or by approval of a report by the Executive Director of DRS in accordance with the authority granted under the Council's Standing Orders. The Delegated Authority reports approved by the Executive Director of DRS are submitted periodically to Council's Executive Committee for noting. The Council's Scheme of Delegation sets out which types of disposals need to be approved by Committee and which can be approved by the Executive Director. In each instance, a report for approval will contain the surveyor's valuation or, where appropriate, the price for the off market sale which has been set in conjunction with the District Valuer. Accordingly, certain information in respect of each property disposal by the Council is available on the "Councillors and Committees" section of the Council's website.

Right of Appeal to the Scottish Information Commissioner

If you are not satisfied with this response you have the right to make an application within 6 months of receipt of this letter for a decision by the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews KY16 9DS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A O'Donnell', with a horizontal line underneath.

Annemarie O'Donnell
Executive Director – Corporate Services