



CORPORATE RESOURCES
EXECUTIVE DIRECTOR **ROBERT MCILWAIN**

HEAD OF LEGAL SERVICES **GERALDINE McCANN**

Our Ref: **WAD/CDCREV-00150-2**
Your Ref:
If calling ask for: **Bill Dunn, Tel: 01698 454564**
E-mail address: Bill.Dunn@southlanarkshire.gov.uk
Date: **22 April 2009**

Mr. R. Freel
The Secretary
Stonehouse Community Council
75 Lockhart Street
Stonehouse
ML9 3LX

Dear Mr. Freel

Freedom of Information (Scotland) Act 2002
Request for a review – Decision Notice – R2009/07

I refer to your letter dated 14 March asking for a review of the way that the Council has handled your requests for information. You were unhappy because you believed that the Council had not provided you with all of the requested information.

A review has now taken place and I am responding on behalf of the Review Panel.

Background

On 15 February, the Council received 2 requests for information from you on behalf of Stonehouse Community Council. You asked for:-

- ◆ details of the capital and revenue budgets for the forthcoming years 2009/2010 and 2010/2011, excluding salaries for the following halls
 - The Cross, Stonehouse
 - Stonehouse Public Institute and
 - Stonehouse Public Hall (**Request 1**), and
- ◆ Details of the capital and revenue budgets for the previous years 2006/2007, 2007/2008 and 2008/2009 showing budget allocation and full detail of individual spend areas against each of the capital and revenue budgets for each of the halls mentioned in Request 1 (**Request 2**)

Montrose House, Montrose Crescent, Hamilton, ML3 6LL
Fax Nos. 01698 454599 and 01698 454728

Summary of the decision of the Review Panel

The Review Panel:-

- (1) in relation to **Request 1**,
 - (a) agreed that the information requested was not held by the Council at the time of your request,
 - (b) noted that Community Resources did not formally refuse the request on that basis and did so now, and
 - (c) decided to give you the recently determined revenue budget for 2009/2010, and
- (2) in relation to **Request 2**, acknowledged that the Community Council had requested the budgets to be split and now provide the information set out below, and
- (3) apologises on behalf of the Council for these omissions.

The Review Panel's considerations

On 27 February, Community Resources responded to you. In relation to **Request 1**, they advised that:-

- ♦ there was no dedicated capital budget allocated to these halls, although this was being considered due to the intention to carry out priority repairs to the Stonehouse Institute. The Council was compiling a work schedule for work to be carried out in 2009/2010, and
- ♦ the revenue budgets for 2009/2011 are currently in the process of being finalised and are, therefore not available.

In relation to **Request 2**, they advised that:-

- ♦ for the period 2006/2009 there was no capital budget assigned to these 3 halls, and
- ♦ provided details of the total revenue budgets for all 3 halls for the period specified.

The Request for Review

By a letter dated 14 March, you requested a review of the handling of your requests for information. In relation to **Request 1**, you asked whether there was not a rolling or 3 year budget plans produced that detailed budget plans from an earlier period up to and including 2009. In relation to **Request 2**, you pointed out that you had been given budget headings but that there was no split of the totals for each specified hall.

The Review Panel consulted with Community Resources in relation to the information that they hold. Community Resources responded as follows:-

Request 1

Revenue Budget - 2009/2010

Community Resources have pointed out that they did not have a finalised revenue budget for the specified halls for 2009-2011 because it was being finalised. They have, further, pointed out that there is no 3 year rolling programme in relation to revenue budgets.

However, since receiving the request, a revenue budget had been set for the 3 halls for the period 2009/2010. This information is as follows:-

MONTROSE HOUSE, 154 MONTROSE CRESCENT, HAMILTON, ML3 6LB
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	The Cross	Public	Institute
Rates	-	4,600	4,510
Water Charges	680	810	1,100
Repairs	1,750	3,800	2,620
Electricity	2,470	1,230	1,910
Gas	-	2,450	980
Refuse Uplift	320	580	490
Telephones	140	260	380
	5,360	13,730	11,990
Income	0	(7,730)	(5,600)
	5,360	6,000	6,390

Capital Budget – 2009-2010

Community Resources have advised that, although there is a 3 year rolling programme for capital expenditure, there is no allocation for any of these halls. However, a budget will be created in order to do some essential work to the Stonehouse Institute Hall.

Conclusion

After considering the position, the Review Panel decided that it agreed with the position advanced by Community Resources and that the Council did not have the information at the time it was requested in relation to **Request 1**. However, as Community Resources did not formally refuse the request on that basis, the Review Panel had to formally do so.

However, the Review Panel was able to provide the finalised budget figures for 2009/2010 as these had now been determined by the Council.

Request 2

Considering the terms of the request, you asked for the information “against each of the capital and revenue budgets for each hall excluding salaries”. The Review Panel decided that this implied a breakdown of the information was wanted and that, therefore, Community Resources had not fully complied with the request.

Revenue Budgets – 2006 – 2009

Community Resources have now provided the following information

The budget allocation per hall is as follows:-

2006-07

	The Cross	Public	Institute
Rates	-	4,540	4,410
Water Charges	680	810	1,100
Repairs	1,780	3,770	2,670
Electricity	2,000	1,000	1,550
Gas	-	1,500	600
Refuse Uplift	320	580	490
Telephones	140	260	380
	4,920	12,460	11,200
Income	-	(7,400)	(5,360)
	4,920	5,060	5,840

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2007-08

	The Cross	Public	Institute
Rates	-	4,540	4,410
Water Charges	700	870	1,170
Repairs	1,670	3,800	2,620
Electricity	2,250	1,120	1,740
Gas	-	1,900	1,000
Refuse Uplift	330	590	500
Telephones	140	260	380
	5,090	13,080	11,820
Income	-	(7,540)	(5,460)
	5,090	5,540	6,360

2008-09

	The Cross	Public	Institute
Rates	-	4,600	4,510
Water Charges	680	900	1,100
Repairs	1,750	3,710	2,620
Electricity	2,860	1,420	2,210
Gas	-	2,830	1,130
Refuse Uplift	320	580	490
Telephones	140	260	380
	5,750	14,300	12,440
Income	-	(7,730)	(5,600)
	5,750	6,570	6,840

Capital Budgets – 2006 – 2009

Community Resources have advised that there was no capital budget allocated to the specific halls in the request.

Appeal to the Scottish Information Commissioner

If you are unhappy with the outcome of our review, you have the right to appeal to the Scottish Information Commissioner. You have 6 months from receiving this notice to appeal.

The Commissioner will decide whether the Council has dealt with your request properly. The Commissioner's contact details are as follows:-

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife KY16 9DS
Tel: 01334 464610
Fax: 01334 464611

E-mail: enquiries@itspublicknowledge.info

For further details, please see the Commissioner's website at www.itspublicknowledge.info.

If you are unhappy about the final decision of the Commissioner, you are entitled to appeal to the Court of Session on a point of law.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Robert McIlwain', written in a cursive style.

Robert McIlwain
Reviewing Officer